

2C:58-14.1 et. al
LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

LAWS OF: 2017 **CHAPTER:** 323

NJSA: 2C:58-14.1 et. al (Establishes criminal penalties for sale and possession of certain firearm components.)

BILL NO: S3477 (Substituted for A5200)

SPONSOR(S) Lesniak and others

DATE INTRODUCED: 11/9/2017

COMMITTEE: **ASSEMBLY:** Law & Public Safety

SENATE: Law & Public Safety
Budget & Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018

SENATE: 1/5/2018

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Senate Committee Substitute enacted) Yes

S3477

SPONSOR'S STATEMENT: (Begins on page 13 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Law & Public Safety
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

A5200

SPONSOR'S STATEMENT: (Begins on page 13 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"A look at new laws signed by Christie - Governor approves more than 100 bills on last day," The Record, January 16, 2018

"Christie era ends with a flurry of bills to sign - Outdoing Governor approves regulations for drones, disbands SPCA and more," The Times, January 16, 2018

"Chris Christie's final acts: Bills he made law and killed, from drones to circus animals," nj.com, January 15, 2018

"Flurry of laws on Christie's last day - Gov. signs controversial pension bill, pocket-vetoes measure on sports teams, The Star-Ledger, January 16, 2018

"Christie signs 100 bills, 'pocket vetoes' 50 more," The Record, January 16, 2018

"Flurry of laws on Christie's last day - Gun control, pensions and school sports cap 150 pieces of last-minute legislation, South Jersey Times, January 16, 2018

"On his final day, Christie signs over 100 bills," Burlington County Times, January 16, 2018

"Christie signs more than 100 bills into law - Pensions, drones, bump stocks: Highlights of bills Christie signed into law," The Press of Atlantic City, January 16, 2018

"Christie to decide if N.J. bans gun device used in Las Vegas shooting," nj.com, January 15, 2018

"N.J. bans gun device used in Las Vegas shooting after Christie signs bill," nj.com, January 16, 2018

RH/CL

P.L. 2017, CHAPTER 323, *approved January 16, 2018*
Senate Committee Substitute for
Senate, No. 3477

1 **AN ACT** concerning firearm components and amending and
2 supplementing various sections of statutory law.

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. Definitions. The following definitions apply
8 to this 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

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 materials or other ingredients in such proportions, quantities or
2 packing that an ignition by fire, by friction, by concussion or by
3 detonation of any part of the compound or mixture may cause such
4 a sudden generation of highly heated gases that the resultant
5 gaseous pressures are capable of producing destructive effects on
6 contiguous objects. The term shall not include small arms
7 ammunition, or explosives in the form prescribed by the official
8 United States Pharmacopoeia.

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

22 g. "Firearm silencer" means any instrument, attachment,
23 weapon or appliance for causing the firing of any gun, revolver,
24 pistol or other firearm to be silent, or intended to lessen or muffle
25 the noise of the firing of any gun, revolver, pistol or other firearm.

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

29 i. "Machine gun" means any firearm, mechanism or instrument
30 not requiring that the trigger be pressed for each shot and having a
31 reservoir, belt or other means of storing and carrying ammunition
32 which can be loaded into the firearm, mechanism or instrument and
33 fired therefrom. A machine gun also shall include, without
34 limitation, any firearm with a trigger crank attached.

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

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

44 l. "Retail dealer" means any person including a gunsmith,
45 except a manufacturer or a wholesale dealer, who sells, transfers or
46 assigns for a fee or profit any firearm or parts of firearms or
47 ammunition which he has purchased or obtained with the intention,

1 or for the purpose, of reselling or reassigning to persons who are
2 reasonably understood to be the ultimate consumers, and includes
3 any person who is engaged in the business of repairing firearms or
4 who sells any firearm to satisfy a debt secured by the pledge of a
5 firearm.

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

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

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

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

25 q. "Superintendent" means the Superintendent of the State
26 Police.

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

40 s. "Wholesale dealer" means any person, except a
41 manufacturer, who sells, transfers, or assigns firearms, or parts of
42 firearms, to persons who are reasonably understood not to be the
43 ultimate consumers, and includes persons who receive finished
44 parts of firearms and assemble them into completed or partially
45 completed firearms, in furtherance of such purpose, except that it
46 shall not include those persons dealing exclusively in grips, stocks
47 and other nonmetal parts of firearms.

- 1 t. "Stun gun" means any weapon or other device which emits
2 an electrical charge or current intended to temporarily or
3 permanently disable a person.
- 4 u. "Ballistic knife" means any weapon or other device capable
5 of lethal use and which can propel a knife blade.
- 6 v. "Imitation firearm" means an object or device reasonably
7 capable of being mistaken for a firearm.
- 8 w. "Assault firearm" means:
- 9 (1) The following firearms:
- 10 Algimec AGM1 type
11 Any shotgun with a revolving cylinder such as the "Street
12 Sweeper" or "Striker 12"
13 Armalite AR-180 type
14 Australian Automatic Arms SAR
15 Avtomat Kalashnikov type semi-automatic firearms
16 Beretta AR-70 and BM59 semi-automatic firearms
17 Bushmaster Assault Rifle
18 Calico M-900 Assault carbine and M-900
19 CETME G3
20 Chartered Industries of Singapore SR-88 type
21 Colt AR-15 and CAR-15 series
22 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
23 Demro TAC-1 carbine type
24 Encom MP-9 and MP-45 carbine types
25 FAMAS MAS223 types
26 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
27 Franchi SPAS 12 and LAW 12 shotguns
28 G3SA type
29 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
30 Intratec TEC 9 and 22 semi-automatic firearms
31 M1 carbine type
32 M14S type
33 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
34 PJK M-68 carbine type
35 Plainfield Machine Company Carbine
36 Ruger K-Mini-14/5F and Mini-14/5RF
37 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
38 SKS with detachable magazine type
39 Spectre Auto carbine type
40 Springfield Armory BM59 and SAR-48 type
41 Sterling MK-6, MK-7 and SAR types
42 Steyr A.U.G. semi-automatic firearms
43 USAS 12 semi-automatic type shotgun
44 Uzi type semi-automatic firearms
45 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
46 Weaver Arm Nighthawk.

- 1 (2) Any firearm manufactured under any designation which is
2 substantially identical to any of the firearms listed above.
- 3 (3) A semi-automatic shotgun with either a magazine capacity
4 exceeding six rounds, a pistol grip, or a folding stock.
- 5 (4) A semi-automatic rifle with a fixed magazine capacity
6 exceeding 15 rounds.
- 7 (5) A part or combination of parts designed or intended to
8 convert a firearm into an assault firearm, or any combination of
9 parts from which an assault firearm may be readily assembled if
10 those parts are in the possession or under the control of the same
11 person.
- 12 (6) A firearm with a bump stock attached.
- 13 x. "Semi-automatic" means a firearm which fires a single
14 projectile for each single pull of the trigger and is self-reloading or
15 automatically chambers a round, cartridge, or bullet.
- 16 y. "Large capacity ammunition magazine" means a box, drum,
17 tube or other container which is capable of holding more than 15
18 rounds of ammunition to be fed continuously and directly therefrom
19 into a semi-automatic firearm.
- 20 z. "Pistol grip" means a well-defined handle, similar to that
21 found on a handgun, that protrudes conspicuously beneath the
22 action of the weapon, and which permits the shotgun to be held and
23 fired with one hand.
- 24 aa. "Antique handgun" means a handgun manufactured before
25 1898, or a replica thereof, which is recognized as being historical in
26 nature or of historical significance and either (1) utilizes a match,
27 friction, flint, or percussion ignition, or which utilizes a pin-fire
28 cartridge in which the pin is part of the cartridge or (2) does not fire
29 fixed ammunition or for which cartridge ammunition is not
30 commercially available.
- 31 bb. "Trigger lock" means a commercially available device
32 approved by the Superintendent of State Police which is operated
33 with a key or combination lock that prevents a firearm from being
34 discharged while the device is attached to the firearm. It may
35 include, but need not be limited to, devices that obstruct the barrel
36 or cylinder of the firearm, as well as devices that immobilize the
37 trigger.
- 38 cc. "Trigger locking device" means a device that, if installed on
39 a firearm and secured by means of a key or mechanically,
40 electronically or electromechanically operated combination lock,
41 prevents the firearm from being discharged without first
42 deactivating or removing the device by means of a key or
43 mechanically, electronically or electromechanically operated
44 combination lock.
- 45 dd. "Personalized handgun" means a handgun which
46 incorporates within its design, and as part of its original
47 manufacture, technology which automatically limits its operational

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

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

19 ff. "Trigger crank" means any device or instrument to be
20 attached to a firearm that repeatedly activates the trigger of the
21 firearm through the use of a lever or other part that is turned in a
22 circular motion; provided, however, the term shall not include any
23 weapon initially designed and manufactured to fire through the use
24 of a crank or lever.

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

26

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

28 2C:39-3. Prohibited Weapons and Devices.

29 a. Destructive devices. Any person who knowingly has in his
30 possession any destructive device is guilty of a crime of the third
31 degree.

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

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

37 d. Defaced firearms. Any person who knowingly has in his
38 possession any firearm which has been defaced, except an antique
39 firearm or an antique handgun, is guilty of a crime of the fourth
40 degree.

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

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

22 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
23 or k. of this section shall apply to any member of the Armed Forces
24 of the United States or the National Guard, or except as otherwise
25 provided, to any law enforcement officer while actually on duty or
26 traveling to or from an authorized place of duty, provided that his
27 possession of the prohibited weapon or device has been duly
28 authorized under the applicable laws, regulations or military or law
29 enforcement orders. Nothing in subsection h. of this section shall
30 apply to any law enforcement officer who is exempted from the
31 provisions of that subsection by the Attorney General. Nothing in
32 this section shall apply to the possession of any weapon or device
33 by a law enforcement officer who has confiscated, seized or
34 otherwise taken possession of said weapon or device as evidence of
35 the commission of a crime or because he believed it to be possessed
36 illegally by the person from whom it was taken, provided that said
37 law enforcement officer promptly notifies his superiors of his
38 possession of such prohibited weapon or device.

39 (2) a. Nothing in subsection f. (1) shall be construed to prevent
40 a person from keeping such ammunition at his dwelling, premises
41 or other land owned or possessed by him, or from carrying such
42 ammunition from the place of purchase to said dwelling or land, nor
43 shall subsection f. (1) be construed to prevent any licensed retail or
44 wholesale firearms dealer from possessing such ammunition at its
45 licensed premises, provided that the seller of any such ammunition
46 shall maintain a record of the name, age and place of residence of

1 any purchaser who is not a licensed dealer, together with the date of
2 sale and quantity of ammunition sold.

3 b. Nothing in subsection f.(1) shall be construed to prevent a
4 designated employee or designated licensed agent for a nuclear
5 power plant under the license of the Nuclear Regulatory
6 Commission from possessing hollow nose ammunition while in the
7 actual performance of his official duties, if the federal licensee
8 certifies that the designated employee or designated licensed agent
9 is assigned to perform site protection, guard, armed response or
10 armed escort duties and is appropriately trained and qualified, as
11 prescribed by federal regulation, to perform those duties.

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

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

30 (5) Nothing in subsection c. of this section shall be construed to
31 apply to any person who is specifically identified in a special deer
32 management permit issued by the Division of Fish and Wildlife to
33 utilize a firearm silencer as part of an alternative deer control
34 method implemented in accordance with a special deer management
35 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
36 while the person is in the actual performance of the permitted
37 alternative deer control method and while going to and from the
38 place where the permitted alternative deer control method is being
39 utilized. This exception shall not, however, otherwise apply to any
40 person to authorize the purchase or possession of a firearm silencer.

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

43 i. Nothing in subsection e. of this section shall be construed to
44 prevent any guard in the employ of a private security company, who
45 is licensed to carry a firearm, from the possession of a nightstick
46 when in the actual performance of his official duties, provided that

1 he has satisfactorily completed a training course approved by the
2 Police Training Commission in the use of a nightstick.

3 j. Any person who knowingly has in his possession a large
4 capacity ammunition magazine is guilty of a crime of the fourth
5 degree unless the person has registered an assault firearm pursuant
6 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
7 maintained and used in connection with participation in competitive
8 shooting matches sanctioned by the Director of Civilian
9 Marksmanship of the United States Department of the Army.

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

16 l. Bump stock or trigger crank. Any person who knowingly
17 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
18 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
19 regardless of whether the person is in possession of a firearm, is
20 guilty of a crime of the third degree.

21 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
22 provision of law, a conviction arising out of this subsection shall
23 not merge with a conviction for possessing an assault firearm in
24 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
25 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
26 shall be imposed upon each conviction. Notwithstanding the
27 provisions of N.J.S.2C:44-5 or any other provisions of law, the
28 sentence imposed pursuant to this subsection shall be served
29 consecutively to that imposed for unlawfully possessing an assault
30 firearm in violation of subsection f. of N.J.S.2C:39-5.

31 (cf: P.L.2003, c.168, s.1)

32

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

34 2C:39-9. Manufacture, Transport, Disposition and Defacement of
35 Weapons and Dangerous Instruments and Appliances. a. Machine
36 guns. Any person who manufactures, causes to be manufactured,
37 transports, ships, sells or disposes of any machine gun without
38 being registered or licensed to do so as provided in chapter 58 is
39 guilty of a crime of the third degree.

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

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

46 d. Weapons. Any person who manufactures, causes to be
47 manufactured, transports, ships, sells or disposes of any weapon,

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

25 e. Defaced firearms. Any person who defaces any firearm is
26 guilty of a crime of the third degree. Any person who knowingly
27 buys, receives, disposes of or conceals a defaced firearm, except an
28 antique firearm or an antique handgun, is guilty of a crime of the
29 fourth degree.

30 f. (1) Any person who manufactures, causes to be
31 manufactured, transports, ships, sells, or disposes of any bullet,
32 which is primarily designed for use in a handgun, and which is
33 comprised of a bullet whose core or jacket, if the jacket is thicker
34 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
35 other material which is harder than a rating of 72 or greater on the
36 Rockwell B. Hardness Scale, and is therefore capable of breaching
37 or penetrating body armor and which is intended to be used for any
38 purpose other than for authorized military or law enforcement
39 purposes by duly authorized military or law enforcement personnel,
40 is guilty of a crime of the fourth degree.

41 (2) Nothing in this subsection shall be construed to prevent a
42 licensed collector of ammunition as defined in paragraph (2) of
43 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
44 in paragraph (1) of this subsection from (a) any licensed retail or
45 wholesale firearms dealer's place of business to the collector's
46 dwelling, premises, or other land owned or possessed by him, or (b)
47 to or from the collector's dwelling, premises or other land owned or

1 possessed by him to any gun show for the purposes of display, sale,
2 trade, or transfer between collectors, or (c) to or from the collector's
3 dwelling, premises or other land owned or possessed by him to any
4 rifle or pistol club organized in accordance with the rules prescribed
5 by the National Board for the Promotion of Rifle Practice; provided
6 that the club has filed a copy of its charter with the superintendent
7 of the State Police and annually submits a list of its members to the
8 superintendent, and provided further that the ammunition being
9 transported shall be carried not loaded in any firearm and contained
10 in a closed and fastened case, gun box, or locked in the trunk of the
11 automobile in which it is being transported, and the course of travel
12 shall include only such deviations as are reasonably necessary under
13 the circumstances.

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

18 h. Large capacity ammunition magazines. Any person who
19 manufactures, causes to be manufactured, transports, ships, sells or
20 disposes of a large capacity ammunition magazine which is
21 intended to be used for any purpose other than for authorized
22 military or law enforcement purposes by duly authorized military or
23 law enforcement personnel is guilty of a crime of the fourth degree.

24 i. Transporting firearms into this State for an unlawful sale or
25 transfer. Any person who knowingly transports, ships or otherwise
26 brings into this State any firearm for the purpose of unlawfully
27 selling, transferring, giving, assigning or otherwise disposing of that
28 firearm to another individual is guilty of a crime of the second
29 degree. Any motor vehicle used by a person to transport, ship, or
30 otherwise bring a firearm into this State for unlawful sale or transfer
31 shall be subject to forfeiture in accordance with the provisions of
32 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
33 shall not apply to innocent owners, nor shall it affect the rights of a
34 holder of a valid lien.

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

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

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

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

1 The transfer of any firearm that uses air or carbon dioxide to
2 expel a projectile; or the transfer of an antique firearm shall not
3 constitute a violation of this subsection.

4 j. Any person who manufactures, causes to be manufactured,
5 transports, ships, sells, or disposes of a bump stock as defined in
6 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
7 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
8 degree.

9 (cf: P.L.2013, c.111, s.1)

10

11 4. (New section) a. No licensed manufacturer, wholesale
12 dealer of firearms, or retail dealer of firearms in possession of a
13 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
14 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill) who voluntarily surrenders the bump stock
17 or trigger crank in accordance with the provisions of N.J.S.2C:39-
18 12 or otherwise lawfully disposes of the bump stock or trigger crank
19 within 30 days of the effective date of P.L. , c. (C.)
20 (pending before the Legislature as this bill) shall be convicted of an
21 offense for possession of a bump stock or trigger crank under
22 subsection l. of N.J.S.2C:39-3 or unlawful manufacture, transport,
23 shipment, sale, or disposition of a bump stock or trigger crank
24 under subsection j. of N.J.S.2C:39-9.

25 b. Except as otherwise provided in subsection a. of this section
26 with respect to licensed manufacturers, wholesale dealers of
27 firearms, and retail dealers of firearms, no person in possession of a
28 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
29 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
30 effective date of P.L. , c. (C.) (pending before the
31 Legislature as this bill) who voluntarily surrenders the bump stock
32 or trigger crank in accordance with the provisions of N.J.S.2C:39-
33 12 or otherwise lawfully disposes of the bump stock or trigger crank
34 within 90 days of the effective date of P.L. , c. (C.)
35 (pending before the Legislature as this bill) shall be convicted of an
36 offense for possession of a bump stock or trigger crank under
37 subsection l. of N.J.S.2C:39-3.

38

39 5. This act shall take effect immediately.

40

41

42

43

44 Establishes criminal penalties for sale and possession of certain
45 firearm components.

SENATE, No. 3477

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 9, 2017

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Cunningham, Gill, Ruiz and Bell

SYNOPSIS

Establishes criminal penalties for sale and possession of certain firearm components.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning firearm components and amending and
2 supplementing various sections of statutory law.

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. "Machine gun" means any firearm, mechanism or instrument
26 not requiring that the trigger be pressed for each shot and having a
27 reservoir, belt or other means of storing and carrying ammunition
28 which can be loaded into the firearm, mechanism or instrument and
29 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, stiletos, 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 rounds.

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 rounds of ammunition to be fed continuously and directly therefrom
12 into a semi-automatic firearm.

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

17 aa. "Antique handgun" means a handgun manufactured before
18 1898, or a replica thereof, which is recognized as being historical in
19 nature or of historical significance and either (1) utilizes a match,
20 friction, flint, or percussion ignition, or which utilizes a pin-fire
21 cartridge in which the pin is part of the cartridge or (2) does not fire
22 fixed ammunition or for which cartridge ammunition is not
23 commercially available.

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

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

38 dd. "Personalized handgun" means a handgun which incorporates
39 within its design, and as part of its original manufacture, technology
40 which automatically limits its operational use and which cannot be
41 readily deactivated, so that it may only be fired by an authorized or
42 recognized user. The technology limiting the handgun's operational
43 use may include, but not be limited to: radio frequency tagging,
44 touch memory, remote control, fingerprint, magnetic encoding and
45 other automatic user identification systems utilizing biometric,
46 mechanical or electronic systems. No make or model of a handgun
47 shall be deemed to be a "personalized handgun" unless the Attorney
48 General has determined, through testing or other reasonable means,

1 that the handgun meets any reliability standards that the
2 manufacturer may require for its commercially available handguns
3 that are not personalized or, if the manufacturer has no such
4 reliability standards, the handgun meets the reliability standards
5 generally used in the industry for commercially available handguns.

6 ee. "Bump stock" means a device that is designed to attach to a
7 semi-automatic firearm in order to fire shots in rapid succession in a
8 manner that simulates an automatic firearm.

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

10

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

12 2C:39-3. Prohibited Weapons and Devices.

13 a. Destructive devices. Any person who knowingly has in his
14 possession any destructive device is guilty of a crime of the third
15 degree.

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

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

21 d. Defaced firearms. Any person who knowingly has in his
22 possession any firearm which has been defaced, except an antique
23 firearm or an antique handgun, is guilty of a crime of the fourth
24 degree.

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

31 f. Dum-dum or body armor penetrating bullets. (1) Any
32 person, other than a law enforcement officer or persons engaged in
33 activities pursuant to subsection f. of N.J.S.2C:39-6, who
34 knowingly has in his possession any hollow nose or dum-dum
35 bullet, or (2) any person, other than a collector of firearms or
36 ammunition as curios or relics as defined in Title 18, United States
37 Code, section 921 (a) (13) and has in his possession a valid
38 Collector of Curios and Relics License issued by the Bureau of
39 Alcohol, Tobacco and Firearms, who knowingly has in his
40 possession any body armor breaching or penetrating ammunition,
41 which means: (a) ammunition primarily designed for use in a
42 handgun, and (b) which is comprised of a bullet whose core or
43 jacket, if the jacket is thicker than .025 of an inch, is made of
44 tungsten carbide, or hard bronze, or other material which is harder
45 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
46 and (c) is therefore capable of breaching or penetrating body armor,
47 is guilty of a crime of the fourth degree. For purposes of this
48 section, a collector may possess not more than three examples of

1 each distinctive variation of the ammunition described above. A
2 distinctive variation includes a different head stamp, composition,
3 design, or color.

4 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
5 or k. of this section shall apply to any member of the Armed Forces
6 of the United States or the National Guard, or except as otherwise
7 provided, to any law enforcement officer while actually on duty or
8 traveling to or from an authorized place of duty, provided that his
9 possession of the prohibited weapon or device has been duly
10 authorized under the applicable laws, regulations or military or law
11 enforcement orders. Nothing in subsection h. of this section shall
12 apply to any law enforcement officer who is exempted from the
13 provisions of that subsection by the Attorney General. Nothing in
14 this section shall apply to the possession of any weapon or device
15 by a law enforcement officer who has confiscated, seized or
16 otherwise taken possession of said weapon or device as evidence of
17 the commission of a crime or because he believed it to be possessed
18 illegally by the person from whom it was taken, provided that said
19 law enforcement officer promptly notifies his superiors of his
20 possession of such prohibited weapon or device.

21 (2) a. Nothing in subsection f. (1) shall be construed to prevent
22 a person from keeping such ammunition at his dwelling, premises
23 or other land owned or possessed by him, or from carrying such
24 ammunition from the place of purchase to said dwelling or land, nor
25 shall subsection f. (1) be construed to prevent any licensed retail or
26 wholesale firearms dealer from possessing such ammunition at its
27 licensed premises, provided that the seller of any such ammunition
28 shall maintain a record of the name, age and place of residence of
29 any purchaser who is not a licensed dealer, together with the date of
30 sale and quantity of ammunition sold.

31 b. Nothing in subsection f.(1) shall be construed to prevent a
32 designated employee or designated licensed agent for a nuclear
33 power plant under the license of the Nuclear Regulatory
34 Commission from possessing hollow nose ammunition while in the
35 actual performance of his official duties, if the federal licensee
36 certifies that the designated employee or designated licensed agent
37 is assigned to perform site protection, guard, armed response or
38 armed escort duties and is appropriately trained and qualified, as
39 prescribed by federal regulation, to perform those duties.

40 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
41 shall be construed to prevent any licensed retail or wholesale
42 firearms dealer from possessing that ammunition or large capacity
43 ammunition magazine at its licensed premises for sale or disposition
44 to another licensed dealer, the Armed Forces of the United States or
45 the National Guard, or to a law enforcement agency, provided that
46 the seller maintains a record of any sale or disposition to a law
47 enforcement agency. The record shall include the name of the
48 purchasing agency, together with written authorization of the chief

1 of police or highest ranking official of the agency, the name and
2 rank of the purchasing law enforcement officer, if applicable, and
3 the date, time and amount of ammunition sold or otherwise
4 disposed. A copy of this record shall be forwarded by the seller to
5 the Superintendent of the Division of State Police within 48 hours
6 of the sale or disposition.

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

10 (5) Nothing in subsection c. of this section shall be construed to
11 apply to any person who is specifically identified in a special deer
12 management permit issued by the Division of Fish and Wildlife to
13 utilize a firearm silencer as part of an alternative deer control
14 method implemented in accordance with a special deer management
15 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
16 while the person is in the actual performance of the permitted
17 alternative deer control method and while going to and from the
18 place where the permitted alternative deer control method is being
19 utilized. This exception shall not, however, otherwise apply to any
20 person to authorize the purchase or possession of a firearm silencer.

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

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

29 j. Any person who knowingly has in his possession a large
30 capacity ammunition magazine is guilty of a crime of the fourth
31 degree unless the person has registered an assault firearm pursuant
32 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
33 maintained and used in connection with participation in competitive
34 shooting matches sanctioned by the Director of Civilian
35 Marksmanship of the United States Department of the Army.

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

42 l. Bump stock. Any person who knowingly possesses a bump
43 stock as defined in subsection ee. of N.J.S.2C:39-1, regardless of
44 whether the person is in possession of a firearm, is guilty of a crime
45 of the third degree unless the bump stock may be surrendered
46 pursuant to section 4 of P.L. , c. (C.) (pending before the
47 Legislature as this bill).

1 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
2 provisions of law, a conviction arising out of this subsection shall
3 not merge with a conviction for possessing an assault firearm in
4 violation of subsection f. of N.J.S.2C:39-5 and a separate sentence
5 shall be imposed upon each conviction. Notwithstanding the
6 provisions of N.J.S.2C:44-5 or any other provisions of law, the
7 sentence imposed pursuant to this subsection shall be served
8 consecutively to that imposed for unlawfully possessing an assault
9 firearm in violation of subsection f. of N.J.S.2C:39-5.

10 (cf: P.L.2003, c.168, s.1)

11
12 3. N.J.S.2C:39-9 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 The transfer of any firearm that uses air or carbon dioxide to
25 expel a projectile; or the transfer of an antique firearm shall not
26 constitute a violation of this subsection.

27 j. Any person who manufactures, causes to be manufactured,
28 transports, ships, sells, or disposes of a bump stock as defined in
29 subsection ee. of N.J.S.2C:39-1 is guilty of a crime of the second
30 degree.

31 (cf: P.L.2013, c.111, s.1)

32

33 4. (New section) a. A licensed manufacturer, wholesale dealer
34 of firearms, or retail dealer of firearms in possession of a bump
35 stock as defined in subsection ee. of N.J.S.2C:39-1 shall surrender
36 the bump stock in accordance with the provisions of N.J.S.2C:39-12
37 within 30 days of the effective date of P.L. , c. (C.)
38 (pending before the Legislature as this bill).

39 b. Notwithstanding subsection a. of this section, any other
40 person in possession of a bump stock as defined in subsection ee. of
41 N.J.S.2C:39-1 shall surrender the bump stock in accordance with
42 the provisions of N.J.S.2C:39-12 within 90 days of the effective
43 date of P.L. , c. (C.) (pending before the Legislature as
44 this bill).

45

46 5. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

This bill establishes the crime of possessing or selling a bump stock. The bill defines a “bump stock” as a device designed to attach to a semi-automatic firearm in order to fire shots in rapid succession in a manner that simulates an automatic firearm.

Under current law, it is a second degree crime to possess an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. This bill makes it a third degree crime to possess a bump stock, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a bump stock is to run consecutively with the penalty for possessing an assault firearm.

The bill also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill allows individuals to voluntarily surrender any bump stock in their possession to a law enforcement agency within 90 days of the bill’s effective date. Licensed manufacturers and retailers would have 30 days to voluntarily surrender their bump stocks.

On October 1, 2017, Stephen Paddock opened fire on an outdoor venue in Las Vegas, Nevada killing 59 people and injuring at least 530 people in the deadliest mass shooting in the United States’ modern history. According to recent news reports, the rifles found in the gunman’s hotel room were modified with a bump stock.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 3477

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2017

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3477.

As reported by the committee, this Senate committee substitute establishes the crime of possessing or selling a bump stock or trigger crank.

The committee substitute also clarifies that a firearm affixed with a bump stock constitutes an assault weapon and a firearm affixed with a trigger crank constitutes a machine gun. Under current law, it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

The committee substitute also makes it a third degree crime to possess a bump stock or trigger crank, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a bump stock or trigger crank is to run consecutively with the penalty for possessing an assault firearm or machine gun.

The committee substitute defines “bump stock” as a device or instrument for a firearm that increases the rate of fire achievable with the weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger. “Trigger crank” is defined as a device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion. Weapons initially designed and manufactured to fire through the use of a crank or lever are excluded from the definition of trigger crank.

The committee substitute also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The committee substitute allows individuals to voluntarily surrender any bump stock or trigger crank in their possession to a law enforcement agency within 90 days of the committee substitute’s effective date. Licensed manufacturers and retailers would have 30 days to voluntarily surrender their bump stocks or trigger cranks.

On October 1, 2017, Stephen Paddock opened fire on an outdoor venue in Las Vegas, Nevada killing 59 people and injuring at least 530 people in the deadliest mass shooting in the United States' modern history. According to recent news reports, the rifles found in the gunman's hotel room were modified with bump stocks.

As reported, this committee substitute is identical to Assembly Bill No. 5200, which was reported by the Assembly Law and Public Safety Committee and referred to the Assembly Appropriations Committee on November 30, 2017.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 3477

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3477 (SCS).

This bill establishes the crime of possessing or selling a bump stock or trigger crank.

The bill also clarifies that a firearm affixed with a bump stock constitutes an assault weapon and a firearm affixed with a trigger crank constitutes a machine gun. Under current law, it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. 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 also makes it a third degree crime to possess a bump stock or trigger crank, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a bump stock or trigger crank is to run consecutively with the penalty for possessing an assault firearm or machine gun.

The bill defines “bump stock” as a device or instrument for a firearm that increases the rate of fire achievable with the weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger. “Trigger crank” is defined as a device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion. Weapons initially designed and manufactured to fire through the use of a crank or lever are excluded from the definition of trigger crank.

The bill also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill allows individuals to voluntarily surrender any bump stock or trigger crank in their possession to a law enforcement agency within 90 days of the bill’s effective date. Licensed manufacturers, wholesale dealers, and retailers have 30 days to voluntarily surrender their bump stocks or trigger cranks.

The bill is scheduled to take effect immediately upon enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill could result in an increase in State and county expenditures and State revenues. Since the OLS has no informational basis for projecting the frequency and successful prosecution of behaviors the bill establishes as criminal, the amount of the fiscal impact is indeterminate.

The bill provides that a firearm affixed with a bump stock constitutes an assault weapon, and that a firearm affixed with a trigger crank constitutes a machine gun. Since under current law it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm, and 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 counties, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

The bill also establishes as third degree crimes the manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank, and the possession of a bump stock or trigger crank, regardless of whether the person is in possession of a firearm. The bill may thus result in additional court and criminal prosecution costs to the State (Judicial and Executive branch) and counties, and additional revenue from court-imposed fines. While a third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both, there is a presumption against incarceration for a first-time offense, so the OLS does not project that marginal costs to the State for additional incarcerations will result from these aspects of the bill.

FISCAL NOTE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3477
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 3, 2018

SUMMARY

Synopsis: Establishes criminal penalties for sale and possession of certain firearm components.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections, Counties.

Judicial Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See Comments Below.		
Local Cost	Indeterminate – See Comments Below.		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary estimate. The OLS further notes that the bill could result in an increase in State and county expenditures and State revenues. Since the OLS has no informational basis for projecting the frequency and successful prosecution of behaviors the bill establishes as criminal, the amount of impact is indeterminate.
- The Administrative Office of the Courts (AOC) states that the Judiciary is unable to determine the number of new cases which might be created as a result of this bill. As a result, the Judiciary cannot estimate with any certainty the fiscal impact the bill would have on the courts.

BILL DESCRIPTION

This bill establishes the crime of possessing or selling a bump stock or trigger crank.

The committee substitute also clarifies that a firearm affixed with a bump stock constitutes an assault weapon and a firearm affixed with a trigger crank constitutes a machine gun. Under current law, it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

The committee substitute also makes it a third degree crime to possess a bump stock or trigger crank, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a bump stock or trigger crank is to run consecutively with the penalty for possessing an assault firearm or machine gun.

The committee substitute also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Administrative Office of the Courts

The AOC states that the Judiciary is unable to determine the number of new cases which might be created as a result of this bill. As a result, the Judiciary cannot estimate with any certainty the fiscal impact the bill would have on the courts.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary estimate. The OLS further notes that the bill could result in an increase in State and county expenditures and State revenues. Since the OLS has no informational basis for projecting the frequency and successful prosecution of behaviors the bill establishes as criminal, the amount of impact is indeterminate.

The bill provides that a firearm affixed with a bump stock constitutes an assault weapon, and that a firearm affixed with a trigger crank constitutes a machine gun. Since under current law it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm, and 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 counties, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

The bill also establishes as third degree crimes the manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank, and the possession of a bump stock or trigger crank, regardless of whether the person is in possession of a firearm. The bill may thus result in additional court and criminal prosecution costs to the State (Judicial and Executive branch) and counties, and additional revenue from court-imposed fines. While a third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both, there is a presumption against incarceration for a first-time offense, so the OLS does not project that marginal costs to the State for additional incarcerations will result from these aspects of the bill.

Data obtained from the DOC indicates that for every offender who is incarcerated under the bill, the average annual per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$41,964. The FY 2016 marginal cost per inmate per day for food, wage and clothing was \$8.45, totaling \$3,084 annually.

FN to SCS for S3477

3

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

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

ASSEMBLY, No. 5200

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 30, 2017

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Co-Sponsored by:

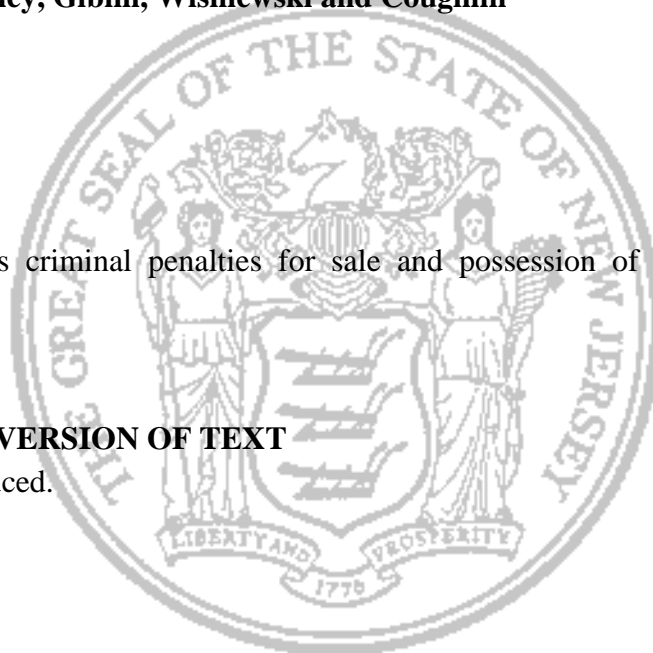
Assemblyman Caputo, Assemblywoman Pinkin, Assemblymen Conaway, McKeon, Assemblywomen Vainieri Huttle, Sumter, Assemblymen Eustace, Mazzeo, Holley, Giblin, Wisniewski and Coughlin

SYNOPSIS

Establishes criminal penalties for sale and possession of certain firearm components.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2018)

A5200 QUIJANO, OLIVER

2

1 AN ACT concerning firearm components and amending and
2 supplementing various sections of statutory law.

3

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

6

7 1. 2C:39-1. Definitions. The following definitions apply to
8 this 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. "Machine gun" means any firearm, mechanism or instrument
25 not requiring that the trigger be pressed for each shot and having a
26 reservoir, belt or other means of storing and carrying ammunition
27 which can be loaded into the firearm, mechanism or instrument and
28 fired therefrom. A machine gun also shall include, without
29 limitation, any firearm with a trigger crank attached.

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 rounds.

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 (6) A firearm with a bump stock attached.

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

10 y. "Large capacity ammunition magazine" means a box, drum,
11 tube or other container which is capable of holding more than 15
12 rounds of ammunition to be fed continuously and directly therefrom
13 into a semi-automatic firearm.

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

18 aa. "Antique handgun" means a handgun manufactured before
19 1898, or a replica thereof, which is recognized as being historical in
20 nature or of historical significance and either (1) utilizes a match,
21 friction, flint, or percussion ignition, or which utilizes a pin-fire
22 cartridge in which the pin is part of the cartridge or (2) does not fire
23 fixed ammunition or for which cartridge ammunition is not
24 commercially available.

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

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

39 dd. "Personalized handgun" means a handgun which incorporates
40 within its design, and as part of its original manufacture, technology
41 which automatically limits its operational use and which cannot be
42 readily deactivated, so that it may only be fired by an authorized or
43 recognized user. The technology limiting the handgun's operational
44 use may include, but not be limited to: radio frequency tagging,
45 touch memory, remote control, fingerprint, magnetic encoding and
46 other automatic user identification systems utilizing biometric,
47 mechanical or electronic systems. No make or model of a handgun
48 shall be deemed to be a "personalized handgun" unless the Attorney

1 General has determined, through testing or other reasonable means,
2 that the handgun meets any reliability standards that the
3 manufacturer may require for its commercially available handguns
4 that are not personalized or, if the manufacturer has no such
5 reliability standards, the handgun meets the reliability standards
6 generally used in the industry for commercially available handguns.

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

11 ff. "Trigger crank" means any device or instrument to be
12 attached to a firearm that repeatedly activates the trigger of the
13 firearm through the use of a lever or other part that is turned in a
14 circular motion; provided, however, the term shall not include any
15 weapon initially designed and manufactured to fire through the use
16 of a crank or lever.

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

18

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

20 2C:39-3. Prohibited Weapons and Devices.

21 a. Destructive devices. Any person who knowingly has in his
22 possession any destructive device is guilty of a crime of the third
23 degree.

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

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

29 d. Defaced firearms. Any person who knowingly has in his
30 possession any firearm which has been defaced, except an antique
31 firearm or an antique handgun, is guilty of a crime of the fourth
32 degree.

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

39 f. Dum-dum or body armor penetrating bullets. (1) Any
40 person, other than a law enforcement officer or persons engaged in
41 activities pursuant to subsection f. of N.J.S.2C:39-6, who
42 knowingly has in his possession any hollow nose or dum-dum
43 bullet, or (2) any person, other than a collector of firearms or
44 ammunition as curios or relics as defined in Title 18, United States
45 Code, section 921 (a) (13) and has in his possession a valid
46 Collector of Curios and Relics License issued by the Bureau of
47 Alcohol, Tobacco and Firearms, who knowingly has in his
48 possession any body armor breaching or penetrating ammunition,

1 which means: (a) ammunition primarily designed for use in a
2 handgun, and (b) which is comprised of a bullet whose core or
3 jacket, if the jacket is thicker than .025 of an inch, is made of
4 tungsten carbide, or hard bronze, or other material which is harder
5 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
6 and (c) is therefore capable of breaching or penetrating body armor,
7 is guilty of a crime of the fourth degree. For purposes of this
8 section, a collector may possess not more than three examples of
9 each distinctive variation of the ammunition described above. A
10 distinctive variation includes a different head stamp, composition,
11 design, or color.

12 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
13 or k. of this section shall apply to any member of the Armed Forces
14 of the United States or the National Guard, or except as otherwise
15 provided, to any law enforcement officer while actually on duty or
16 traveling to or from an authorized place of duty, provided that his
17 possession of the prohibited weapon or device has been duly
18 authorized under the applicable laws, regulations or military or law
19 enforcement orders. Nothing in subsection h. of this section shall
20 apply to any law enforcement officer who is exempted from the
21 provisions of that subsection by the Attorney General. Nothing in
22 this section shall apply to the possession of any weapon or device
23 by a law enforcement officer who has confiscated, seized or
24 otherwise taken possession of said weapon or device as evidence of
25 the commission of a crime or because he believed it to be possessed
26 illegally by the person from whom it was taken, provided that said
27 law enforcement officer promptly notifies his superiors of his
28 possession of such prohibited weapon or device.

29 (2) a. Nothing in subsection f. (1) shall be construed to prevent
30 a person from keeping such ammunition at his dwelling, premises
31 or other land owned or possessed by him, or from carrying such
32 ammunition from the place of purchase to said dwelling or land, nor
33 shall subsection f. (1) be construed to prevent any licensed retail or
34 wholesale firearms dealer from possessing such ammunition at its
35 licensed premises, provided that the seller of any such ammunition
36 shall maintain a record of the name, age and place of residence of
37 any purchaser who is not a licensed dealer, together with the date of
38 sale and quantity of ammunition sold.

39 b. Nothing in subsection f.(1) shall be construed to prevent a
40 designated employee or designated licensed agent for a nuclear
41 power plant under the license of the Nuclear Regulatory
42 Commission from possessing hollow nose ammunition while in the
43 actual performance of his official duties, if the federal licensee
44 certifies that the designated employee or designated licensed agent
45 is assigned to perform site protection, guard, armed response or
46 armed escort duties and is appropriately trained and qualified, as
47 prescribed by federal regulation, to perform those duties.

1 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
2 shall be construed to prevent any licensed retail or wholesale
3 firearms dealer from possessing that ammunition or large capacity
4 ammunition magazine at its licensed premises for sale or disposition
5 to another licensed dealer, the Armed Forces of the United States or
6 the National Guard, or to a law enforcement agency, provided that
7 the seller maintains a record of any sale or disposition to a law
8 enforcement agency. The record shall include the name of the
9 purchasing agency, together with written authorization of the chief
10 of police or highest ranking official of the agency, the name and
11 rank of the purchasing law enforcement officer, if applicable, and
12 the date, time and amount of ammunition sold or otherwise
13 disposed. A copy of this record shall be forwarded by the seller to
14 the Superintendent of the Division of State Police within 48 hours
15 of the sale or disposition.

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

19 (5) Nothing in subsection c. of this section shall be construed to
20 apply to any person who is specifically identified in a special deer
21 management permit issued by the Division of Fish and Wildlife to
22 utilize a firearm silencer as part of an alternative deer control
23 method implemented in accordance with a special deer management
24 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
25 while the person is in the actual performance of the permitted
26 alternative deer control method and while going to and from the
27 place where the permitted alternative deer control method is being
28 utilized. This exception shall not, however, otherwise apply to any
29 person to authorize the purchase or possession of a firearm silencer.

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

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

38 j. Any person who knowingly has in his possession a large
39 capacity ammunition magazine is guilty of a crime of the fourth
40 degree unless the person has registered an assault firearm pursuant
41 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
42 maintained and used in connection with participation in competitive
43 shooting matches sanctioned by the Director of Civilian
44 Marksmanship of the United States Department of the Army.

45 k. Handcuffs. Any person who knowingly has in his
46 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
47 under circumstances not manifestly appropriate for such lawful uses
48 as handcuffs may have, is guilty of a disorderly persons offense. A

1 law enforcement officer shall confiscate handcuffs possessed in
2 violation of the law.

3 1. Bump stock or trigger crank. Any person who knowingly
4 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
5 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
6 regardless of whether the person is in possession of a firearm, is
7 guilty of a crime of the third degree.

8 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
9 provision of law, a conviction arising out of this subsection shall
10 not merge with a conviction for possessing an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
12 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
13 shall be imposed upon each conviction. Notwithstanding the
14 provisions of N.J.S.2C:44-5 or any other provisions of law, the
15 sentence imposed pursuant to this subsection shall be served
16 consecutively to that imposed for unlawfully possessing an assault
17 firearm in violation of subsection f. of N.J.S.2C:39-5.

18 (cf: P.L.2003, c.168, s.1)

19

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

21 2C:39-9. Manufacture, Transport, Disposition and Defacement of
22 Weapons and Dangerous Instruments and Appliances. a. Machine
23 guns. Any person who manufactures, causes to be manufactured,
24 transports, ships, sells or disposes of any machine gun without
25 being registered or licensed to do so as provided in chapter 58 is
26 guilty of a crime of the third degree.

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

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

33 d. Weapons. Any person who manufactures, causes to be
34 manufactured, transports, ships, sells or disposes of any weapon,
35 including gravity knives, switchblade knives, ballistic knives,
36 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
37 sandclubs, slingshots, cesti or similar leather bands studded with
38 metal filings, or, except as otherwise provided in subsection i. of
39 this section, in the case of firearms if he is not licensed or registered
40 to do so as provided in chapter 58, is guilty of a crime of the fourth
41 degree. Any person who manufactures, causes to be manufactured,
42 transports, ships, sells or disposes of any weapon or other device
43 which projects, releases or emits tear gas or other substances
44 intended to produce temporary physical discomfort or permanent
45 injury through being vaporized or otherwise dispensed in the air,
46 which is intended to be used for any purpose other than for
47 authorized military or law enforcement purposes by duly authorized
48 military or law enforcement personnel or the device is for the

1 purpose of personal self-defense, is pocket-sized and contains not
2 more than three-quarters of an ounce of chemical substance not
3 ordinarily capable of lethal use or of inflicting serious bodily injury,
4 or other than to be used by any person permitted to possess such
5 weapon or device under the provisions of subsection d. of
6 N.J.S.2C:39-5, which is intended for use by financial and other
7 business institutions as part of an integrated security system, placed
8 at fixed locations, for the protection of money and property, by the
9 duly authorized personnel of those institutions, is guilty of a crime
10 of the fourth degree.

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

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

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

47 g. Assault firearms. Any person who manufactures, causes to
48 be manufactured, transports, ships, sells or disposes of an assault

1 firearm without being registered or licensed to do so pursuant to
2 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

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

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

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

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

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

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

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

35 j. Any person who manufactures, causes to be manufactured,
36 transports, ships, sells, or disposes of a bump stock as defined in
37 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
38 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
39 degree.

40 (cf: P.L.2013, c.111, s.1)

41

42 4. (New section) a. No licensed manufacturer, wholesale
43 dealer of firearms, or retail dealer of firearms in possession of a
44 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
45 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
46 effective date of P.L. , c. (C.) (pending before the
47 Legislature as this bill) who voluntarily surrenders the bump stock
48 or trigger crank in accordance with the provisions of N.J.S.2C:39-

1 12 or otherwise lawfully disposes of the bump stock or trigger crank
2 within 30 days of the effective date of P.L. , c. (C.)
3 (pending before the Legislature as this bill) shall be convicted of an
4 offense for possession of a bump stock or trigger crank under
5 subsection l. of N.J.S.2C:39-3 or unlawful manufacture, transport,
6 shipment, sale, or disposition of a bump stock or trigger crank
7 under subsection j. of N.J.S.2C:39-9.

8 b. Except as otherwise provided in subsection a. of this section
9 with respect to licensed manufacturers, wholesale dealers of
10 firearms, and retail dealers of firearms, no person in possession of a
11 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
12 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
13 effective date of P.L. , c. (C.) (pending before the
14 Legislature as this bill) who voluntarily surrenders the bump stock
15 or trigger crank in accordance with the provisions of N.J.S.2C:39-
16 12 or otherwise lawfully disposes of the bump stock or trigger crank
17 within 90 days of the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill) shall be convicted of an
19 offense for possession of a bump stock or trigger crank under
20 subsection l. of N.J.S.2C:39-3.

21

22 5. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill establishes the crime of possessing or selling a bump
28 stock or trigger crank. In addition, the bill clarifies that a firearm
29 affixed with a bump stock constitutes an assault weapon and a
30 firearm affixed with a trigger crank constitutes a machine gun.
31 Under current law, it is a second degree crime to possess a machine
32 gun or an assault firearm or part or combination of parts designed or
33 intended to convert a firearm into an assault firearm. A crime of the
34 second degree is punishable by five to 10 years imprisonment, a
35 fine of up to \$150,000, or both.

36 This bill makes it a third degree crime to possess a bump stock or
37 trigger crank, regardless of whether the person is in possession of a
38 firearm, and provides that the penalty for possessing a bump stock
39 or trigger crank is to run consecutively with the penalty for
40 possessing an assault firearm or machine gun. Under the bill, "bump
41 stock" is defined as a device or instrument for a firearm that
42 increases the rate of fire achievable with the weapon by using
43 energy from the recoil of the weapon to generate a reciprocating
44 action that facilitates repeated activation of the trigger. The bill
45 defines "trigger crank" as a device or instrument to be attached to a
46 firearm that repeatedly activates the trigger of the firearm through
47 the use of a lever or other part that is turned in a circular motion.
48 Weapons initially designed and manufactured to fire through the

A5200 QUIJANO, OLIVER

14

1 use of a crank or lever are excluded from the definition of trigger
2 crank.

3 The bill also establishes a third degree crime of manufacturing,
4 transporting, shipping, selling, or disposing of a bump stock or
5 trigger crank. A crime of the third degree is punishable by three to
6 five years imprisonment, a fine of up to \$15,000, or both.

7 The bill allows individuals to voluntarily surrender any bump
8 stock or trigger crank in their possession to a law enforcement
9 agency within 90 days of the bill's effective date. Licensed
10 manufacturers and retailers would have 30 days of the effective date
11 of the bill to voluntarily surrender their bump stocks or trigger
12 cranks.

13 On October 1, 2017, Stephen Paddock opened fire on an outdoor
14 venue in Las Vegas, Nevada killing 59 people and injuring at least
15 530 people in the deadliest mass shooting in the United States'
16 modern history. According to recent news reports, the rifles found
17 in the gunman's hotel room were modified with bump stocks.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5200

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2017

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 5200.

Assembly Bill No. 5200 establishes the crime of possessing or selling a bump stock or trigger crank. In addition, the bill clarifies that a firearm affixed with a bump stock constitutes an assault weapon and a firearm affixed with a trigger crank constitutes a machine gun. Under current law, it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

This bill makes it a third degree crime to possess a bump stock or trigger crank, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a bump stock or trigger crank is to run consecutively with the penalty for possessing an assault firearm or machine gun. Under the bill, “bump stock” is defined as a device or instrument for a firearm that increases the rate of fire achievable with the weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger. The bill defines “trigger crank” as a device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion. Weapons initially designed and manufactured to fire through the use of a crank or lever are excluded from the definition of trigger crank.

The bill also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill allows individuals to voluntarily surrender any bump stock or trigger crank in their possession to a law enforcement agency within 90 days of the bill’s effective date. Licensed manufacturers and retailers would have 30 days to voluntarily surrender their bump stocks or trigger cranks.

On October 1, 2017, Stephen Paddock opened fire on an outdoor venue in Las Vegas, Nevada killing 59 people and injuring at least 530 people in the deadliest mass shooting in the United States’ modern history. According to recent news reports, the rifles found in the gunman’s hotel room were modified with bump stocks.

FISCAL NOTE
ASSEMBLY, No. 5200
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 3, 2018

SUMMARY

Synopsis: Establishes criminal penalties for sale and possession of certain firearm components.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections, Counties.

Judicial Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See Comments Below.		
Local Cost	Indeterminate – See Comments Below.		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary estimate. The OLS further notes that the bill could result in an increase in State and county expenditures and State revenues. Since the OLS has no informational basis for projecting the frequency and successful prosecution of behaviors the bill establishes as criminal, the amount of impact is indeterminate.
- The Administrative Office of the Courts (AOC) states that the Judiciary is unable to determine the number of new cases which might be created as a result of this bill. As a result, the Judiciary cannot estimate with any certainty the fiscal impact the bill would have on the courts.

BILL DESCRIPTION

This bill establishes the crime of possessing or selling a bump stock or trigger crank.

The committee substitute also clarifies that a firearm affixed with a bump stock constitutes an assault weapon and a firearm affixed with a trigger crank constitutes a machine gun. Under current law, it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

The committee substitute also makes it a third degree crime to possess a bump stock or trigger crank, regardless of whether the person is in possession of a firearm, and provides that the

penalty for possessing a bump stock or trigger crank is to run consecutively with the penalty for possessing an assault firearm or machine gun.

The committee substitute also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Administrative Office of the Courts

The AOC states that the Judiciary is unable to determine the number of new cases which might be created as a result of this bill. As a result, the Judiciary cannot estimate with any certainty the fiscal impact the bill would have on the courts.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary estimate. The OLS further notes that the bill could result in an increase in State and county expenditures and State revenues. Since the OLS has no informational basis for projecting the frequency and successful prosecution of behaviors the bill establishes as criminal, the amount of impact is indeterminate.

The bill provides that a firearm affixed with a bump stock constitutes an assault weapon, and that a firearm affixed with a trigger crank constitutes a machine gun. Since under current law it is a second degree crime to possess a machine gun or an assault firearm or part or combination of parts designed or intended to convert a firearm into an assault firearm, and 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 counties, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

The bill also establishes as third degree crimes the manufacturing, transporting, shipping, selling, or disposing of a bump stock or trigger crank, and the possession of a bump stock or trigger crank, regardless of whether the person is in possession of a firearm. The bill may thus result in additional court and criminal prosecution costs to the State (Judicial and Executive branch) and counties, and additional revenue from court-imposed fines. While a third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both, there is a presumption against incarceration for a first-time offense, so the OLS does not project that marginal costs to the State for additional incarcerations will result from these aspects of the bill.

Data obtained from the DOC indicates that for every offender who is incarcerated under the bill, the average annual per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$41,964. The FY 2016 marginal cost per inmate per day for food, wage and clothing was \$8.45, totaling \$3,084 annually.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

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