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RWH/CL

P.L. 2019, CHAPTER 165, *approved July 16, 2019*
Senate, No. 3897 (*First Reprint*)

1 AN ACT concerning purchase and possession of certain weapons
2 and ammunition and amending various parts of statutory law.
3

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

7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
8 as follows:

9 6. Certain Persons Not to Have Weapons or Ammunition.

10 a. Except as provided in subsection b. of this section, any
11 person, having been convicted in this State or elsewhere of the
12 crime, or an attempt or conspiracy to commit the crime, of
13 aggravated assault, arson, burglary, escape, extortion, homicide,
14 kidnapping, robbery, aggravated sexual assault, sexual assault, bias
15 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of
16 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in
17 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering
18 in violation of N.J.S.2C:41-2, terroristic threats in violation of
19 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of
20 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in
21 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,
22 unlawful possession of an assault firearm in violation of subsection
23 f. of N.J.S.2C:39-5, ¹leader of firearms trafficking network in
24 violation of section 1 of P.L.1995, c.405 (C.2C:39-16),¹or
25 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
26 whether or not armed with or having in [his] the person's
27 possession any weapon enumerated in subsection r. of N.J.S.2C:39-
28 1, or any person convicted of a crime, or an attempt or conspiracy
29 to commit a crime, pursuant to the provisions of N.J.S.2C:39-3,
30 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been
31 committed for a mental disorder to any hospital, mental institution
32 or sanitarium unless [he] the person possesses a certificate of a
33 medical doctor or psychiatrist licensed to practice in New Jersey or
34 other satisfactory proof that [he] the person is no longer suffering
35 from a mental disorder which interferes with or handicaps [him]
36 the person in the handling of a firearm, or any person who has been
37 convicted of [other than a disorderly persons or petty disorderly
38 persons offense] an offense, or an attempt or conspiracy to commit
39 an offense, for the unlawful use, possession or sale of a controlled
40 dangerous substance as defined in N.J.S.2C:35-2, other than a
41 disorderly persons or petty disorderly persons offense, who

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 20, 2019.

1 purchases, owns, possesses or controls any of the **【said】** specified
2 weapons or any ammunition as defined in section 2 of P.L.2018,
3 c.35 (C.2C:58-21) is guilty of a crime of the fourth degree.

4 b. (1) A person having been convicted in this State or
5 elsewhere of the crime, or an attempt or conspiracy to commit the
6 crime, of aggravated assault, arson, burglary, escape, extortion,
7 homicide, kidnapping, robbery, aggravated sexual assault, sexual
8 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking
9 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang
10 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-
11 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in
12 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in
13 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of
14 a handgun in violation of paragraph (1) of subsection b. of
15 N.J.S.2C:39-5, unlawful possession of an assault firearm in
16 violation of subsection f. of N.J.S.2C:39-5, ¹leader of firearms
17 trafficking network in violation of section 1 of P.L.1995, c.405
18 (C.2C:39-16),¹ endangering the welfare of a child pursuant to
19 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)
20 or a crime, or an attempt or conspiracy to commit a crime,
21 involving domestic violence as defined in section 3 of P.L.1991,
22 c.261 (C.2C:25-19), whether or not armed with or having in **【his】**
23 the person's possession a weapon enumerated in subsection r. of
24 N.J.S.2C:39-1, or a person having been convicted of a crime, or an
25 attempt or conspiracy to commit a crime, pursuant to the provisions
26 of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of
27 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;
28 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or
29 controls a firearm is guilty of a crime of the second degree and
30 upon conviction thereof, the person shall be sentenced to a term of
31 imprisonment by the court. The term of imprisonment shall include
32 the imposition of a minimum term, which shall be fixed at five
33 years, during which the defendant shall be ineligible for parole. If
34 the defendant is sentenced to an extended term of imprisonment
35 pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall
36 include the imposition of a minimum term, which shall be fixed at,
37 or between, one-third and one-half of the sentence imposed by the
38 court or five years, whichever is greater, during which the
39 defendant shall be ineligible for parole.

40 (2) A person having been convicted in this State or elsewhere of
41 a disorderly persons offense involving domestic violence, whether
42 or not armed with or having in **【his】** the person's possession a
43 weapon enumerated in subsection r. of N.J.S.2C:39-1, who
44 purchases, owns, possesses or controls a firearm or ammunition is
45 guilty of a crime of the third degree.

46 (3) A person whose firearm is seized pursuant to the "Prevention
47 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et

1 seq.) and whose firearm has not been returned, or who is subject to
2 a court order prohibiting the possession of firearms issued pursuant
3 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,
4 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or
5 controls a firearm or ammunition is guilty of a crime of the third
6 degree, except that the provisions of this paragraph shall not apply
7 to any law enforcement officer while actually on duty, or to any
8 member of the Armed Forces of the United States or member of the
9 National Guard while actually on duty or traveling to or from an
10 authorized place of duty.

11 (4) A person who is subject to a court order prohibiting the
12 custody, control, ownership, purchase, possession, or receipt of a
13 firearm or ammunition issued pursuant to the "Extreme Risk
14 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)
15 who purchases, acquires, owns, possesses, or controls a firearm or
16 ammunition is guilty of a crime of the third degree.

17 c. Whenever any person shall have been convicted in another
18 state, territory, commonwealth or other jurisdiction of the United
19 States, or any country in the world, in a court of competent
20 jurisdiction, of a crime, or an attempt or conspiracy to commit a
21 crime, which in **【said】** the other jurisdiction or country is
22 comparable to one of the crimes enumerated in subsection a. or b.
23 of this section, then that person shall be subject to the provisions of
24 this section.

25 (cf: P.L.2018, c.34, s.13)

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.

47 f. Dum-dum or armor piercing ammunition. (1) Any person,
48 other than a law enforcement officer or persons engaged in

1 activities pursuant to subsection f. of N.J.S.2C:39-6, who
2 knowingly has in his possession any hollow nose or dum-dum
3 bullet, or (2) any person, other than a collector of firearms or
4 ammunition as curios or relics as defined in Title 18, United States
5 Code, section 921 (a) (13) and has in his possession a valid
6 Collector of Curios and Relics License issued by the Bureau of
7 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
8 his possession any armor piercing ammunition, as defined in
9 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
10 degree. For purposes of this section, a collector may possess not
11 more than three examples of each distinctive variation of the
12 ammunition described above. A distinctive variation includes a
13 different head stamp, composition, design, or color.

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

22 (b) Nothing in subsection j. of this section shall apply to a law
23 enforcement officer who possesses and carries while off-duty a
24 large capacity ammunition magazine capable of holding not more
25 than 17 rounds of ammunition that can be fed continuously and
26 directly into a semi-automatic firearm.

27 (c) Notwithstanding subparagraph (b) of this paragraph,
28 subsection j. of this section shall not apply to a law enforcement
29 officer who possesses and carries while off-duty a large capacity
30 ammunition magazine capable of holding more than 17 rounds of
31 ammunition that can be fed continuously and directly into a semi-
32 automatic firearm provided the large capacity ammunition magazine
33 is used with a service firearm issued to the officer by the officer's
34 employer for use in the officer's official duties.

35 (d) Nothing in subsection h. of this section shall apply to any
36 law enforcement officer who is exempted from the provisions of
37 that subsection by the Attorney General. Nothing in this section
38 shall apply to the possession of any weapon or device by a law
39 enforcement officer who has confiscated, seized or otherwise taken
40 possession of said weapon or device as evidence of the commission
41 of a crime or because he believed it to be possessed illegally by the
42 person from whom it was taken, provided that said law enforcement
43 officer promptly notifies his superiors of his possession of such
44 prohibited weapon or device.

45 (2) (a) Nothing in paragraph (1) of subsection f. [(1) of this
46 section shall be construed to prevent a person from keeping such
47 ammunition at his dwelling, premises or other land owned or
48 possessed by him, or from carrying such ammunition from the place

1 of purchase to said dwelling or land, nor shall paragraph (1) of
2 subsection f. [(1)] of this section be construed to prevent any
3 licensed retail or wholesale firearms dealer from possessing such
4 ammunition at its licensed premises, provided that the seller of any
5 such ammunition shall maintain a record of the name, age and place
6 of residence of any purchaser who is not a licensed dealer, together
7 with the date of sale and quantity of ammunition sold.

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

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

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

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

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

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

7 j. Any person who knowingly has in his possession a large
8 capacity ammunition magazine is guilty of a crime of the fourth
9 degree unless the person has registered: (1) an assault firearm
10 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the
11 magazine is maintained and used in connection with participation in
12 competitive shooting matches sanctioned by the Director of Civilian
13 Marksmanship of the United States Department of the Army; or

14 (2) a firearm with a fixed magazine capacity or detachable
15 magazine capable of holding up to 15 rounds pursuant to section 7
16 of P.L.2018, c.39 (C.2C:39-20).

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

23 l. Bump stock or trigger crank. Any person who knowingly
24 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
25 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
26 regardless of whether the person is in possession of a firearm, is
27 guilty of a crime of the third degree.

28 m. Covert or undetectable firearms. Any person who
29 knowingly possesses any covert firearm as defined in subsection hh.
30 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
31 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
32 that is designed or modified to allow the firearm to be fired while so
33 enclosed and that disguises or obscures the shape of the firearm
34 such that it does not resemble a handgun, rifle, shotgun, or machine
35 gun is guilty of a crime of the third degree.

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

46 n. Firearms without a serial number. Any person who
47 knowingly possesses a firearm manufactured or otherwise
48 assembled using a firearm frame or firearm receiver as defined in

1 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
2 number registered with a federally licensed manufacturer including,
3 but not limited to, a firearm manufactured or otherwise assembled
4 from parts purchased or otherwise obtained in violation of
5 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
6 degree.

7 (cf: P.L.2018, c.161, s.1)

8

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

10 2C:39-9. Manufacture, Transport, Disposition and Defacement
11 of Weapons and Dangerous Instruments and Appliances.

12 a. Machine guns. Any person who manufactures, causes to be
13 manufactured, transports, ships, sells or disposes of any machine
14 gun without being registered or licensed to do so as provided in
15 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
16 crime of the third degree.

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

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

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

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

6 f. (1) Any person who manufactures, causes to be
7 manufactured, transports, ships, sell, or disposes of any armor
8 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
9 which is intended to be used for any purpose other than for
10 authorized military or law enforcement purposes by duly authorized
11 military or law enforcement personnel, is guilty of a crime of the
12 fourth degree.

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

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

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

43 i. Transporting firearms into this State for an unlawful sale or
44 transfer. Any person who knowingly transports, ships or otherwise
45 brings into this State any firearm for the purpose of unlawfully
46 selling, transferring, giving, assigning or otherwise disposing of that
47 firearm to another individual is guilty of a crime of the second
48 degree. Any motor vehicle used by a person to transport, ship, or

1 otherwise bring a firearm into this State for unlawful sale or transfer
2 shall be subject to forfeiture in accordance with the provisions of
3 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
4 shall not apply to innocent owners, nor shall it affect the rights of a
5 holder of a valid lien.

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

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

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

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

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

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

26 k. Purchasing firearm parts to manufacture a firearm without a
27 serial number. In addition to any other criminal penalties provided
28 under law, a person who, with the purpose to manufacture or
29 otherwise assemble a firearm and without being registered or
30 licensed do so as provided in chapter 58 of Title 2C of the New
31 Jersey Statutes, purchases or otherwise obtains separately or as part
32 of a kit a firearm frame or firearm receiver which is not imprinted
33 with a serial number registered with a federally licensed
34 manufacturer or any combination of parts from which a firearm
35 without a serial number may be readily manufactured or otherwise
36 assembled, but which does not have the capacity to function as a
37 firearm unless manufactured or otherwise assembled is guilty of a
38 crime of the third degree. Notwithstanding the provisions of
39 N.J.S.2C:1-8 or any other law, a conviction under this subsection
40 shall not merge with a conviction for any other criminal offense and
41 the court shall impose separate sentences upon a violation of this
42 subsection and any other criminal offense.

43 As used in this subsection, "firearm frame or firearm receiver"
44 means the part of a firearm that provides housing for the firearm's
45 internal components, such as the hammer, bolt or breechblock,
46 action, and firing mechanism, and includes without limitation any
47 object or part which is not a firearm frame or receiver in finished
48 form but is designed or intended to be used for that purpose and

1 which may readily be made into a firearm frame or receiver through
2 milling or other means.

3 1. Manufacturing or facilitating the manufacture of a firearm
4 using a three-dimensional printer. In addition to any other criminal
5 penalties provided under law it is a third degree crime for:

6 (1) a person who is not registered or licensed to do so as a
7 manufacturer as provided in chapter 58 of Title 2C of the New
8 Jersey Statutes, to use a three-dimensional printer or similar device
9 to manufacture or produce a firearm, firearm receiver, magazine, or
10 firearm component; or

11 (2) a person to distribute by any means, including the Internet,
12 to a person in New Jersey who is not registered or licensed as a
13 manufacturer as provided in chapter 58 of Title 2C of the New
14 Jersey Statutes, digital instructions in the form of computer-aided
15 design files or other code or instructions stored and displayed in
16 electronic format as a digital model that may be used to program a
17 three-dimensional printer to manufacture or produce a firearm,
18 firearm receiver, magazine, or firearm component.

19 As used in this subsection: "three-dimensional printer" means a
20 computer or computer-driven machine or device capable of
21 producing a three-dimensional object from a digital model; and
22 "distribute" means to sell, or to manufacture, give, provide, lend,
23 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
24 display, share, advertise, offer, or make available via the Internet or
25 by any other means, whether for pecuniary gain or not, and includes
26 an agreement or attempt to distribute.

27 m. Covert or undetectable firearms. Any person who
28 manufactures, causes to be manufactured, transports, ships, sells or
29 disposes of any covert firearm as defined in subsection hh. of
30 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
31 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

32 n. Transporting a manufactured firearm without a serial
33 number. In addition to any other criminal penalties provided under
34 law, a person who transports, ships, sells, or disposes of a firearm
35 manufactured or otherwise assembled using a firearm frame or
36 firearm receiver as defined in subsection k. of this section which is
37 not imprinted with a serial number registered with a federally
38 licensed manufacturer, including but not limited to a firearm
39 manufactured or otherwise assembled from parts purchased or
40 otherwise obtained in violation of subsection k. of this section, is
41 guilty of a crime of the third degree.

42 (cf: P.L.2018, c.138, s.3)

43

44 4. This act shall take effect immediately.

S3897 [1R]

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Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes; establishes crime of transferring or possessing firearm without serial number.

SENATE, No. 3897

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 3, 2019

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Ruiz, Assemblyman McKeon and Assemblywoman Jasey

SYNOPSIS

Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning purchase and possession of certain weapons
2 and ammunition and amending various parts of statutory law.

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

6
7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
8 as follows:

9 6. Certain Persons Not to Have Weapons or Ammunition.

10 a. Except as provided in subsection b. of this section, any
11 person, having been convicted in this State or elsewhere of the
12 crime, or an attempt or conspiracy to commit the crime, of
13 aggravated assault, arson, burglary, escape, extortion, homicide,
14 kidnapping, robbery, aggravated sexual assault, sexual assault, bias
15 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of
16 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in
17 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering
18 in violation of N.J.S.2C:41-2, terroristic threats in violation of
19 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of
20 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in
21 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,
22 unlawful possession of an assault firearm in violation of subsection
23 f. of N.J.S.2C:39-5, or endangering the welfare of a child pursuant
24 to N.J.S.2C:24-4, whether or not armed with or having in [his] the
25 person's possession any weapon enumerated in subsection r. of
26 N.J.S.2C:39-1, or any person convicted of a crime, or an attempt or
27 conspiracy to commit a crime, pursuant to the provisions of
28 N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who
29 has ever been committed for a mental disorder to any hospital,
30 mental institution or sanitarium unless [he] the person possesses a
31 certificate of a medical doctor or psychiatrist licensed to practice in
32 New Jersey or other satisfactory proof that [he] the person is no
33 longer suffering from a mental disorder which interferes with or
34 handicaps [him] the person in the handling of a firearm, or any
35 person who has been convicted of [other than a disorderly persons
36 or petty disorderly persons offense] an offense, or an attempt or
37 conspiracy to commit an offense, for the unlawful use, possession
38 or sale of a controlled dangerous substance as defined in
39 N.J.S.2C:35-2, other than a disorderly persons or petty disorderly
40 persons offense, who purchases, owns, possesses or controls any of
41 the [said] specified weapons or any ammunition as defined in
42 section 2 of P.L.2018, c.35 (C.2C:58-21) is guilty of a crime of the
43 fourth degree.

44 b. (1) A person having been convicted in this State or
45 elsewhere of the crime, or an attempt or conspiracy to commit the

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

Matter underlined thus is new matter.

1 crime, of aggravated assault, arson, burglary, escape, extortion,
2 homicide, kidnapping, robbery, aggravated sexual assault, sexual
3 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking
4 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang
5 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-
6 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in
7 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in
8 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of
9 a handgun in violation of paragraph (1) of subsection b. of
10 N.J.S.2C:39-5, unlawful possession of an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5, endangering the welfare
12 of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992,
13 c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to
14 commit a crime, involving domestic violence as defined in section 3
15 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or
16 having in **【his】** the person's possession a weapon enumerated in
17 subsection r. of N.J.S.2C:39-1, or a person having been convicted of
18 a crime, or an attempt or conspiracy to commit a crime, pursuant to
19 the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive;
20 section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11;
21 N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases,
22 owns, possesses or controls a firearm is guilty of a crime of the
23 second degree and upon conviction thereof, the person shall be
24 sentenced to a term of imprisonment by the court. The term of
25 imprisonment shall include the imposition of a minimum term,
26 which shall be fixed at five years, during which the defendant shall
27 be ineligible for parole. If the defendant is sentenced to an
28 extended term of imprisonment pursuant to N.J.S.2C:43-7, the
29 extended term of imprisonment shall include the imposition of a
30 minimum term, which shall be fixed at, or between, one-third and
31 one-half of the sentence imposed by the court or five years,
32 whichever is greater, during which the defendant shall be ineligible
33 for parole.

34 (2) A person having been convicted in this State or elsewhere of
35 a disorderly persons offense involving domestic violence, whether
36 or not armed with or having in **【his】** the person's possession a
37 weapon enumerated in subsection r. of N.J.S.2C:39-1, who
38 purchases, owns, possesses or controls a firearm or ammunition is
39 guilty of a crime of the third degree.

40 (3) A person whose firearm is seized pursuant to the "Prevention
41 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
42 seq.) and whose firearm has not been returned, or who is subject to
43 a court order prohibiting the possession of firearms issued pursuant
44 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,
45 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or
46 controls a firearm or ammunition is guilty of a crime of the third
47 degree, except that the provisions of this paragraph shall not apply
48 to any law enforcement officer while actually on duty, or to any

1 member of the Armed Forces of the United States or member of the
2 National Guard while actually on duty or traveling to or from an
3 authorized place of duty.

4 (4) A person who is subject to a court order prohibiting the
5 custody, control, ownership, purchase, possession, or receipt of a
6 firearm or ammunition issued pursuant to the "Extreme Risk
7 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)
8 who purchases, acquires, owns, possesses, or controls a firearm or
9 ammunition is guilty of a crime of the third degree.

10 c. Whenever any person shall have been convicted in another
11 state, territory, commonwealth or other jurisdiction of the United
12 States, or any country in the world, in a court of competent
13 jurisdiction, of a crime, or an attempt or conspiracy to commit a
14 crime, which in **【said】** the other jurisdiction or country is
15 comparable to one of the crimes enumerated in subsection a. or b.
16 of this section, then that person shall be subject to the provisions of
17 this section.

18 (cf: P.L.2018, c.34, s.13)

19

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

21 2C:39-3. Prohibited Weapons and Devices.

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

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

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

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

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

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

1 his possession any armor piercing ammunition, as defined in
2 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
3 degree. For purposes of this section, a collector may possess not
4 more than three examples of each distinctive variation of the
5 ammunition described above. A distinctive variation includes a
6 different head stamp, composition, design, or color.

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

15 (b) Nothing in subsection j. of this section shall apply to a law
16 enforcement officer who possesses and carries while off-duty a
17 large capacity ammunition magazine capable of holding not more
18 than 17 rounds of ammunition that can be fed continuously and
19 directly into a semi-automatic firearm.

20 (c) Notwithstanding subparagraph (b) of this paragraph,
21 subsection j. of this section shall not apply to a law enforcement
22 officer who possesses and carries while off-duty a large capacity
23 ammunition magazine capable of holding more than 17 rounds of
24 ammunition that can be fed continuously and directly into a semi-
25 automatic firearm provided the large capacity ammunition magazine
26 is used with a service firearm issued to the officer by the officer's
27 employer for use in the officer's official duties.

28 (d) Nothing in subsection h. of this section shall apply to any
29 law enforcement officer who is exempted from the provisions of
30 that subsection by the Attorney General. Nothing in this section
31 shall apply to the possession of any weapon or device by a law
32 enforcement officer who has confiscated, seized or otherwise taken
33 possession of said weapon or device as evidence of the commission
34 of a crime or because he believed it to be possessed illegally by the
35 person from whom it was taken, provided that said law enforcement
36 officer promptly notifies his superiors of his possession of such
37 prohibited weapon or device.

38 (2) (a) Nothing in paragraph (1) of subsection f. [(1) of this
39 section shall be construed to prevent a person from keeping such
40 ammunition at his dwelling, premises or other land owned or
41 possessed by him, or from carrying such ammunition from the place
42 of purchase to said dwelling or land, nor shall paragraph (1) of
43 subsection f. [(1) of this section be construed to prevent any
44 licensed retail or wholesale firearms dealer from possessing such
45 ammunition at its licensed premises, provided that the seller of any
46 such ammunition shall maintain a record of the name, age and place
47 of residence of any purchaser who is not a licensed dealer, together

1 with the date of sale and quantity of ammunition sold.

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

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

1 Police Training Commission in the use of a nightstick.

2 j. Any person who knowingly has in his possession a large
3 capacity ammunition magazine is guilty of a crime of the fourth
4 degree unless the person has registered: (1) an assault firearm
5 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the
6 magazine is maintained and used in connection with participation in
7 competitive shooting matches sanctioned by the Director of Civilian
8 Marksmanship of the United States Department of the Army; or
9 (2) a firearm with a fixed magazine capacity or detachable
10 magazine capable of holding up to 15 rounds pursuant to section 7
11 of P.L.2018, c.39 (C.2C:39-20).

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

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

23 m. Covert or undetectable firearms. Any person who
24 knowingly possesses any covert firearm as defined in subsection hh.
25 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
26 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
27 that is designed or modified to allow the firearm to be fired while so
28 enclosed and that disguises or obscures the shape of the firearm
29 such that it does not resemble a handgun, rifle, shotgun, or machine
30 gun is guilty of a crime of the third degree.

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

41 n. Firearms without a serial number. Any person who
42 knowingly possesses a firearm manufactured or otherwise
43 assembled using a firearm frame or firearm receiver as defined in
44 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
45 number registered with a federally licensed manufacturer including,
46 but not limited to, a firearm manufactured or otherwise assembled
47 from parts purchased or otherwise obtained in violation of

1 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
2 degree.

3 (cf: P.L.2018, c.161, s.1)

4

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

6 2C:39-9. Manufacture, Transport, Disposition and Defacement
7 of Weapons and Dangerous Instruments and Appliances.

8 a. Machine guns. Any person who manufactures, causes to be
9 manufactured, transports, ships, sells or disposes of any machine
10 gun without being registered or licensed to do so as provided in
11 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
12 crime of the third degree.

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

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

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

45 e. Defaced firearms. Any person who defaces any firearm is
46 guilty of a crime of the third degree. Any person who knowingly
47 buys, receives, disposes of or conceals a defaced firearm, except an

1 antique firearm or an antique handgun, is guilty of a crime of the
2 fourth degree.

3 f. (1) Any person who manufactures, causes to be
4 manufactured, transports, ships, sell, or disposes of any armor
5 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
6 which is intended to be used for any purpose other than for
7 authorized military or law enforcement purposes by duly authorized
8 military or law enforcement personnel, is guilty of a crime of the
9 fourth degree.

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

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

34 h. Large capacity ammunition magazines. Any person who
35 manufactures, causes to be manufactured, transports, ships, sells or
36 disposes of a large capacity ammunition magazine which is
37 intended to be used for any purpose other than for authorized
38 military or law enforcement purposes by duly authorized military or
39 law enforcement personnel is guilty of a crime of the fourth degree.

40 i. Transporting firearms into this State for an unlawful sale or
41 transfer. Any person who knowingly transports, ships or otherwise
42 brings into this State any firearm for the purpose of unlawfully
43 selling, transferring, giving, assigning or otherwise disposing of that
44 firearm to another individual is guilty of a crime of the second
45 degree. Any motor vehicle used by a person to transport, ship, or
46 otherwise bring a firearm into this State for unlawful sale or transfer
47 shall be subject to forfeiture in accordance with the provisions of
48 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision

1 shall not apply to innocent owners, nor shall it affect the rights of a
2 holder of a valid lien.

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

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

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

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

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

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

23 k. Purchasing firearm parts to manufacture a firearm without a
24 serial number. In addition to any other criminal penalties provided
25 under law, a person who, with the purpose to manufacture or
26 otherwise assemble a firearm and without being registered or
27 licensed do so as provided in chapter 58 of Title 2C of the New
28 Jersey Statutes, purchases or otherwise obtains separately or as part
29 of a kit a firearm frame or firearm receiver which is not imprinted
30 with a serial number registered with a federally licensed
31 manufacturer or any combination of parts from which a firearm
32 without a serial number may be readily manufactured or otherwise
33 assembled, but which does not have the capacity to function as a
34 firearm unless manufactured or otherwise assembled is guilty of a
35 crime of the third degree. Notwithstanding the provisions of
36 N.J.S.2C:1-8 or any other law, a conviction under this subsection
37 shall not merge with a conviction for any other criminal offense and
38 the court shall impose separate sentences upon a violation of this
39 subsection and any other criminal offense.

40 As used in this subsection, "firearm frame or firearm receiver"
41 means the part of a firearm that provides housing for the firearm's
42 internal components, such as the hammer, bolt or breechblock,
43 action, and firing mechanism, and includes without limitation any
44 object or part which is not a firearm frame or receiver in finished
45 form but is designed or intended to be used for that purpose and
46 which may readily be made into a firearm frame or receiver through
47 milling or other means.

1 1. Manufacturing or facilitating the manufacture of a firearm
2 using a three-dimensional printer. In addition to any other criminal
3 penalties provided under law it is a third degree crime for:

4 (1) a person who is not registered or licensed to do so as a
5 manufacturer as provided in chapter 58 of Title 2C of the New
6 Jersey Statutes, to use a three-dimensional printer or similar device
7 to manufacture or produce a firearm, firearm receiver, magazine, or
8 firearm component; or

9 (2) a person to distribute by any means, including the Internet,
10 to a person in New Jersey who is not registered or licensed as a
11 manufacturer as provided in chapter 58 of Title 2C of the New
12 Jersey Statutes, digital instructions in the form of computer-aided
13 design files or other code or instructions stored and displayed in
14 electronic format as a digital model that may be used to program a
15 three-dimensional printer to manufacture or produce a firearm,
16 firearm receiver, magazine, or firearm component.

17 As used in this subsection: "three-dimensional printer" means a
18 computer or computer-driven machine or device capable of
19 producing a three-dimensional object from a digital model; and
20 "distribute" means to sell, or to manufacture, give, provide, lend,
21 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
22 display, share, advertise, offer, or make available via the Internet or
23 by any other means, whether for pecuniary gain or not, and includes
24 an agreement or attempt to distribute.

25 m. Covert or undetectable firearms. Any person who
26 manufactures, causes to be manufactured, transports, ships, sells or
27 disposes of any covert firearm as defined in subsection hh. of
28 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
29 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

30 n. Transporting a manufactured firearm without a serial
31 number. In addition to any other criminal penalties provided under
32 law, a person who transports, ships, sells, or disposes of a firearm
33 manufactured or otherwise assembled using a firearm frame or
34 firearm receiver as defined in subsection k. of this section which is
35 not imprinted with a serial number registered with a federally
36 licensed manufacturer, including but not limited to a firearm
37 manufactured or otherwise assembled from parts purchased or
38 otherwise obtained in violation of subsection k. of this section, is
39 guilty of a crime of the third degree.

40 (cf: P.L.2018, c.138, s.3)

41

42 4. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 Current law provides that it is a crime of the fourth degree for a
48 person to purchase, own, possess, or control a weapon if the person

1 has ever been committed for a mental disorder to any hospital,
2 mental institution or sanitarium, except under certain
3 circumstances, or has been previously convicted of any of the
4 following crimes: aggravated assault, arson, burglary, escape,
5 extortion, homicide, kidnapping, robbery, aggravated sexual assault,
6 sexual assault, bias intimidation, endangering the welfare of a child,
7 certain crimes related to the unlawful possession of weapons, or
8 certain crimes related to controlled dangerous substances. The bill
9 adds to that list of crimes carjacking; gang criminality;
10 racketeering; terroristic threats; and unlawful possession of a
11 machine gun, handgun, or an assault firearm. The bill provides that
12 a person convicted of attempt or conspiracy to commit any of these
13 crimes is prohibited from possessing a weapon or ammunition. The
14 bill also makes it a crime of the fourth degree for such persons to
15 purchase, own, possess, or control firearm ammunition.

16 It currently is a crime of the second degree for a person to
17 purchase, own, possess, or control a firearm if that person has been
18 convicted of any of the following crimes: aggravated assault, arson;
19 burglary, escape, extortion, homicide, kidnapping, robbery,
20 aggravated sexual assault, sexual assault, bias intimidation,
21 endangering the welfare of a child, stalking, a crime involving
22 domestic violence, certain crimes related to unlawful possession of
23 weapons, and certain crimes related to controlled dangerous
24 substances. The bill adds to that list of crimes carjacking; gang
25 criminality; racketeering; terroristic threats; and unlawful
26 possession of a machine gun, handgun, or an assault firearm. The
27 bill also provides that a person convicted of attempt or conspiracy
28 to commit any of these crimes is prohibited from possessing a
29 firearm.

30 Currently, the criminal prohibition established under section 6 of
31 P.L.1971 c.179 (C.2C:39-7) applies to persons convicted of certain
32 crimes listed in the statute, but does not specify that it includes
33 attempts or conspiracies to commit those crimes. In order to ensure
34 that such offenses trigger application of this section, the bill
35 specifically includes these offenses. The bill makes this provision
36 of the Criminal Code consistent with many other provisions,
37 including section 2 of P.L.1997, c.117 (C.2C:43-7.2), the "No Early
38 Release Act," which applies to substantive offenses, as well as to
39 conspiracies and attempts to commit such offenses.

40 The bill also establishes a third degree crime of transporting,
41 shipping, selling, disposing of, or possessing a firearm which is not
42 imprinted with a serial number registered with a federally licensed
43 manufacturer, which includes a firearm unlawfully manufactured or
44 assembled from parts purchased or obtained in violation of
45 subsection k. of N.J.S.2C:39-9. Under current law, it is a crime for
46 a person who is not a registered firearm manufacturer to purchase or
47 otherwise obtain firearm parts with the purpose to manufacture or
48 otherwise assemble a firearm with a firearm frame which is not

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13

1 imprinted with a serial number. This bill establishes a crime of
2 transferring or possessing a firearm manufactured or otherwise
3 assembled from such parts, as well as transferring or possessing any
4 other firearm that is not imprinted with a serial number.

STATEMENT TO
SENATE, No. 3897

with Assembly Floor Amendments
(Proposed by Assemblyman GREENWALD)

ADOPTED: JUNE 20, 2019

Senate Bill No. 3897 prohibits persons convicted of certain serious crimes from purchasing or possessing weapons and firearms. The amended bill also establishes a crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number.

These Assembly Amendments add leader of a firearms trafficking network in violation of section 1 of P.L.1995, c.405 (C.2C:39-16) to the list of crimes for which a conviction prohibits the offender from purchasing or possessing a weapon or firearm.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3897

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: AUGUST 2, 2019

SUMMARY

- Synopsis:** Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes; establishes crime of transferring or possessing firearm without serial number.
- Type of Impact:** Annual State Expenditure and Revenue Increases. Annual Expenditures Increases to County Governments.
- Agencies Affected:** Department of Law and Public Safety; The Judiciary; Office of the Public Defender; Department of Corrections; County Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) determines that criminalizing behavior not currently defined as such would result in indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors' offices to the extent the bill results in more trials and convictions. The OLS lacks pertinent data on the frequency of this criminal behavior, and thus has no basis for quantifying the bill's fiscal impact.
- This bill creates new offenses which would be crimes of either the second, third, or fourth degree. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.
- The Department of Corrections (DOC) would incur increased annual costs if the bill's provisions result in more incarcerations.

- The State would incur an indeterminate annual revenue increase from fine and penalty payments if the bill's provisions result in more convictions.

BILL DESCRIPTION

This bill prohibits persons convicted of certain serious crimes from purchasing or possessing certain weapons or ammunition. The bill adds carjacking; gang criminality; racketeering; terroristic threats; unlawful possession of a machine gun, handgun, or assault firearm; and leader of a firearms trafficking network to the list of crimes for which a conviction prohibits the offender from purchasing or possessing a weapon or ammunition.

The bill also establishes a crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that criminalizing behavior not currently defined as such would result in indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors' offices to the extent the bill results in more trials and convictions. The OLS lacks pertinent data on the frequency of criminal behavior that would give rise to this fiscal impact, and thus has no basis for quantifying the bill's fiscal impact. Increased State revenue from monetary penalties imposed upon conviction may also result.

Expenditure Increases: This bill creates new offenses which would be crimes of either the second, third, or fourth degree. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. These penalties will increase the workload of the DOC as there is a presumption of incarceration for persons convicted of a crime of the second degree which does not apply to persons convicted of a crime of the third or fourth degree (N.J.S.2C:44-1).

The OLS cannot project the number of future prosecutions, trials, and incarcerations related to the crimes established by the bill. According to information obtained from the DOC, the average annual per capita cost to house an inmate in a State prison facility during FY 2019 totals \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State sentenced prison population, the department should be able to house these additional inmates within its current institutional facilities, incurring a much lower marginal cost of \$8.60 per day or \$3,139 annually per inmate, for food, wages, and clothing.

Revenue Increases: The State would incur an indeterminate annual revenue increase from fine and penalty payments if the bill's provisions result in more convictions. The OLS cannot determine the number of convictions under the bill's newly created crimes and, by extension, the total of any subsequent fine or penalty assessment collections. The OLS additionally notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

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

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

ASSEMBLY, No. 5454

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning purchase and possession of certain weapons
2 and ammunition and amending various parts of the statutory law.

3

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

6

7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
8 as follows:

9 6. Certain Persons Not to Have Weapons or Ammunition.

10 a. Except as provided in subsection b. of this section, any
11 person, having been convicted in this State or elsewhere of the
12 crime, or an attempt or conspiracy to commit the crime, of
13 aggravated assault, arson, burglary, escape, extortion, homicide,
14 kidnapping, robbery, aggravated sexual assault, sexual assault, bias
15 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of
16 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in
17 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering
18 in violation of N.J.S.2C:41-2, terroristic threats in violation of
19 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of
20 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in
21 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,
22 unlawful possession of an assault firearm in violation of subsection
23 f. of N.J.S.2C:39-5, or endangering the welfare of a child pursuant
24 to N.J.S.2C:24-4, whether or not armed with or having in [his] the
25 person's possession any weapon enumerated in subsection r. of
26 N.J.S.2C:39-1, or any person convicted of a crime, or an attempt or
27 conspiracy to commit a crime, pursuant to the provisions of
28 N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who
29 has ever been committed for a mental disorder to any hospital,
30 mental institution or sanitarium unless [he] the person possesses a
31 certificate of a medical doctor or psychiatrist licensed to practice in
32 New Jersey or other satisfactory proof that [he] the person is no
33 longer suffering from a mental disorder which interferes with or
34 handicaps [him] the person in the handling of a firearm, or any
35 person who has been convicted of [other than a disorderly persons
36 or petty disorderly persons offense] an offense, or an attempt or
37 conspiracy to commit an offense, for the unlawful use, possession
38 or sale of a controlled dangerous substance as defined in
39 N.J.S.2C:35-2, other than a disorderly persons or petty disorderly
40 persons offense, who purchases, owns, possesses or controls any of
41 the [said] specified weapons or any ammunition as defined in
42 section 2 of P.L.2018, c.35 (C.2C:58-21) is guilty of a crime of the
43 fourth degree.

44 b. (1) A person having been convicted in this State or
45 elsewhere of the crime, or an attempt or conspiracy to commit the

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

Matter underlined thus is new matter.

1 crime, of aggravated assault, arson, burglary, escape, extortion,
2 homicide, kidnapping, robbery, aggravated sexual assault, sexual
3 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking
4 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang
5 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-
6 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in
7 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in
8 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of
9 a handgun in violation of paragraph (1) of subsection b. of
10 N.J.S.2C:39-5, unlawful possession of an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5, endangering the welfare
12 of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992,
13 c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to
14 commit a crime, involving domestic violence as defined in section 3
15 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or
16 having in **[his]** the person's possession a weapon enumerated in
17 subsection r. of N.J.S.2C:39-1, or a person having been convicted of
18 a crime, or an attempt or conspiracy to commit a crime, pursuant to
19 the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive;
20 section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11;
21 N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases,
22 owns, possesses or controls a firearm is guilty of a crime of the
23 second degree and upon conviction thereof, the person shall be
24 sentenced to a term of imprisonment by the court. The term of
25 imprisonment shall include the imposition of a minimum term,
26 which shall be fixed at five years, during which the defendant shall
27 be ineligible for parole. If the defendant is sentenced to an
28 extended term of imprisonment pursuant to N.J.S.2C:43-7, the
29 extended term of imprisonment shall include the imposition of a
30 minimum term, which shall be fixed at, or between, one-third and
31 one-half of the sentence imposed by the court or five years,
32 whichever is greater, during which the defendant shall be ineligible
33 for parole.

34 (2) A person having been convicted in this State or elsewhere of
35 a disorderly persons offense involving domestic violence, whether
36 or not armed with or having in **[his]** the person's possession a
37 weapon enumerated in subsection r. of N.J.S.2C:39-1, who
38 purchases, owns, possesses or controls a firearm or ammunition is
39 guilty of a crime of the third degree.

40 (3) A person whose firearm is seized pursuant to the "Prevention
41 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
42 seq.) and whose firearm has not been returned, or who is subject to
43 a court order prohibiting the possession of firearms issued pursuant
44 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,
45 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or
46 controls a firearm or ammunition is guilty of a crime of the third
47 degree, except that the provisions of this paragraph shall not apply
48 to any law enforcement officer while actually on duty, or to any
49 member of the Armed Forces of the United States or member of the

1 National Guard while actually on duty or traveling to or from an
2 authorized place of duty.

3 (4) A person who is subject to a court order prohibiting the
4 custody, control, ownership, purchase, possession, or receipt of a
5 firearm or ammunition issued pursuant to the "Extreme Risk
6 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)
7 who purchases, acquires, owns, possesses, or controls a firearm or
8 ammunition is guilty of a crime of the third degree.

9 c. Whenever any person shall have been convicted in another
10 state, territory, commonwealth or other jurisdiction of the United
11 States, or any country in the world, in a court of competent
12 jurisdiction, of a crime, or an attempt or conspiracy to commit a
13 crime, which in **【said】** the other jurisdiction or country is
14 comparable to one of the crimes enumerated in subsection a. or b.
15 of this section, then that person shall be subject to the provisions of
16 this section.

17 (cf: P.L.2018, c.34, s.13)

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 armor piercing ammunition. (1) Any person,
40 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, Firearms, and Explosives, who knowingly has in
48 his possession any armor piercing ammunition, as defined in
49 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth

1 degree. For purposes of this section, a collector may possess not
2 more than three examples of each distinctive variation of the
3 ammunition described above. A distinctive variation includes a
4 different head stamp, composition, design, or color.

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

13 (b) Nothing in subsection j. of this section shall apply to a law
14 enforcement officer who possesses and carries while off-duty a
15 large capacity ammunition magazine capable of holding not more
16 than 17 rounds of ammunition that can be fed continuously and
17 directly into a semi-automatic firearm.

18 (c) Notwithstanding subparagraph (b) of this paragraph,
19 subsection j. of this section shall not apply to a law enforcement
20 officer who possesses and carries while off-duty a large capacity
21 ammunition magazine capable of holding more than 17 rounds of
22 ammunition that can be fed continuously and directly into a semi-
23 automatic firearm provided the large capacity ammunition magazine
24 is used with a service firearm issued to the officer by the officer's
25 employer for use in the officer's official duties.

26 (d) Nothing in subsection h. of this section shall apply to any
27 law enforcement officer who is exempted from the provisions of
28 that subsection by the Attorney General. Nothing in this section
29 shall apply to the possession of any weapon or device by a law
30 enforcement officer who has confiscated, seized or otherwise taken
31 possession of said weapon or device as evidence of the commission
32 of a crime or because he believed it to be possessed illegally by the
33 person from whom it was taken, provided that said law enforcement
34 officer promptly notifies his superiors of his possession of such
35 prohibited weapon or device.

36 (2) (a) Nothing in paragraph (1) of subsection f. [(1)] of this
37 section shall be construed to prevent a person from keeping such
38 ammunition at his dwelling, premises or other land owned or
39 possessed by him, or from carrying such ammunition from the place
40 of purchase to said dwelling or land, nor shall paragraph (1) of
41 subsection f. [(1)] of this section be construed to prevent any
42 licensed retail or wholesale firearms dealer from possessing such
43 ammunition at its licensed premises, provided that the seller of any
44 such ammunition shall maintain a record of the name, age and place
45 of residence of any purchaser who is not a licensed dealer, together
46 with the date of sale and quantity of ammunition sold.

47 (b) Nothing in paragraph (1) of subsection f. [(1)] of this
48 section shall be construed to prevent a designated employee or

1 designated licensed agent for a nuclear power plant under the
2 license of the Nuclear Regulatory Commission from possessing
3 hollow nose ammunition while in the actual performance of his
4 official duties, if the federal licensee certifies that the designated
5 employee or designated licensed agent is assigned to perform site
6 protection, guard, armed response or armed escort duties and is
7 appropriately trained and qualified, as prescribed by federal
8 regulation, to perform those duties.

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

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

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

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

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

46 j. Any person who knowingly has in his possession a large
47 capacity ammunition magazine is guilty of a crime of the fourth
48 degree unless the person has registered: (1) an assault firearm
49 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the

1 magazine is maintained and used in connection with participation in
2 competitive shooting matches sanctioned by the Director of Civilian
3 Marksmanship of the United States Department of the Army; or

4 (2) a firearm with a fixed magazine capacity or detachable
5 magazine capable of holding up to 15 rounds pursuant to section 7
6 of P.L.2018, c.39 (C.2C:39-20).

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

13 l. Bump stock or trigger crank. Any person who knowingly
14 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
15 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
16 regardless of whether the person is in possession of a firearm, is
17 guilty of a crime of the third degree.

18 m. Covert or undetectable firearms. Any person who
19 knowingly possesses any covert firearm as defined in subsection hh.
20 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
21 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
22 that is designed or modified to allow the firearm to be fired while so
23 enclosed and that disguises or obscures the shape of the firearm
24 such that it does not resemble a handgun, rifle, shotgun, or machine
25 gun is guilty of a crime of the third degree.

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

36 n. Firearms without a serial number. Any person who
37 knowingly possesses a firearm manufactured or otherwise
38 assembled using a firearm frame or firearm receiver as defined in
39 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
40 number registered with a federally licensed manufacturer including,
41 but not limited to, a firearm manufactured or otherwise assembled
42 from parts purchased or otherwise obtained in violation of
43 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
44 degree.

45 (cf: P.L.2018, c.161, s.1)

46

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

48 2C:39-9. Manufacture, Transport, Disposition and Defacement
49 of Weapons and Dangerous Instruments and Appliances.

- 1 a. Machine guns. Any person who manufactures, causes to be
2 manufactured, transports, ships, sells or disposes of any machine
3 gun without being registered or licensed to do so as provided in
4 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
5 crime of the third degree.
- 6 b. Sawed-off shotguns. Any person who manufactures, causes
7 to be manufactured, transports, ships, sells or disposes of any
8 sawed-off shotgun is guilty of a crime of the third degree.
- 9 c. Firearm silencers. Any person who manufactures, causes to
10 be manufactured, transports, ships, sells or disposes of any firearm
11 silencer is guilty of a crime of the fourth degree.
- 12 d. Weapons. Any person who manufactures, causes to be
13 manufactured, transports, ships, sells or disposes of any weapon,
14 including gravity knives, switchblade knives, ballistic knives,
15 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
16 sandclubs, slingshots, cesti or similar leather bands studded with
17 metal filings, or, except as otherwise provided in subsection i. of
18 this section, in the case of firearms if he is not licensed or registered
19 to do so as provided in chapter 58 of Title 2C of the New Jersey
20 Statutes, is guilty of a crime of the fourth degree. Any person who
21 manufactures, causes to be manufactured, transports, ships, sells or
22 disposes of any weapon or other device which projects, releases or
23 emits tear gas or other substances intended to produce temporary
24 physical discomfort or permanent injury through being vaporized or
25 otherwise dispensed in the air, which is intended to be used for any
26 purpose other than for authorized military or law enforcement
27 purposes by duly authorized military or law enforcement personnel
28 or the device is for the purpose of personal self-defense, is pocket-
29 sized and contains not more than three-quarters of an ounce of
30 chemical substance not ordinarily capable of lethal use or of
31 inflicting serious bodily injury, or other than to be used by any
32 person permitted to possess such weapon or device under the
33 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
34 use by financial and other business institutions as part of an
35 integrated security system, placed at fixed locations, for the
36 protection of money and property, by the duly authorized personnel
37 of those institutions, is guilty of a crime of the fourth degree.
- 38 e. Defaced firearms. Any person who defaces any firearm is
39 guilty of a crime of the third degree. Any person who knowingly
40 buys, receives, disposes of or conceals a defaced firearm, except an
41 antique firearm or an antique handgun, is guilty of a crime of the
42 fourth degree.
- 43 f. (1) Any person who manufactures, causes to be
44 manufactured, transports, ships, sell, or disposes of any armor
45 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
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, is guilty of a crime of the
49 fourth degree.

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

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

25 h. Large capacity ammunition magazines. Any person who
26 manufactures, causes to be manufactured, transports, ships, sells or
27 disposes of a large capacity ammunition magazine which is
28 intended to be used for any purpose other than for authorized
29 military or law enforcement purposes by duly authorized military or
30 law enforcement personnel is guilty of a crime of the fourth degree.

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

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

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

46 (2) for shooting competitions sponsored by a licensed dealer,
47 law enforcement agency, legally recognized military organization,
48 or a rifle or pistol club which has filed a copy of its charter with the

1 superintendent in accordance with the provisions of section 1 of
2 P.L.1992, c.74 (C.2C:58-3.1); or

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

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

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

14 k. Purchasing firearm parts to manufacture a firearm without a
15 serial number. In addition to any other criminal penalties provided
16 under law, a person who, with the purpose to manufacture or
17 otherwise assemble a firearm and without being registered or
18 licensed do so as provided in chapter 58 of Title 2C of the New
19 Jersey Statutes, purchases or otherwise obtains separately or as part
20 of a kit a firearm frame or firearm receiver which is not imprinted
21 with a serial number registered with a federally licensed
22 manufacturer or any combination of parts from which a firearm
23 without a serial number may be readily manufactured or otherwise
24 assembled, but which does not have the capacity to function as a
25 firearm unless manufactured or otherwise assembled is guilty of a
26 crime of the third degree. Notwithstanding the provisions of
27 N.J.S.2C:1-8 or any other law, a conviction under this subsection
28 shall not merge with a conviction for any other criminal offense and
29 the court shall impose separate sentences upon a violation of this
30 subsection and any other criminal offense.

31 As used in this subsection, "firearm frame or firearm receiver"
32 means the part of a firearm that provides housing for the firearm's
33 internal components, such as the hammer, bolt or breechblock,
34 action, and firing mechanism, and includes without limitation any
35 object or part which is not a firearm frame or receiver in finished
36 form but is designed or intended to be used for that purpose and
37 which may readily be made into a firearm frame or receiver through
38 milling or other means.

39 1. Manufacturing or facilitating the manufacture of a firearm
40 using a three-dimensional printer. In addition to any other criminal
41 penalties provided under law it is a third degree crime for:

42 (1) a person who is not registered or licensed to do so as a
43 manufacturer as provided in chapter 58 of Title 2C of the New
44 Jersey Statutes, to use a three-dimensional printer or similar device
45 to manufacture or produce a firearm, firearm receiver, magazine, or
46 firearm component; or

47 (2) a person to distribute by any means, including the Internet,
48 to a person in New Jersey who is not registered or licensed as a
49 manufacturer as provided in chapter 58 of Title 2C of the New

1 Jersey Statutes, digital instructions in the form of computer-aided
2 design files or other code or instructions stored and displayed in
3 electronic format as a digital model that may be used to program a
4 three-dimensional printer to manufacture or produce a firearm,
5 firearm receiver, magazine, or firearm component.

6 As used in this subsection: "three-dimensional printer" means a
7 computer or computer-driven machine or device capable of
8 producing a three-dimensional object from a digital model; and
9 "distribute" means to sell, or to manufacture, give, provide, lend,
10 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
11 display, share, advertise, offer, or make available via the Internet or
12 by any other means, whether for pecuniary gain or not, and includes
13 an agreement or attempt to distribute.

14 m. Covert or undetectable firearms. Any person who
15 manufactures, causes to be manufactured, transports, ships, sells or
16 disposes of any covert firearm as defined in subsection hh. of
17 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
18 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

19 n. Transporting a manufactured firearm without a serial
20 number. In addition to any other criminal penalties provided under
21 law, a person who transports, ships, sells, or disposes of a firearm
22 manufactured or otherwise assembled using a firearm frame or
23 firearm receiver as defined in subsection k. of this section which is
24 not imprinted with a serial number registered with a federally
25 licensed manufacturer, including but not limited to a firearm
26 manufactured or otherwise assembled from parts purchased or
27 otherwise obtained in violation of subsection k. of this section, is
28 guilty of a crime of the third degree.

29 (cf: P.L.2018, c.138, s.3)

30

31 4. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 Current law provides that it is a crime of the fourth degree for a
37 person to purchase, own, possess, or control a weapon if the person
38 has ever been committed for a mental disorder to any hospital,
39 mental institution or sanitarium, except under certain
40 circumstances, or has been previously convicted of any of the
41 following crimes: aggravated assault, arson, burglary, escape,
42 extortion, homicide, kidnapping, robbery, aggravated sexual assault,
43 sexual assault, bias intimidation, endangering the welfare of a child,
44 certain crimes related to the unlawful possession of weapons, or
45 certain crimes related to controlled dangerous substances. The bill
46 adds to that list of crimes carjacking; gang criminality;
47 racketeering; terroristic threats; and unlawful possession of a
48 machine gun, handgun, or an assault firearm. The bill provides that
49 a person convicted of attempt or conspiracy to commit any of these

1 crimes is prohibited from possessing a weapon or ammunition. The
2 bill also makes it a crime of the fourth degree for such persons to
3 purchase, own, possess, or control firearm ammunition.

4 It currently is a crime of the second degree for a person to
5 purchase, own, possess, or control a firearm if that person has been
6 convicted of any of the following crimes: aggravated assault, arson;
7 burglary, escape, extortion, homicide, kidnapping, robbery,
8 aggravated sexual assault, sexual assault, bias intimidation,
9 endangering the welfare of a child, stalking, a crime involving
10 domestic violence, certain crimes related to unlawful possession of
11 weapons, and certain crimes related to controlled dangerous
12 substances. The bill adds to that list of crimes carjacking; gang
13 criminality; racketeering; terroristic threats; and unlawful
14 possession of a machine gun, handgun, or an assault firearm. The
15 bill also provides that a person convicted of attempt or conspiracy
16 to commit any of these crimes is prohibited from possessing a
17 firearm.

18 Currently, the criminal prohibition established under section 6 of
19 P.L.1971 c.179 (C.2C:39-7) applies to persons convicted of certain
20 crimes listed in the statute, but does not specify that it includes
21 attempts or conspiracies to commit those crimes. In order to ensure
22 that such offenses trigger application of this section, the bill
23 specifically includes these offenses. The bill makes this provision
24 of the Criminal Code consistent with many other provisions,
25 including section 2 of P.L.1997, c.117 (C.2C:43-7.2), the "No Early
26 Release Act," which applies to substantive offenses, as well as to
27 conspiracies and attempts to commit such offenses.

28 The bill also establishes a third degree crime of transporting,
29 shipping, selling, disposing of, or possessing a firearm which is not
30 imprinted with a serial number registered with a federally licensed
31 manufacturer, which includes a firearm unlawfully manufactured or
32 assembled from parts purchased or obtained in violation of
33 subsection k. of N.J.S.2C:39-9. Under current law, it is a crime for
34 a person who is not a registered firearm manufacturer to purchase or
35 otherwise obtain firearm parts with the purpose to manufacture or
36 otherwise assemble a firearm with a firearm frame which is not
37 imprinted with a serial number. This bill establishes a crime of
38 transferring or possessing a firearm manufactured or otherwise
39 assembled from such parts, as well as transferring or possessing any
40 other firearm that is not imprinted with a serial number.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5454

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5454.

As amended and reported by the committee, Assembly Bill No. 5454 prohibits persons convicted of certain serious crimes from purchasing or possessing weapons and firearms. The amended bill also establishes a crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number.

Under N.J.S.2C:39-7, it is a crime of the fourth degree for a person to purchase, own, possess, or control a weapon if the person has ever been committed for a mental disorder to any hospital, mental institution or sanitarium, except under certain circumstances, or has been previously convicted of any of the following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation, endangering the welfare of a child, certain crimes related to the unlawful possession of weapons, or certain crimes related to controlled dangerous substances.

The amended bill adds to that list of crimes carjacking; gang criminality; racketeering; terroristic threats; being the leader of a firearms trafficking network; and unlawful possession of a machine gun, handgun, or an assault firearm. The bill provides that a person convicted of an attempt or conspiracy to commit any of these crimes is prohibited from possessing a weapon or ammunition. The bill also makes it a crime of the fourth degree for such persons to purchase, own, possess, or control firearm ammunition.

Under N.J.S.2C:39-7, it is a crime of the second degree for a person to purchase, own, possess, or control a firearm if that person has been convicted of any of the following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation, endangering the welfare of a child, stalking, a crime involving domestic violence, certain crimes related to unlawful possession of weapons, and certain crimes related to controlled dangerous substances. The bill adds to that list of crimes carjacking; gang criminality; racketeering; terroristic threats; being the leader of a firearms trafficking network; and unlawful possession of a machine

gun, handgun, or an assault firearm. The bill also provides that a person convicted of attempt or conspiracy to commit any of these crimes is prohibited from possessing a firearm.

Currently, the criminal prohibition established under section 6 of P.L.1971 c.179 (C.2C:39-7) applies to persons convicted of certain crimes listed in the statute, but does not specify that it includes attempts or conspiracies to commit those crimes. In order to ensure that such offenses trigger application of this section, the bill specifically includes these offenses. The bill makes this provision of the Criminal Code consistent with many other provisions, including section 2 of P.L.1997, c.117 (C.2C:43-7.2), the “No Early Release Act,” which applies to substantive offenses, as well as to conspiracies and attempts to commit such offenses.

The bill also establishes a third degree crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number registered with a federally licensed manufacturer, which includes a firearm unlawfully manufactured or assembled from parts purchased or obtained in violation of subsection k. of N.J.S.2C:39-9. Under current law, it is a crime for a person who is not a registered firearm manufacturer to purchase or otherwise obtain firearm parts with the purpose to manufacture or otherwise assemble a firearm with a firearm frame which is not imprinted with a serial number. This bill establishes a crime of transferring or possessing a firearm manufactured or otherwise assembled from such parts, as well as transferring or possessing any other firearm that is not imprinted with a serial number.

COMMITTEE AMENDMENTS

The committee amendments add leader of a firearms trafficking network in violation of section 1 of P.L.1995, c.405 (C.2C:39-16) to the list of crimes for which a conviction prohibits the offender from purchasing or possessing a weapon or firearm.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5454

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5454.

As reported by the committee, Assembly Bill No. 5454 prohibits persons convicted of certain serious crimes from purchasing or possessing weapons and firearms. The bill also establishes a crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number.

Under N.J.S.2C:39-7, it is a crime of the fourth degree for a person to purchase, own, possess, or control a weapon if the person has ever been committed for a mental disorder to any hospital, mental institution or sanitarium, except under certain circumstances, or has been previously convicted of any of the following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation, endangering the welfare of a child, certain crimes related to the unlawful possession of weapons, or certain crimes related to controlled dangerous substances.

The bill adds to that list of crimes carjacking; gang criminality; racketeering; terroristic threats; being the leader of a firearms trafficking network; and unlawful possession of a machine gun, handgun, or an assault firearm. The bill provides that a person convicted of an attempt or conspiracy to commit any of these crimes is prohibited from possessing a weapon or ammunition. The bill also makes it a crime of the fourth degree for such persons to purchase, own, possess, or control firearm ammunition.

Under N.J.S.2C:39-7, it is a crime of the second degree for a person to purchase, own, possess, or control a firearm if that person has been convicted of any of the following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation, endangering the welfare of a child, stalking, a crime involving domestic violence, certain crimes related to unlawful possession of weapons, and certain crimes related to controlled dangerous substances. The bill adds to that list of crimes carjacking; gang criminality; racketeering; terroristic threats; being the leader of a firearms trafficking network; and unlawful possession of a machine

gun, handgun, or an assault firearm. The bill also provides that a person convicted of attempt or conspiracy to commit any of these crimes is prohibited from possessing a firearm.

Currently, the criminal prohibition established under section 6 of P.L.1971 c.179 (C.2C:39-7) applies to persons convicted of certain crimes listed in the statute, but does not specify that it includes attempts or conspiracies to commit those crimes. In order to ensure that such offenses trigger application of this section, the bill specifically includes these offenses. The bill makes this provision of the Criminal Code consistent with many other provisions, including section 2 of P.L.1997, c.117 (C.2C:43-7.2), the “No Early Release Act,” which applies to substantive offenses, as well as to conspiracies and attempts to commit such offenses.

The bill also establishes a third degree crime of transporting, shipping, selling, disposing of, or possessing a firearm which is not imprinted with a serial number registered with a federally licensed manufacturer, which includes a firearm unlawfully manufactured or assembled from parts purchased or obtained in violation of subsection k. of N.J.S.2C:39-9. Under current law, it is a crime for a person who is not a registered firearm manufacturer to purchase or otherwise obtain firearm parts with the purpose to manufacture or otherwise assemble a firearm with a firearm frame which is not imprinted with a serial number. This bill establishes a crime of transferring or possessing a firearm manufactured or otherwise assembled from such parts, as well as transferring or possessing any other firearm that is not imprinted with a serial number.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that, by criminalizing behavior not currently defined as such, and increasing the potential for imprisonment of individuals convicted of certain crimes, the bill is likely to increase State and local expenditures that arise from the investigation and prosecution of criminal behavior, and State correctional system expenditures, by indeterminate amounts. Increased State revenue from monetary penalties imposed upon conviction may also result. The OLS lacks pertinent data on the frequency of criminal behavior that would give rise to this fiscal impact, and thus has no basis for quantifying the bill’s fiscal impact.

Governor Murphy Strengthens New Jersey's Gun Laws by Signing Safety Measures to Protect Residents

07/16/2019

BERKELEY HEIGHTS – Governor Phil Murphy today signed a package of commonsense gun safety bills that reaffirm New Jersey's commitment to institute the strongest gun laws in the nation. The bills, which are part of Gun Safety Package 2.0, follow a series of comprehensive gun safety laws signed by Governor Murphy in 2018. The four bills signed today will promote smart gun technology, expand the list of crimes that disqualify a person from gun ownership, strengthen anti-gun trafficking laws, and support suicide prevention efforts.

Governor Murphy also highlighted the importance of comprehensive ammunition reform and reinforced his support for a bill requiring identification to buy ammunition and registering sales with the State Police. The bill, which has already passed the Assembly, has yet to be advanced for a vote in the Senate.

"The scourge of gun violence is a pervasive problem that affects our entire nation," **said Governor Murphy**. "I am proud to work with our legislators to implement some of the toughest gun laws in the country to protect our residents and make our communities safer for all. We see the results of our work by having among the lowest rates of gun-related deaths nationwide. With every step, New Jersey is proving that commonsense gun safety laws work."

"The bills that Governor Murphy signed into law today give our law enforcement officers new tools to keep firearms out of the hands of criminals and to combat illegal firearms trafficking," **said Attorney General Gurbir Grewal**. "As New Jersey's chief law enforcement officer, I am committed to using these laws to protect the public and law enforcement from the continuing epidemic of gun violence. Our message to gun traffickers, distributors, and even manufacturers has been clear from day one: we will hold you accountable when you violate our laws."

The Governor signed the following four bills into law:

- **S101 (Weinberg, Codey/Johnson, Vainieri Huttie, Wimberly)** - Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.
- **S3897 (Weinberg, Greenstein/Greenwald, Reynolds-Jackson)** - Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes; establishes crime of transferring or possessing firearm without serial number.
- **A4449 (Tully, Swain/Singleton, O'Scanlon)** - Establishes crime of soliciting transfer of firearm by disqualified person.
- **A3896 (Downey, Houghtaling, Schaer/Cryan)** - Requires AG and Commissioner of Health to establish suicide prevention training course and informational materials for firearm retail dealers.

"I am glad to have joined Governor Murphy and Assembly Majority Leader Lou Greenwald in combatting the gun violence crisis in our state and in our country," **said Senate Majority Leader Loretta Weinberg**. "We can't wait around for national action, we have to do what we can now to make our communities safer. This is why we created this responsible gun safety legislation and why we will continue to fight for even greater measures in the future."

"We know that access to lethal means of suicide – especially firearms – result in higher rates of death, especially among young people," **said Senator Joe Cryan**. "Almost 60 percent of all violent deaths are by suicide and the most common method is by self-inflicted gunshot. This tragic loss of life can and must be addressed with actions that focus on prevention. This new law will develop suicide prevention materials that will be put into the hands of gun dealers and those who operate shooting ranges and used to create training courses that promote safety. This is a proactive way to save lives."

"If someone has been banned from owning a firearm, it is for a legitimate reason – they could be a danger to themselves or others if they were to be armed," **said Senator Troy Singleton**. "This new law will further discourage dangerous individuals from attempting to obtain a firearm unlawfully."

"New Jersey has done a lot to address the national epidemic of gun violence," **said Senator Richard Codey**. "Technology will now allow us to sell personalized handguns that will only shoot if they are in the hands of the owner. This is a major achievement that will enable us to do more to curb gun violence in New Jersey. We should use

this technology to help keep citizens safe from the dangers of handguns in the hands of those who are a threat to themselves or others. I applaud the governor for signing this into law.”

“We must do everything we can to crack down on the illegal gun market and the possession of unmarked guns,” **said Senator Linda Greenstein**. “This legislation will ensure we are not only punishing the individuals manufacturing unmarked guns but also those facilitating their distribution or purchasing them.”

“Balancing gun rights and reasonable, effective restrictions is a goal we must strive to attain,” **said Senator Declan O'Scanlon**. “This new law will serve as a deterrent that will prevent people who are disqualified from owning or purchasing a firearm in New Jersey from trying to circumvent our state's stringent permitting and background check processes.”

“We've seen far too many senseless deaths because of handguns accidentally getting in the hands of children. The technology exists to curb this possibility,” **said Assemblyman Gordon Johnson**. “Current law is intended to encourage the development of smart gun technology, but the prohibition on other handguns has, in effect, restricted consumer access to personalized handguns. This legislation will help our state to create a reasonable approach to improving gun safety, especially for children.”

“Smart gun technology was created to increase the safety of our children and others when someone's firearm falls into the wrong hands,” **said Assemblywoman Valerie Vainieri Huttle**. “This legislation gets New Jersey ready for the increased development and availability of childproof handguns. It ensures handgun owners have access to personalized firearm options that would be available in other states.”

“Personalized handguns mean improved gun safety for owners and their families,” **said Assemblyman Benjie Wimberly**. “We can reduce unnecessary gun violence involving children with smart steps such as preparing for this new technology.”

“Since the tragedy in Sandy Hook, we have revised our laws in New Jersey, restricting large capacity weapons and ghost guns from getting into the wrong hands, to reduce the scourge of gun violence plaguing our cities,” **said Assembly Majority Leader Lou Greenwald**. “To address the mental health aspect of gun violence, we engaged our community and hospital partners to help victims and their families work through their trauma and break the cycle of violence. These new bills will ensure that law enforcement, state entities, and gun store owners will work together to reduce gun crimes and gun trafficking in our communities.”

“More than a thousand New Jersey residents are shot every year,” **said Assemblywoman Verlina Reynolds-Jackson**. “By requiring gun owners to have firearm IDs, we will be able to find out how these guns are getting into the hands of criminals by tracking each gun and all ammo to the point of sale.”

“Guns move far too easily between states through gun trafficking and unlawful straw purchases,” **said Assemblyman Chris Tully**. “No one should purchase a firearm to sell to an individual who is unqualified for a gun license.”

“Gun violence in our communities has claimed too many lives,” **said Assemblywoman Lisa Swain**. “Stronger regulations on straw purchasing in New Jersey can help keep firearms out of the wrong hands. This bill along with the other gun violence prevention measures which cleared the Assembly will work together to end this practice.”

“In 2016, over one third of all gun deaths in New Jersey were suicides,” **said Assemblywoman Joann Downey**. “That's an incredibly alarming number, and it's time for us to take action. Educating firearm dealers on suicide prevention and distributing informational materials at gun ranges and firearm retail stores will hopefully raise awareness and prevent future crises.”

“As we work to combat suicide in our state, it's important that we encourage firearm retailers to recognize the signs of someone in trouble,” **said Assemblyman Eric Houghtaling**. “It may be enough to save someone's life, and help them get the assistance they need.”

“Providing suicide prevention training to firearm retailers creates the opportunity for intervention before these preventable tragedies occur,” **said Assemblyman Gary Schaer**. “In 2016, almost 200 people used a firearm to take their own lives in New Jersey. If this training is able to help just one person, it will be an unqualified success for the people of New Jersey.”

“Under Governor Murphy, New Jersey once again is strengthening our gun violence prevention laws and, unlike Washington, is committed to advancing real reforms to confront this crisis,” **said Bill Castner, Senior Advisor to the Governor on Gun Safety**.

New Jersey has long been a leader in gun violence prevention, and today is no different,” **said Brett Sabo, volunteer with the New Jersey chapter of Moms Demand Action for Gun Sense in America**. “We applaud Governor Murphy and the legislature for their ongoing commitment to reduce gun violence in all its complex forms.”

