

2C:39-9
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 53
NJSA: 2C:39-9
(Upgrades certain crimes related to manufacturing firearms from third degree to second degree.)

BILL NO: S2846 (Substituted for A4367)

SPONSOR(S) Nicholas P. Scutari and others

DATE INTRODUCED: 6/13/2022

COMMITTEE: **ASSEMBLY:** ---
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: 6/29/2022

SENATE: 6/29/2022

DATE OF APPROVAL: 7/5/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

S2846

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A4367

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Katie Sobko, NorthJersey.com | USA TODAY NETWORK – NEW JERSEY, 'NJ tightens gun laws after high court ruling - New bills follow weekend of nationwide gun violence', Burlington County Times (online), 6 Jul 2022 A1

By MIKE CATALINI, Associated Press, 'Murphy signs 7 new bills aimed at tightening NJ gun laws', Associated Press State Wire: New Jersey (online), 5 Jul 2022

end

P.L. 2022, CHAPTER 53, *approved July 5, 2022*

Senate, No. 2846

1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 As used in this subsection, "firearm frame or firearm receiver"
45 means the part of a firearm that provides housing for the firearm's
46 internal components, such as the hammer, bolt or breechblock,
47 action, and firing mechanism, and includes without limitation any
48 object or part which is not a firearm frame or receiver in finished
49 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】** second 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】** second
32 degree.

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

43 (cf: P.L.2019, c.165, s3)

44

45 2. This act shall take effect immediately.

46

47

STATEMENT

48

49 This bill upgrades purchasing firearm parts to manufacture a
50 firearm without a serial number; manufacturing a firearm with a

1 three-dimensional printer; manufacturing a covert or undetectable
2 firearm; and transporting a manufactured firearm without a serial
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise
6 obtain separately or as part of a kit a firearm frame or
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or
9 certain components of a firearm using a three-dimensional
10 printer;
- 11 • to distribute to an unlicensed person, including via the
12 Internet, digital instructions to manufacture a firearm or
13 certain components of a firearm using a three-dimensional
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second
18 degree crimes. A crime of the third degree is punishable by three to
19 five years imprisonment, a fine of up to \$15,000, or both. A crime
20 of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.

22

23

24

25

26 _____
27 Upgrades certain crimes related to manufacturing firearms from
third degree to second degree.

SENATE, No. 2846

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 13, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)
Senator JOSEPH P. CRYAN
District 20 (Union)
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)

Co-Sponsored by:

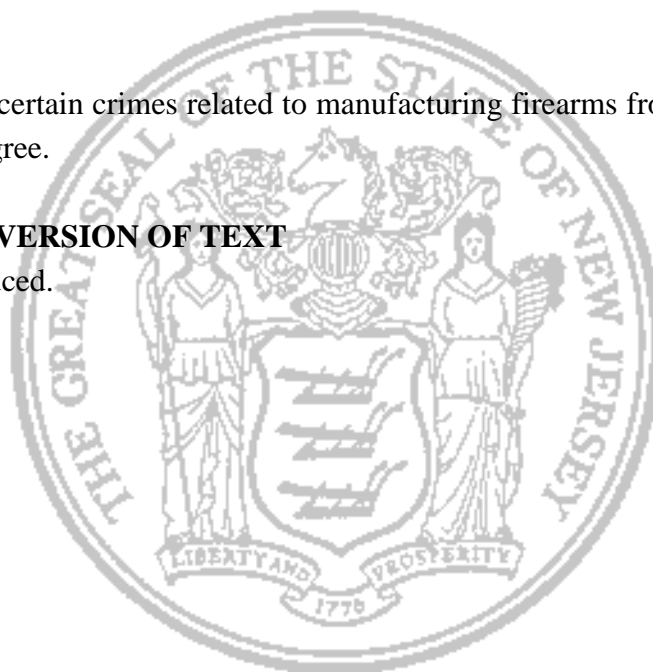
Senators Codey, Gill, Pou, Assemblyman Verrelli, Assemblywomen Tucker, Jasey, Park, Assemblyman Stanley, Assemblywomen McKnight and Lampitt

SYNOPSIS

Upgrades certain crimes related to manufacturing firearms from third degree to second degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

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

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

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

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

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

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

46 e. Defaced firearms. Any person who defaces any firearm is
47 guilty of a crime of the third degree. Any person who knowingly

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 buys, receives, disposes of or conceals a defaced firearm, except an
2 antique firearm or an antique handgun, is guilty of a crime of the
3 fourth degree.

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

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

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

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

41 i. Transporting firearms into this State for an unlawful sale or
42 transfer. Any person who knowingly transports, ships or otherwise
43 brings into this State any firearm for the purpose of unlawfully
44 selling, transferring, giving, assigning or otherwise disposing of that
45 firearm to another individual is guilty of a crime of the second
46 degree. Any motor vehicle used by a person to transport, ship, or
47 otherwise bring a firearm into this State for unlawful sale or transfer
48 shall be subject to forfeiture in accordance with the provisions of
49 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~~ second degree. Notwithstanding the provisions
36 of 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】 second** 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】 second**
30 degree.

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

41 (cf: P.L.2019, c.165, s3)

42

43 2. This act shall take effect immediately.

44

45

46

STATEMENT

47

48 This bill upgrades purchasing firearm parts to manufacture a
49 firearm without a serial number; manufacturing a firearm with a

1 three-dimensional printer; manufacturing a covert or undetectable
2 firearm; and transporting a manufactured firearm without a serial
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise
6 obtain separately or as part of a kit a firearm frame or
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or
9 certain components of a firearm using a three-dimensional
10 printer;
- 11 • to distribute to an unlicensed person, including via the
12 Internet, digital instructions to manufacture a firearm or
13 certain components of a firearm using a three-dimensional
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second
18 degree crimes. A crime of the third degree is punishable by three to
19 five years imprisonment, a fine of up to \$15,000, or both. A crime
20 of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2846

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2846.

As reported by the committee, this bill upgrades purchasing firearm parts to manufacture a firearm without a serial number; manufacturing a firearm with a three-dimensional printer; manufacturing a covert or undetectable firearm; and transporting a manufactured firearm without a serial number from third degree crimes to second degree crimes.

Under current law, it is a third degree crime for a person:

- not licensed as a manufacturer to purchase or otherwise obtain separately or as part of a kit a firearm frame or firearm receiver which is not imprinted with a serial number;
- not licensed as a manufacturer to manufacture a firearm or certain components of a firearm using a three-dimensional printer;
- to distribute to an unlicensed person, including via the Internet, digital instructions to manufacture a firearm or certain components of a firearm using a three-dimensional printer; and
- to manufacture, cause to be manufacture, transport, ship, sell or dispose of any covert firearm or undetectable firearm.

The bill's provisions upgrade each these offenses to second degree crimes. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2846
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

Synopsis: Upgrades certain crimes related to manufacturing firearms from third degree to second degree.

Type of Impact: Annual expenditure and revenue increases to the State.

Agencies Affected: Department of Law and Public Safety; Department of Corrections; State Parole Board; Judiciary.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the Department of Corrections to house and care for more individuals who are sentenced to prison terms under the upgraded offenses established by the bill. The State Parole Board would also have to supervise the return to society of additional formerly incarcerated persons.
- Crimes of the second degree carry a presumption of incarceration for all persons convicted of these crimes while a presumption of non-incarceration applies to first time offenders of crimes of the third degree. The upgraded offenses could create a reluctance on the part of a defendant to enter a guilty plea, thereby generating additional costs for the Department of Law and Public Safety to prosecute additional cases, the Judiciary to adjudicate more cases, and the Office of the Public Defender to represent additional low-income criminal defendants.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses related to manufacturing certain firearms established by this bill. However, the State’s ability to collect these fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades purchasing firearm parts to manufacture: a firearm without a serial number; a firearm with a three-dimensional printer; a covert or undetectable firearm; and

transporting a manufactured firearm without a serial number from crimes of the third degree to crimes of the second degree. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will result in indeterminate additional annual costs to the Department of Corrections to house and care for more individuals who are sentenced to prison terms under the upgraded offenses established by the bill. The State Parole Board would also have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the FY 2021 average annual costs for housing an inmate were \$55,389, whereas the average daily cost was \$151.75.

Crimes of the second degree carry a presumption of incarceration for all persons convicted of these crimes while a presumption of non-incarceration applies to first time offenders of crimes of the third degree. The upgraded offenses could create a reluctance on the part of a defendant to enter a guilty plea, thereby generating additional costs for the Department of Law and Public Safety to prosecute additional cases, the Judiciary to adjudicate more cases, and the Office of the Public Defender to represent additional low-income criminal defendants.

Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of the upgraded statutory provisions related to manufacturing certain firearms.

In upgrading the crimes of the third degree to crimes of the second degree, the bill creates the potential for increased recurring State revenue gains:

- Crimes of the second degree are punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both; whereas,
- Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Lead Fiscal Analyst

Approved: Thomas Koenig
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. 4367

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblyman Verrelli, Assemblywomen Tucker, Jasey, Park,
Assemblyman Stanley, Assemblywomen McKnight and Lampitt**

SYNOPSIS

Upgrades certain crimes related to manufacturing firearms from third degree to second degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

6 f. (1) Any person who manufactures, causes to be
7 manufactured, transports, ships, 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
49 otherwise bring a firearm into this State for unlawful sale or transfer

1 shall be subject to forfeiture in accordance with the provisions of
2 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
3 shall not apply to innocent owners, nor shall it affect the rights of a
4 holder of a valid lien.

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

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

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

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

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

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

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

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

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

41 (cf: P.L.2019, c.165, s3)

42

43 2. This act shall take effect immediately.

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46

STATEMENT

47

48 This bill upgrades purchasing firearm parts to manufacture a
49 firearm without a serial number; manufacturing a firearm with a

1 three-dimensional printer; manufacturing a covert or undetectable
2 firearm; and transporting a manufactured firearm without a serial
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise
6 obtain separately or as part of a kit a firearm frame or
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or
9 certain components of a firearm using a three-dimensional
10 printer;
- 11 • to distribute to an unlicensed person, including via the
12 Internet, digital instructions to manufacture a firearm or
13 certain components of a firearm using a three-dimensional
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second
18 degree crimes. A crime of the third degree is punishable by three to
19 five years imprisonment, a fine of up to \$15,000, or both. A crime
20 of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4367

STATE OF NEW JERSEY

DATED: JUNE 22, 2022

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4367.

This bill upgrades purchasing firearm parts to manufacture a firearm without a serial number; manufacturing a firearm with a three-dimensional printer; manufacturing a covert or undetectable firearm; and transporting a manufactured firearm without a serial number from third degree crimes to second degree crimes.

Under current law, it is a third degree crime for a person:

- not licensed as a manufacturer to purchase or otherwise obtain separately or as part of a kit a firearm frame or firearm receiver which is not imprinted with a serial number;
- not licensed as a manufacturer to manufacture a firearm or certain components of a firearm using a three-dimensional printer;
- to distribute to an unlicensed person, including via the Internet, digital instructions to manufacture a firearm or certain components of a firearm using a three-dimensional printer; and
- to manufacture, cause to be manufacture, transport, ship, sell or dispose of any covert firearm or undetectable firearm.

The bill's provisions upgrade each these offenses to second degree crimes. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4367
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JULY 1, 2022

SUMMARY

- Synopsis:** Upgrades certain crimes related to manufacturing firearms from third degree to second degree.
- Type of Impact:** Annual expenditure and revenue increases to the State.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; State Parole Board; Judiciary.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the Department of Corrections to house and care for more individuals who are sentenced to prison terms under the upgraded offenses established by the bill. The State Parole Board would also have to supervise the return to society of additional formerly incarcerated persons.
- Crimes of the second degree carry a presumption of incarceration for all persons convicted of these crimes while a presumption of non-incarceration applies to first time offenders of crimes of the third degree. The upgraded offenses could create a reluctance on the part of a defendant to enter a guilty plea, thereby generating additional costs for the Department of Law and Public Safety to prosecute additional cases, the Judiciary to adjudicate more cases, and the Office of the Public Defender to represent additional low-income criminal defendants.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses related to manufacturing certain firearms established by this bill. However, the State's ability to collect these fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades purchasing firearm parts to manufacture: a firearm without a serial number; a firearm with a three-dimensional printer; a covert or undetectable firearm; and

transporting a manufactured firearm without a serial number from crimes of the third degree to crimes of the second degree. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will result in indeterminate additional annual costs to the Department of Corrections to house and care for more individuals who are sentenced to prison terms under the upgraded offenses established by the bill. The State Parole Board would also have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the FY 2021 average annual costs for housing an inmate were \$55,389, whereas the average daily cost was \$151.75.

Crimes of the second degree carry a presumption of incarceration for all persons convicted of these crimes while a presumption of non-incarceration applies to first time offenders of crimes of the third degree. The upgraded offenses could create a reluctance on the part of a defendant to enter a guilty plea, thereby generating additional costs for the Department of Law and Public Safety to prosecute additional cases, the Judiciary to adjudicate more cases, and the Office of the Public Defender to represent additional low-income criminal defendants.

Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of the upgraded statutory provisions related to manufacturing certain firearms.

In upgrading the crimes of the third degree to crimes of the second degree, the bill creates the potential for increased recurring State revenue gains:

- Crimes of the second degree are punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both; whereas,
- Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Lead Fiscal Analyst

Approved: Thomas Koenig
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.).

Governor Murphy Signs Sweeping Gun Safety Package 3.0 to Continue the Fight Against Gun Violence

07/5/2022

Comprehensive Reforms Further Solidify New Jersey as National Leader in Gun Safety

METUCHEN – Governor Phil Murphy today signed a sweeping series of gun safety reforms to continue the fight against gun violence in New Jersey. Since taking office in 2018, Governor Murphy has been a champion of bold, commonsense gun reform, and signed significant gun safety packages in June 2018 and July 2019. Today, the Governor reaffirmed his commitment to reduce the epidemic of gun violence in New Jersey and signed seven comprehensive gun safety bills, six of which were part of his Gun Safety 3.0 package that he introduced to the Legislature in April 2021 and has repeatedly championed over the last year. These gun safety reforms further solidify New Jersey as a national leader in gun safety and deliver on the promise to make communities safer.

"In the wake of horrific mass shootings in Highland Park, Illinois, Uvalde Texas, and Buffalo, New York, it is necessary that we take action in order to protect our communities. I am proud to sign these bills today and thank my legislative partners for sending them to my desk," **said Governor Murphy**. "As I have said before, this is a huge step forward for commonsense gun safety and for safer communities. But it cannot be our only or last step. I look forward to continuing to work with the Legislature and take action to make this state safer for all."

"In New Jersey we understand what it takes to actually stop the vicious cycle of mass shootings and everyday gun violence in New Jersey. We do it by passing common sense gun safety laws that work," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. "We cannot continue repeating the sentiment that there is nothing that can be done to end this scourge of gun violence. There is and we owe it to the next generation to sign common sense gun safety laws that cut the problem off at the source."

The seven gun safety reform bills include:

1. **A1765/S1893 (McKeon, Atkins, Jasey/Ruiz, Pou)** - Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.
2. **A1179/S1204 (Jasey, Swain, Jaffer/Cryan, Zwicker)** - Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register handguns acquired out-of-State.
3. **A4367/S2846 (McKeon, Greenwald/Scutari, Cryan)** - Upgrades certain crimes related to manufacturing firearms from third degree to second degree.
4. **A4366/S2905 (Atkins, Quijano/Scutari)** – Revises definition of destructive device to include certain .50 caliber rifles.
5. **A1302/S2903 (Greenwald, Reynolds-Jackson, Atkins/Cryan)** - Regulates sale of handgun ammunition and develops system of electronic reporting of handgun ammunition sales.*
6. **A4370/S2906 (Reynolds-Jackson, Greenwald/Codey)** - Requires training for issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provides that firearms purchaser identification card include photograph and thumb print and remain valid for ten years.*
7. **A4368/S2907 (Greenwald, McKeon/Codey)** - Requires firearm retailers to sell microstamping-enabled firearms upon determination of availability by AG.

"The legislation signed into law today provides New Jersey with robust tools to combat gun violence and hold accountable irresponsible gun dealers and manufacturers who profit from this bloodshed," **said Acting Attorney General Platkin**. "I thank Governor Murphy for his continued efforts to protect New Jersey residents from mass shootings and gun violence, even as the U.S. Supreme Court is doing its best to undermine those efforts. These new commonsense gun laws send a clear message that New Jersey will continue to serve as a model for states seeking to address the epidemic of gun violence."

"As criminals attempt to find new ways to circumvent the laws, we must adjust our tactics to keep illegal guns away from those individuals who have no regard for human life once the trigger is pulled," **said Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police**. "Our efforts to limit gun violence must be comprehensive as we strive to protect the citizens of New Jersey. We will continue to work with the Governor's Office and the Office of Attorney General to keep our state safe."

"The threat of gun violence is a real and growing menace in our communities. These bills might not stop every gun crime, but they represent a thoughtful, common sense approach that will target areas of gun control in both the legal and illegal gun markets," **said Senate President Nicholas Scutari**. "They provide an opportunity to prevent gun violence and provide a safe overall environment for the public."

"New Jersey continues to lead the nation on fair and robust common-sense gun safety thanks to the Governor and Legislature's partnership that has made public safety a priority," **said Assembly Speaker Craig Coughlin**. "With the signing of these decisive, common-sense measures designed to stop gun violence in its tracks, we are advancing our commitment to ensure people in every New Jersey community can feel more safe."

"Far too many families have been torn apart by gun violence. We cannot stand by and accept the fact that firearms are the leading cause of death for children in the United States. While we desperately need federal legislation, I am thankful that the Governor is signing these key measures into law today," **said Senate Majority Leader M. Teresa Ruiz**. "We must do everything we can to stop this, and by allowing the Attorney General to take action and seek damages for shootings here in New Jersey, we can start holding individuals accountable for their actions."

"The surge in gun violence has been horribly tragic, with lives lost, victims wounded and loved ones suffering heartbreak," **said Senator Joe Cryan, former Union County Sheriff**. "As public servants, we must continue to do all we can to keep deadly firearms out of the hands of those who pose a danger, off the streets, away from schools and out of our communities."

"By having Governor Murphy sign these sensible gun safety bills into law, we are taking responsible actions to help keep our communities safe," **said Senator Andrew Zwicker**. "Making sure that owners of firearms follow the laws and procedures for gun safety is important. We have some of the strongest gun laws in the country – we want every resident to follow them."

"This senseless gun violence has gone on long enough, and I am glad to see Governor Murphy moving quickly by signing these bills to make our streets, schools and neighborhoods safer. We cannot continue down the path we are now on," **said Senator Nellie Pou**. "If gun manufacturers or retailers act in ways that constitute a 'public nuisance' in the eyes of the Attorney General they should be held liable for appropriate penalties."

"As we have all seen recently, gun violence is a real and scary risk in our country and we have to act now to stop it," **said Senator Richard Codey**. "We must ensure that gun owners are aware of how to safely handle and store a firearm to better protect our residents from unnecessary harm. Additionally, by incorporating microstamping technology, law enforcement would have a critical aid that would assist them in tracking down weapons used in crimes. We have to do all that we can on God's green Earth to stop these shootings from occurring. Everyone needs to be held accountable, and if you misuse a firearm, you shouldn't be able to get away with it."

"Just as residents are required to register their vehicles with New Jersey's Motor Vehicle Commission when they first move here, gun owners will now be held to the same standards," **said Assemblywoman Mila Jasey**. "This commonsense law will ensure that every legally-obtained gun is registered in our state to promote greater safety in our communities. We are proud of the work we have accomplished in New Jersey to strengthen gun safety laws."

"Firearm registration not only promotes responsible gun ownership, but helps protect first responders by alerting them to the possible presence of a firearm before they arrive at the scene of an emergency," **said Assemblywoman Lisa Swain**. "These benefits cannot be fully realized unless every legal gun owner participates in our registration system, which is why this new law is so critical to ensuring the safety of residents throughout our state."

"Closing the loophole that allows new residents to own a gun without going through the process of registration will help keep our communities safe," **said Assemblywoman Sadaf Jaffer**. "This new law encourages responsible gun ownership by requiring new residents to register their guns."

"In New Jersey, almost 80 percent of guns used in crimes are originally purchased outside of the state. The gun industry has made little effort to help stem the flow of guns to the illegal market through gun shows, flea markets, straw purchasers, and theft," **said Assemblyman John McKeon**. "The industry, essentially, has not taken responsibility for its part in the increasing gun violence and its influence through product marketing. Gun violence is a public health threat. New Jersey must have the ability to seek appropriate remedies against members of the gun industry who knowingly or recklessly endanger the public health and safety. No one should get a pass when lives are on the line."

"Too many families in New Jersey have seen the impact of gun violence in their communities. While our law enforcement officers work tirelessly to hold perpetrators of violent crimes accountable for their actions, those responsible for manufacturing and selling firearms often go unpunished for their role in creating significant threats to public health and safety," **said Assemblyman Reginald**

Atkins. "Members of the gun industry who have knowingly and recklessly put the public in danger deserve to see consequences for their actions."

"In New Jersey, we continue to implement common-sense measures to reach our goal of ending gun violence once and for all," **said Assemblyman Louis D. Greenwald.** "Today, with these new laws, we take another calculated step toward stemming gun trafficking by ensuring accountability and proper record-keeping at the point of sale for ammunition, encouraging responsible gun ownership, and increasing penalties for the manufacturing of illegal firearms."

"We are looking at a steep rise in violent crimes in communities across the state. We see this right here in the City of Trenton," **said Assemblywoman Verlina Reynolds-Jackson.** "We must all work together in creating safer communities for the families and children who live there. These new laws will help us reach that goal."

"New technology and the make-it-at-home kits are making it way too easy for guns to get into the wrong hands," **said Assemblywoman Annette Quijano.** "The new law sends the appropriate message: New Jersey will not stand for it. If a person manufactures or possesses a ghost gun, or 3-D printed weapon or even buys the parts to make them, there will be additional penalties if convicted."

"Gun violence is a public health crisis that has taken its toll on many cities across the United States, including in New Jersey," **said Assemblyman Gary Schaer.** "With these new laws, we take one more step toward ending senseless violence in our communities."

"Almost daily in New Jersey, communities witness family members, neighbors, and friends lose their lives to senseless gun violence," **said Assemblyman Benjie Wimberly.** "We must provide law enforcement and prosecutors with the tools necessary to deter violent gun crimes on our streets. Today signifies the next step in this process and moves toward safer communities for New Jersey families."

"The Gun Safety Package 3.0 is ground breaking change. It includes legislation that fills loopholes not only in NJ, but federally, by enabling the attorney general to hold gun manufacturers accountable for misconduct that causes harm in New Jersey. This is a huge step towards safer communities across the state and much needed accountability that has been denied for years due to PLCAA," **said Raisa Rubin-Stankiewicz, NJ State Policy Associate with March For Our Lives.** "At the same time, we know this is not the end of our work. We will continue working with the governor to make sure that more life-saving measures are passed, including establishing a standard for safe gun storage."

"In the face of political gridlock at the federal level, New Jersey proves that states will lead the way in fighting gun violence," **said David Hogg, co-founder of March For Our Lives.** "This comprehensive package of bills shows us that bold action on gun safety is possible and further solidifies New Jersey as a proving ground for commonsense legislation. More needs to be done, but states across the country should look to New Jersey as a model of gun safety. March For Our Lives is happy to have been a part of this work over the last year and we're deeply grateful to the legislature and to Governor Phil Murphy for their consistent and admirable leadership."

"New Jersey's leaders understand our fight to end gun violence is not over," **said Nico Bocour, Government Affairs Director of Giffords.** "The legislation signed today is the most comprehensive package championed in the country this year and will make the Garden State's gun laws even stronger. Senate President Nicholas Scutari, Senate Majority Leader Teresa Ruiz, Speaker Craig Coughlin, and Assembly Majority Leader Lou Greenwald have taken meaningful steps to further protect families and communities from the ongoing gun violence crisis. We thank New Jersey Governor Phil Murphy for demonstrating what it means to have the courage to act to prevent gun violence."

"New Jersey is once again leading where most of our nation has failed: taking aggressive steps to protect our families against gun violence," **said Bill Castner, Senior Advisor to the Governor on Firearms for the state of New Jersey.** "I am proud of Governor Murphy for signing these critical bills into law, especially for doing so in the backyard of key gun safety proponent Assembly Speaker Coughlin. We desperately need Washington to follow suit."

"This moment in our gun violence crisis calls for decisive action from our leaders to put the safety of our communities first," **said Jenifer Berrier Gonzalez, a volunteer with the New Jersey chapter of Moms Demand Action.** "These are wide-ranging, effective, and innovative reforms to help ensure that all New Jerseyans are kept safe. While there is still more work to be done, we appreciate Governor Murphy for continuing to fight for meaningful action to end gun violence and for signing this bill package into law — reaffirming New Jersey's status as a leader in the gun violence prevention movement."

"With the passing of these 7 gun safety bills, NJ shows its on-going commitment to the safety of its residents. Brady NJ, along with the other gun safety advocacy groups, is proud to have been part of this effort to work with the Governor and the legislators

to move these bills though to their signing today," said **Karen Kanter of Brady NJ**. "In response to the SCOTUS decision, we support the Governor's serious efforts to diminish its impact. Along with those efforts we hope that the safe storage bill and the age increase for long guns bill will also receive the same support from the legislature."

Governor Murphy Delivers Remarks on Gun Safety Package 3.0

07/5/2022

Remarks as Prepared for Delivery

Good morning, everyone.

Thank you, Mayor Jonathan Busch, for welcoming us to Metuchen and kicking things off for us. With me are Acting Attorney General Matt Platkin ...

State Police Superintendent Colonel Pat Callahan ...

Assembly Speaker Craig Coughlin, Senate Majority Leader Teresa Ruiz, Senator and former Governor Richard Codey, Senators Joe Cryan and Andrew Zwicker, Assemblyman John McKeon, Assemblywomen Annette Quijano, Verlina Reynolds Jackson, and Sadaf Jaffer ...

... And so many more tremendous advocates and voices for gun safety than I can mention without us all roasting under the sun.

Fourteen months ago, on April 15, 2021, we came together to unveil what we called our Gun Safety 3.0 package of legislation.

We did so because while we had made great progress in becoming one of the nation's top states for gun safety, we knew there was more to do. Every life lost to gun violence is one life too many.

On that same day, April 15, 2021, there were four mass-shootings in America, including an incident at a FedEx facility in Indianapolis, Indiana, in which eight people were senselessly murdered by a former coworker.

In the time since, there have been more than 870 mass shootings in America – Oxford, Michigan ... San Jose, California ... Buffalo, New York ... Uvalde, Texas ... and just yesterday, Highland Park, Illinois ... among hundreds and hundreds more – roughly two mass shootings every single day since we put forward our plan to help stop gun violence.

And, in New Jersey since April 15, 2021, there have been 1,271 total shootings in New Jersey – shootings which have claimed 291 lives and left 1,313 others injured.

There are those who think this is all just the price of living in the United States ...

There are those who take seriously the words of the satirical website, The Onion, “No Way To Prevent This,’ Says Only Nation Where This Regularly Happens” ...

... And, sadly, it appears six of these mistaken people sit on the United States Supreme Court.

We believe different. We believe – no, we know – that we can take on the epidemic of gun violence and win. We know we can put in place strong and smart gun safety laws that are consistent with the 2nd Amendment and still protect our communities.

And, surely, there were those who said we would never get the gun safety bills we supported through the Legislature. There were those who said that we were too ambitious, that the gun lobby was too strong, and that our political system would not have the will to take on and win this fight.

But, again, we believed different. And guess what? Today, we are making Gun Safety Package 3.0 the law.

First, and perhaps most important, we are enacting a public nuisance law that will allow our Attorney General to hold gun manufacturers and distributors responsible for the damage caused by the reckless unchecked marketing and sale of firearms.

We're also saying, in no uncertain terms, that if you want to buy a gun you need to first complete a certified safety course – no different than if you want to drive a car you have to get a license showing you know how to safely use it ...

The loophole that allowed gunowners moving into New Jersey to skirt the procedures that established New Jersey residents follow in order to qualify to purchase or obtain firearms is hereby closed ...

We are requiring that when microstamping technology is commercially viable, gun retailers must offer firearms equipped with this technology, with a financial incentive for customers to choose it. Microstamping leaves a one-of-a-kind imprint on every round of ammunition fired, so law enforcement can trace a specific round to a specific gun and identify perpetrators of gun violence ...

And we're finally requiring electronic record-keeping of all ammunition sold in New Jersey to help law enforcement monitor suspicious purchases and identify bad-apple dealers and straw purchasers ...

We're increasing the penalties on those who break our existing law prohibiting the manufacturing or transporting of ghost guns – because if you're creating or transferring these untraceable guns, you're not a "responsible gun owner," you're a criminal.

And, once and for all, we are banning the sale of .50 caliber weapons. I have often asked, who can seriously argue that a weapon that can take down a helicopter belongs on our streets? Sadly, one person who answered "yes" to that question was my predecessor, who vetoed this bill in 2013. Today, we reverse that terrible mistake.

These are now the laws of our land. They are commonsense. They are smart. They live up to our Jersey values. A poll released last week proved the overwhelming popularity of these laws among the people of New Jersey.

That same poll also showed that too many residents – especially parents with school-aged kids – live fearful of being the victim of gun violence.

So, these are not going to be our last words on gun safety. We cannot walk away from here today – none of us – thinking our job is done. Because it is not.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

This past Thursday, they signaled their desire to revisit our ban on high-capacity magazines, telling the lower courts to look at it again. And they also told the lower courts to look anew at Maryland's prohibition of dozens of models of assault rifles, some of which are also banned here in New Jersey.

But we're not going to just lay down and let our streets, our houses of worship, our supermarkets and shopping malls, our sports arenas, our bars, or anywhere else be overrun with hidden guns capable of unleashing a hail of bullets.

I look forward to working with the Legislature to address this awful decision with strong and smart laws expanding the number of places where firearms cannot be carried and saying, without any doubt, that you can't bring your gun onto private property without explicit permission to do so.

In the face of the Supreme Court's tragic and wrong-headed ruling, we need those laws – and all of these laws – more than ever.

And, now more than ever, we cannot let up in the fight to keep our communities safe.

I have mentioned it before – New Jersey has one of the nation's lowest rates of gun violence and gun deaths because we are among the leaders in gun safety. I am not going to give up on always looking for new ways to save lives, protect communities, and ensure that every resident can live without fear.

And I know that none of you are going to give up, either.

I must extend a special thank you to Speaker Craig Coughlin, who stood with me in this very location last December and committed to getting these bills done. We would not be here today without your leadership and the work of your team, including Dan Harris and Mark Iaconelli, who worked closely with my team to get these bills over the finish line.

And I also want to thank Senate President Nick Scutari, who after taking the reins of the Senate in January, joined us in this journey and ensured that we would not respond to the horrors of Buffalo and Uvalde by doing nothing.

So, to the two leaders, and to every legislator with us today who voted on the right side of history, thank you. To all the members of law enforcement who stand with us for safer communities, thank you.

And, to all the folks from Everytown and Moms Demand Action, Giffords, Brady, March for Our Lives, Sandy Hook Promise, Ceasefire NJ, and the Rutgers Gun Violence Research Center ... from the Newark Street Team, Paterson Healing Collective, and Jersey City Together, on down to every community-based organization doing the hard work at street-level, thank you most of all!

Today is a day to celebrate. But it is not a day to rest on any laurels. Let's keep at it.

I cannot wait to sign these bills into law, but before I do, I want us to hear from some of the gun safety champions with us, starting with the Speaker of the General Assembly, Craig Coughlin.