



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 26

NJSA: 2C:39-4.1

"Firearms -- use in drug offenses"

BILL NO: A1848 (Substituted for S944)

SPONSOR(S): Holzapfel and Barnes

DATE INTRODUCED: March 23, 1998

COMMITTEE:

ASSEMBLY: Law & Public Safety

SENATE: ~~~~

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: May 18, 1998

SENATE: May 28, 1998

DATE OF APPROVAL: June 24, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

(Amendments during passage denoted by superscript numbers)

A1848

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S944

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS:

Report, referred to in statement to S944:

974.90 N222 1996i

New Jersey. Dept. of Law and Public Safety.

Report to the Governor...update the Comprehensive Drug Refom Act of 1987.

December 9, 1996. Trenton, 1996.

HEARINGS: *No*

NEWSPAPER ARTICLES:

"Whitman signs crime bill that increases sentences,"

6-25-98, New York Times, p. B6.

ASSEMBLY, No. 1848

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

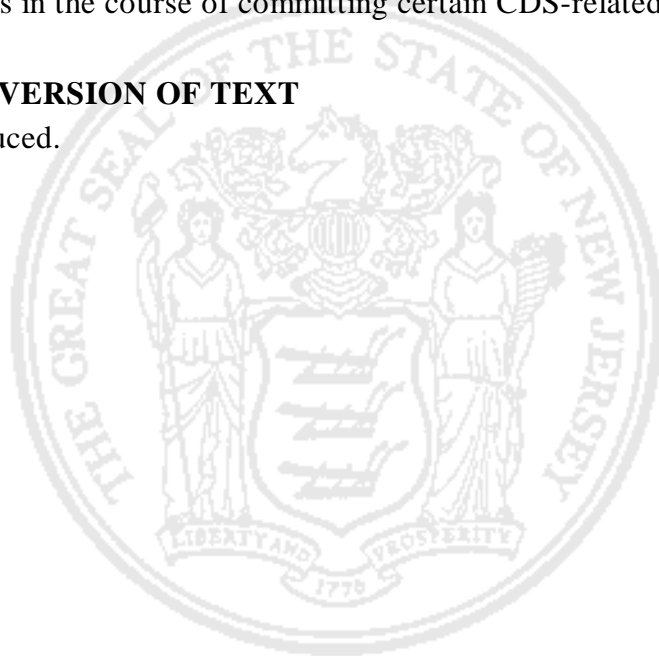
Assemblywomen Heck, Previte, Senators Robertson, Allen, Bennett, Matheussen, Ciesla, Kyrillos, Sinagra, Littell, Singer, Bark, Connors, McNamara, Gormley, Cardinale, Kavanaugh, Kosco, Inverso and Palaia

SYNOPSIS

Provides penalties for possession of a firearm or other weapon under certain circumstances in the course of committing certain CDS-related offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/29/1998)

1 AN ACT concerning controlled dangerous substances offenses and
2 certain weapons and supplementing chapter 39 of Title 2C of the
3 New Jersey Statutes.

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

7
8 1. a. Any person who has in his possession any firearm while in the
9 course of committing, attempting to commit, or conspiring to commit
10 a violation of N.J.S.2C:35-3, N.J.S. 2C:35-4, N.J.S.2C:35-5, section
11 3 or section 5 of P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3),
12 N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7),
13 section 1 of P.L.1997, c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty
14 of a crime of the second degree.

15 b. Any person who has in his possession any weapon, except a
16 firearm, with a purpose to use such weapon unlawfully against the
17 person or property of another, while in the course of committing,
18 attempting to commit, or conspiring to commit a violation of
19 N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, sections 3 and 5 of
20 P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6,
21 section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,
22 c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the
23 second degree.

24 c. Any person who has in his possession any weapon, except a
25 firearm, under circumstances not manifestly appropriate for such
26 lawful uses as the weapon may have, while in the course of
27 committing, attempting to commit, or conspiring to commit a violation
28 of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3 or section
29 5 of P.L. 1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6,
30 section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,
31 c.327(C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the
32 second degree.

33 d. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
34 provision of law, a conviction arising under this section shall not
35 merge with a conviction for a violation of any of the sections of
36 chapter 35 referred to in this section nor shall any conviction under
37 those sections merge with a conviction under this section.
38 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
39 provision of law, the sentence imposed upon a violation of this section
40 shall be ordered to be served consecutively to that imposed for any
41 conviction for a violation of any of the sections of chapter 35 referred
42 to in this section or a conviction for conspiracy or attempt to violate
43 any of those sections.

44 e. Nothing herein shall be deemed to preclude, if the evidence so
45 warrants, an indictment and conviction for a violation of N.J.S.2C:39-
46 4 or N.J.S.2C:39-5 or any other provision of law.

1 f. Nothing herein shall prevent the court from also imposing
2 enhanced punishments, pursuant to N.J.S.2C:35-8, section 2 of
3 P.L.1997, c.117 (C.2C:43-7.2), or any other provision of law, or an
4 extended term.

5
6 2. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill provides the penalties for possession of a firearm or
12 possession of any other weapon under certain circumstances while in
13 the course of committing, attempting to commit, or conspiring to
14 commit a violation of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5,
15 N.J.S.2C:35-5.2, N.J.S.2C:35-5.3, N.J.S.2C:35-6, N.J.S.2C:35-7,
16 N.J.S.2C:35-7.1 or N.J.S.2C:35-11. In summary these chapter 35
17 sections concern: 2C:35-3 (leader of narcotics trafficking network);
18 2C:35-4 (operating a CDS production facility); 2C:35-5
19 (manufacturing or distributing); 2C:35-5.2 (manufacture, distribute or
20 dispense gamma hydroxybutyrate); 2C:35-5.3 (manufacture, distribute
21 or dispense flunitrazepam); 2C:35-6 (employing a juvenile in drug
22 distribution); 2C:35-7 (CDS in school zone); 2C:35-7.1 (CDS near
23 public housing, park or building) and 2C:35-11 (imitation CDS).

24 Currently unlawful possession of a firearm is a third degree crime
25 pursuant to N.J.S.2C:39-5. This bill makes possession in the course
26 of committing certain CDS offenses a crime of the second degree and
27 includes specific provisions on merger and enhanced penalties or
28 extended terms.

29 Currently any person who has in his possession any weapon, except
30 a firearm, with a purpose to use it unlawfully against the person or
31 property of another is guilty of a crime of the third degree. Under the
32 bill's provisions, this possession in the course of committing certain
33 CDS offenses is a crime of the second degree. The bill also upgrades
34 possession of a weapon under circumstances not manifestly
35 appropriate for such lawful uses as it may have.

36 This bill also provides that the weapons conviction shall not merge
37 with the controlled dangerous substances conviction (the enumerated
38 chapter 35 offenses) nor shall the enumerated chapter 35 conviction
39 merge with a conviction under the weapons offenses. The sentence
40 imposed for the weapons offense shall be ordered to be served
41 consecutively to that imposed for any conviction for the controlled
42 dangerous substance offenses.

A1848 HOLZAPFEL, BARNES

4

- 1 The bill provides that nothing shall prevent the court from also
- 2 imposing enhanced punishments or an extended term.

ASSEMBLY, No. 1848

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

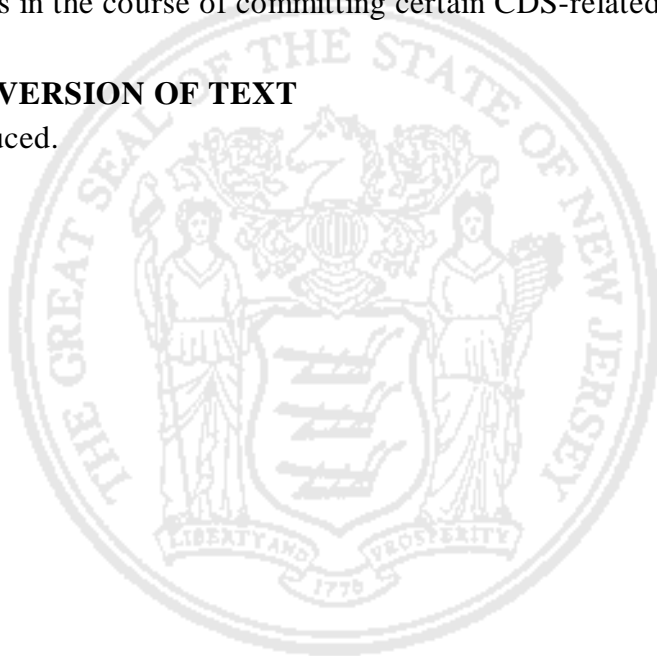
Assemblywomen Heck, Previte, Senators Robertson, Allen, Bennett, Matheussen, Ciesla, Kyrillos, Sinagra, Littell, Singer, Bark, Connors, McNamara, Gormley, Cardinale, Kavanaugh, Kosco, Inverso and Palaia

SYNOPSIS

Provides penalties for possession of a firearm or other weapon under certain circumstances in the course of committing certain CDS-related offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/29/1998)

1 AN ACT concerning controlled dangerous substances offenses and
2 certain weapons and supplementing chapter 39 of Title 2C of the
3 New Jersey Statutes.

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

7
8 1. a. Any person who has in his possession any firearm while in the
9 course of committing, attempting to commit, or conspiring to commit
10 a violation of N.J.S.2C:35-3, N.J.S. 2C:35-4, N.J.S.2C:35-5, section
11 3 or section 5 of P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3),
12 N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7),
13 section 1 of P.L.1997, c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty
14 of a crime of the second degree.

15 b. Any person who has in his possession any weapon, except a
16 firearm, with a purpose to use such weapon unlawfully against the
17 person or property of another, while in the course of committing,
18 attempting to commit, or conspiring to commit a violation of
19 N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, sections 3 and 5 of
20 P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6,
21 section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,
22 c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the
23 second degree.

24 c. Any person who has in his possession any weapon, except a
25 firearm, under circumstances not manifestly appropriate for such
26 lawful uses as the weapon may have, while in the course of
27 committing, attempting to commit, or conspiring to commit a violation
28 of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3 or section
29 5 of P.L. 1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6,
30 section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,
31 c.327(C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the
32 second degree.

33 d. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
34 provision of law, a conviction arising under this section shall not
35 merge with a conviction for a violation of any of the sections of
36 chapter 35 referred to in this section nor shall any conviction under
37 those sections merge with a conviction under this section.
38 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
39 provision of law, the sentence imposed upon a violation of this section
40 shall be ordered to be served consecutively to that imposed for any
41 conviction for a violation of any of the sections of chapter 35 referred
42 to in this section or a conviction for conspiracy or attempt to violate
43 any of those sections.

44 e. Nothing herein shall be deemed to preclude, if the evidence so
45 warrants, an indictment and conviction for a violation of N.J.S.2C:39-
46 4 or N.J.S.2C:39-5 or any other provision of law.

1 f. Nothing herein shall prevent the court from also imposing
2 enhanced punishments, pursuant to N.J.S.2C:35-8, section 2 of
3 P.L.1997, c.117 (C.2C:43-7.2), or any other provision of law, or an
4 extended term.

5
6 2. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill provides the penalties for possession of a firearm or
12 possession of any other weapon under certain circumstances while in
13 the course of committing, attempting to commit, or conspiring to
14 commit a violation of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5,
15 N.J.S.2C:35-5.2, N.J.S.2C:35-5.3, N.J.S.2C:35-6, N.J.S.2C:35-7,
16 N.J.S.2C:35-7.1 or N.J.S.2C:35-11. In summary these chapter 35
17 sections concern: 2C:35-3 (leader of narcotics trafficking network);
18 2C:35-4 (operating a CDS production facility); 2C:35-5
19 (manufacturing or distributing); 2C:35-5.2 (manufacture, distribute or
20 dispense gamma hydroxybutyrate); 2C:35-5.3 (manufacture, distribute
21 or dispense flunitrazepam); 2C:35-6 (employing a juvenile in drug
22 distribution); 2C:35-7 (CDS in school zone); 2C:35-7.1 (CDS near
23 public housing, park or building) and 2C:35-11 (imitation CDS).

24 Currently unlawful possession of a firearm is a third degree crime
25 pursuant to N.J.S.2C:39-5. This bill makes possession in the course
26 of committing certain CDS offenses a crime of the second degree and
27 includes specific provisions on merger and enhanced penalties or
28 extended terms.

29 Currently any person who has in his possession any weapon, except
30 a firearm, with a purpose to use it unlawfully against the person or
31 property of another is guilty of a crime of the third degree. Under the
32 bill's provisions, this possession in the course of committing certain
33 CDS offenses is a crime of the second degree. The bill also upgrades
34 possession of a weapon under circumstances not manifestly
35 appropriate for such lawful uses as it may have.

36 This bill also provides that the weapons conviction shall not merge
37 with the controlled dangerous substances conviction (the enumerated
38 chapter 35 offenses) nor shall the enumerated chapter 35 conviction
39 merge with a conviction under the weapons offenses. The sentence
40 imposed for the weapons offense shall be ordered to be served
41 consecutively to that imposed for any conviction for the controlled
42 dangerous substance offenses.

A1848 HOLZAPFEL, BARNES

4

- 1 The bill provides that nothing shall prevent the court from also
- 2 imposing enhanced punishments or an extended term.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1848

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1848.

Assembly Bill No.1848 supplements chapter 39 of Title 2C of the New Jersey Statutes to establish enhanced penalties for persons who, when committing certain drug offenses, have in their possession a firearm or other weapon.

Under the provisions of the bill, any person committing, attempting to commit or conspiring to commit certain drug offenses while possessing a firearm or other weapon is guilty of a crime of the second degree. The drug offenses subject to this enhanced penalty are: N.J.S.2C:35-3 (leader of a narcotics trafficking network); N.J.S.2C:35-4 (operating a controlled dangerous substance production facility); N.J.S.2C:35-5 (manufacturing or distributing a controlled dangerous substance); N.J.S.2C:35-6 (employing a juvenile in drug distribution); section 1 of P.L.1987, c.101 (N.J.S.2C:35-7--distributing, dispensing or possessing a controlled dangerous substance within 1,000 feet of school property); N.J.S.2C:35-11 (distribution, possession or manufacture of an imitation controlled dangerous substance); section 3 of P.L.1997, c.194 (C.2C:35-5.2--distribution, dispensing or manufacture of gamma hydroxybutyrate); section 5 of P.L.1997, c.194 (C.2C:35-5.3--distribution, dispensing or manufacture of flunitrazepam); and P.L.1997, c.327 (C.2C:35-7.1--distributing, dispensing or possessing a controlled dangerous substance within 500 feet of a public housing facility, park or building).

A crime of the second degree is punishable by a fine of up to \$150,000; imprisonment for a term of five to 10 years; or both.

Under current law, the illegal possession of a firearm or other weapon is a crime of the third degree. Subsection a. of (N.J.S.2C:39-5) establishes the unlawful possession of a firearm as a crime of the third degree. Subsection d. of that section provides that any person who knowingly has in his possession any weapon, other than a firearm, under circumstances not manifestly appropriate for such lawful uses as that weapon may have is guilty of a crime of the third degree. Under N.J.S.2C:39-4, a person who has in his possession any weapon, except a firearm, with a purpose to use it unlawfully against another person or the property of another person is also guilty of a crime of the third degree. A crime of the third degree is punishable by a fine of up to

\$15,000, imprisonment for a term of three to five years, or both.

The bill further provides that the weapons conviction shall not merge with the controlled dangerous substances convictions, nor shall the enumerated controlled dangerous substances conviction merge with a conviction under the weapons offenses. The sentence imposed for the weapons offense shall be ordered to be served consecutively to that imposed for any conviction for the controlled dangerous substance offense.

Finally, the bill specifies that nothing shall prevent the court from also imposing enhanced punishments or extended terms authorized under N.J.S.2C:35-8 or section 2 of P.L.1997, c.117 (C.2C:43-7.2).

SENATE, No. 944

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 19, 1998

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

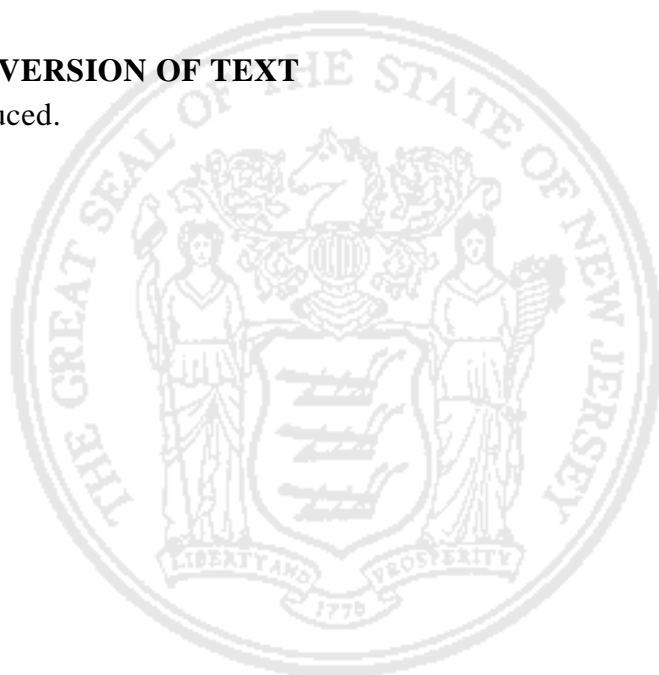
**Senators Bennett, Matheussen, Ciesla, Kyrillos, Sinagra, Littell, Singer,
Bark, Connors, McNamara, Gormley, Cardinale, Kavanaugh, Kosco,
Inverso and Palaia**

SYNOPSIS

Increases penalties for possession of a weapon during drug offenses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning illicit drugs and certain weapons and amending
2 N.J.S.2C:39-4.

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

6
7 1. N.J.S.2C:39-4 is amended to read as follows:

8 2C:39-4. Possession of weapons for unlawful purposes.

9 a. Firearms. Any person who has in his possession any firearm with
10 a purpose to use it unlawfully against the person or property of
11 another is guilty of a crime of the second degree.

12 b. Explosives. Any person who has in his possession or carries any
13 explosive substance with a purpose to use it unlawfully against the
14 person or property of another is guilty of a crime of the second degree.

15 c. Destructive devices. Any person who has in his possession any
16 destructive device with a purpose to use it unlawfully against the
17 person or property of another is guilty of a crime of the second degree.

18 d. Other weapons. Any person who has in his possession any
19 weapon, except a firearm, with a purpose to use it unlawfully against
20 the person or property of another is guilty of a crime of the third
21 degree.

22 e. Imitation firearms. Any person who has in his possession an
23 imitation firearm under circumstances that would lead an observer to
24 reasonably believe that it is possessed for an unlawful purpose is guilty
25 of a crime of the fourth degree.

26 f. Any person who has in his possession any firearm while in the
27 course of committing, attempting to commit, or conspiring to commit,
28 a violation of N.J.S.2C:35-3 through N.J.S.2C:35-7, inclusive; N.J.S.
29 2C:35-7.1 or N.J.S.2C:35-11, is guilty of a crime of the second
30 degree. Any person who has in his possession any weapon, other than
31 a firearm, with a purpose to use such weapon unlawfully against the
32 person or property of another or who possesses such weapon under
33 circumstances not manifestly appropriate for such lawful uses as the
34 weapon may have, while in the course of committing, attempting to
35 commit, or conspiring to commit a violation of N.J.S.2C:35-3 through
36 N.J.S.2C:35-7, inclusive; N.J.S.2C:35-7.1 or N.J.S.2C:35-11, is guilty
37 of a crime of the second degree.

38 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
39 provision of law to the contrary, a conviction arising under this
40 subsection shall not merge with a conviction for a violation of any of
41 the sections of chapter 35 of Title 2C referred to in this subsection,
42 nor shall any conviction under those sections merge with a conviction
43 under this subsection. Notwithstanding the provisions of N.J.S.

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 2C:44-5 or any other provision of law to the contrary, the sentence
2 imposed for a violation of this subsection shall be ordered to be served
3 consecutively to that imposed for any conviction for a violation of any
4 of the sections of chapter 35 of Title 2C referred to in this subsection
5 or a conviction for conspiracy or attempt to violate any of those
6 sections.

7 Nothing herein shall prevent the court from also imposing enhanced
8 punishments, pursuant to N.J.S.2C:35-8, N.J.S.2C:43-7.2 or any other
9 provision of law, or an extended term.

10 (cf: P.L.1989, c.120, s.2)

11

12 2. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 This bill increases the criminal penalties for possession of a weapon
18 while engaged in illegal drug activities.

19 Specifically, the bill makes the possession of a firearm while in the
20 course of committing or conspiring to commit several types of serious
21 drug offenses a crime of the second degree. These offenses include:
22 leading a narcotic trafficking network; maintaining or operating a drug
23 production facility; manufacturing, distributing or dispensing illegal
24 drugs; employing a juvenile in drug distribution; distributing drugs on
25 or near a school, public housing facility, park or public building. The
26 bill also makes the possession of a weapon, other than a firearm, with
27 a purpose to use it unlawfully, during commission of these offenses a
28 crime of the third degree.

29 The penalty for a crime of the second degree is imprisonment for a
30 term of five to 10 years, up to a \$150,000 fine, or both. The penalty
31 for a crime of the third degree is imprisonment for three to five years,
32 a fine of up to \$15,000, or both.

33 The bill further requires that penalties imposed for these new
34 weapon offenses be served consecutively to the penalties for the
35 underlying drug offenses. Under current law, drug dealers in
36 possession of firearms or other weapons are typically charged with
37 crimes of the third or fourth degree.

38 This bill is based upon recommendations contained in the Attorney
39 General's December 1996 "Report to the Governors on the Need to
40 Update the Comprehensive Drug Reform Act of 1987."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 944**

STATE OF NEW JERSEY

DATED: MAY 14, 1998

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill No. 944.

The substitute would upgrade the penalties for possession of a firearm or other weapon in the course of committing or attempting to commit an offense under the following statutes:

2C:35-3 (leader of narcotics trafficking network);

2C:35-4 (operating a CDS production facility);

2C:35-5 (manufacturing or distributing);

2C:35-5.2 (manufacturing, distributing or dispensing gamma hydroxybutyrate);

2C:35-5.3 (manufacturing, distributing or dispensing flunitrazepam);

2C:35-6 (employing a juvenile in drug distribution);

2C:35-7 (CDS in school zone);

2C:35-7.1 (CDS near public housing, park or building) and

2C:35-11 (imitation CDS).

Currently, the unlawful possession of a firearm and the unlawful possession of other weapons with a purpose to use unlawfully are graded as crimes of the third degree (3 to 5 years imprisonment; a fine of up to \$15,000.00). The substitute would upgrade these offenses to a crime of the second degree (5 to 10 years imprisonment; a fine of up to \$150,000.00) if the crime is committed in connection with one of the above listed drug-related offenses.

The substitute would also provide that the weapons convictions and drug-related convictions would not merge for sentencing purposes. The sentence imposed for any weapons offense would be served consecutively to that imposed for any conviction for the drug offense.

NEWS RELEASE

CONTACT: Pete McDonough
Wendi Patella
609-777-2600

RELEASE: June 24.1998

**GOVERNOR SIGNS LAW TO CRACK DOWN ON DRUG DEALERS
WITH GUNS**

Gov. Christie Whitman today toured Somerset County Jail and signed a tough new law that cracks down on drug dealers who use guns by hitting them with stiffer penalties and longer prison terms. The Governor called for the expanded penalties during her State of the State address in January.

The bill (A-1848) creates a new offense category to recognize the severity of the crime and doubles the maximum penalty - to up to ten years -- for carrying a gun while committing a drug offense.

"These strengthened penalties send a clear message: if you sell drugs and possess firearms, you will pay for it with a long prison sentence," Gov. Whitman said. "I am firmly resolved to making crime as painful as possible for the criminals - especially drug dealers."

Currently, drug dealers in possession of a weapon are typically charged with third or fourth-degree crimes. The new law makes committing a drug offense while in possession of a fire arm other weapons a second degree crime. Among the drug offenses covered by the law are being the leader of a drug trafficking network; maintaining or operating a controlled dangerous substance production facility; and manufacturing, distributing, or dispensing a controlled dangerous substance.

A second degree offense carries a prison sentence of between 5 and 10 years and a fine of \$150,000.

The bill was sponsored by Assemblyman James Holzapfel (R- Monmouth/Ocean), Assemblyman Peter Barnes (D-Middesex), Senator Norman Robertson (R-Essex/ Passaic) and Senator Diane Allen (R-Burlington/Camden).