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P.L.1999, CHAPTER 233, *approved October 12, 1999*
Assembly Committee Substitute for
Assembly, No. 2826

1 **AN ACT** concerning the sale of handguns, supplementing chapter 58
2 of Title 2C of the New Jersey Statutes, amending N.J.S.2C:39-1,
3 N.J.S.2C:39-3, N.J.S.2C:39-9, N.J.S.2C:39-10 and N.J.S.2C:58-2,
4 and making an appropriation.

5

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

8

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

10 2C:39-1. Definitions. The following definitions apply to this
11 chapter and to chapter 58:

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

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

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

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

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. "Explosive" means any chemical compound or mixture that is
2 commonly used or is possessed for the purpose of producing an
3 explosion and which contains any oxidizing and combustible materials
4 or other ingredients in such proportions, quantities or packing that an
5 ignition by fire, by friction, by concussion or by detonation of any part
6 of the compound or mixture may cause such a sudden generation of
7 highly heated gases that the resultant gaseous pressures are capable of
8 producing destructive effects on contiguous objects. The term shall
9 not include small arms ammunition, or explosives in the form
10 prescribed by the official United States Pharmacopoeia.

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

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

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

31 i. "Machine gun" means any firearm, mechanism or instrument not
32 requiring that the trigger be pressed for each shot and having a
33 reservoir, belt or other means of storing and carrying ammunition
34 which can be loaded into the firearm, mechanism or instrument and
35 fired therefrom.

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

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

45 l. "Retail dealer" means any person including a gunsmith, except
46 a manufacturer or a wholesale dealer, who sells, transfers or assigns

1 for a fee or profit any firearm or parts of firearms or ammunition
2 which he has purchased or obtained with the intention, or for the
3 purpose, of reselling or reassigning to persons who are reasonably
4 understood to be the ultimate consumers, and includes any person who
5 is engaged in the business of repairing firearms or who sells any
6 firearm to satisfy a debt secured by the pledge of a firearm.

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

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

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

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

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

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

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

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

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

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

5 (4) A semi-automatic rifle with a fixed magazine capacity
6 exceeding 15 rounds.

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

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

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

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

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

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

35 (cf: P.L.1990, c.32, s.1)

36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (cf: P.L.1991, c.437, s.1)

4

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

6 2C:39-9. Manufacture, Transport, Disposition and Defacement of
7 Weapons and Dangerous Instruments and Appliances. a. Machine
8 guns. Any person who manufactures, causes to be manufactured,
9 transports, ships, sells or disposes of any machine gun without being
10 registered or licensed to do so as provided in chapter 58 is guilty of a
11 crime of the third degree.

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

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

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

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

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

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

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

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

42 (cf: P.L.1990, c.32, s.3)

43

44 4. N.J.S.2C:39-10 is amended to read as follows:

45 2C:39-10. Violation of the Regulatory Provisions Relating to
46 Firearms; False Representation in Applications.

1 a. **【Any】** (1) Except as otherwise provided in paragraph (2) of
2 this subsection, any person who knowingly violates the regulatory
3 provisions relating to manufacturing or wholesaling of firearms
4 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
5 purchase certain firearms (section 2C:58-3), permits to carry certain
6 firearms (section 2C:58-4), licenses to procure machine guns or assault
7 firearms (section 2C:58-5), or incendiary or tracer ammunition
8 (section 2C:58-10), except acts which are punishable under section
9 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

10 (2) A licensed dealer who knowingly violates the provisions of
11 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
12 is a disorderly person.

13 b. Any person who knowingly violates the regulatory provisions
14 relating to notifying the authorities of possessing certain items of
15 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)
16 is a disorderly person.

17 c. Any person who gives or causes to be given any false
18 information, or signs a fictitious name or address, in applying for a
19 firearms purchaser identification card, a permit to purchase a handgun,
20 a permit to carry a handgun, a permit to possess a machine gun, a
21 permit to possess an assault firearm, or in completing the certificate or
22 any other instrument required by law in purchasing or otherwise
23 acquiring delivery of any rifle, shotgun, handgun, machine gun, or
24 assault firearm or any other firearm, is guilty of a crime of the third
25 degree.

26 d. Any person who gives or causes to be given any false
27 information in registering an assault firearm pursuant to section 11 of
28 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm
29 was rendered inoperable pursuant to section 12 of P.L.1990, c.32
30 (C.2C:58-13) commits a crime of the fourth degree.

31 e. Any person who knowingly sells, gives, transfers, assigns or
32 otherwise disposes of a firearm to a person who is under the age of 18
33 years, except as permitted in section 14 of P.L.1979, c.179
34 (C.2C:58-6.1), is guilty of a crime of the third degree.
35 Notwithstanding any other provision of law to the contrary, the
36 sentence imposed for a conviction under this subsection shall include
37 a mandatory minimum three-year term of imprisonment, during which
38 the defendant shall be ineligible for parole.

39 (cf: P.L.1993, c.49, s.1)

40

41 5. N.J.S.2C:58-2 is amended to read as follows:

42 2C:58-2 a. Licensing of retail dealers and their employees. No
43 retail dealer of firearms nor any employee of a retail dealer shall sell
44 or expose for sale, or possess with the intent of selling, any firearm
45 unless licensed to do so as hereinafter provided. The superintendent
46 shall prescribe standards and qualifications for retail dealers of

1 firearms and their employees for the protection of the public safety,
2 health and welfare.

3 Applications shall be made in the form prescribed by the
4 superintendent, accompanied by a fee of \$50.00 payable to the
5 superintendent, and shall be made to a judge of the Superior Court in
6 the county where the applicant maintains his place of business. The
7 judge shall grant a license to an applicant if he finds that the applicant
8 meets the standards and qualifications established by the
9 superintendent and that the applicant can be permitted to engage in
10 business as a retail dealer of firearms or employee thereof without any
11 danger to the public safety, health and welfare. Each license shall be
12 valid for a period of 3 years from the date of issuance, and shall
13 authorize the holder to sell firearms at retail in a specified
14 municipality.

15 In addition, every retail dealer shall pay a fee of \$5.00 for each
16 employee actively engaged in the sale or purchase of firearms. The
17 superintendent shall issue a license for each employee for whom said
18 fee has been paid, which license shall be valid for so long as the
19 employee remains in the employ of said retail dealer.

20 No license shall be granted to any retail dealer under the age of
21 21 years or to any employee of a retail dealer under the age of 18 or
22 to any person who could not qualify to obtain a permit to purchase a
23 handgun or a firearms purchaser identification card, or to any
24 corporation, partnership or other business organization in which the
25 actual or equitable controlling interest is held or possessed by such an
26 ineligible person.

27 All licenses shall be granted subject to the following conditions, for
28 breach of any of which the license shall be subject to revocation on the
29 application of any law enforcement officer and after notice and hearing
30 by the issuing court:

31 (1) The business shall be carried on only in the building or
32 buildings designated in the license, provided that repairs may be made
33 by the dealer or his employees outside of such premises.

34 (2) The license or a copy certified by the issuing authority shall be
35 displayed at all times in a conspicuous place on the business premises
36 where it can be easily read.

37 (3) No firearm or imitation thereof shall be placed in any window
38 or in any other part of the premises where it can be readily seen from
39 the outside.

40 (4) No rifle or shotgun, except antique rifles or shotguns, shall be
41 delivered to any person unless such person possesses and exhibits a
42 valid firearms purchaser identification card and furnishes the seller, on
43 the form prescribed by the superintendent, a certification signed by him
44 setting forth his name, permanent address, firearms purchaser
45 identification card number and such other information as the
46 superintendent may by rule or regulation require. The certification

1 shall be retained by the dealer and shall be made available for
2 inspection by any law enforcement officer at any reasonable time.

3 (5) No handgun shall be delivered to any person unless:

4 (a) Such person possesses and exhibits a valid permit to purchase
5 a firearm and at least 7 days have elapsed since the date of application
6 for the permit;

7 (b) The person is personally known to the seller or presents
8 evidence of his identity; **[and]**

9 (c) The handgun is unloaded and securely wrapped; and

10 (d) The handgun is accompanied by a trigger lock or a locked
11 case, gun box, container or other secure facility; provided, however,
12 this provision shall not apply to antique handguns. The exemption
13 afforded under this subparagraph for antique handguns shall be
14 narrowly construed, limited solely to the requirements set forth herein
15 and shall not be deemed to afford or authorize any other exemption
16 from the regulatory provisions governing firearms set forth in chapter
17 39 and chapter 58 of Title 2C of the New Jersey Statutes.

18 (6) The dealer shall keep a true record of every handgun sold,
19 given or otherwise delivered or disposed of, in accordance with the
20 provisions of subsections b. through e. of this section and the record
21 shall note that a trigger lock, locked case, gun box, container or other
22 secure facility was delivered along with the handgun.

23 b. Records. Every person engaged in the retail business of selling,
24 leasing or otherwise transferring a handgun, as a retail dealer or
25 otherwise, shall keep a register in which shall be entered the time of
26 the sale, lease or other transfer, the date thereof, the name, age, date
27 of birth, complexion, occupation, residence and a physical description
28 including distinguishing physical characteristics, if any, of the
29 purchaser, lessee or transferee, the name and permanent home address
30 of the person making the sale, lease or transfer, the place of the
31 transaction, and the make, model, manufacturer's number, caliber and
32 other marks of identification on such handgun and such other
33 information as the superintendent shall deem necessary for the proper
34 enforcement of this chapter. The register shall be retained by the
35 dealer and shall be made available at all reasonable hours for
36 inspection by any law enforcement officer.

37 c. Forms of register. The superintendent shall prepare the form of
38 the register as described in subsection b. of this section and furnish
39 the same in triplicate to each person licensed to be engaged in the
40 business of selling, leasing or otherwise transferring firearms.

41 d. Signatures in register. The purchaser, lessee or transferee of
42 any handgun shall sign, and the dealer shall require him to sign his
43 name to the register, in triplicate, and the person making the sale,
44 lease or transfer shall affix his name, in triplicate, as a witness to the
45 signature. The signatures shall constitute a representation of the
46 accuracy of the information contained in the register.

1 e. Copies of register entries; delivery to chief of police or county
2 clerk. Within 5 days of the date of the sale, assignment or transfer, the
3 dealer shall deliver or mail by certified mail, return receipt requested,
4 legible copies of the register forms to the office of the chief of police
5 of the municipality in which the purchaser resides, or to the office of
6 the captain of the precinct of the municipality in which the purchaser
7 resides, and to the superintendent. If hand delivered a receipt shall be
8 given to the dealer therefor.

9 Where a sale, assignment or transfer is made to a purchaser who
10 resides in a municipality having no chief of police, the dealer shall,
11 within 5 days of the transaction, mail a duplicate copy of the register
12 sheet to the clerk of the county within which the purchaser resides.
13 (cf: P.L.1979, c.179, s.10)

14

15 6. (New section) The Superintendent of State Police, in
16 consultation with the Attorney General, shall promulgate guidelines to
17 effectuate the purposes of P.L. , c. .

18

19 7. There is appropriated to the Department of Law and Public
20 Safety from the General Fund \$90,000 to allocate proportionately to
21 the offices of the county prosecutor of each county to be used
22 exclusively for the purposes of providing trigger locks free of charge
23 to firearm owners other than retail licensed firearm dealers.

24

25 8. This act shall take effect on the first day of the third month
26 following enactment.

27

28

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31 Prohibits licensed dealers from transferring handguns to purchasers
32 unless accompanied by trigger lock, locked case, gun box, container
33 or other secure facility; appropriates \$90,000.

ASSEMBLY, No. 2826

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A2826 HOLZAPFEL

2

208th LEGISLATURE

INTRODUCED JANUARY 25, 1999

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

**Assemblyman DeCroce, Assemblywoman Heck, Assemblymen LeFevre,
T.Smith, Thompson and Assemblywoman Wright**

SYNOPSIS

Prohibits licensed dealers from transferring handguns to purchasers unless handgun is accompanied by trigger locking device.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/1999)

1 AN ACT concerning the sale of certain firearms and amending
2 N.J.S.2C:39-1, N.J.S.2C:39-10 and N.J.S.2C:58-2.

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
2 Weaver Arm Nighthawk.

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

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

7 (4) A semi-automatic rifle with a fixed magazine capacity
8 exceeding 15 rounds.

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

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

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

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

24 aa. "Trigger locking device" means a device that, if installed on a
25 firearm and secured by means of a key or mechanically, electronically
26 or electromechanically operated combination lock, prevents the
27 firearm from being discharged without first deactivating or removing
28 the device by means of a key or mechanically, electronically or
29 electromechanically operated combination lock.

30 (cf: P.L.1990, c.32, s.1)

31

32 2. N.J.S.2C:39-10 is amended to read as follows:

33 2C:39-10. Violation of the Regulatory Provisions Relating to
34 Firearms; False Representation in Applications.

35 a. **[Any]** (1) Except as otherwise provided in paragraph (2) of this
36 subsection, Any person who knowingly violates the regulatory
37 provisions relating to manufacturing or wholesaling of firearms
38 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
39 purchase certain firearms (section 2C:58-3), permits to carry certain
40 firearms (section 2C:58-4), licenses to procure machine guns or assault
41 firearms (section 2C:58-5), or incendiary or tracer ammunition
42 (section 2C:58-10), except acts which are punishable under section
43 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

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1 (2) A licensed dealer who knowingly violates the provisions of
2 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
3 is a disorderly person.

4 b. Any person who knowingly violates the regulatory provisions
5 relating to notifying the authorities of possessing certain items of
6 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)
7 is a disorderly person.

8 c. Any person who gives or causes to be given any false
9 information, or signs a fictitious name or address, in applying for a
10 firearms purchaser identification card, a permit to purchase a handgun,
11 a permit to carry a handgun, a permit to possess a machine gun, a
12 permit to possess an assault firearm, or in completing the certificate or
13 any other instrument required by law in purchasing or otherwise
14 acquiring delivery of any rifle, shotgun, handgun, machine gun, or
15 assault firearm or any other firearm, is guilty of a crime of the third
16 degree.

17 d. Any person who gives or causes to be given any false
18 information in registering an assault firearm pursuant to section 11 of
19 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm
20 was rendered inoperable pursuant to section 12 of P.L.1990, c.32
21 (C.2C:58-13) commits a crime of the fourth degree.

22 e. Any person who knowingly sells, gives, transfers, assigns or
23 otherwise disposes of a firearm to a person who is under the age of 18
24 years, except as permitted in section 14 of P.L.1979, c.179
25 (C.2C:58-6.1), is guilty of a crime of the third degree.
26 Notwithstanding any other provision of law to the contrary, the
27 sentence imposed for a conviction under this subsection shall include
28 a mandatory minimum three-year term of imprisonment, during which
29 the defendant shall be ineligible for parole.

30 (cf: P.L.1993, c.49, s.1)

31
32 3. N.J.S.2C:58-2 is amended to read as follows:

33 2C:58-2 a. Licensing of retail dealers and their employees. No
34 retail dealer of firearms nor any employee of a retail dealer shall sell
35 or expose for sale, or possess with the intent of selling, any firearm
36 unless licensed to do so as hereinafter provided. The superintendent
37 shall prescribe standards and qualifications for retail dealers of
38 firearms and their employees for the protection of the public safety,
39 health and welfare.

40 Applications shall be made in the form prescribed by the
41 superintendent, accompanied by a fee of \$50.00 payable to the
42 superintendent, and shall be made to a judge of the Superior Court in
43 the county where the applicant maintains his place of business. The

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1 judge shall grant a license to an applicant if he finds that the applicant
2 meets the standards and qualifications established by the
3 superintendent and that the applicant can be permitted to engage in
4 business as a retail dealer of firearms or employee thereof without any
5 danger to the public safety, health and welfare. Each license shall be
6 valid for a period of 3 years from the date of issuance, and shall
7 authorize the holder to sell firearms at retail in a specified
8 municipality.

9 In addition, every retail dealer shall pay a fee of \$5.00 for each
10 employee actively engaged in the sale or purchase of firearms. The
11 superintendent shall issue a license for each employee for whom said
12 fee has been paid, which license shall be valid for so long as the
13 employee remains in the employ of said retail dealer.

14 No license shall be granted to any retail dealer under the age of
15 21 years or to any employee of a retail dealer under the age of 18 or
16 to any person who could not qualify to obtain a permit to purchase a
17 handgun or a firearms purchaser identification card, or to any
18 corporation, partnership or other business organization in which the
19 actual or equitable controlling interest is held or possessed by such an
20 ineligible person.

21 All licenses shall be granted subject to the following conditions, for
22 breach of any of which the license shall be subject to revocation on the
23 application of any law enforcement officer and after notice and hearing
24 by the issuing court:

25 (1) The business shall be carried on only in the building or
26 buildings designated in the license, provided that repairs may be made
27 by the dealer or his employees outside of such premises.

28 (2) The license or a copy certified by the issuing authority shall be
29 displayed at all times in a conspicuous place on the business premises
30 where it can be easily read.

31 (3) No firearm or imitation thereof shall be placed in any window
32 or in any other part of the premises where it can be readily seen from
33 the outside.

34 (4) No rifle or shotgun, except antique rifles or shotguns, shall be
35 delivered to any person unless such person possesses and exhibits a
36 valid firearms purchaser identification card and furnishes the seller, on
37 the form prescribed by the superintendent, a certification signed by him
38 setting forth his name, permanent address, firearms purchaser
39 identification card number and such other information as the
40 superintendent may by rule or regulation require. The certification
41 shall be retained by the dealer and shall be made available for
42 inspection by any law enforcement officer at any reasonable time.

43 (5) No handgun shall be delivered to any person unless:

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- 1 (a) Such person possesses and exhibits a valid permit to purchase
2 a firearm and at least 7 days have elapsed since the date of application
3 for the permit;
- 4 (b) The person is personally known to the seller or presents
5 evidence of his identity; ~~[and]~~
- 6 (c) The handgun is unloaded and securely wrapped; ~~and~~
7 ~~(d) The handgun is accompanied by a trigger locking device.~~
- 8 (6) The dealer shall keep a true record of every handgun sold,
9 given or otherwise delivered or disposed of, in accordance with the
10 provisions of subsections b. through e. of this section and the record
11 shall note that a trigger locking device was delivered along with the
12 handgun.
- 13 b. Records. Every person engaged in the retail business of selling,
14 leasing or otherwise transferring a handgun, as a retail dealer or
15 otherwise, shall keep a register in which shall be entered the time of
16 the sale, lease or other transfer, the date thereof, the name, age, date
17 of birth, complexion, occupation, residence and a physical description
18 including distinguishing physical characteristics, if any, of the
19 purchaser, lessee or transferee, the name and permanent home address
20 of the person making the sale, lease or transfer, the place of the
21 transaction, and the make, model, manufacturer's number, caliber and
22 other marks of identification on such handgun and such other
23 information as the superintendent shall deem necessary for the proper
24 enforcement of this chapter. The register shall be retained by the
25 dealer and shall be made available at all reasonable hours for
26 inspection by any law enforcement officer.
- 27 c. Forms of register. The superintendent shall prepare the form of
28 the register as described in subsection b. of this section and furnish
29 the same in triplicate to each person licensed to be engaged in the
30 business of selling, leasing or otherwise transferring firearms.
- 31 d. Signatures in register. The purchaser, lessee or transferee of any
32 handgun shall sign, and the dealer shall require him to sign his name to
33 the register, in triplicate, and the person making the sale, lease or
34 transfer shall affix his name, in triplicate, as a witness to the signature.
35 The signatures shall constitute a representation of the accuracy of the
36 information contained in the register.
- 37 e. Copies of register entries; delivery to chief of police or county
38 clerk. Within 5 days of the date of the sale, assignment or transfer, the
39 dealer shall deliver or mail by certified mail, return receipt requested,
40 legible copies of the register forms to the office of the chief of police
41 of the municipality in which the purchaser resides, or to the office of
42 the captain of the precinct of the municipality in which the purchaser
43 resides, and to the superintendent. If hand delivered a receipt shall be

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1 given to the dealer therefor.

2 Where a sale, assignment or transfer is made to a purchaser who
3 resides in a municipality having no chief of police, the dealer shall,
4 within 5 days of the transaction, mail a duplicate copy of the register
5 sheet to the clerk of the county within which the purchaser resides.
6 (cf: P.L.1979, c.179, s.10)

7

8 4. This act shall take effect on the first day of the third month after
9 enactment.

10

11

12

STATEMENT

13

14 This bill amends N.J.S.2C:58-2 to specify that licensed retail
15 firearms dealers may not deliver handguns to their purchasers unless
16 the handgun is accompanied by a trigger locking device. The bill
17 defines a trigger locking device as a device that, if installed on a
18 firearm and secured by means of a key or a mechanically,
19 electronically, or electromechanically operated combination lock,
20 prevents the firearm from being discharged without first deactivating
21 or removing the device by means of a key or mechanically,
22 electronically, or electromechanically operated combination lock.

23 A violation of the bill's provisions would be a disorderly persons
24 offense. A disorderly persons offense is punishable by a term of
25 imprisonment for up to six months, a fine of up to \$1,000, or both.

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ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2826

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2826.

The committee substitute for Assembly Bill No. 2826 amends N.J.S.2C:58-2 to specify that licensed retail firearms dealers may not deliver a handgun to a purchaser unless the handgun is accompanied by a trigger lock or a locked case, gunbox, container or other secure facility.

The substitute defines a trigger lock as a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. Trigger locks may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger. Under the substitute, the dealer is required to note on the record of sale that a trigger lock, locked case, gunbox container or other facility was delivered with the handgun.

The substitute exempts antique handguns from its provisions, but specifies that this exemption is to be narrowly construed and shall not be deemed to exempt antique handguns from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes. The substitute defines "antique handgun" as a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

A violation of the substitute's provisions pertaining to the requirement of a trigger lock, locked case or gun box is a disorderly persons offense. A disorderly persons offense is punishable by a term of imprisonment for up to six months, a fine of up to \$1,000, or both.

The substitute requires the Superintendent of State Police, in consultation with the Attorney General, to promulgate guidelines to effectuate its purposes.

Finally, the substitute appropriates \$90,000 to the Department of Law and Public Safety to be allocated proportionately among the offices of the county prosecutor of each county to be used for the purposes of providing trigger locks free of charge to firearm owners.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2826**

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2826 (ACS).

The Assembly Committee Substitute for Assembly Bill No. 2826 amends N.J.S.2C:58-2 to specify that licensed retail firearms dealers may not deliver a handgun to a purchaser unless the handgun is accompanied by a trigger lock or a locked case, gunbox, container or other secure facility.

The substitute defines a trigger lock as a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. Trigger locks may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger. Under the substitute, the dealer is required to note on the record of sale that a trigger lock, locked case, gunbox container or other facility was delivered with the handgun.

The substitute exempts antique handguns from its provisions, but specifies that this exemption is to be narrowly construed and shall not be deemed to exempt antique handguns from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes. The substitute defines "antique handgun" as a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

A violation of the substitute's provisions pertaining to the requirement of a trigger lock, locked case or gun box is a disorderly persons offense. A disorderly persons offense is punishable by a term of imprisonment for up to six months, a fine of up to \$1,000, or both.

The substitute requires the Superintendent of State Police, in consultation with the Attorney General, to promulgate guidelines to effectuate its purposes.

Finally, the substitute appropriates \$90,000 to the Department of

Law and Public Safety to be allocated proportionately among the offices of the county prosecutor of each county to be used for the purposes of providing trigger locks free of charge to firearm owners.

This substitute is identical to the Senate Committee Substitute for Senate Bill No 1686, which was also released by the committee on this date.

SENATE, No. 1686

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 18, 1999

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Prohibits licensed dealers from transferring handguns to purchasers unless handgun is accompanied by trigger locking device.

CURRENT VERSION OF TEXT

As introduced.



S1686 CIESLA

2

1 **AN ACT** concerning the sale of certain firearms and amending
2 N.J.S.2C:39-1, N.J.S.2C:39-10 and N.J.S.2C:58-2.

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 m. "Rifle" means any firearm designed to be fired from the

1 shoulder and using the energy of the explosive in a fixed metallic
2 cartridge to fire a single projectile through a rifled bore for each single
3 pull of the trigger.

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

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

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

18 q. "Superintendent" means the Superintendent of the State Police.

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

32 s. "Wholesale dealer" means any person, except a manufacturer,
33 who sells, transfers, or assigns firearms, or parts of firearms, to
34 persons who are reasonably understood not to be the ultimate
35 consumers, and includes persons who receive finished parts of firearms
36 and assemble them into completed or partially completed firearms, in
37 furtherance of such purpose, except that it shall not include those
38 persons dealing exclusively in grips, stocks and other nonmetal parts
39 of firearms.

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

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

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

S1686 CIESLA

5

- 1 w. "Assault firearm" means:
- 2 (1) The following firearms:
- 3 Algimec AGM1 type
- 4 Any shotgun with a revolving cylinder such as the "Street Sweeper"
- 5 or "Striker 12"
- 6 Armalite AR-180 type
- 7 Australian Automatic Arms SAR
- 8 Avtomat Kalashnikov type semi-automatic firearms
- 9 Beretta AR-70 and BM59 semi-automatic firearms
- 10 Bushmaster Assault Rifle
- 11 Calico M-900 Assault carbine and M-900
- 12 CETME G3
- 13 Chartered Industries of Singapore SR-88 type
- 14 Colt AR-15 and CAR-15 series
- 15 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 16 Demro TAC-1 carbine type
- 17 Encom MP-9 and MP-45 carbine types
- 18 FAMAS MAS223 types
- 19 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 20 Franchi SPAS 12 and LAW 12 shotguns
- 21 G3SA type
- 22 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 23 Intratec TEC 9 and 22 semi-automatic firearms
- 24 M1 carbine type
- 25 M14S type
- 26 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 27 PJK M-68 carbine type
- 28 Plainfield Machine Company Carbine
- 29 Ruger K-Mini-14/5F and Mini-14/5RF
- 30 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 31 SKS with detachable magazine type
- 32 Spectre Auto carbine type
- 33 Springfield Armory BM59 and SAR-48 type
- 34 Sterling MK-6, MK-7 and SAR types
- 35 Steyr A.U.G. semi-automatic firearms
- 36 USAS 12 semi-automatic type shotgun
- 37 Uzi type semi-automatic firearms
- 38 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 39 Weaver Arm Nighthawk.
- 40 (2) Any firearm manufactured under any designation which is
- 41 substantially identical to any of the firearms listed above.
- 42 (3) A semi-automatic shotgun with either a magazine capacity
- 43 exceeding six rounds, a pistol grip, or a folding stock.
- 44 (4) A semi-automatic rifle with a fixed magazine capacity
- 45 exceeding 15 rounds.
- 46 (5) A part or combination of parts designed or intended to convert

1 a firearm into an assault firearm, or any combination of parts from
2 which an assault firearm may be readily assembled if those parts are in
3 the possession or under the control of the same person.

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

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

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

15 aa. "Trigger locking device" means a device that, if installed on a
16 firearm and secured by means of a key or mechanically, electronically
17 or electromechanically operated combination lock, prevents the
18 firearm from being discharged without first deactivating or removing
19 the device by means of a key or mechanically, electronically or
20 electromechanically operated combination lock.

21 (cf: P.L.1990, c.32, s.1)

22

23 2. N.J.S.2C:39-10 is amended to read as follows:

24 2C:39-10. Violation of the Regulatory Provisions Relating to
25 Firearms; False Representation in Applications.

26 a. **【Any】** (1) Except as otherwise provided in paragraph (2) of this
27 subsection, Any person who knowingly violates the regulatory
28 provisions relating to manufacturing or wholesaling of firearms
29 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
30 purchase certain firearms (section 2C:58-3), permits to carry certain
31 firearms (section 2C:58-4), licenses to procure machine guns or assault
32 firearms (section 2C:58-5), or incendiary or tracer ammunition
33 (section 2C:58-10), except acts which are punishable under section
34 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

35 (2) A licensed dealer who knowingly violates the provisions of
36 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
37 is a disorderly person.

38 b. Any person who knowingly violates the regulatory provisions
39 relating to notifying the authorities of possessing certain items of
40 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)
41 is a disorderly person.

42 c. Any person who gives or causes to be given any false
43 information, or signs a fictitious name or address, in applying for a
44 firearms purchaser identification card, a permit to purchase a handgun,
45 a permit to carry a handgun, a permit to possess a machine gun, a
46 permit to possess an assault firearm, or in completing the certificate or

1 any other instrument required by law in purchasing or otherwise
2 acquiring delivery of any rifle, shotgun, handgun, machine gun, or
3 assault firearm or any other firearm, is guilty of a crime of the third
4 degree.

5 d. Any person who gives or causes to be given any false
6 information in registering an assault firearm pursuant to section 11 of
7 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm
8 was rendered inoperable pursuant to section 12 of P.L.1990, c.32
9 (C.2C:58-13) commits a crime of the fourth degree.

10 e. Any person who knowingly sells, gives, transfers, assigns or
11 otherwise disposes of a firearm to a person who is under the age of 18
12 years, except as permitted in section 14 of P.L.1979, c.179
13 (C.2C:58-6.1), is guilty of a crime of the third degree.
14 Notwithstanding any other provision of law to the contrary, the
15 sentence imposed for a conviction under this subsection shall include
16 a mandatory minimum three-year term of imprisonment, during which
17 the defendant shall be ineligible for parole.

18 (cf: P.L.1993, c.49, s.1)

19

20 3. N.J.S.2C:58-2 is amended to read as follows:

21 2C:58-2 a. Licensing of retail dealers and their employees. No
22 retail dealer of firearms nor any employee of a retail dealer shall sell
23 or expose for sale, or possess with the intent of selling, any firearm
24 unless licensed to do so as hereinafter provided. The superintendent
25 shall prescribe standards and qualifications for retail dealers of
26 firearms and their employees for the protection of the public safety,
27 health and welfare.

28 Applications shall be made in the form prescribed by the
29 superintendent, accompanied by a fee of \$50.00 payable to the
30 superintendent, and shall be made to a judge of the Superior Court in
31 the county where the applicant maintains his place of business. The
32 judge shall grant a license to an applicant if he finds that the applicant
33 meets the standards and qualifications established by the
34 superintendent and that the applicant can be permitted to engage in
35 business as a retail dealer of firearms or employee thereof without any
36 danger to the public safety, health and welfare. Each license shall be
37 valid for a period of 3 years from the date of issuance, and shall
38 authorize the holder to sell firearms at retail in a specified
39 municipality.

40 In addition, every retail dealer shall pay a fee of \$5.00 for each
41 employee actively engaged in the sale or purchase of firearms. The
42 superintendent shall issue a license for each employee for whom said
43 fee has been paid, which license shall be valid for so long as the
44 employee remains in the employ of said retail dealer.

45 No license shall be granted to any retail dealer under the age of
46 21 years or to any employee of a retail dealer under the age of 18 or

1 to any person who could not qualify to obtain a permit to purchase a
2 handgun or a firearms purchaser identification card, or to any
3 corporation, partnership or other business organization in which the
4 actual or equitable controlling interest is held or possessed by such an
5 ineligible person.

6 All licenses shall be granted subject to the following conditions, for
7 breach of any of which the license shall be subject to revocation on the
8 application of any law enforcement officer and after notice and hearing
9 by the issuing court:

10 (1) The business shall be carried on only in the building or
11 buildings designated in the license, provided that repairs may be made
12 by the dealer or his employees outside of such premises.

13 (2) The license or a copy certified by the issuing authority shall be
14 displayed at all times in a conspicuous place on the business premises
15 where it can be easily read.

16 (3) No firearm or imitation thereof shall be placed in any window
17 or in any other part of the premises where it can be readily seen from
18 the outside.

19 (4) No rifle or shotgun, except antique rifles or shotguns, shall be
20 delivered to any person unless such person possesses and exhibits a
21 valid firearms purchaser identification card and furnishes the seller, on
22 the form prescribed by the superintendent, a certification signed by him
23 setting forth his name, permanent address, firearms purchaser
24 identification card number and such other information as the
25 superintendent may by rule or regulation require. The certification
26 shall be retained by the dealer and shall be made available for
27 inspection by any law enforcement officer at any reasonable time.

28 (5) No handgun shall be delivered to any person unless:

29 (a) Such person possesses and exhibits a valid permit to purchase
30 a firearm and at least 7 days have elapsed since the date of application
31 for the permit;

32 (b) The person is personally known to the seller or presents
33 evidence of his identity; **[and]**

34 (c) The handgun is unloaded and securely wrapped; and

35 (d) The handgun is accompanied by a trigger locking device.

36 (6) The dealer shall keep a true record of every handgun sold,
37 given or otherwise delivered or disposed of, in accordance with the
38 provisions of subsections b. through e. of this section and the record
39 shall note that a trigger locking device was delivered along with the
40 handgun.

41 b. Records. Every person engaged in the retail business of selling,
42 leasing or otherwise transferring a handgun, as a retail dealer or
43 otherwise, shall keep a register in which shall be entered the time of
44 the sale, lease or other transfer, the date thereof, the name, age, date
45 of birth, complexion, occupation, residence and a physical description
46 including distinguishing physical characteristics, if any, of the

1 purchaser, lessee or transferee, the name and permanent home address
2 of the person making the sale, lease or transfer, the place of the
3 transaction, and the make, model, manufacturer's number, caliber and
4 other marks of identification on such handgun and such other
5 information as the superintendent shall deem necessary for the proper
6 enforcement of this chapter. The register shall be retained by the
7 dealer and shall be made available at all reasonable hours for
8 inspection by any law enforcement officer.

9 c. Forms of register. The superintendent shall prepare the form of
10 the register as described in subsection b. of this section and furnish the
11 same in triplicate to each person licensed to be engaged in the business
12 of selling, leasing or otherwise transferring firearms.

13 d. Signatures in register. The purchaser, lessee or transferee of any
14 handgun shall sign, and the dealer shall require him to sign his name to
15 the register, in triplicate, and the person making the sale, lease or
16 transfer shall affix his name, in triplicate, as a witness to the signature.
17 The signatures shall constitute a representation of the accuracy of the
18 information contained in the register.

19 e. Copies of register entries; delivery to chief of police or county
20 clerk. Within 5 days of the date of the sale, assignment or transfer, the
21 dealer shall deliver or mail by certified mail, return receipt requested,
22 legible copies of the register forms to the office of the chief of police
23 of the municipality in which the purchaser resides, or to the office of
24 the captain of the precinct of the municipality in which the purchaser
25 resides, and to the superintendent. If hand delivered a receipt shall be
26 given to the dealer therefor.

27 Where a sale, assignment or transfer is made to a purchaser who
28 resides in a municipality having no chief of police, the dealer shall,
29 within 5 days of the transaction, mail a duplicate copy of the register
30 sheet to the clerk of the county within which the purchaser resides.
31 (cf: P.L.1979, c.179, s.10)

32
33 4. This act shall take effect on the first day of the third month after
34 enactment.

35
36
37 STATEMENT

38
39 This bill amends N.J.S.2C:58-2 to specify that licensed retail
40 firearms dealers may not deliver handguns to their purchasers unless
41 the handgun is accompanied by a trigger locking device. The bill
42 defines a trigger locking device as a device that, if installed on a
43 firearm and secured by means of a key or a mechanically,
44 electronically, or electromechanically operated combination lock,
45 prevents the firearm from being discharged without first deactivating
46 or removing the device by means of a key or mechanically,

S1686 CIESLA

10

1 electronically, or electromechanically operated combination lock.

2 A violation of the bill's provisions would be a disorderly persons
3 offense. A disorderly persons offense is punishable by a term of
4 imprisonment for up to six months, a fine of up to \$1,000, or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1686**

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1686.

The Senate Committee Substitute for Senate Bill No. 1686 amends N.J.S.2C:58-2 to specify that licensed retail firearms dealers may not deliver a handgun to a purchaser unless the handgun is accompanied by a trigger lock or a locked case, gunbox, container or other secure facility.

The substitute defines a trigger lock as a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. Trigger locks may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger. Under the substitute, the dealer is required to note on the record of sale that a trigger lock, locked case, gunbox container or other facility was delivered with the handgun.

The substitute exempts antique handguns from its provisions, but specifies that this exemption is to be narrowly construed and shall not be deemed to exempt antique handguns from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes. The substitute defines "antique handgun" as a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

A violation of the substitute's provisions pertaining to the requirement of a trigger lock, locked case or gun box is a disorderly persons offense. A disorderly persons offense is punishable by a term of imprisonment for up to six months, a fine of up to \$1,000, or both.

The substitute requires the Superintendent of State Police, in consultation with the Attorney General, to promulgate guidelines to effectuate its purposes.

Finally, the substitute appropriates \$90,000 to the Department of Law and Public Safety to be allocated proportionately among the offices of the county prosecutor of each county to be used for the purposes of providing trigger locks free of charge to firearm owners.

This substitute is identical to the Assembly Committee Substitute for Assembly Bill No 2826, which was also released by the committee on this date.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: October 12, 1999

Governor Whitman Signs Handgun Trigger Lock Bill

Governor Christie Whitman signed into law the Handgun Trigger Lock Bill, mandating that every handgun sold in New Jersey by a licensed dealer be equipped with a trigger lock. The bill signed today is another of the Governor's efforts to make New Jerseyans safer and more secure in their homes and communities.

"Trigger locks are designed to prevent the accidental discharge of a loaded handgun," said Gov. Whitman. "By adding this safety device to handguns, responsible gun owners can help ensure that their guns are not used by irresponsible parties - especially by children whose curiosity often exceeds their judgement, with tragic results."

"By making it more difficult for youngsters or others to misuse a handgun, this measure will save lives. But it's only one step in preventing future tragedy. I hope that responsible gun owners throughout our state will take the steps necessary to keep their firearms safely away from children," the Governor said.

A-2826, sponsored by Assembly Members James W. Holzapfel (R-Monmouth/Ocean), Paul R. Kramer (R-Mercer/Middlesex), Neil M. Cohen (D-Union), Marion Crecco (R-Essex/Passaic), Thomas S. Smith (R-Monmouth), Guy F. Talarico (R-Bergen), Peter J. Barnes, Jr. (D-Middlesex), Alfred E. Steele (D-Passaic), Nia H. Gill (D-Essex) and Senator Andrew R. Ciesla (R-Monmouth/Ocean) and John J. Matheussen (R-Camden/Gloucester), prohibits licensed dealers from transferring handguns to purchasers unless the handgun is accompanied by a trigger locking device.

The bill says that every handgun sold in New Jersey needs to be equipped with a trigger lock. A trigger lock is defined as a commercially available device, approved by the Superintendent of State Police, which is operated with a key or combination lock and prevents a firearm from being discharged (while the device is attached to the firearm).

This bill amends New Jersey's firearm laws to provide that licensed retail firearms dealers may not deliver handguns to their purchasers unless the handgun is accompanied by a trigger lock, lock box or other locking case, container or facility. Alternatives to trigger locks are also permitted because trigger locks can't be used on certain target and other specialized handguns.

A knowing violation of the bill's provisions would constitute a disorderly persons offense, which is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill's requirements do not apply to antique handguns because they are often not operable and trigger locks are often unavailable for such weapons. However, the term "antique handgun" is defined in the bill, and limited to those handguns manufactured before 1898, or replicas, that are historical in nature or are of historical significance.

This legislation also includes \$90,000 that will fund a program to make trigger locks available through the county prosecutors' offices. The bill also authorizes the Superintendent of the State Police, in consultation with the Attorney General, to develop guidelines to carry out the legislation.

Gov. Whitman also urged gun owners to exercise common sense in keeping their guns away from children - as owners also need to take personal responsibility for the safety and security of their firearms.

According to the Governor, this measure is just the latest step that the Whitman administration has taken to protect New Jersey's children: "We've established gun-free school zones and a zero tolerance for weapons policy in our schools. And just last month, I announced our comprehensive V-Free Youth Initiative, which is designed to protect New Jersey's kids from violence vandalism and victimization," she said.

"Working together, and through measures like this, we can help protect New Jersey's children from accidental injury or death from handguns."