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Yes

'Smart gun' law a first, is signed, 12-24-2002 The Inquirer, p.B1

"McGreevey signs law requiring 'smart guns' 12-24-2002 The Record, p.A1

"NJ is first state to enact 'smart gun' legislation, 12-24-2002 The Times p A9

"McGreevey makes Jersey a pioneer on 'smart guns'" 12-24-2002 Star Ledger, p. 12

"McGreevey signs 'smart gun' law" 12-24-20002 Home News & Tribune, p.A3

P.L. 2002, CHAPTER 130, *approved December 23, 2002*  
Senate Committee Substitute (*Second Reprint*) for  
Senate, Nos. 573 and 890

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

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

7  
8 1. (New section) a. The Legislature finds:  
9 New Jersey's commitment to firearms safety is unrivaled anywhere  
10 in the nation;

11 New Jersey was the first state to require retail dealers to include,  
12 as part of every handgun sale, either a State Police approved trigger  
13 lock or a locked case, gun box, container or other secure facility;

14 To encourage all firearms owners to practice safe storage, the  
15 State has waived all sales taxes on trigger locks, firearms lock-boxes  
16 and vaults and, under the "KeepSafe" program, offers an instant \$5  
17 rebate to all retail firearms purchasers who buy a compatible trigger  
18 locking device along with their firearm;

19 New Jersey was the first state to require all firearms dealers to  
20 prominently display State-provided firearms information and safety  
21 warnings;

22 New Jersey was one of the first states to make parents and  
23 guardians statutorily responsible for unwittingly or carelessly  
24 permitting minors under their control to gain access to loaded  
25 firearms;

26 New Jersey statutorily prohibits anyone under the age of 18 years  
27 from purchasing or otherwise acquiring a firearm and permits such  
28 minors to possess or carry a firearm only in a very limited number of  
29 strictly defined situations and under the direct supervision of a  
30 qualified parent, guardian or instructor;

31 To enforce this strict regulatory scheme, New Jersey imposes harsh  
32 penalties, including a mandatory minimum prison term of three years,  
33 on anyone who knowingly sells, transfers or gives a firearm to a  
34 person under the age of 18 years; and

35 New Jersey was the first state to allocate, as part of its annual  
36 Appropriations Act, moneys dedicated exclusively for the development

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted September 30, 2002.

<sup>2</sup> Assembly ALP committee amendments adopted November 7, 2002.

1 of personal handgun technology, and the amount so allocated,  
2 \$1,000,000, was one-fifth the total amount the federal government  
3 allocated toward the development of this important firearms safety  
4 technology in the same fiscal year.

5 b. The Legislature, therefore, declares:

6 It is within the public interest, and vital to the safety of our families  
7 and children, for New Jersey to take the bold and innovative step of  
8 fostering the development of personalized handguns by firearms  
9 manufacturers. To accomplish this objective, the Legislature  
10 determines that it should enact legislation designed to further enhance  
11 firearms safety by requiring that, within a specified period of time after  
12 the date on which these new personalized handguns are deemed to be  
13 available for retail sales purposes, no other type of handgun shall be  
14 sold or offered for sale by any registered or licensed firearms dealer in  
15 this State.

16  
17 2. (New section) a. On the first day of the sixth month following  
18 the effective date of P.L. , c. (C. )(now pending before the  
19 Legislature as this bill), the Attorney General shall report to the  
20 Governor and the Legislature as to the availability of personalized  
21 handguns for retail sales purposes. If the Attorney General determines  
22 that personalized handguns are not available for retail sales purposes,  
23 the Attorney General, every six months thereafter, shall report to the  
24 Governor and the Legislature as to the availability of personalized  
25 handguns for retail sales purposes until such time as the Attorney  
26 General shall deem that personalized handguns are available for retail  
27 sales purposes and so report to the Governor and the Legislature. <sup>1</sup>In  
28 making this determination, the Attorney General may consult with any  
29 other neutral and detached public or private entity that may have  
30 useful information and expertise to assist in determining whether,  
31 through performance and other relevant indicators, a handgun meets  
32 the statutory definition of a personalized handgun set forth in  
33 N.J.S.2C:39-1.<sup>1</sup>

34 b. For the purposes of this section, personalized handguns shall be  
35 deemed to be available for retail sales purposes if at least one  
36 manufacturer has delivered at least one <sup>1</sup>production<sup>1</sup> model of a  
37 personalized handgun to a registered or licensed wholesale or retail  
38 dealer in New Jersey or any other state. <sup>1</sup>As used in this subsection,  
39 the term "production model" shall mean a handgun which is the  
40 product of a regular manufacturing process that produces multiple  
41 copies of the same handgun model, and shall not include a prototype  
42 or other unique specimen that is offered for sale.<sup>1</sup>

43  
44 3. (New section) a. On the first day of the 24th month following  
45 the date on which the Attorney General reports that personalized  
46 handguns are available for retail sales purposes pursuant to section 2

1 of P.L. , c. (C. ) (now pending before the Legislature as this  
2 bill), the Attorney General shall direct the Superintendent of State  
3 Police to promulgate a list of personalized handguns that may be sold  
4 in the State. This list shall identify those handguns by manufacturer,  
5 model and caliber.

6 b. The list required under subsection a. of this section shall be  
7 prepared within six months of the Attorney General's directive to the  
8 superintendent and a copy thereof made available to registered and  
9 licensed firearms dealers in this State. <sup>1</sup>Whenever a handgun is  
10 determined to meet the statutory definition of a personalized handgun  
11 is set forth in N.J.S.2C:39-1, the Attorney General shall report that  
12 determination in writing to the Governor and the Legislature within  
13 60 days.<sup>1</sup> The superintendent <sup>2</sup>[<sup>1</sup>, from time to time,<sup>1</sup> may] shall  
14 promptly<sup>2</sup> amend and supplement the list<sup>1</sup> [at such times as he deems  
15 appropriate] to include handguns which meet the statutory definition  
16 of a personalized handgun as set forth in N.J.S.2C:39-1 or to remove  
17 previously listed handguns, if appropriate<sup>1</sup>. Registered and licensed  
18 retail firearms dealers in this State shall be notified forthwith of any  
19 such changes in the list. The notice shall be given in a manner  
20 prescribed by rule and regulation. The Attorney General shall  
21 promulgate rules and regulations establishing a process for handgun  
22 manufacturers to <sup>1</sup>[request] demonstrate<sup>1</sup> that their <sup>1</sup>[personalized]<sup>1</sup>  
23 handguns <sup>1</sup>meet the statutory definition of a personalized handgun set  
24 forth in N.J.S.2C:39-1 and request that their handgun<sup>1</sup> be added to this  
25 list. <sup>1</sup>These rules and regulations may require that the handgun  
26 manufacturer: (1) deliver a handgun or handguns to the Attorney  
27 General or his designee for testing; (2) pay a reasonable application  
28 fee; and (3) pay any reasonable costs incurred in, or associated with,  
29 the testing and independent scientific analysis of the handgun,  
30 including any analysis of the technology the manufacturer has  
31 incorporated within the handgun's design to limit its operational use,  
32 that is conducted to determine whether the handgun meets the  
33 statutory definition of a personalized handgun set forth in  
34 N.J.S.2C:39-1.<sup>1</sup>

35  
36 <sup>2</sup>[4. (New section) a. On and after the first day of the sixth  
37 month following the preparation and delivery of the list of  
38 personalized handguns which may be sold in the State pursuant to  
39 section 3 of P.L. , c. (C. ) (now pending before the  
40 Legislature as this bill), no person registered or licensed by the  
41 superintendent as a manufacturer, wholesale dealer of firearms, retail  
42 dealer of firearms or agent or employee of a wholesale or retail dealer  
43 of firearms pursuant to the provisions of N.J.S.2C:58-1 or  
44 N.J.S.2C:58-2 shall transport into this State, sell, expose for sale,  
45 possess with the intent of selling, assign or otherwise transfer any  
46 handgun unless it is a personalized handgun or an antique handgun.

1       b. The provisions of this section shall not apply to handguns to be  
2 sold, transferred, assigned and delivered for official use to: (1) State  
3 and local law enforcement officers of this State; (2) federal law  
4 enforcement officers and any other federal officers and employees  
5 required to carry firearms in the performance of their official duties;  
6 and (3) members of the Armed Forces of the United States or of the  
7 National Guard.

8       <sup>1</sup>The provisions of this section also shall not apply to handguns to  
9 be sold, transferred, assigned and delivered for use in duly sanctioned  
10 State, national and international shooting matches and competitions;  
11 in competitive shooting matches sanctioned by the Director of Civilian  
12 Marksmanship of the United States Department of the Army; and in  
13 shooting matches and competitions duly sanctioned by the Association  
14 of New Jersey Rifle and Pistol Clubs. The Attorney General, by rule  
15 and regulation, may require that a person acquiring a handgun  
16 pursuant to this paragraph submit valid proof of participation in such  
17 sanctioned shooting matches and competitions. The Attorney General  
18 may promulgate rules and regulations governing the scope and  
19 application of the exemption afforded under this paragraph.<sup>1</sup>

20       c. A person who knowingly violates the provisions of this section  
21 is guilty of a crime of the fourth degree.]<sup>2</sup>

22  
23       <sup>2</sup>4. (New section) a. On and after the first day of the sixth month  
24 following the preparation and delivery of the list of personalized  
25 handguns which may be sold in the State pursuant to section 3 of  
26 P.L. , c. (C. ) (now pending before the Legislature as this bill),  
27 no person registered or licensed by the superintendent as a  
28 manufacturer, wholesale dealer of firearms, retail dealer of firearms or  
29 agent or employee of a wholesale or retail dealer of firearms pursuant  
30 to the provisions of N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport  
31 into this State, sell, expose for sale, possess with the intent of selling,  
32 assign or otherwise transfer any handgun unless it is a personalized  
33 handgun or an antique handgun.

34       b. The provisions of this section shall not apply to handguns to be  
35 sold, transferred, assigned and delivered for official use to: (1) State  
36 and local law enforcement officers of this State; (2) federal law  
37 enforcement officers and any other federal officers and employees  
38 required to carry firearms in the performance of their official duties  
39 and (3) members of the Armed Forces of the United States or of the  
40 National Guard.

41       c. The provisions of this section also shall not apply to handguns  
42 to be sold, transferred, assigned and delivered solely for use in  
43 competitive shooting matches sanctioned by the Civilian  
44 Marksmanship Program, the International Olympic Committee or  
45 USA Shooting. The Attorney General may promulgate rules and  
46 regulations governing the scope and application of the exemption

1 afforded under this section. The Attorney General, by rule and  
2 regulation, may require, at a minimum, that a person acquiring a  
3 handgun pursuant to this section submit valid proof of participation in  
4 these sanctioned shooting matches.

5 d. No later than 30 days after the preparation and delivery of the  
6 list of personalized handguns which may be sold in the State pursuant  
7 to section 3 of P.L. , c. (C. ) (now pending before the  
8 Legislature as this bill), there shall be established a seven-member  
9 commission in the Department of Law and Public Safety that shall  
10 meet at least once a year to determine whether personalized handguns  
11 qualify for use by State and local law enforcement officers. The  
12 Governor shall appoint the following six members of the commission:  
13 a county sheriff; a county law enforcement officer; a county  
14 prosecutor; one local law enforcement officer who shall be an active  
15 member of the New Jersey Fraternal Order of Police; one local law  
16 enforcement officer who shall be an active member of the New Jersey  
17 State Policemen's Benevolent Association; and an experienced  
18 firearms instructor qualified to teach a firearms training course  
19 approved by the Police Training Commission. The seventh member of  
20 the commission shall be the Superintendent of State Police.

21 The commission shall issue a report to the Attorney General upon  
22 its determination that personalized handguns qualify for use by State  
23 and local law enforcement officers. In making this determination, the  
24 commission shall consider any advantages and disadvantages to using  
25 these weapons in the performance of the official duties of law  
26 enforcement officers and shall give due regard to the safety of law  
27 enforcement officers and others. The commission shall expire  
28 thereafter. The Attorney General shall be authorized to promulgate  
29 rules and regulations that apply the provisions of this section to  
30 handguns to be sold, transferred, assigned and delivered for official  
31 use to State and local law enforcement officers upon a determination  
32 by the commission that personalized handguns qualify for use by State  
33 and local law enforcement officers.

34 e. A person who knowingly violates the provisions of this section  
35 is guilty of a crime of the fourth degree.<sup>2</sup>

36  
37 5. N.J.S.2C:39-1 is amended to read as follows:

38 2C:39-1. Definitions. The following definitions apply to this  
39 chapter and to chapter 58:

40 a. "Antique firearm" means any rifle or shotgun and "antique  
41 cannon" means a destructive device defined in paragraph (3) of  
42 subsection c. of this section, if the rifle, shotgun or destructive device,  
43 as the case may be, is incapable of being fired or discharged, or which  
44 does not fire fixed ammunition, regardless of date of manufacture, or  
45 was manufactured before 1898 for which cartridge ammunition is not  
46 commercially available, and is possessed as a curiosity or ornament or

1 for its historical significance or value.

2 b. "Deface" means to remove, deface, cover, alter or destroy the  
3 name of the maker, model designation, manufacturer's serial number  
4 or any other distinguishing identification mark or number on any  
5 firearm.

6 c. "Destructive device" means any device, instrument or object  
7 designed to explode or produce uncontrolled combustion, including  
8 (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket  
9 having a propellant charge of more than four ounces or any missile  
10 having an explosive or incendiary charge of more than one-quarter of  
11 an ounce; (3) any weapon capable of firing a projectile of a caliber  
12 greater than 60 caliber, except a shotgun or shotgun ammunition  
13 generally recognized as suitable for sporting purposes; (4) any  
14 Molotov cocktail or other device consisting of a breakable container  
15 containing flammable liquid and having a wick or similar device  
16 capable of being ignited. The term does not include any device  
17 manufactured for the purpose of illumination, distress signaling,  
18 line-throwing, safety or similar purposes.

19 d. "Dispose of" means to give, give away, lease, loan, keep for  
20 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
21 possession.

22 e. "Explosive" means any chemical compound or mixture that is  
23 commonly used or is possessed for the purpose of producing an  
24 explosion and which contains any oxidizing and combustible materials  
25 or other ingredients in such proportions, quantities or packing that an  
26 ignition by fire, by friction, by concussion or by detonation of any part  
27 of the compound or mixture may cause such a sudden generation of  
28 highly heated gases that the resultant gaseous pressures are capable of  
29 producing destructive effects on contiguous objects. The term shall  
30 not include small arms ammunition, or explosives in the form  
31 prescribed by the official United States Pharmacopoeia.

32 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
33 automatic or semi-automatic rifle, or any gun, device or instrument in  
34 the nature of a weapon from which may be fired or ejected any solid  
35 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or  
36 other noxious thing, by means of a cartridge or shell or by the action  
37 of an explosive or the igniting of flammable or explosive substances.  
38 It shall also include, without limitation, any firearm which is in the  
39 nature of an air gun, spring gun or pistol or other weapon of a similar  
40 nature in which the propelling force is a spring, elastic band, carbon  
41 dioxide, compressed or other gas or vapor, air or compressed air, or  
42 is ignited by compressed air, and ejecting a bullet or missile smaller  
43 than three-eighths of an inch in diameter, with sufficient force to injure  
44 a person.

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

- 1 firing of any gun, revolver, pistol or other firearm.
- 2 h. "Gravity knife" means any knife which has a blade which is  
3 released from the handle or sheath thereof by the force of gravity or  
4 the application of centrifugal force.
- 5 i. "Machine gun" means any firearm, mechanism or instrument not  
6 requiring that the trigger be pressed for each shot and having a  
7 reservoir, belt or other means of storing and carrying ammunition  
8 which can be loaded into the firearm, mechanism or instrument and  
9 fired therefrom.
- 10 j. "Manufacturer" means any person who receives or obtains raw  
11 materials or parts and processes them into firearms or finished parts of  
12 firearms, except a person who exclusively processes grips, stocks and  
13 other nonmetal parts of firearms. The term does not include a person  
14 who repairs existing firearms or receives new and used raw materials  
15 or parts solely for the repair of existing firearms.
- 16 k. "Handgun" means any pistol, revolver or other firearm  
17 originally designed or manufactured to be fired by the use of a single  
18 hand.
- 19 l. "Retail dealer" means any person including a gunsmith, except  
20 a manufacturer or a wholesale dealer, who sells, transfers or assigns  
21 for a fee or profit any firearm or parts of firearms or ammunition  
22 which he has purchased or obtained with the intention, or for the  
23 purpose, of reselling or reassigning to persons who are reasonably  
24 understood to be the ultimate consumers, and includes any person who  
25 is engaged in the business of repairing firearms or who sells any  
26 firearm to satisfy a debt secured by the pledge of a firearm.
- 27 m. "Rifle" means any firearm designed to be fired from the  
28 shoulder and using the energy of the explosive in a fixed metallic  
29 cartridge to fire a single projectile through a rifled bore for each single  
30 pull of the trigger.
- 31 n. "Shotgun" means any firearm designed to be fired from the  
32 shoulder and using the energy of the explosive in a fixed shotgun shell  
33 to fire through a smooth bore either a number of ball shots or a single  
34 projectile for each pull of the trigger, or any firearm designed to be  
35 fired from the shoulder which does not fire fixed ammunition.
- 36 o. "Sawed-off shotgun" means any shotgun having a barrel or  
37 barrels of less than 18 inches in length measured from the breech to  
38 the muzzle, or a rifle having a barrel or barrels of less than 16 inches  
39 in length measured from the breech to the muzzle, or any firearm made  
40 from a rifle or a shotgun, whether by alteration, or otherwise, if such  
41 firearm as modified has an overall length of less than 26 inches.
- 42 p. "Switchblade knife" means any knife or similar device which has  
43 a blade which opens automatically by hand pressure applied to a  
44 button, spring or other device in the handle of the knife.
- 45 q. "Superintendent" means the Superintendent of the State Police.
- 46 r. "Weapon" means anything readily capable of lethal use or of  
47 inflicting serious bodily injury. The term includes, but is not limited

1 to, all (1) firearms, even though not loaded or lacking a clip or other  
2 component to render them immediately operable; (2) components  
3 which can be readily assembled into a weapon; (3) gravity knives,  
4 switchblade knives, daggers, dirks, stilettos, or other dangerous  
5 knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs,  
6 slingshots, cesti or similar leather bands studded with metal filings or  
7 razor blades imbedded in wood; and (4) stun guns; and any weapon or  
8 other device which projects, releases, or emits tear gas or any other  
9 substance intended to produce temporary physical discomfort or  
10 permanent injury through being vaporized or otherwise dispensed in  
11 the air.

12 s. "Wholesale dealer" means any person, except a manufacturer,  
13 who sells, transfers, or assigns firearms, or parts of firearms, to  
14 persons who are reasonably understood not to be the ultimate  
15 consumers, and includes persons who receive finished parts of firearms  
16 and assemble them into completed or partially completed firearms, in  
17 furtherance of such purpose, except that it shall not include those  
18 persons dealing exclusively in grips, stocks and other nonmetal parts  
19 of firearms.

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

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

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

27 w. "Assault firearm" means:

28 (1) The following firearms:

29 Algimec AGM1 type

30 Any shotgun with a revolving cylinder such as the "Street  
31 Sweeper" or "Striker 12"

32 Armalite AR-180 type

33 Australian Automatic Arms SAR

34 Avtomat Kalashnikov type semi-automatic firearms

35 Beretta AR-70 and BM59 semi-automatic firearms

36 Bushmaster Assault Rifle

37 Calico M-900 Assault carbine and M-900

38 CETME G3

39 Chartered Industries of Singapore SR-88 type

40 Colt AR-15 and CAR-15 series

41 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

42 Demro TAC-1 carbine type

43 Encom MP-9 and MP-45 carbine types

44 FAMAS MAS223 types

45 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

46 Franchi SPAS 12 and LAW 12 shotguns

47 G3SA type

1 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1  
2 Intratec TEC 9 and 22 semi-automatic firearms  
3 M1 carbine type  
4 M14S type  
5 MAC 10, MAC 11, MAC 11-9mm carbine type firearms  
6 PJK M-68 carbine type  
7 Plainfield Machine Company Carbine  
8 Ruger K-Mini-14/5F and Mini-14/5RF  
9 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types  
10 SKS with detachable magazine type  
11 Spectre Auto carbine type  
12 Springfield Armory BM59 and SAR-48 type  
13 Sterling MK-6, MK-7 and SAR types  
14 Steyr A.U.G. semi-automatic firearms  
15 USAS 12 semi-automatic type shotgun  
16 Uzi type semi-automatic firearms  
17 Valmet M62, M71S, M76, or M78 type semi-automatic firearms  
18 Weaver Arm Nighthawk.

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

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

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

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

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

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

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

40 aa. "Antique handgun" means a handgun manufactured before  
41 1898, or a replica thereof, which is recognized as being historical in  
42 nature or of historical significance and either (1) utilizes a match,  
43 friction, flint, or percussion ignition, or which utilizes a pin-fire  
44 cartridge in which the pin is part of the cartridge or (2) does not fire  
45 fixed ammunition or for which cartridge ammunition is not  
46 commercially available.

47 bb. "Trigger lock" means a commercially available device

1 approved by the Superintendent of State Police which is operated with  
2 a key or combination lock that prevents a firearm from being  
3 discharged while the device is attached to the firearm. It may include,  
4 but need not be limited to, devices that obstruct the barrel or cylinder  
5 of the firearm, as well as devices that immobilize the trigger.

6 cc. "Trigger locking device" means a device that, if installed on a  
7 firearm and secured by means of a key or mechanically, electronically  
8 or electromechanically operated combination lock, prevents the  
9 firearm from being discharged without first deactivating or removing  
10 the device by means of a key or mechanically, electronically or  
11 electromechanically operated combination lock.

12 dd. "Personalized handgun" means a handgun which incorporates  
13 within its design, and as part of its original manufacture, technology  
14 which automatically limits its operational use and which cannot be  
15 readily deactivated, so that it may only be fired by an authorized or  
16 recognized user. The technology limiting the handgun's operational  
17 use may include, but not be limited to: radio frequency tagging, touch  
18 memory, remote control, fingerprint, magnetic encoding and other  
19 automatic user identification systems utilizing biometric, mechanical  
20 or electronic systems. <sup>1</sup>No make or model of a handgun shall be  
21 deemed to be a "personalized handgun" unless the Attorney General  
22 has determined, through testing or other reasonable means, that the  
23 handgun meets any reliability standards that the manufacturer may  
24 require for its commercially available handguns that are not  
25 personalized or, if the manufacturer has no such reliability standards,  
26 the handgun meets the reliability standards generally used in the  
27 industry for commercially available handguns.<sup>1</sup>

28 (cf: P.L.1999, c.255, s.1)

29

30 6. N.J.S.2C:58-2 is amended to read as follows:

31 2C:58-2 a. Licensing of retail dealers and their employees. No  
32 retail dealer of firearms nor any employee of a retail dealer shall sell  
33 or expose for sale, or possess with the intent of selling, any firearm  
34 unless licensed to do so as hereinafter provided. The superintendent  
35 shall prescribe standards and qualifications for retail dealers of  
36 firearms and their employees for the protection of the public safety,  
37 health and welfare.

38 Applications shall be made in the form prescribed by the  
39 superintendent, accompanied by a fee of \$50.00 payable to the  
40 superintendent, and shall be made to a judge of the Superior Court in  
41 the county where the applicant maintains his place of business. The  
42 judge shall grant a license to an applicant if he finds that the applicant  
43 meets the standards and qualifications established by the  
44 superintendent and that the applicant can be permitted to engage in  
45 business as a retail dealer of firearms or employee thereof without any  
46 danger to the public safety, health and welfare. Each license shall be  
47 valid for a period of three years from the date of issuance, and shall

1 authorize the holder to sell firearms at retail in a specified  
2 municipality.

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

8 No license shall be granted to any retail dealer under the age of  
9 21 years or to any employee of a retail dealer under the age of 18 or  
10 to any person who could not qualify to obtain a permit to purchase a  
11 handgun or a firearms purchaser identification card, or to any  
12 corporation, partnership or other business organization in which the  
13 actual or equitable controlling interest is held or possessed by such an  
14 ineligible person.

15 All licenses shall be granted subject to the following conditions, for  
16 breach of any of which the license shall be subject to revocation on the  
17 application of any law enforcement officer and after notice and hearing  
18 by the issuing court:

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

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

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

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

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

38 (a) Such person possesses and exhibits a valid permit to purchase  
39 a firearm and at least seven days have elapsed since the date of  
40 application for the permit;

41 (b) The person is personally known to the seller or presents  
42 evidence of his identity;

43 (c) The handgun is unloaded and securely wrapped; [and]

44 (d) [The] Except as otherwise provided in subparagraph (e) of  
45 this paragraph, the handgun is accompanied by a trigger lock or a  
46 locked case, gun box, container or other secure facility; provided,  
47 however, this provision shall not apply to antique handguns. The

1 exemption afforded under this subparagraph for antique handguns shall  
2 be narrowly construed, limited solely to the requirements set forth  
3 herein and shall not be deemed to afford or authorize any other  
4 exemption from the regulatory provisions governing firearms set forth  
5 in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;  
6 and

7 (e) On and after the first day of the sixth month following the date  
8 on which the list of personalized handguns is prepared and delivered  
9 pursuant to section 3 of P.L. , c. (C. ) (now pending before  
10 the Legislature as this bill), the handgun is identified as a personalized  
11 handgun and included on that list or is an antique handgun. The  
12 provisions of subparagraph (d) of this section shall not apply to the  
13 delivery of a personalized handgun.

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

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

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

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

44 e. Copies of register entries; delivery to chief of police or county  
45 clerk. Within five days of the date of the sale, assignment or transfer,  
46 the dealer shall deliver or mail by certified mail, return receipt  
47 requested, legible copies of the register forms to the office of the chief

1 of police of the municipality in which the purchaser resides, or to the  
2 office of the captain of the precinct of the municipality in which the  
3 purchaser resides, and to the superintendent. If hand delivered a  
4 receipt shall be given to the dealer therefor.

5 Where a sale, assignment or transfer is made to a purchaser who  
6 resides in a municipality having no chief of police, the dealer shall,  
7 within five days of the transaction, mail a duplicate copy of the register  
8 sheet to the clerk of the county within which the purchaser resides.  
9 (cf: P.L.1999, c.233, s.5)

10  
11 7. (New section) The Attorney General, in accordance with the  
12 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), shall promulgate rules and regulations to  
14 effectuate the purposes of this act.

15  
16 18. (New section) No action or inaction by a public entity  
17 or public employee in implementing the provisions of P.L. , c.  
18 (C. )(now pending before the Legislature as this bill), including  
19 but not limited to the promulgating, amending or supplementing of a  
20 list of personalized handguns that may be sold in this State, shall  
21 constitute a representation, warranty or guarantee by any public entity  
22 or employee with regard to the safety, use or any other aspect or  
23 attribute of a personalized handgun.

24 No action to recover damages shall arise or shall be brought  
25 against any public entity or public employee for any action or inaction  
26 related to or in connection with the implementation of any aspect of  
27 P.L. , c. (C. )(now pending before the Legislature as this  
28 bill).<sup>1</sup>

29  
30 <sup>1</sup>[8.] 9.<sup>1</sup> This act shall take effect immediately.

31  
32  
33  
34  
35 Imposes restrictions on future retail sales of handguns; mandates sales  
36 of personalized handguns when found available for retail sales  
37 purposes.

# SENATE, No. 573

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Co-Sponsored by:**

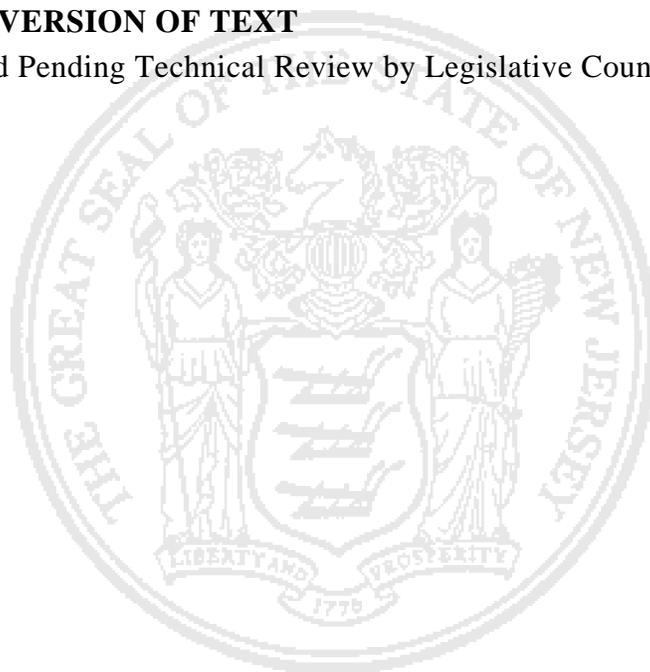
**Senators Adler, Bryant, Furnari, Baer, Lesniak and Turner**

**SYNOPSIS**

Mandates sale of only child-proof handguns within five years; during interim requires triggerlocks accompany sales of handguns that are not child-proof; appropriates \$500,000.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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:58-2 and N.J.S.2C:58-3  
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. (New section) a. To effectuate the purposes of P.L. ,  
10 c. (C. ) (now pending before the Legislature as this bill), the  
11 Attorney General shall contract with an institution for higher education  
12 or an independent research laboratory to conduct an on-going research  
13 and evaluation study to determine the commercial availability of child-  
14 proof handguns. In making its determination, the contracted entity  
15 shall consider the reliability of the technology utilized; the number and  
16 variety of models and calibers of child-proof handguns commercially  
17 available; and the manufacturer's suggested retail price for those child-  
18 proof handguns. The report shall be submitted to the Attorney  
19 General no later than the first day of the 36th month following the  
20 enactment of this act.

21 b. If the contracted entity determines that child-proof handguns are  
22 not commercially available, the Attorney General shall so notify the  
23 Governor and the Legislature, setting forth in a written summary the  
24 reasons for that determination. The Attorney General shall either  
25 extend the contract for an additional 12 months, directing the  
26 contracted entity to submit its findings and determinations on the first  
27 day of the thirteenth month following the contract extension, or  
28 contract with another institution for higher education or independent  
29 research laboratory to undertake a 12-month research and evaluation  
30 study patterned on the provisions of subsection a. of this section, and  
31 direct that institution or laboratory to submit its findings and  
32 determinations to the Attorney General on the first day of the 13th  
33 month following the date on which the contract was signed.

34 c. If the Attorney General finds that the report submitted by the  
35 contracted entity pursuant to subsection b. of this section determines  
36 that child-proof technology is not available, the Governor and  
37 Legislature shall be so notified. The Attorney General may extend the  
38 contract or contract with another institution for higher education or  
39 independent research laboratory to undertake a research and  
40 evaluation project patterned on the provisions of subsection a. of this  
41 section, and to submit its findings and determinations to the Attorney  
42 General.

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

**Matter underlined thus is new matter.**

1       2. (New section) Within 60 days of the receipt of a report  
2 determining that child-proof handguns are commercially available  
3 pursuant to section 1 of this act, or five years after the effective date  
4 of this act, whichever occurs first, the Attorney General shall direct  
5 the Superintendent of State Police to promulgate and provide to  
6 registered and licensed retail firearms dealers in this State a list of  
7 child-proof handguns. The superintendent may amend and supplement  
8 the list at such times as he deems appropriate. Registered and licensed  
9 retail firearms dealers in this State shall be notified forthwith of any  
10 changes in the list. The notice shall be given in a manner prescribed  
11 by rule and regulation.

12  
13       3. (New section) a. On and after the first day of the second month  
14 following the provision of the list of child-proof handguns pursuant to  
15 section 2 of P.L. c. (C ) (now pending before the Legislature as  
16 this bill), no person registered or licensed by the superintendent as a  
17 manufacturer, wholesale dealer of firearms, retail dealer of firearms or  
18 employee of a retail dealer of firearms pursuant to the provisions of  
19 N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport into this State, sell,  
20 expose for sale, possess with the intent of selling, assign or otherwise  
21 transfer any handgun unless it is a child-proof handgun or an antique  
22 handgun. Until that day, no licensed retail dealer of firearms or any  
23 employee of a retail dealer of firearms shall sell, assign or otherwise  
24 transfer any handgun, other than an antique handgun, unless that  
25 handgun is equipped with a trigger lock.

26       b. The provisions of this section shall not apply to handguns to be  
27 sold, transferred, assigned and delivered for official use to: (1) State  
28 and local law enforcement officers of this State; (2) federal law  
29 enforcement officers and any other federal officers and employees  
30 required to carry firearms in the performance of their official duties;  
31 and (3) members of the Armed Forces of the United States or of the  
32 National Guard.

33       c. A person who knowingly violates the provisions of this section  
34 is guilty of a crime of the fourth degree.

35  
36       4. N.J.S.2C:39-1 is amended to read as follows:

37       2C:39-1. Definitions. The following definitions apply to this  
38 chapter and to chapter 58:

39       a. "Antique firearm" means any [firearm] rifle or shotgun and  
40 "antique cannon" means a destructive device defined in paragraph (3)  
41 of subsection c. of this section, if the [firearm] rifle, shotgun or  
42 destructive device, as the case may be, is incapable of being fired or  
43 discharged, or which does not fire fixed ammunition, regardless of  
44 date of manufacture, or was manufactured before 1898 for which  
45 cartridge ammunition is not commercially available, and is possessed  
46 as a curiosity or ornament or for its historical significance or value.

1       b. "Deface" means to remove, deface, cover, alter or destroy the  
2 name of the maker, model designation, manufacturer's serial number  
3 or any other distinguishing identification mark or number on any  
4 firearm.

5       c. "Destructive device" means any device, instrument or object  
6 designed to explode or produce uncontrolled combustion, including  
7 (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket  
8 having a propellant charge of more than four ounces or any missile  
9 having an explosive or incendiary charge of more than one-quarter of  
10 an ounce; (3) any weapon capable of firing a projectile of a caliber  
11 greater than 60 caliber, except a shotgun or shotgun ammunition  
12 generally recognized as suitable for sporting purposes; (4) any  
13 Molotov cocktail or other device consisting of a breakable container  
14 containing flammable liquid and having a wick or similar device  
15 capable of being ignited. The term does not include any device  
16 manufactured for the purpose of illumination, distress signaling,  
17 line-throwing, safety or similar purposes.

18       d. "Dispose of" means to give, give away, lease, loan, keep for  
19 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
20 possession.

21       e. "Explosive" means any chemical compound or mixture that is  
22 commonly used or is possessed for the purpose of producing an  
23 explosion and which contains any oxidizing and combustible materials  
24 or other ingredients in such proportions, quantities or packing that an  
25 ignition by fire, by friction, by concussion or by detonation of any part  
26 of the compound or mixture may cause such a sudden generation of  
27 highly heated gases that the resultant gaseous pressures are capable of  
28 producing destructive effects on contiguous objects. The term shall  
29 not include small arms ammunition, or explosives in the form  
30 prescribed by the official United States Pharmacopoeia.

31       f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
32 automatic or semi-automatic rifle, or any gun, device or instrument in  
33 the nature of a weapon from which may be fired or ejected any solid  
34 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or  
35 other noxious thing, by means of a cartridge or shell or by the action  
36 of an explosive or the igniting of flammable or explosive substances.  
37 It shall also include, without limitation, any firearm which is in the  
38 nature of an air gun, spring gun or pistol or other weapon of a similar  
39 nature in which the propelling force is a spring, elastic band, carbon  
40 dioxide, compressed or other gas or vapor, air or compressed air, or  
41 is ignited by compressed air, and ejecting a bullet or missile smaller  
42 than three-eighths of an inch in diameter, with sufficient force to injure  
43 a person.

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

- 1 firing of any gun, revolver, pistol or other firearm.
- 2 h. "Gravity knife" means any knife which has a blade which is  
3 released from the handle or sheath thereof by the force of gravity or  
4 the application of centrifugal force.
- 5 i. "Machine gun" means any firearm, mechanism or instrument not  
6 requiring that the trigger be pressed for each shot and having a  
7 reservoir, belt or other means of storing and carrying ammunition  
8 which can be loaded into the firearm, mechanism or instrument and  
9 fired therefrom.
- 10 j. "Manufacturer" means any person who receives or obtains raw  
11 materials or parts and processes them into firearms or finished parts of  
12 firearms, except a person who exclusively processes grips, stocks and  
13 other nonmetal parts of firearms. The term does not include a person  
14 who repairs existing firearms or receives new and used raw materials  
15 or parts solely for the repair of existing firearms.
- 16 k. "Handgun" means any pistol, revolver or other firearm originally  
17 designed or manufactured to be fired by the use of a single hand.
- 18 l. "Retail dealer" means any person including a gunsmith, except a  
19 manufacturer or a wholesale dealer, who sells, transfers or assigns for  
20 a fee or profit any firearm or parts of firearms or ammunition which he  
21 has purchased or obtained with the intention, or for the purpose, of  
22 reselling or reassigning to persons who are reasonably understood to  
23 be the ultimate consumers, and includes any person who is engaged in  
24 the business of repairing firearms or who sells any firearm to satisfy a  
25 debt secured by the pledge of a firearm.
- 26 m. "Rifle" means any firearm designed to be fired from the  
27 shoulder and using the energy of the explosive in a fixed metallic  
28 cartridge to fire a single projectile through a rifled bore for each single  
29 pull of the trigger.
- 30 n. "Shotgun" means any firearm designed to be fired from the  
31 shoulder and using the energy of the explosive in a fixed shotgun shell  
32 to fire through a smooth bore either a number of ball shots or a single  
33 projectile for each pull of the trigger, or any firearm designed to be  
34 fired from the shoulder which does not fire fixed ammunition.
- 35 o. "Sawed-off shotgun" means any shotgun having a barrel or  
36 barrels of less than 18 inches in length measured from the breech to  
37 the muzzle, or a rifle having a barrel or barrels of less than 16 inches  
38 in length measured from the breech to the muzzle, or any firearm made  
39 from a rifle or a shotgun, whether by alteration, or otherwise, if such  
40 firearm as modified has an overall length of less than 26 inches.
- 41 p. "Switchblade knife" means any knife or similar device which has  
42 a blade which opens automatically by hand pressure applied to a  
43 button, spring or other device in the handle of the knife.

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

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

15 s. "Wholesale dealer" means any person, except a manufacturer,  
16 who sells, transfers, or assigns firearms, or parts of firearms, to  
17 persons who are reasonably understood not to be the ultimate  
18 consumers, and includes persons who receive finished parts of firearms  
19 and assemble them into completed or partially completed firearms, in  
20 furtherance of such purpose, except that it shall not include those  
21 persons dealing exclusively in grips, stocks and other nonmetal parts  
22 of firearms.

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

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

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

30 w. "Assault firearm" means:

31 (1) The following firearms:

32 Algimec AGM1 type

33 Any shotgun with a revolving cylinder such as the "Street Sweeper"  
34 or "Striker 12"

35 Armalite AR-180 type

36 Australian Automatic Arms SAR

37 Avtomat Kalashnikov type semi-automatic firearms

38 Beretta AR-70 and BM59 semi-automatic firearms

39 Bushmaster Assault Rifle

40 Calico M-900 Assault carbine and M-900

41 CETME G3

42 Chartered Industries of Singapore SR-88 type

43 Colt AR-15 and CAR-15 series

44 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

45 Demro TAC-1 carbine type

46 Encom MP-9 and MP-45 carbine types

- 1 FAMAS MAS223 types
- 2 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 3 Franchi SPAS 12 and LAW 12 shotguns
- 4 G3SA type
- 5 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 6 Intratec TEC 9 and 22 semi-automatic firearms
- 7 M1 carbine type
- 8 M14S type
- 9 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 10 PJK M-68 carbine type
- 11 Plainfield Machine Company Carbine
- 12 Ruger K-Mini-14/5F and Mini-14/5RF
- 13 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 14 SKS with detachable magazine type
- 15 Spectre Auto carbine type
- 16 Springfield Armory BM59 and SAR-48 type
- 17 Sterling MK-6, MK-7 and SAR types
- 18 Steyr A.U.G. semi-automatic firearms
- 19 USAS 12 semi-automatic type shotgun
- 20 Uzi type semi-automatic firearms
- 21 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 22 Weaver Arm Nighthawk.
- 23 (2) Any firearm manufactured under any designation which is
- 24 substantially identical to any of the firearms listed above.
- 25 (3) A semi-automatic shotgun with either a magazine capacity
- 26 exceeding six rounds, a pistol grip, or a folding stock.
- 27 (4) A semi-automatic rifle with a fixed magazine capacity
- 28 exceeding 15 rounds.
- 29 (5) A part or combination of parts designed or intended to convert
- 30 a firearm into an assault firearm, or any combination of parts from
- 31 which an assault firearm may be readily assembled if those parts are in
- 32 the possession or under the control of the same person.
- 33 x. "Semi-automatic" means a firearm which fires a single projectile
- 34 for each single pull of the trigger and is self-reloading or automatically
- 35 chambers a round, cartridge, or bullet.
- 36 y. "Large capacity ammunition magazine" means a box, drum, tube
- 37 or other container which is capable of holding more than 15 rounds of
- 38 ammunition to be fed continuously and directly therefrom into a
- 39 semi-automatic firearm.
- 40 z. "Pistol grip" means a well-defined handle, similar to that found
- 41 on a handgun, that protrudes conspicuously beneath the action of the
- 42 weapon, and which permits the shotgun to be held and fired with one
- 43 hand.
- 44 aa. "Antique handgun" means a handgun manufactured before
- 45 1898, or a replica thereof, which (1) utilizes a match, friction, flint, or
- 46 percussion ignition, or which utilizes a pin-fire cartridge in which the

1 pin is part of the cartridge; (2) does not fire fixed ammunition or for  
2 which cartridge ammunition is not commercially available; and (3) is  
3 recognized as being historical in nature or of historical significance or  
4 value.

5 bb. "Child-proof handgun" means a handgun which incorporates  
6 within its design, and as part of its original manufacture, technology  
7 which automatically limits its operational use and which cannot be  
8 readily deactivated, so that it may only be fired by an authorized or  
9 recognized user. The technology limiting the handgun's operational  
10 use may include, but not be limited to: radio frequency tagging, touch  
11 memory, remote control, fingerprint, magnetic encoding and other  
12 automatic user identification systems utilizing biometric, mechanical  
13 or electronic systems.

14 cc. "Trigger lock" means a metallic device operated with a key or  
15 combination lock that prevents a firearm from being discharged while  
16 the device is attached to the firearm. It may include, but need not be  
17 limited to, devices that obstruct the barrel or cylinder of the firearm,  
18 as well as devices that immobilize the trigger.

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

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

22 2C:39-3. Prohibited Weapons and Devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34

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

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

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

45 c. Firearm silencers. Any person who manufactures, causes to be  
46 manufactured, transports, ships, sells or disposes of any firearm

1 silencer is guilty of a crime of the fourth degree.

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

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

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

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

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

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

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

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

27

28 7. N.J.S.2C:58-2 is amended to read as follows:

29 2C:58-2 a. Licensing of retail dealers and their employees. No  
30 retail dealer of firearms nor any employee of a retail dealer shall sell  
31 or expose for sale, or possess with the intent of selling, any firearm  
32 unless licensed to do so as hereinafter provided. The superintendent  
33 shall prescribe standards and qualifications for retail dealers of  
34 firearms and their employees for the protection of the public safety,  
35 health and welfare.

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

1 municipality.

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

7 No license shall be granted to any retail dealer under the age of  
8 21 years or to any employee of a retail dealer under the age of 18 or  
9 to any person who could not qualify to obtain a permit to purchase a  
10 handgun or a firearms purchaser identification card, or to any  
11 corporation, partnership or other business organization in which the  
12 actual or equitable controlling interest is held or possessed by such an  
13 ineligible person.

14 All licenses shall be granted subject to the following conditions, for  
15 breach of any of which the license shall be subject to revocation on the  
16 application of any law enforcement officer and after notice and hearing  
17 by the issuing court:

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

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

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

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

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

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

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

42 (c) The handgun is unloaded and securely wrapped; **and**

43 (d) (i) For the period between the effective date of P.L. , c.  
44 (C. )(now pending before the Legislature as this bill), but before  
45 the first day of the second month following the providing of the list of  
46 child-proof handguns pursuant to section 2 of P.L. , c.

1 (C. \_\_\_\_\_)(now pending before the Legislature as this bill), the handgun  
2 is accompanied by a trigger locking device or is an antique handgun;  
3 and (ii) on and after the first day of the second month following the  
4 date on which the list of child-proof handguns is provided pursuant to  
5 section 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(now pending before the Legislature  
6 as this bill), the handgun is identified as a child-proof handgun and  
7 included on that list or is an antique handgun.

8 The exemption afforded under this paragraph for antique handguns  
9 shall be narrowly construed, limited solely to the requirements set  
10 forth in subparagraph (i) and (ii), and shall not be deemed to afford or  
11 authorize any other exemption from the regulatory provisions  
12 governing firearms set forth in chapter 39 and chapter 58 of Title 2C  
13 of the New Jersey Statutes.

14 (6) The dealer shall keep a true record of every handgun sold,  
15 given or otherwise delivered or disposed of, in accordance with the  
16 provisions of subsections b. through e. of this section and, except with  
17 respect to a handgun that is identified as a child-proof handgun and  
18 included on the list provided pursuant to section 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
19 (C. \_\_\_\_\_)(now pending before the Legislature as this bill) and any  
20 antique handgun, the record shall note that a trigger locking device  
21 was delivered along with the handgun.

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

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

40 d. Signatures in register. The purchaser, lessee or transferee of any  
41 handgun shall sign, and the dealer shall require him to sign his name to  
42 the register, in triplicate, and the person making the sale, lease or  
43 transfer shall affix his name, in triplicate, as a witness to the signature.  
44 The signatures shall constitute a representation of the accuracy of the  
45 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 8. N.J.S.2C:58-3 is amended to read as follows:

16 2C:58-3. Purchase of Firearms. a. Permit to purchase a handgun.  
17 No person shall sell, give, transfer, assign or otherwise dispose of, nor  
18 receive, purchase, or otherwise acquire a handgun unless the  
19 purchaser, assignee, donee, receiver or holder is licensed as a dealer  
20 under this chapter or has first secured a permit to purchase a handgun  
21 as provided by this section and, except in the case of a handgun that  
22 is identified as a child-proof handgun on the list provided pursuant to  
23 section 2 of P.L. , c. (C. )(now pending before the Legislature  
24 as this bill) or an antique handgun, the receipt, purchase or acquisition  
25 of the handgun also shall include the receipt, purchase or acquisition  
26 of a trigger locking device for that handgun.

27 b. Firearms purchaser identification card. No person shall sell,  
28 give, transfer, assign or otherwise dispose of nor receive, purchase or  
29 otherwise acquire an antique cannon or a rifle or shotgun, other than  
30 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
31 receiver or holder is licensed as a dealer under this chapter or  
32 possesses a valid firearms purchaser identification card, and first  
33 exhibits said card to the seller, donor, transferor or assignor, and  
34 unless the purchaser, assignee, donee, receiver or holder signs a  
35 written certification, on a form prescribed by the superintendent,  
36 which shall indicate that he presently complies with the requirements  
37 of subsection c. of this section and shall contain his name, address and  
38 firearms purchaser identification card number or dealer's registration  
39 number. The said certification shall be retained by the seller, as  
40 provided in section 2C:58-2a., or, in the case of a person who is not  
41 a dealer, it may be filed with the chief of police of the municipality in  
42 which he resides or with the superintendent.

43 c. Who may obtain. No person of good character and good repute  
44 in the community in which he lives, and who is not subject to any of  
45 the disabilities set forth in this section or other sections of this chapter,  
46 shall be denied a permit to purchase a handgun or a firearms purchaser

1 identification card, except as hereinafter set forth. No handgun  
2 purchase permit or firearms purchaser identification card shall be  
3 issued:

4 (1) To any person who has been convicted of a crime, whether or  
5 not armed with or possessing a weapon at the time of such offense;

6 (2) To any drug dependent person as defined in section 2 of  
7 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
8 mental disorder to a hospital, mental institution or sanitarium, or to  
9 any person who is presently an habitual drunkard;

10 (3) To any person who suffers from a physical defect or disease  
11 which would make it unsafe for him to handle firearms, to any person  
12 who has ever been confined for a mental disorder, or to any alcoholic  
13 unless any of the foregoing persons produces a certificate of a medical  
14 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
15 proof, that he is no longer suffering from that particular disability in  
16 such a manner that would interfere with or handicap him in the  
17 handling of firearms; to any person who knowingly falsifies any  
18 information on the application form for a handgun purchase permit or  
19 firearms purchaser identification card;

20 (4) To any person under the age of 18 years;

21 (5) To any person where the issuance would not be in the interest  
22 of the public health, safety or welfare; or

23 (6) To any person who is subject to a court order issued pursuant  
24 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
25 from possessing any firearm.

26 d. Issuance. The chief of police of an organized full-time police  
27 department of the municipality where the applicant resides or the  
28 superintendent, in all other cases, shall upon application, issue to any  
29 person qualified under the provisions of subsection c. of this section  
30 a permit to purchase a handgun or a firearms purchaser identification  
31 card.

32 Any person aggrieved by the denial of a permit or identification  
33 card may request a hearing in the Superior Court of the county in  
34 which he resides if he is a resident of New Jersey or in the Superior  
35 Court of the county in which his application was filed if he is a  
36 nonresident. The request for a hearing shall be made in writing within  
37 30 days of the denial of the application for a permit or identification  
38 card. The applicant shall serve a copy of his request for a hearing  
39 upon the chief of police of the municipality in which he resides, if he  
40 is a resident of New Jersey, and upon the superintendent in all cases.  
41 The hearing shall be held and a record made thereof within 30 days of  
42 the receipt of the application for such hearing by the judge of the  
43 Superior Court. No formal pleading and no filing fee shall be required  
44 as a preliminary to such hearing. Appeals from the results of such  
45 hearing shall be in accordance with law.

1 e. Applications. Applications for permits to purchase a handgun  
2 and for firearms purchaser identification cards shall be in the form  
3 prescribed by the superintendent and shall set forth the name,  
4 residence, place of business, age, date of birth, occupation, sex and  
5 physical description, including distinguishing physical characteristics,  
6 if any, of the applicant, and shall state whether the applicant is a  
7 citizen, whether he is an alcoholic, habitual drunkard, drug dependent  
8 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
9 he has ever been confined or committed to a mental institution or  
10 hospital for treatment or observation of a mental or psychiatric  
11 condition on a temporary, interim or permanent basis, giving the name  
12 and location of the institution or hospital and the dates of such  
13 confinement or commitment, whether he has been attended, treated or  
14 observed by any doctor or psychiatrist or at any hospital or mental  
15 institution on an inpatient or outpatient basis for any mental or  
16 psychiatric condition, giving the name and location of the doctor,  
17 psychiatrist, hospital or institution and the dates of such occurrence,  
18 whether he presently or ever has been a member of any organization  
19 which advocates or approves the commission of acts of force and  
20 violence to overthrow the Government of the United States or of this  
21 State, or which seeks to deny others their rights under the Constitution  
22 of either the United States or the State of New Jersey, whether he has  
23 ever been convicted of a crime or disorderly persons offense, whether  
24 the person is subject to a court order issued pursuant to section 13 of  
25 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing  
26 any firearm, and such other information as the superintendent shall  
27 deem necessary for the proper enforcement of this chapter. For the  
28 purpose of complying with this subsection, the applicant shall waive  
29 any statutory or other right of confidentiality relating to institutional  
30 confinement. The application shall be signed by the applicant and shall  
31 contain as references the names and addresses of two reputable  
32 citizens personally acquainted with him.

33 Application blanks shall be obtainable from the superintendent,  
34 from any other officer authorized to grant such permit or identification  
35 card, and from licensed retail dealers.

36 The chief police officer or the superintendent shall obtain the  
37 fingerprints of the applicant and shall have them compared with any  
38 and all records of fingerprints in the municipality and county in which  
39 the applicant resides and also the records of the State Bureau of  
40 Identification and the Federal Bureau of Investigation, provided that  
41 an applicant for a handgun purchase permit who possesses a valid  
42 firearms purchaser identification card, or who has previously obtained  
43 a handgun purchase permit from the same licensing authority for which  
44 he was previously fingerprinted, and who provides other reasonably  
45 satisfactory proof of his identity, need not be fingerprinted again;  
46 however, the chief police officer or the superintendent shall proceed

1 to investigate the application to determine whether or not the applicant  
2 has become subject to any of the disabilities set forth in this chapter.

3 f. Granting of permit or identification card; fee; term; renewal;  
4 revocation. The application for the permit to purchase a handgun  
5 together with a fee of \$2.00, or the application for the firearms  
6 purchaser identification card together with a fee of \$5.00, shall be  
7 delivered or forwarded to the licensing authority who shall investigate  
8 the same and, unless good cause for the denial thereof appears, shall  
9 grant the permit or the identification card, or both, if application has  
10 been made therefor, within 30 days from the date of receipt of the  
11 application for residents of this State and within 45 days for  
12 nonresident applicants. A permit to purchase a handgun shall be valid  
13 for a period of 90 days from the date of issuance and may be renewed  
14 by the issuing authority for good cause for an additional 90 days. A  
15 permit to purchase a handgun, other than a handgun that has been  
16 identified as a child-proof handgun on the list provided pursuant to  
17 section 2 of P.L. , c. (C. )(now pending before the Legislature  
18 as this bill) or an antique handgun, shall include the requirement that  
19 the permit holder purchase or otherwise acquire a trigger locking  
20 device for that handgun at the time of its purchase. A firearms  
21 purchaser identification card shall be valid until such time as the holder  
22 becomes subject to any of the disabilities set forth in subsection c. of  
23 this section, whereupon the card shall be void and shall be returned  
24 within five days by the holder to the superintendent, who shall then  
25 advise the licensing authority. Failure of the holder to return the  
26 firearms purchaser identification card to the superintendent within the  
27 said five days shall be an offense under section 2C:39-10a. Any  
28 firearms purchaser identification card may be revoked by the Superior  
29 Court of the county wherein the card was issued, after hearing upon  
30 notice, upon a finding that the holder thereof no longer qualifies for  
31 the issuance of such permit. The county prosecutor of any county, the  
32 chief police officer of any municipality or any citizen may apply to  
33 such court at any time for the revocation of such card.

34 There shall be no conditions or requirements added to the form or  
35 content of the application, or required by the licensing authority for  
36 the issuance of a permit or identification card, other than those that are  
37 specifically set forth in this chapter.

38 g. Disposition of fees. All fees for permits shall be paid to the  
39 State Treasury if the permit is issued by the superintendent, to the  
40 municipality if issued by the chief of police, and to the county treasurer  
41 if issued by the judge of the Superior Court.

42 h. Form of permit; quadruplicate; disposition of copies. The permit  
43 shall be in the form prescribed by the superintendent and shall be  
44 issued to the applicant in quadruplicate. Prior to the time he receives  
45 the handgun from the seller, the applicant shall deliver to the seller the  
46 permit in quadruplicate and the seller shall complete all of the

1 information required on the form. Within five days of the date of the  
2 sale, the seller shall forward the original copy to the superintendent  
3 and the second copy to the chief of police of the municipality in which  
4 the purchaser resides, except that in a municipality having no chief of  
5 police, such copy shall be forwarded to the superintendent. The third  
6 copy shall then be returned to the purchaser with the pistol or revolver  
7 and the fourth copy shall be kept by the seller as a permanent record.

8 i. Restriction on number of firearms person may purchase. Only  
9 one handgun shall be purchased or delivered on each permit, but a  
10 person shall not be restricted as to the number of rifles or shotguns he  
11 may purchase, provided he possesses a valid firearms purchaser  
12 identification card and provided further that he signs the certification  
13 required in subsection b. of this section for each transaction.

14 j. Firearms passing to heirs or legatees. Notwithstanding any other  
15 provision of this section concerning the transfer, receipt or acquisition  
16 of a firearm, a permit to purchase or a firearms purchaser identification  
17 card shall not be required for the passing of a firearm upon the death  
18 of an owner thereof to his heir or legatee, whether the same be by  
19 testamentary bequest or by the laws of intestacy. The person who  
20 shall so receive, or acquire said firearm shall, however, be subject to  
21 all other provisions of this chapter. If the heir or legatee of such  
22 firearm does not qualify to possess or carry it, he may retain ownership  
23 of the firearm for the purpose of sale for a period not exceeding  
24 180 days, or for such further limited period as may be approved by the  
25 chief law enforcement officer of the municipality in which the heir or  
26 legatee resides or the superintendent, provided that such firearm is in  
27 the custody of the chief law enforcement officer of the municipality or  
28 the superintendent during such period.

29 k. Sawed-off shotguns. Nothing in this section shall be construed  
30 to authorize the purchase or possession of any sawed-off shotgun.

31 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the  
32 sale or purchase of a visual distress signalling device approved by the  
33 United States Coast Guard, solely for possession on a private or  
34 commercial aircraft or any boat; provided, however, that no person  
35 under the age of 18 years shall purchase nor shall any person sell to a  
36 person under the age of 18 years such a visual distress signalling  
37 device.

38 (cf: P.L.1991, c.261, s.19)

39

40 9. (New section) The Attorney General, in accordance with the  
41 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
42 (C.52:14B-1 et seq.), shall promulgate rules and regulations to  
43 effectuate the purposes of this act.



1 transfer of the handgun is accompanied by a trigger locking device.  
2 Similar language is incorporated in N.J.S.2C:58-3 to obligate  
3 purchasers of handguns not identified as child-proof to obtain a  
4 trigger locking device at the time of purchase. The bill defines a  
5 trigger locking device as a metallic device that, if installed on a firearm  
6 and secured by means of a key or combination lock, prevents the  
7 firearm from being discharged while the device is attached to the  
8 firearm.

9 The Superintendent of State Police is directed to promulgate and  
10 provide to licensed and registered retail firearms dealers a list  
11 identifying the child-proof handguns they may sell in the State.

12 The bill provides a limited exemption from the child-proof and  
13 trigger locking requirements for antique handguns, and replicas of  
14 such handguns, since trigger locking devices for these guns are  
15 unavailable and retro-fitting them is unrealistic. An antique handgun  
16 is defined as a handgun manufactured before 1898, or a replica  
17 thereof, which utilizes (1) a match, friction, flint, or percussion  
18 ignition, or which utilizes a pin-fire cartridge in which the pin is part  
19 of the cartridge, (2) does not fire fixed ammunition or for which  
20 cartridge ammunition is not commercially available and (3) is  
21 recognized as being historical in nature or of historical significance or  
22 value.

23 The bill also makes technical amendments to N.J.S.2C:39-3 and  
24 2C:39-9 to clarify that antique handguns would continue to be subject  
25 to the provisions of those sections.

26 Finally, the bill includes a \$500,000 appropriation to provide  
27 funding for the study to determine the commercial availability of child-  
28 proof handguns.

# SENATE, No. 890

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

**Sponsored by:**

**Senator PETER A. INVERSO**  
**District 14 (Mercer and Middlesex)**  
**Senator JOHN A. GIRGENTI**  
**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

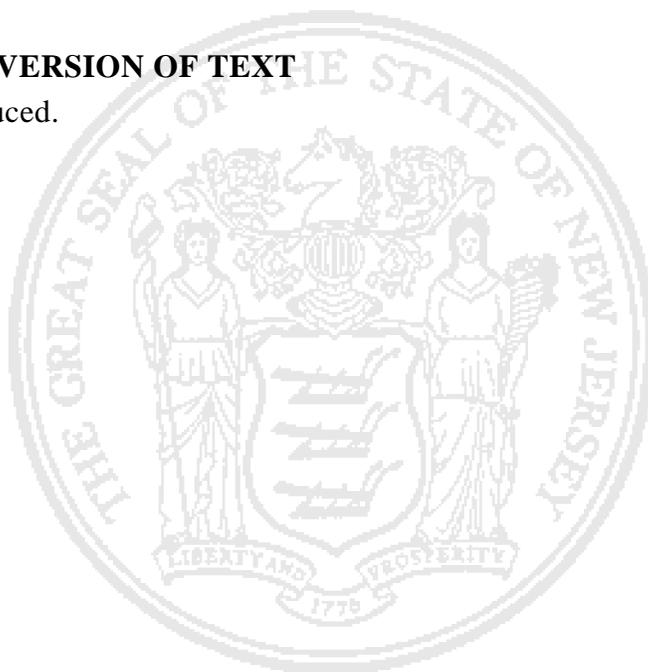
**Senators Furnari, Bagger, Vitale, Coniglio, Bennett, Lesniak, Adler and Buono**

**SYNOPSIS**

Imposes restrictions on future retail sales of handguns; mandates sales of personalized handguns when found available for retail sales purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/10/2002)**

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2

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

4

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

7

8 1. (New section) a. The Legislature finds:

9 New Jersey's commitment to firearms safety is unrivaled anywhere  
10 in the nation;

11 New Jersey was the first state to require retail dealers to include,  
12 as part of every handgun sale, either a State Police approved trigger  
13 lock or a locked case, gun box, container or other secure facility;

14 To encourage all firearms owners to practice safe storage, the State  
15 has waived all sales taxes on trigger locks, firearms lock-boxes and  
16 vaults and, under the "KeepSafe" program, offers an instant \$5 rebate  
17 to all retail firearms purchasers who buy a compatible trigger locking  
18 device along with their firearm;

19 New Jersey was the first state to require all firearms dealers to  
20 prominently display State-provided firearms information and safety  
21 warnings;

22 New Jersey was one of the first states to make parents and  
23 guardians statutorily responsible for unwittingly or carelessly  
24 permitting minors under their control to gain access to loaded  
25 firearms;

26 New Jersey statutorily prohibits anyone under the age of 18 years  
27 from purchasing or otherwise acquiring a firearm and permits such  
28 minors to possess or carry a firearm only in a very limited number of  
29 strictly defined situations and under the direct supervision of a  
30 qualified parent, guardian or instructor;

31 To enforce this strict regulatory scheme, New Jersey imposes harsh  
32 penalties, including a mandatory minimum prison term of three years,  
33 on anyone who knowingly sells, transfers or gives a firearm to a  
34 person under the age of 18 years; and

35 New Jersey was the first state to allocate, as part of its annual  
36 Appropriations Act, moneys dedicated exclusively for the development  
37 of personal handgun technology, and the amount so allocated,  
38 \$1,000,000, was one-fifth the total amount the federal government  
39 allocated toward the development of this important firearms safety  
40 technology in the same fiscal year.

41 b. The Legislature further finds:

42 Smith & Wesson, the nation's largest firearms manufacturer,  
43 recently announced a new commitment to firearms safety;

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

**Matter underlined thus is new matter.**

1 As part of a legal settlement with the United States Department of  
2 the Treasury, the United States Department of Housing and Urban  
3 Development and several states and local governmental units, Smith  
4 & Wesson agreed to make significant changes in its manufacturing,  
5 firearms design and marketing practices, which will foster firearms  
6 safety; and

7 One of the most significant aspects of that agreement is Smith &  
8 Wesson's pledge to develop and adopt new firearms design standards  
9 which will dramatically enhance firearms safety, most notably its  
10 promise to invest a specific percentage of its firearms revenues into the  
11 development of " authorized user technology," the technology that will  
12 make personalized handguns a reality, and its vow that within 36  
13 months all new Smith & Wesson handgun models will incorporate that  
14 safety technology.

15 c. The Legislature, therefore, declares:

16 It is within the public interest, and vital to the safety of our families  
17 and children, to take advantage of Smith & Wesson's pledge to  
18 develop and incorporate "user technology" in its new handgun models  
19 and to encourage other firearms manufacturers to make similar  
20 commitments. This may be accomplished through the enactment of  
21 legislation designed to further enhance firearms safety in New Jersey  
22 by requiring that, within a specified period of time after the date on  
23 which these new personalized handguns are deemed to be available for  
24 retail sales purposes, no other type of handgun shall be sold or offered  
25 for sale by any registered or licensed firearms dealer in this State.

26  
27 2. (New section) a. On the first day of the sixth month following  
28 the effective date of P.L. , c. (C. )(now pending before the  
29 Legislature as this bill), the Attorney General shall report to the  
30 Governor and the Legislature as to the availability of personalized  
31 handguns for retail sales purposes. If the Attorney General determines  
32 that personalized handguns are not available for retail sales purposes,  
33 the Attorney General, every six months thereafter, shall report to the  
34 Governor and the Legislature as to the availability of personalized  
35 handguns for retail sales purposes until such time as the Attorney  
36 General shall deem that personalized handguns are available for retail  
37 sales purposes and so report to the Governor and the Legislature.

38 b. For the purposes of this section, personalized handguns shall be  
39 deemed to be available for retail sales purposes if at least one  
40 manufacturer has delivered at least one model of a personalized  
41 handgun to a registered or licensed wholesale or retail dealer in New  
42 Jersey or any other state.

43  
44 3. (New section) a. On the first day of the 24th month following  
45 the date on which the Attorney General reports that personalized  
46 handguns are available for retail sales purposes pursuant to section 2

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1 of P.L. , c. (C. ) (now pending before the Legislature as this  
2 bill), the Attorney General shall direct the Superintendent of State  
3 Police to promulgate a list of personalized handguns that may be sold  
4 in the State. This list shall identify those handguns by manufacturer,  
5 model and caliber.

6 b. The list required under subsection a. of this section shall be  
7 prepared within six months of the Attorney General's directive to the  
8 superintendent and a copy thereof made available to registered and  
9 licensed firearms dealers in this State. The superintendent may amend  
10 and supplement the list at such times as he deems appropriate.  
11 Registered and licensed retail firearms dealers in this State shall be  
12 notified forthwith of any such changes in the list. The notice shall be  
13 given in a manner prescribed by rule and regulation. The Attorney  
14 General shall promulgate rules and regulations establishing a process  
15 for handgun manufacturers to request that their personalized handguns  
16 be added to this list.

17

18 4. (New section) a. On and after the first day of the sixth month  
19 following the preparation and delivery of the list of personalized  
20 handguns which may be sold in the State pursuant to section 3 of  
21 P.L. , c. (C. ) (now pending before the Legislature as this bill),  
22 no person registered or licensed by the superintendent as a  
23 manufacturer, wholesale dealer of firearms, retail dealer of firearms or  
24 agent or employee of a wholesale or retail dealer of firearms pursuant  
25 to the provisions of N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport  
26 into this State, sell, expose for sale, possess with the intent of selling,  
27 assign or otherwise transfer any handgun unless it is a personalized  
28 handgun or an antique handgun.

29 b. The provisions of this section shall not apply to handguns to be  
30 sold, transferred, assigned and delivered for official use to: (1) State  
31 and local law enforcement officers of this State; (2) federal law  
32 enforcement officers and any other federal officers and employees  
33 required to carry firearms in the performance of their official duties;  
34 and (3) members of the Armed Forces of the United States or of the  
35 National Guard.

36 c. A person who knowingly violates the provisions of this section  
37 is guilty of a crime of the fourth degree.

38

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

40 2C:39-1. Definitions. The following definitions apply to this  
41 chapter and to chapter 58:

42 a. "Antique firearm" means any rifle or shotgun and "antique  
43 cannon" means a destructive device defined in paragraph (3) of  
44 subsection c. of this section, if the rifle, shotgun or destructive device,  
45 as the case may be, is incapable of being fired or discharged, or which  
46 does not fire fixed ammunition, regardless of date of manufacture, or

1 was manufactured before 1898 for which cartridge ammunition is not  
2 commercially available, and is possessed as a curiosity or ornament or  
3 for its historical significance or value.

4 b. "Deface" means to remove, deface, cover, alter or destroy the  
5 name of the maker, model designation, manufacturer's serial number  
6 or any other distinguishing identification mark or number on any  
7 firearm.

8 c. "Destructive device" means any device, instrument or object  
9 designed to explode or produce uncontrolled combustion, including  
10 (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket  
11 having a propellant charge of more than four ounces or any missile  
12 having an explosive or incendiary charge of more than one-quarter of  
13 an ounce; (3) any weapon capable of firing a projectile of a caliber  
14 greater than 60 caliber, except a shotgun or shotgun ammunition  
15 generally recognized as suitable for sporting purposes; (4) any  
16 Molotov cocktail or other device consisting of a breakable container  
17 containing flammable liquid and having a wick or similar device  
18 capable of being ignited. The term does not include any device  
19 manufactured for the purpose of illumination, distress signaling,  
20 line-throwing, safety or similar purposes.

21 d. "Dispose of" means to give, give away, lease, loan, keep for  
22 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
23 possession.

24 e. "Explosive" means any chemical compound or mixture that is  
25 commonly used or is possessed for the purpose of producing an  
26 explosion and which contains any oxidizing and combustible materials  
27 or other ingredients in such proportions, quantities or packing that an  
28 ignition by fire, by friction, by concussion or by detonation of any part  
29 of the compound or mixture may cause such a sudden generation of  
30 highly heated gases that the resultant gaseous pressures are capable of  
31 producing destructive effects on contiguous objects. The term shall  
32 not include small arms ammunition, or explosives in the form  
33 prescribed by the official United States Pharmacopoeia.

34 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
35 automatic or semi-automatic rifle, or any gun, device or instrument in  
36 the nature of a weapon from which may be fired or ejected any solid  
37 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or  
38 other noxious thing, by means of a cartridge or shell or by the action  
39 of an explosive or the igniting of flammable or explosive substances.  
40 It shall also include, without limitation, any firearm which is in the  
41 nature of an air gun, spring gun or pistol or other weapon of a similar  
42 nature in which the propelling force is a spring, elastic band, carbon  
43 dioxide, compressed or other gas or vapor, air or compressed air, or  
44 is ignited by compressed air, and ejecting a bullet or missile smaller  
45 than three-eighths of an inch in diameter, with sufficient force to injure  
46 a person.

- 1 g. "Firearm silencer" means any instrument, attachment, weapon or  
2 appliance for causing the firing of any gun, revolver, pistol or other  
3 firearm to be silent, or intended to lessen or muffle the noise of the  
4 firing of any gun, revolver, pistol or other firearm.
- 5 h. "Gravity knife" means any knife which has a blade which is  
6 released from the handle or sheath thereof by the force of gravity or  
7 the application of centrifugal force.
- 8 i. "Machine gun" means any firearm, mechanism or instrument not  
9 requiring that the trigger be pressed for each shot and having a  
10 reservoir, belt or other means of storing and carrying ammunition  
11 which can be loaded into the firearm, mechanism or instrument and  
12 fired therefrom.
- 13 j. "Manufacturer" means any person who receives or obtains raw  
14 materials or parts and processes them into firearms or finished parts of  
15 firearms, except a person who exclusively processes grips, stocks and  
16 other nonmetal parts of firearms. The term does not include a person  
17 who repairs existing firearms or receives new and used raw materials  
18 or parts solely for the repair of existing firearms.
- 19 k. "Handgun" means any pistol, revolver or other firearm originally  
20 designed or manufactured to be fired by the use of a single hand.
- 21 l. "Retail dealer" means any person including a gunsmith, except a  
22 manufacturer or a wholesale dealer, who sells, transfers or assigns for  
23 a fee or profit any firearm or parts of firearms or ammunition which he  
24 has purchased or obtained with the intention, or for the purpose, of  
25 reselling or reassigning to persons who are reasonably understood to  
26 be the ultimate consumers, and includes any person who is engaged in  
27 the business of repairing firearms or who sells any firearm to satisfy a  
28 debt secured by the pledge of a firearm.
- 29 m. "Rifle" means any firearm designed to be fired from the  
30 shoulder and using the energy of the explosive in a fixed metallic  
31 cartridge to fire a single projectile through a rifled bore for each single  
32 pull of the trigger.
- 33 n. "Shotgun" means any firearm designed to be fired from the  
34 shoulder and using the energy of the explosive in a fixed shotgun shell  
35 to fire through a smooth bore either a number of ball shots or a single  
36 projectile for each pull of the trigger, or any firearm designed to be  
37 fired from the shoulder which does not fire fixed ammunition.
- 38 o. "Sawed-off shotgun" means any shotgun having a barrel or  
39 barrels of less than 18 inches in length measured from the breech to  
40 the muzzle, or a rifle having a barrel or barrels of less than 16 inches  
41 in length measured from the breech to the muzzle, or any firearm made  
42 from a rifle or a shotgun, whether by alteration, or otherwise, if such  
43 firearm as modified has an overall length of less than 26 inches.
- 44 p. "Switchblade knife" means any knife or similar device which has  
45 a blade which opens automatically by hand pressure applied to a  
46 button, spring or other device in the handle of the knife.

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

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

15 s. "Wholesale dealer" means any person, except a manufacturer,  
16 who sells, transfers, or assigns firearms, or parts of firearms, to  
17 persons who are reasonably understood not to be the ultimate  
18 consumers, and includes persons who receive finished parts of firearms  
19 and assemble them into completed or partially completed firearms, in  
20 furtherance of such purpose, except that it shall not include those  
21 persons dealing exclusively in grips, stocks and other nonmetal parts  
22 of firearms.

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

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

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

30 w. "Assault firearm" means:

31 (1) The following firearms:

32 Algimec AGM1 type

33 Any shotgun with a revolving cylinder such as the "Street Sweeper"  
34 or "Striker 12"

35 Armalite AR-180 type

36 Australian Automatic Arms SAR

37 Avtomat Kalashnikov type semi-automatic firearms

38 Beretta AR-70 and BM59 semi-automatic firearms

39 Bushmaster Assault Rifle

40 Calico M-900 Assault carbine and M-900

41 CETME G3

42 Chartered Industries of Singapore SR-88 type

43 Colt AR-15 and CAR-15 series

44 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

45 Demro TAC-1 carbine type

46 Encom MP-9 and MP-45 carbine types

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8

- 1 FAMAS MAS223 types
- 2 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 3 Franchi SPAS 12 and LAW 12 shotguns
- 4 G3SA type
- 5 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 6 Intratec TEC 9 and 22 semi-automatic firearms
- 7 M1 carbine type
- 8 M14S type
- 9 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 10 PJK M-68 carbine type
- 11 Plainfield Machine Company Carbine
- 12 Ruger K-Mini-14/5F and Mini-14/5RF
- 13 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 14 SKS with detachable magazine type
- 15 Spectre Auto carbine type
- 16 Springfield Armory BM59 and SAR-48 type
- 17 Sterling MK-6, MK-7 and SAR types
- 18 Steyr A.U.G. semi-automatic firearms
- 19 USAS 12 semi-automatic type shotgun
- 20 Uzi type semi-automatic firearms
- 21 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 22 Weaver Arm Nighthawk.
- 23 (2) Any firearm manufactured under any designation which is
- 24 substantially identical to any of the firearms listed above.
- 25 (3) A semi-automatic shotgun with either a magazine capacity
- 26 exceeding six rounds, a pistol grip, or a folding stock.
- 27 (4) A semi-automatic rifle with a fixed magazine capacity
- 28 exceeding 15 rounds.
- 29 (5) A part or combination of parts designed or intended to convert
- 30 a firearm into an assault firearm, or any combination of parts from
- 31 which an assault firearm may be readily assembled if those parts are in
- 32 the possession or under the control of the same person.
- 33 x. "Semi-automatic" means a firearm which fires a single projectile
- 34 for each single pull of the trigger and is self-reloading or automatically
- 35 chambers a round, cartridge, or bullet.
- 36 y. "Large capacity ammunition magazine" means a box, drum, tube
- 37 or other container which is capable of holding more than 15 rounds of
- 38 ammunition to be fed continuously and directly therefrom into a
- 39 semi-automatic firearm.
- 40 z. "Pistol grip" means a well-defined handle, similar to that found
- 41 on a handgun, that protrudes conspicuously beneath the action of the
- 42 weapon, and which permits the shotgun to be held and fired with one
- 43 hand.
- 44 aa. "Antique handgun" means a handgun manufactured before
- 45 1898, or a replica thereof, which is recognized as being historical in
- 46 nature or of historical significance and either (1) utilizes a match,

1 friction, flint, or percussion ignition, or which utilizes a pin-fire  
2 cartridge in which the pin is part of the cartridge or (2) does not fire  
3 fixed ammunition or for which cartridge ammunition is not  
4 commercially available.

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

11 cc. "Trigger locking device" means a device that, if installed on a  
12 firearm and secured by means of a key or mechanically, electronically  
13 or electromechanically operated combination lock, prevents the  
14 firearm from being discharged without first deactivating or removing  
15 the device by means of a key or mechanically, electronically or  
16 electromechanically operated combination lock.

17 dd. "Personalized handgun" means a handgun which incorporates  
18 within its design, and as part of its original manufacture, technology  
19 which automatically limits its operational use and which cannot be  
20 readily deactivated, so that it may only be fired by an authorized or  
21 recognized user. The technology limiting the handgun's operational  
22 use may include, but not be limited to: radio frequency tagging, touch  
23 memory, remote control, fingerprint, magnetic encoding and other  
24 automatic user identification systems utilizing biometric, mechanical  
25 or electronic systems.

26 (cf: P.L.1999, c.255, s.1)

27

28 6. N.J.S.2C:58-2 is amended to read as follows:

29 2C:58-2 a. Licensing of retail dealers and their employees. No  
30 retail dealer of firearms nor any employee of a retail dealer shall sell  
31 or expose for sale, or possess with the intent of selling, any firearm  
32 unless licensed to do so as hereinafter provided. The superintendent  
33 shall prescribe standards and qualifications for retail dealers of  
34 firearms and their employees for the protection of the public safety,  
35 health and welfare.

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

1 municipality.

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

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

14 All licenses shall be granted subject to the following conditions, for  
15 breach of any of which the license shall be subject to revocation on the  
16 application of any law enforcement officer and after notice and hearing  
17 by the issuing court:

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

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

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

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

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

37 (a) Such person possesses and exhibits a valid permit to purchase  
38 a firearm and at least seven days have elapsed since the date of  
39 application for the permit;

40 (b) The person is personally known to the seller or presents  
41 evidence of his identity;

42 (c) The handgun is unloaded and securely wrapped; [and]

43 (d) [The] Except as otherwise provided in subparagraph (e) of  
44 this paragraph, the handgun is accompanied by a trigger lock or a  
45 locked case, gun box, container or other secure facility; provided,  
46 however, this provision shall not apply to antique handguns. The

1 exemption afforded under this subparagraph for antique handguns shall  
2 be narrowly construed, limited solely to the requirements set forth  
3 herein and shall not be deemed to afford or authorize any other  
4 exemption from the regulatory provisions governing firearms set forth  
5 in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;

6 (e) On and after the first day of the sixth month following the date  
7 on which the list of personalized handguns is prepared and delivered  
8 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
9 Legislature as this bill), the handgun is identified as a personalized  
10 handgun and included on that list or is an antique handgun. The  
11 provisions of subparagraph (d) of this section shall not apply to the  
12 delivery of a personalized handgun.

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

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

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

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

43 e. Copies of register entries; delivery to chief of police or county  
44 clerk. Within five days of the date of the sale, assignment or transfer,  
45 the dealer shall deliver or mail by certified mail, return receipt  
46 requested, legible copies of the register forms to the office of the chief

1 of police of the municipality in which the purchaser resides, or to the  
2 office of the captain of the precinct of the municipality in which the  
3 purchaser resides, and to the superintendent. If hand delivered a  
4 receipt shall be given to the dealer therefor.

5 Where a sale, assignment or transfer is made to a purchaser who  
6 resides in a municipality having no chief of police, the dealer shall,  
7 within five days of the transaction, mail a duplicate copy of the register  
8 sheet to the clerk of the county within which the purchaser resides.  
9 (cf: P.L.1999, c.233, s.5)

10  
11 7. (New section) The Attorney General, in accordance with the  
12 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), shall promulgate rules and regulations to  
14 effectuate the purposes of this act.

15  
16 8. This act shall take effect immediately.

17  
18  
19 STATEMENT

20  
21 This bill regulates the future sale of handguns in New Jersey. The  
22 bill specifies that three years after it is determined that personalized  
23 handguns are available for retail purposes, it will be illegal for any  
24 registered or licensed firearms manufacturer or dealer to transport,  
25 sell, expose for sale, possess for sale, assign or transfer any handgun  
26 unless that handgun is a personalized handgun.

27 Personalized handguns, which commonly are referred to as  
28 "childproof" handguns, are defined in the bill as handguns that  
29 incorporate within their design, and as part of their original  
30 manufacture, technology which limits their operational use so that they  
31 can only be fired by an authorized or recognized user. The technology  
32 may involve a variety of systems, such as biometric, mechanical or  
33 electronic systems, which restrict the operation of the handgun  
34 through radio frequency tagging, touch memory, remote control,  
35 fingerprint, magnetic encoding or other automatic user identification  
36 programs. Retail dealers who violate the provisions of this bill would  
37 be guilty of a crime of the fourth degree. A crime of the fourth degree  
38 is punishable by a fine of not more than \$10,000, imprisonment for a  
39 term of not more than 18 months, or both.

40 To determine when personalized handguns are available for retail  
41 sales purposes, the Attorney General is to biannually report his  
42 findings to the Governor and the Legislature. The bill specifies that  
43 personalized handguns are to be deemed statutorily "available for retail  
44 sales purposes" whenever one manufacturer delivers one model of a  
45 personalized handgun to a wholesale or retail dealer in New Jersey or  
46 any other state.

**S890 INVERSO, GIRGENTI**

13

1 Two years after it is determined that personalized handguns are  
2 available for retail sales purposes, the Attorney General is to direct the  
3 Superintendent of State Police to prepare a list of the personalized  
4 handguns that may be sold in New Jersey. The bill affords the  
5 superintendent six months in which to prepare the list and make it  
6 available to firearms dealers in the State. The personalized handguns  
7 that may be sold are to be identified on the list by manufacturer, model  
8 and caliber.

9 On the first day of the sixth month following the prepared list and  
10 its delivery to firearms dealers in the State, the sales restriction takes  
11 effect. Thereafter, only personalized handguns may be sold by  
12 registered and licensed firearms dealers in New Jersey.

13 The bill provides a limited exemption for antique handguns and  
14 replicas of such handguns.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 573 and 890**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: NOVEMBER 7, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate, Nos. 573 and 890 (1R/SCS).

The Senate Committee Substitute (1R) for Senate Bill Nos. 573 and 890 regulates the future sale of handguns in New Jersey. The substitute specifies that three years after it is determined that personalized handguns are available for retail purposes, it will be illegal for any registered or licensed firearms manufacturer or dealer to transport, sell, expose for sale, possess for sale, assign or transfer any handgun unless that handgun is a personalized handgun.

Retail dealers who violate the provisions of the amended bill would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of up to 18 months, or both.

Personalized handguns, which commonly are referred to as "childproof" handguns, are defined in the amended bill as handguns that incorporate within their design, and as part of their original manufacture, technology which limits their operational use so that they can only be fired by an authorized or recognized user. The technology may involve a variety of systems, such as biometric, mechanical or electronic systems, which restrict the operation of the handgun through radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding or other automatic user identification programs.

The definition of a personalized handgun specifies that the handgun must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns. The Attorney General is permitted to consult with any "neutral and detached public or private entity" to

provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

The Attorney General is to biannually report his findings to the Governor and the Legislature. The substitute specifies that personalized handguns are to be deemed statutorily "available for retail sales purposes" whenever one manufacturer delivers at least one "production model" of a personalized handgun to a wholesale or retail dealer in New Jersey or any other state. The substitute defines a "production model" as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

Two years after it is determined that personalized handguns are available for retail sales purposes, the Attorney General is to direct the Superintendent of State Police to prepare a list of the personalized handguns that may be sold in New Jersey. The bill affords the superintendent six months in which to prepare the list and make it available to firearms dealers in the State. The substitute requires the Attorney General to notify within 60 days the Governor and Legislature when a handgun is determined to meet the definition of a personalized handgun. The personalized handguns that may be sold are to be identified on the list by manufacturer, model and caliber. The substitute authorizes the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

On the first day of the sixth month following the prepared list and its delivery to firearms dealers in the State, the sales restriction takes effect. Thereafter, only personalized handguns may be sold by registered and licensed firearms dealers in New Jersey.

The substitute provides for limited exemptions for antique handguns and replicas of these handguns; handguns used in duly sanctioned state, national and international shooting matches and handguns used in competitions sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army; and handguns used in shooting matches and competitions duly sanctioned by the Association of New Jersey Rifle and Pistol Clubs.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) to require the Superintendent of State Police promptly amend and supplement the list of handguns that qualify as a personalized handgun.

(2) delete section 4 and add new section 4 which provide an exemption for handguns to be sold, transferred, assigned and delivered solely for use in competitive shooting matches sanctioned by the Civilian Marksmanship Program, the International Olympic Committee

or USA Shooting and establishes a seven-member commission to determine whether personalized handguns qualify for use by State and local law enforcement officers.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 573 and 890**

**STATE OF NEW JERSEY**

DATED: MAY 9, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 573 and 890.

This substitute regulates the future sale of handguns in New Jersey. The substitute specifies that three years after it is determined that personalized handguns are available for retail purposes, it will be illegal for any registered or licensed firearms manufacturer or dealer to transport, sell, expose for sale, possess for sale, assign or transfer any handgun unless that handgun is a personalized handgun.

Personalized handguns, which commonly are referred to as "childproof" handguns, are defined in the bill as handguns that incorporate within their design, and as part of their original manufacture, technology which limits their operational use so that they can only be fired by an authorized or recognized user. The technology may involve a variety of systems, such as biometric, mechanical or electronic systems, which restrict the operation of the handgun through radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding or other automatic user identification programs. Retail dealers who violate the provisions of this substitute would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of not more than 18 months, or both.

To determine when personalized handguns are available for retail sales purposes, the Attorney General is to report biannually his findings to the Governor and the Legislature. The substitute specifies that personalized handguns are to be deemed statutorily "available for retail sales purposes" whenever one manufacturer delivers one model of a personalized handgun to a wholesale or retail dealer in New Jersey or any other state.

Two years after it is determined that personalized handguns are available for retail sales purposes, the Attorney General is required to direct the Superintendent of State Police to prepare a list of the personalized handguns that may be sold in New Jersey. The substitute affords the superintendent six months in which to prepare the list and

make it available to firearms dealers in the State. The personalized handguns that may be sold are to be identified on the list by manufacturer, model and caliber.

On the first day of the sixth month following the prepared list and its delivery to firearms dealers in the State, the sales restriction takes effect. Thereafter, only personalized handguns may be sold by registered and licensed firearms dealers in New Jersey.

The substitute provides a limited exemption for antique handguns and replicas of such handguns.

**STATEMENT TO**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, Nos. 573 and 890**

with Senate Floor Amendments  
(Proposed By Senators CODEY and INVERSO)

ADOPTED: SEPTEMBER 30, 2002

These Senate amendments:

(1) Permit the Attorney General to consult with any "neutral and detached public or private entity" to provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

(2) Specify that in order to meet the "available for retail sales" criterion set forth in the bill, the personalized handgun must be a "production model," not a prototype or unique specimen. "Production model" is defined as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

(3) Authorize the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

(4) Provide a sales and possession exemption for handguns used in duly sanctioned state, national and international shooting matches; competitions sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army and competitions sanctioned by the Association of New Jersey Rifle and Pistol Clubs.

(5) Specify that in order for a handgun to qualify as a personalized handgun it must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns.

(6) Provide immunity for the State and its public entities and employees for acts or omissions relating to the implementation of this bill.

# **ASSEMBLY, No. 700**

## **STATE OF NEW JERSEY**

### **210th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblywoman LORETTA WEINBERG**

**District 37 (Bergen)**

**Assemblyman MATT AHEARN**

**District 38 (Bergen)**

**Co-Sponsored by:**

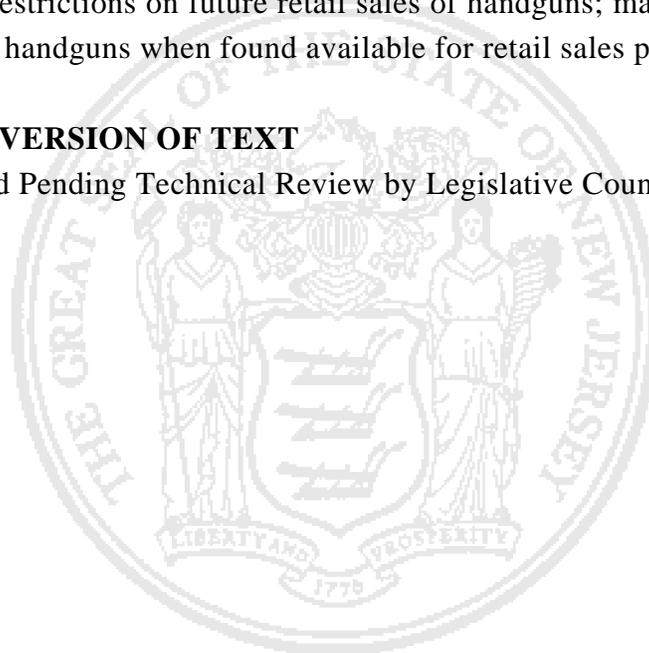
**Assemblywoman Greenstein, Assemblymen Guear, Sires, Barnes, Assemblywoman Watson Coleman, Assemblymen Johnson, Gusciora, Sarlo, Doria, McKeon, Conaway, Conners, Hackett, Payne and Assemblywoman Pou**

**SYNOPSIS**

Imposes restrictions on future retail sales of handguns; mandates sales of personalized handguns when found available for retail sales purposes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/7/2002)**

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

4

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

7

8 1. (New section) a. The Legislature finds:

9 New Jersey's commitment to firearms safety is unrivaled anywhere  
10 in the nation;

11 New Jersey was the first state to require retail dealers to include,  
12 as part of every handgun sale, either a State Police approved trigger  
13 lock or a locked case, gun box, container or other secure facility;

14 To encourage all firearms owners to practice safe storage, the State  
15 has waived all sales taxes on trigger locks, firearms lock-boxes and  
16 vaults and, under the "KeepSafe" program, offers an instant \$5 rebate  
17 to all retail firearms purchasers who buy a compatible trigger locking  
18 device along with their firearm;

19 New Jersey was the first state to require all firearms dealers to  
20 prominently display State-provided firearms information and safety  
21 warnings;

22 New Jersey was one of the first states to make parents and  
23 guardians statutorily responsible for unwittingly or carelessly  
24 permitting minors under their control to gain access to loaded  
25 firearms;

26 New Jersey statutorily prohibits anyone under the age of 18 years  
27 from purchasing or otherwise acquiring a firearm and permits such  
28 minors to possess or carry a firearm only in a very limited number of  
29 strictly defined situations and under the direct supervision of a  
30 qualified parent, guardian or instructor;

31 To enforce this strict regulatory scheme, New Jersey imposes harsh  
32 penalties, including a mandatory minimum prison term of three years,  
33 on anyone who knowingly sells, transfers or gives a firearm to a  
34 person under the age of 18 years; and

35 New Jersey was the first state to allocate, as part of its annual  
36 Appropriations Act, moneys dedicated exclusively for the development  
37 of personal handgun technology, and the amount so allocated,  
38 \$1,000,000, was one-fifth the total amount the federal government  
39 allocated toward the development of this important firearms safety  
40 technology in the same fiscal year.

41 b. The Legislature further finds:

42 Smith & Wesson, the nation's largest firearms manufacturer,  
43 recently announced a new commitment to firearms safety;

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

**Matter underlined thus is new matter.**

1 As part of a legal settlement with the United States Department of  
2 the Treasury, the United States Department of Housing and Urban  
3 Development and several states and local governmental units, Smith  
4 & Wesson agreed to make significant changes in its manufacturing,  
5 firearms design and marketing practices, which will foster firearms  
6 safety; and

7 One of the most significant aspects of that agreement is Smith &  
8 Wesson's pledge to develop and adopt new firearms design standards  
9 which will dramatically enhance firearms safety, most notably its  
10 promise to invest a specific percentage of its firearms revenues into the  
11 development of "authorized user technology," the technology that will  
12 make personalized handguns a reality, and its vow that within 36  
13 months all new Smith & Wesson handgun models will incorporate that  
14 safety technology.

15 c. The Legislature, therefore, declares:

16 It is within the public interest, and vital to the safety of our families  
17 and children, to take advantage of Smith & Wesson's pledge to  
18 develop and incorporate "user technology" in its new handgun models  
19 and to encourage other firearms manufacturers to make similar  
20 commitments. This may be accomplished through the enactment of  
21 legislation designed to further enhance firearms safety in New Jersey  
22 by requiring that, within a specified period of time after the date on  
23 which these new personalized handguns are deemed to be available for  
24 retail sales purposes, no other type of handgun shall be sold or offered  
25 for sale by any registered or licensed firearms dealer in this State.

26  
27 2. (New section) a. On the first day of the sixth month following  
28 the effective date of P.L. , c. (C. )(now pending before the  
29 Legislature as this bill), the Attorney General shall report to the  
30 Governor and the Legislature as to the availability of personalized  
31 handguns for retail sales purposes. If the Attorney General determines  
32 that personalized handguns are not available for retail sales purposes,  
33 the Attorney General, every six months thereafter, shall report to the  
34 Governor and the Legislature as to the availability of personalized  
35 handguns for retail sales purposes until such time as the Attorney  
36 General shall deem that personalized handguns are available for retail  
37 sales purposes and so report to the Governor and the Legislature.

38 b. For the purposes of this section, personalized handguns shall be  
39 deemed to be available for retail sales purposes if at least one  
40 manufacturer has delivered at least one model of a personalized  
41 handgun to a registered or licensed wholesale or retail dealer in New  
42 Jersey or any other state.

43  
44 3. (New section) a. On the first day of the 24th month following  
45 the date on which the Attorney General reports that personalized  
46 handguns are available for retail sales purposes pursuant to section 2

1 of P.L. , c. (C. ) (now pending before the Legislature as this  
2 bill), the Attorney General shall direct the Superintendent of State  
3 Police to promulgate a list of personalized handguns that may be sold  
4 in the State. This list shall identify those handguns by manufacturer,  
5 model and caliber.

6 b. The list required under subsection a. of this section shall be  
7 prepared within six months of the Attorney General's directive to the  
8 superintendent and a copy thereof made available to registered and  
9 licensed firearms dealers in this State. The superintendent may amend  
10 and supplement the list at such times as he deems appropriate.  
11 Registered and licensed retail firearms dealers in this State shall be  
12 notified forthwith of any such changes in the list. The notice shall be  
13 given in a manner prescribed by rule and regulation. The Attorney  
14 General shall promulgate rules and regulations establishing a process  
15 for handgun manufacturers to request that their personalized handguns  
16 be added to this list.

17  
18 4. (New section) a. On and after the first day of the sixth month  
19 following the preparation and delivery of the list of personalized  
20 handguns which may be sold in the State pursuant to section 3 of  
21 P.L. , c. (C. ) (now pending before the Legislature as this bill),  
22 no person registered or licensed by the superintendent as a  
23 manufacturer, wholesale dealer of firearms, retail dealer of firearms or  
24 agent or employee of a wholesale or retail dealer of firearms pursuant  
25 to the provisions of N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport  
26 into this State, sell, expose for sale, possess with the intent of selling,  
27 assign or otherwise transfer any handgun unless it is a personalized  
28 handgun or an antique handgun.

29 b. The provisions of this section shall not apply to handguns to be  
30 sold, transferred, assigned and delivered for official use to: (1) State  
31 and local law enforcement officers of this State; (2) federal law  
32 enforcement officers and any other federal officers and employees  
33 required to carry firearms in the performance of their official duties;  
34 and (3) members of the Armed Forces of the United States or of the  
35 National Guard.

36 c. A person who knowingly violates the provisions of this section  
37 is guilty of a crime of the fourth degree.

38

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

40 2C:39-1. Definitions. The following definitions apply to this  
41 chapter and to chapter 58:

42 a. "Antique firearm" means any rifle or shotgun and "antique  
43 cannon" means a destructive device defined in paragraph (3) of  
44 subsection c. of this section, if the rifle, shotgun or destructive device,  
45 as the case may be, is incapable of being fired or discharged, or which  
46 does not fire fixed ammunition, regardless of date of manufacture, or

1 was manufactured before 1898 for which cartridge ammunition is not  
2 commercially available, and is possessed as a curiosity or ornament or  
3 for its historical significance or value.

4 b. "Deface" means to remove, deface, cover, alter or destroy the  
5 name of the maker, model designation, manufacturer's serial number  
6 or any other distinguishing identification mark or number on any  
7 firearm.

8 c. "Destructive device" means any device, instrument or object  
9 designed to explode or produce uncontrolled combustion, including  
10 (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket  
11 having a propellant charge of more than four ounces or any missile  
12 having an explosive or incendiary charge of more than one-quarter of  
13 an ounce; (3) any weapon capable of firing a projectile of a caliber  
14 greater than 60 caliber, except a shotgun or shotgun ammunition  
15 generally recognized as suitable for sporting purposes; (4) any  
16 Molotov cocktail or other device consisting of a breakable container  
17 containing flammable liquid and having a wick or similar device  
18 capable of being ignited. The term does not include any device  
19 manufactured for the purpose of illumination, distress signaling,  
20 line-throwing, safety or similar purposes.

21 d. "Dispose of" means to give, give away, lease, loan, keep for  
22 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
23 possession.

24 e. "Explosive" means any chemical compound or mixture that is  
25 commonly used or is possessed for the purpose of producing an  
26 explosion and which contains any oxidizing and combustible materials  
27 or other ingredients in such proportions, quantities or packing that an  
28 ignition by fire, by friction, by concussion or by detonation of any part  
29 of the compound or mixture may cause such a sudden generation of  
30 highly heated gases that the resultant gaseous pressures are capable of  
31 producing destructive effects on contiguous objects. The term shall  
32 not include small arms ammunition, or explosives in the form  
33 prescribed by the official United States Pharmacopoeia.

34 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
35 automatic or semi-automatic rifle, or any gun, device or instrument in  
36 the nature of a weapon from which may be fired or ejected any solid  
37 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or  
38 other noxious thing, by means of a cartridge or shell or by the action  
39 of an explosive or the igniting of flammable or explosive substances.  
40 It shall also include, without limitation, any firearm which is in the  
41 nature of an air gun, spring gun or pistol or other weapon of a similar  
42 nature in which the propelling force is a spring, elastic band, carbon  
43 dioxide, compressed or other gas or vapor, air or compressed air, or  
44 is ignited by compressed air, and ejecting a bullet or missile smaller  
45 than three-eighths of an inch in diameter, with sufficient force to injure  
46 a person.

- 1 g. "Firearm silencer" means any instrument, attachment, weapon or  
2 appliance for causing the firing of any gun, revolver, pistol or other  
3 firearm to be silent, or intended to lessen or muffle the noise of the  
4 firing of any gun, revolver, pistol or other firearm.
- 5 h. "Gravity knife" means any knife which has a blade which is  
6 released from the handle or sheath thereof by the force of gravity or  
7 the application of centrifugal force.
- 8 i. "Machine gun" means any firearm, mechanism or instrument not  
9 requiring that the trigger be pressed for each shot and having a  
10 reservoir, belt or other means of storing and carrying ammunition  
11 which can be loaded into the firearm, mechanism or instrument and  
12 fired therefrom.
- 13 j. "Manufacturer" means any person who receives or obtains raw  
14 materials or parts and processes them into firearms or finished parts of  
15 firearms, except a person who exclusively processes grips, stocks and  
16 other nonmetal parts of firearms. The term does not include a person  
17 who repairs existing firearms or receives new and used raw materials  
18 or parts solely for the repair of existing firearms.
- 19 k. "Handgun" means any pistol, revolver or other firearm originally  
20 designed or manufactured to be fired by the use of a single hand.
- 21 l. "Retail dealer" means any person including a gunsmith, except a  
22 manufacturer or a wholesale dealer, who sells, transfers or assigns for  
23 a fee or profit any firearm or parts of firearms or ammunition which he  
24 has purchased or obtained with the intention, or for the purpose, of  
25 reselling or reassigning to persons who are reasonably understood to  
26 be the ultimate consumers, and includes any person who is engaged in  
27 the business of repairing firearms or who sells any firearm to satisfy a  
28 debt secured by the pledge of a firearm.
- 29 m. "Rifle" means any firearm designed to be fired from the  
30 shoulder and using the energy of the explosive in a fixed metallic  
31 cartridge to fire a single projectile through a rifled bore for each single  
32 pull of the trigger.
- 33 n. "Shotgun" means any firearm designed to be fired from the  
34 shoulder and using the energy of the explosive in a fixed shotgun shell  
35 to fire through a smooth bore either a number of ball shots or a single  
36 projectile for each pull of the trigger, or any firearm designed to be  
37 fired from the shoulder which does not fire fixed ammunition.
- 38 o. "Sawed-off shotgun" means any shotgun having a barrel or  
39 barrels of less than 18 inches in length measured from the breech to  
40 the muzzle, or a rifle having a barrel or barrels of less than 16 inches  
41 in length measured from the breech to the muzzle, or any firearm made  
42 from a rifle or a shotgun, whether by alteration, or otherwise, if such  
43 firearm as modified has an overall length of less than 26 inches.
- 44 p. "Switchblade knife" means any knife or similar device which has  
45 a blade which opens automatically by hand pressure applied to a  
46 button, spring or other device in the handle of the knife.

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

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

15 s. "Wholesale dealer" means any person, except a manufacturer,  
16 who sells, transfers, or assigns firearms, or parts of firearms, to  
17 persons who are reasonably understood not to be the ultimate  
18 consumers, and includes persons who receive finished parts of firearms  
19 and assemble them into completed or partially completed firearms, in  
20 furtherance of such purpose, except that it shall not include those  
21 persons dealing exclusively in grips, stocks and other nonmetal parts  
22 of firearms.

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

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

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

30 w. "Assault firearm" means:

31 (1) The following firearms:

32 Algimec AGM1 type

33 Any shotgun with a revolving cylinder such as the "Street Sweeper"  
34 or "Striker 12"

35 Armalite AR-180 type

36 Australian Automatic Arms SAR

37 Avtomat Kalashnikov type semi-automatic firearms

38 Beretta AR-70 and BM59 semi-automatic firearms

39 Bushmaster Assault Rifle

40 Calico M-900 Assault carbine and M-900

41 CETME G3

42 Chartered Industries of Singapore SR-88 type

43 Colt AR-15 and CAR-15 series

44 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

45 Demro TAC-1 carbine type

46 Encom MP-9 and MP-45 carbine types

- 1 FAMAS MAS223 types
- 2 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 3 Franchi SPAS 12 and LAW 12 shotguns
- 4 G3SA type
- 5 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 6 Intratec TEC 9 and 22 semi-automatic firearms
- 7 M1 carbine type
- 8 M14S type
- 9 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 10 PJK M-68 carbine type
- 11 Plainfield Machine Company Carbine
- 12 Ruger K-Mini-14/5F and Mini-14/5RF
- 13 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 14 SKS with detachable magazine type
- 15 Spectre Auto carbine type
- 16 Springfield Armory BM59 and SAR-48 type
- 17 Sterling MK-6, MK-7 and SAR types
- 18 Steyr A.U.G. semi-automatic firearms
- 19 USAS 12 semi-automatic type shotgun
- 20 Uzi type semi-automatic firearms
- 21 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 22 Weaver Arm Nighthawk.
- 23 (2) Any firearm manufactured under any designation which is
- 24 substantially identical to any of the firearms listed above.
- 25 (3) A semi-automatic shotgun with either a magazine capacity
- 26 exceeding six rounds, a pistol grip, or a folding stock.
- 27 (4) A semi-automatic rifle with a fixed magazine capacity
- 28 exceeding 15 rounds.
- 29 (5) A part or combination of parts designed or intended to convert
- 30 a firearm into an assault firearm, or any combination of parts from
- 31 which an assault firearm may be readily assembled if those parts are in
- 32 the possession or under the control of the same person.
- 33 x. "Semi-automatic" means a firearm which fires a single projectile
- 34 for each single pull of the trigger and is self-reloading or automatically
- 35 chambers a round, cartridge, or bullet.
- 36 y. "Large capacity ammunition magazine" means a box, drum, tube
- 37 or other container which is capable of holding more than 15 rounds of
- 38 ammunition to be fed continuously and directly therefrom into a
- 39 semi-automatic firearm.
- 40 z. "Pistol grip" means a well-defined handle, similar to that found
- 41 on a handgun, that protrudes conspicuously beneath the action of the
- 42 weapon, and which permits the shotgun to be held and fired with one
- 43 hand.
- 44 aa. "Antique handgun" means a handgun manufactured before
- 45 1898, or a replica thereof, which is recognized as being historical in
- 46 nature or of historical significance and either (1) utilizes a match,

1 friction, flint, or percussion ignition, or which utilizes a pin-fire  
2 cartridge in which the pin is part of the cartridge or (2) does not fire  
3 fixed ammunition or for which cartridge ammunition is not  
4 commercially available.

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

11 cc. "Trigger locking device" means a device that, if installed on a  
12 firearm and secured by means of a key or mechanically, electronically  
13 or electromechanically operated combination lock, prevents the  
14 firearm from being discharged without first deactivating or removing  
15 the device by means of a key or mechanically, electronically or  
16 electromechanically operated combination lock.

17 dd. "Personalized handgun" means a handgun which incorporates  
18 within its design, and as part of its original manufacture, technology  
19 which automatically limits its operational use and which cannot be  
20 readily deactivated, so that it may only be fired by an authorized or  
21 recognized user. The technology limiting the handgun's operational  
22 use may include, but not be limited to: radio frequency tagging, touch  
23 memory, remote control, fingerprint, magnetic encoding and other  
24 automatic user identification systems utilizing biometric, mechanical  
25 or electronic systems.

26 (cf: P.L.1999, c.255, s.1)

27

28 6. N.J.S.2C:58-2 is amended to read as follows:

29 2C:58-2 a. Licensing of retail dealers and their employees. No  
30 retail dealer of firearms nor any employee of a retail dealer shall sell  
31 or expose for sale, or possess with the intent of selling, any firearm  
32 unless licensed to do so as hereinafter provided. The superintendent  
33 shall prescribe standards and qualifications for retail dealers of  
34 firearms and their employees for the protection of the public safety,  
35 health and welfare.

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

1 municipality.

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

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

14 All licenses shall be granted subject to the following conditions, for  
15 breach of any of which the license shall be subject to revocation on the  
16 application of any law enforcement officer and after notice and hearing  
17 by the issuing court:

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

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

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

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

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

37 (a) Such person possesses and exhibits a valid permit to purchase  
38 a firearm and at least seven days have elapsed since the date of  
39 application for the permit;

40 (b) The person is personally known to the seller or presents  
41 evidence of his identity;

42 (c) The handgun is unloaded and securely wrapped; [and]

43 (d) [The] Except as otherwise provided in subparagraph (e) of  
44 this paragraph, the handgun is accompanied by a trigger lock or a  
45 locked case, gun box, container or other secure facility; provided,  
46 however, this provision shall not apply to antique handguns. The

1 exemption afforded under this subparagraph for antique handguns shall  
2 be narrowly construed, limited solely to the requirements set forth  
3 herein and shall not be deemed to afford or authorize any other  
4 exemption from the regulatory provisions governing firearms set forth  
5 in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;

6 (e) On and after the first day of the sixth month following the date  
7 on which the list of personalized handguns is prepared and delivered  
8 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
9 Legislature as this bill), the handgun is identified as a personalized  
10 handgun and included on that list or is an antique handgun. The  
11 provisions of subparagraph (d) of this section shall not apply to the  
12 delivery of a personalized handgun.

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

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

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

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

43 e. Copies of register entries; delivery to chief of police or county  
44 clerk. Within five days of the date of the sale, assignment or transfer,  
45 the dealer shall deliver or mail by certified mail, return receipt  
46 requested, legible copies of the register forms to the office of the chief

1 of police of the municipality in which the purchaser resides, or to the  
2 office of the captain of the precinct of the municipality in which the  
3 purchaser resides, and to the superintendent. If hand delivered a  
4 receipt shall be given to the dealer therefor.

5 Where a sale, assignment or transfer is made to a purchaser who  
6 resides in a municipality having no chief of police, the dealer shall,  
7 within five days of the transaction, mail a duplicate copy of the register  
8 sheet to the clerk of the county within which the purchaser resides.  
9 (cf: P.L.1999, c.233, s.5)

10  
11 7. (New section) The Attorney General, in accordance with the  
12 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), shall promulgate rules and regulations to  
14 effectuate the purposes of this act.

15  
16 8. This act shall take effect immediately.

17  
18  
19 STATEMENT

20  
21 This bill regulates the future sale of handguns in New Jersey. The  
22 bill specifies that three years after it is determined that personalized  
23 handguns are available for retail purposes, it will be illegal for any  
24 registered or licensed firearms manufacturer or dealer to transport,  
25 sell, expose for sale, possess for sale, assign or transfer any handgun  
26 unless that handgun is a personalized handgun.

27 Personalized handguns, which commonly are referred to as  
28 "childproof" handguns, are defined in the bill as handguns that  
29 incorporate within their design, and as part of their original  
30 manufacture, technology which limits their operational use so that they  
31 can only be fired by an authorized or recognized user. The technology  
32 may involve a variety of systems, such as biometric, mechanical or  
33 electronic systems, which restrict the operation of the handgun  
34 through radio frequency tagging, touch memory, remote control,  
35 fingerprint, magnetic encoding or other automatic user identification  
36 programs. Retail dealers who violate the provisions of this bill would  
37 be guilty of a crime of the fourth degree. A crime of the fourth degree  
38 is punishable by a fine of not more than \$10,000, imprisonment for a  
39 term of not more than 18 months, or both.

40 To determine when personalized handguns are available for retail  
41 sales purposes, the Attorney General is to biannually report his  
42 findings to the Governor and the Legislature. The bill specifies that  
43 personalized handguns are to be deemed statutorily "available for retail  
44 sales purposes" whenever one manufacturer delivers one model of a  
45 personalized handgun to a wholesale or retail dealer in New Jersey or  
46 any other state.

1 Two years after it is determined that personalized handguns are  
2 available for retail sales purposes, the Attorney General is to direct the  
3 Superintendent of State Police to prepare a list of the personalized  
4 handguns that may be sold in New Jersey. The bill affords the  
5 superintendent six months in which to prepare the list and make it  
6 available to firearms dealers in the State. The personalized handguns  
7 that may be sold are to be identified on the list by manufacturer, model  
8 and caliber.

9 On the first day of the sixth month following the prepared list and  
10 its delivery to firearms dealers in the State, the sales restriction takes  
11 effect. Thereafter, only personalized handguns may be sold by  
12 registered and licensed firearms dealers in New Jersey.

13 The bill provides a limited exemption for antique handguns and  
14 replicas of such handguns.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 700**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 7, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 700.

Assembly Bill No. 700, as amended and released by the committee, regulates the future sale of handguns in New Jersey. The amended bill specifies that three years after it is determined that personalized handguns are available for retail purposes, it will be illegal for any registered or licensed firearms manufacturer or dealer to transport, sell, expose for sale, possess for sale, assign or transfer any handgun unless that handgun is a personalized handgun.

Retail dealers who violate the provisions of the amended bill would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of up to 18 months, or both.

Personalized handguns, which commonly are referred to as "childproof" handguns, are defined in the amended bill as handguns that incorporate within their design, and as part of their original manufacture, technology which limits their operational use so that they can only be fired by an authorized or recognized user. The technology may involve a variety of systems, such as biometric, mechanical or electronic systems, which restrict the operation of the handgun through radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding or other automatic user identification programs.

The committee amended the definition of a personalized handgun to specify that the handgun must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns. Committee amendments permit the Attorney General to consult with any "neutral and detached public or private entity" to provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

The Attorney General is to biannually report his findings to the Governor and the Legislature. The amended bill specifies that

personalized handguns are to be deemed statutorily "available for retail sales purposes" whenever one manufacturer delivers at least one "production model" of a personalized handgun to a wholesale or retail dealer in New Jersey or any other state. The amended bill defines a "production model" as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

Two years after it is determined that personalized handguns are available for retail sales purposes, the Attorney General is to direct the Superintendent of State Police to prepare a list of the personalized handguns that may be sold in New Jersey. The bill affords the superintendent six months in which to prepare the list and make it available to firearms dealers in the State. The amended bill requires the Attorney General to notify within 60 days the Governor and Legislature when a handgun is determined to meet the definition of a personalized handgun. The personalized handguns that may be sold are to be identified on the list by manufacturer, model and caliber. The amended bill authorizes the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

On the first day of the sixth month following the prepared list and its delivery to firearms dealers in the State, the sales restriction takes effect. Thereafter, only personalized handguns may be sold by registered and licensed firearms dealers in New Jersey.

The bill, as introduced, provided for a limited exemption for antique handguns and replicas of such handguns. The amendments expand the list of handguns that are exempted to include handguns used in duly sanctioned state, national and international shooting matches and handguns used in competitions sanctioned by the Civilian Marksmanship Program.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Permit the Attorney General to consult with any "neutral and detached public or private entity" to provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

(2) Specify that in order to meet the "available for retail sales" criterion set forth in the bill, the personalized handgun must be a production model, not a prototype or unique specimen. "Production model" is defined as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

(3) Authorize the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

(4) Provide a sales and possession exemption for handguns used in competitive shooting matches sanctioned by the Civilian Marksmanship Program, the International Olympic Committee or USA Shooting.

(5) Add a provision establishing a seven-member commission to determine whether personalized handguns qualify for use by State and local law enforcement officers.

(6) Specify that in order for a handgun to qualify as a personalized handgun it must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns.

(7) Provide immunity for the State and its public entities and employees for acts or omissions relating to the implementation of this bill.

(8) Delete certain language in the legislative findings and declarations section.

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**Press Releases**

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RELEASE: December 23, 2002

[Previous Screen](#)

## **McGreevey Signs Law Requiring Child-Proof Handguns**

### *New Jersey leads the nation in efforts to implement personalized handguns*

(TRENTON)—In an effort to keep New Jersey’s children safe from gun violence, Governor James E. McGreevey signed into law today legislation that will require new handguns to be equipped with smart gun technology. Smart gun technology prevents anyone, except the recognized user of the gun, from firing the weapon.

“New Jersey is ahead of the rest of the nation in our effort to protect children from gun violence,” said McGreevey. “I am proud to say that we are the first state to require that child-proof, personalized technology be used on all new handguns sold. It is a common sense law, it is a smart law.”

“I would like to recognize the legislative sponsors for their leadership in getting this measure passed,” said McGreevey. “Undoubtedly, this new law is an important step forward in our efforts to keep children safe from dangerous weapons.”

The new law will require gun manufacturers to use smart gun technology on all new guns three years after the Attorney General determines that the user recognition technology is commercially available. Personalized handguns can include a sensor on the handle of the gun, fingerprint recognition, remote control, magnetic coding or radio transmitters.

Joining the Governor at the bill signing were representatives from Million Mom March, Handgun Control Inc., CeaseFire NJ, Junior League and NJEA.

Assembly Bill 700 passed the Assembly on November 18<sup>th</sup> and was sponsored by Assemblymembers Loretta Weinberg (D-Bergen) and Matt Ahearn (D-Bergen). The Senate version of the bill, S573, passed the Senate on December 16<sup>th</sup> and was sponsored by Senate President Richard Codey (D-Essex) and Senators Peter Inverso (R-Mercer, Middlesex), John Girgenti (D-Passaic, Bergen) and Joseph Palaia (R-Monmouth).

“An issue that continues to resound with New Jersey's citizens is gun control,” said Senator Codey. “New Jersey was first in an assault weapons ban, which was then picked up by the rest of the nation. I am hopeful that the childproof gun legislation being signed today by Governor McGreevey receives similar treatment, because it will save lives by

ensuring only authorized users of handguns have access to their operation."

"All residents of New Jersey will benefit from the safeguards included in this law, which represents a successful balance of public safety and individual liberty," said Senator Girgenti. "I am pleased that New Jersey has seized this opportunity to become a national leader in firearm safety."

"Under the leadership of this administration and the Legislature, New Jersey again will make history which will protect our children and our families," said Assemblywoman Weinberg. "We will be able to dramatically cut the risk of accidental shootings and suicides by requiring that guns be personalized so only their owners can fire them. By taking action now, we are guaranteeing a safer future for the residents of our state and possibly saving lives."

"This law presents a logical solution to a difficult constitutional dilemma -- how do we protect children and adults from accidents while enabling law-abiding citizens to have access to handguns for legitimate purposes such as sport competition, self-defense, and recreation?" said Assemblyman Ahearn. "Personalized handgun technology needs to be pursued and promoted to accomplish this goal."



State of New Jersey Governor's Office

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