

FOLLOWING WERE PRINTED:

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

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH 4/29/08

P.L. 2007, CHAPTER 24, *approved January 26, 2007*
Assembly, No. 2991

1 AN ACT concerning firearms and amending N.J.S.2C:39-4.

2

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

5

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

7 2C:39-4. Possession of weapons for unlawful purposes.

8 a. Firearms. (1) Any person who has in his possession any
9 firearm with a purpose to use it unlawfully against the person or
10 property of another is guilty of a crime of the second degree.

11 (2) Any person who possesses, receives or transfers a
12 community gun is guilty of a crime of the second degree and shall
13 be sentenced to a term of imprisonment by the court. The term of
14 imprisonment shall include the imposition of a minimum term. The
15 minimum term shall be fixed at one-half of the sentence imposed by
16 the court or three years, whichever is greater and during which the
17 defendant shall be ineligible for parole. As used in this paragraph,
18 “community gun” means a firearm that is transferred among,
19 between or within any association of two or more persons who,
20 while possessing that firearm, engage in criminal activity or use it
21 unlawfully against the person or property of another.

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

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

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

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

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

39

40 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STATEMENT

This bill establishes enhanced penalties for persons who possess, receive or transfer a community gun.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

A person found guilty of possessing, receiving or transferring a community gun is guilty of a crime of the second degree and subject to a mandatory minimum term of imprisonment. The bill specifies that the mandatory minimum be fixed at one-half of the sentence imposed by the court or three years, whichever is greater and during which the defendant shall be ineligible for parole. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

This bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.



Enhances penalties for possessing, receiving, and transferring community guns.

ASSEMBLY, No. 2991

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED MAY 15, 2006

Sponsored by:

Assemblyman JIM WHELAN

District 2 (Atlantic)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

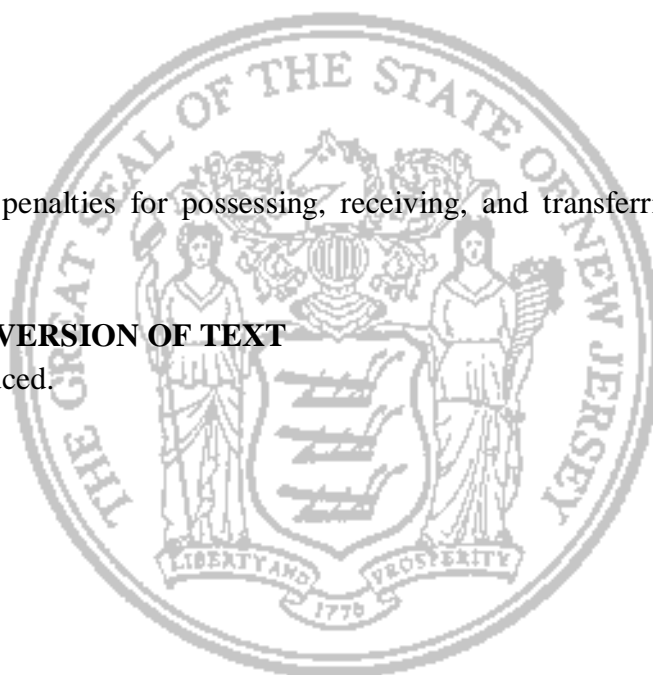
Assemblymen Manzo, Gusciora, Stack, Senators Turner and Girgenti

SYNOPSIS

Enhances penalties for possessing, receiving, and transferring community guns.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2006)

1 AN ACT concerning firearms and amending N.J.S.2C:39-4.

2

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

5

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

7 2C:39-4. Possession of weapons for unlawful purposes.

8 a. Firearms. (1) Any person who has in his possession any
9 firearm with a purpose to use it unlawfully against the person or
10 property of another is guilty of a crime of the second degree.

11 (2) Any person who possesses, receives or transfers a
12 community gun is guilty of a crime of the second degree and shall
13 be sentenced to a term of imprisonment by the court. The term of
14 imprisonment shall include the imposition of a minimum term. The
15 minimum term shall be fixed at one-half of the sentence imposed by
16 the court or three years, whichever is greater and during which the
17 defendant shall be ineligible for parole. As used in this paragraph,
18 “community gun” means a firearm that is transferred among,
19 between or within any association of two or more persons who,
20 while possessing that firearm, engage in criminal activity or use it
21 unlawfully against the person or property of another.

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

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

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

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

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

39

40 2. This act shall take effect immediately.

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.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

This bill establishes enhanced penalties for persons who possess, receive or transfer a community gun.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

A person found guilty of possessing, receiving or transferring a community gun is guilty of a crime of the second degree and subject to a mandatory minimum term of imprisonment. The bill specifies that the mandatory minimum be fixed at one-half of the sentence imposed by the court or three years, whichever is greater and during which the defendant shall be ineligible for parole. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

This bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2991

STATE OF NEW JERSEY

DATED: MAY 18, 2006

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2991.

Assembly Bill No. 2991 makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of imprisonment for these violators. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

According to the sponsor, this bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2991

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 2991.

This bill makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of imprisonment for these violators. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

According to the sponsor, this bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.

As reported by the committee, this bill is identical to Senate Bill No. 2009, which also was reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2991

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2006

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2991.

This bill makes it a crime of the second degree to possess, receive or transfer a community gun. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both. In addition, the bill provides for a mandatory minimum term of imprisonment for violators of up to the greater of one-half the sentence imposed or 3 years, during which there shall be no parole eligibility.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

As reported, this bill is identical to Senate Bill No. 2009, as also reported by the committee.

FISCAL IMPACT:

In a fiscal note to the bill, the Department of Corrections (DOC) indicates that the potential impact of the bill cannot be determined, since the number of commitments that would result from its enactment is unknown. In its concurrence, the OLS notes that DOC data indicate that for every offender convicted under the bill, the cost of constructing an additional prison bed space would range between \$60,000 and \$95,000. Moreover, the ongoing operational expenses of housing a State sentenced prison inmate would be \$32,000 per year for the duration of that offender's incarceration.

FISCAL NOTE
ASSEMBLY, No. 2991
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 7, 2006

SUMMARY

Synopsis: Enhances penalties for possessing, receiving, and transferring community guns.

Type of Impact: General Fund Expenditure.

Agencies Affected: Department of Corrections.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Cannot Be Determined - See Comments Below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS adds that the Department of Corrections (DOC) data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expenses of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's
- The bill makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of imprisonment for these violators. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to ten years, or both.
- The DOC states that since there are no databases available which would indicate the number of commitments which would result from the enactment of this legislation, the DOC cannot prepare an estimate of potential impact.

BILL DESCRIPTION

Assembly Bill No. 2991 of 2006 makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of

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

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that since there are no databases available which would indicate the number of commitments which would result from the enactment of this legislation, the DOC cannot prepare an estimate of potential impact.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS adds that DOC data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expenses of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 2009

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

SYNOPSIS

Enhances penalties for possessing, receiving, and transferring community guns.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/28/2006)

1 AN ACT concerning firearms and amending N.J.S.2C:39-4.

2

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

5

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

7 2C:39-4. Possession of weapons for unlawful purposes.

8 a. Firearms. (1) Any person who has in his possession any
9 firearm with a purpose to use it unlawfully against the person or
10 property of another is guilty of a crime of the second degree.

11 (2) Any person who possesses, receives or transfers a
12 community gun is guilty of a crime of the second degree and shall
13 be sentenced to a term of imprisonment by the court. The term of
14 imprisonment shall include the imposition of a minimum term. The
15 minimum term shall be fixed at one-half of the sentence imposed by
16 the court or three years, whichever is greater and during which the
17 defendant shall be ineligible for parole. As used in this paragraph,
18 “community gun” means a firearm that is transferred among,
19 between or within any association of two or more persons who,
20 while possessing that firearm, engage in criminal activity or use it
21 unlawfully against the person or property of another.

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

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

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

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

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

39

40 2. This act shall take effect immediately.

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.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

This bill establishes enhanced penalties for persons who possess, receive or transfer a community gun.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

A person found guilty of possessing, receiving or transferring a community gun is guilty of a crime of the second degree and subject to a mandatory minimum term of imprisonment. The bill specifies that the mandatory minimum be fixed at one-half of the sentence imposed by the court or three years, whichever is greater and during which the defendant shall be ineligible for parole. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

This bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2009

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2009.

This bill makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of imprisonment for these violators. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

According to the sponsor, this bill is designed to address the problem of firearms that are transferred among and between gang members who, while possessing them, engage in criminal activities.

As reported by the committee, this bill is identical to Assembly Bill No. 2991, which also was reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2009

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2006

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2009.

This bill makes it a crime of the second degree to possess, receive or transfer a community gun. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to 10 years, or both. In addition, the bill provides for a mandatory minimum term of imprisonment for violators of up to the greater of one-half the sentence imposed or 3 years, during which there shall be no parole eligibility.

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

As reported, this bill is identical to Assembly Bill No. 2991, as also reported by the committee.

FISCAL IMPACT:

In a fiscal note to the bill, the Department of Corrections (DOC) indicates that the potential impact of the bill cannot be determined, since the number of commitments that would result from its enactment is unknown. In its concurrence, the OLS notes that DOC data indicate that for every offender convicted under the bill, the cost of constructing an additional prison bed space would range between \$60,000 and \$95,000. Moreover, the ongoing operational expenses of housing a State sentenced prison inmate would be \$32,000 per year for the duration of that offender's incarceration.

FISCAL NOTE
SENATE, No. 2009
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: DECEMBER 21, 2006

SUMMARY

Synopsis: Enhances penalties for possessing, receiving, and transferring community guns.

Type of Impact: General Fund Expenditure.

Agencies Affected: Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Cannot Be Determined - See Comments Below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS adds that the Department of Corrections (DOC) data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expenses of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's
- The bill makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of imprisonment for these violators. A crime of the second degree is punishable by a fine of up to \$150,000, imprisonment for a term of five to ten years, or both.
- The DOC states that since there are no databases available which would indicate the number of commitments which would result from the enactment of this legislation, the DOC cannot prepare an estimate of potential impact.

BILL DESCRIPTION

Senate Bill No. 2009 of 2006 makes it a crime of the second degree to possess, receive or transfer a community gun. In addition, the bill provides for a mandatory minimum term of

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

A community gun is defined in the bill as a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that since there are no databases available which would indicate the number of commitments which would result from the enactment of this legislation, the DOC cannot prepare an estimate of potential impact.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS adds that DOC data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67.