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P.L. 2007, CHAPTER 298, *approved January 13, 2008*
Senate, No. 2932 (*First Reprint*)

1 AN ACT concerning the transportation of firearms for certain
2 unlawful purposes and amending N.J.S.2C:39-9.

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

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted November 29, 2007.

1 duly authorized personnel of those institutions, is guilty of a crime
2 of the fourth degree.

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

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

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

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

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

1 i. Transporting firearms into this State for an unlawful sale or
2 transfer. Any person who knowingly transports, ships or otherwise
3 brings into this State any firearm for the purpose of unlawfully
4 selling, transferring, giving, assigning or otherwise disposing of that
5 firearm to another individual is guilty of a crime of the second
6 degree. ¹The temporary transfer of a firearm while hunting or
7 target shooting, the transfer of any firearm that uses air or carbon
8 dioxide to expel a projectile, or the transfer of an antique firearm
9 shall not constitute a violation of this subsection.¹

10 (cf: P.L.1999, c.233, s.3)

11

12 2. This act shall take effect on the first day of the third month
13 following enactment.

14

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17

18 Establishes the transport of firearms into State for purposes of an
19 unlawful sale or transfer as a crime of the second degree.

SENATE, No. 2932

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED NOVEMBER 8, 2007

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Establishes the transport of firearms into State for purposes of an unlawful sale or transfer as a crime of the second degree.

CURRENT VERSION OF TEXT

As introduced.



S2932 GIRGENTI, SACCO

2

1 AN ACT concerning the transportation of firearms for certain
2 unlawful purposes and amending N.J.S.2C:39-9.

3

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

6

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

47 i. Transporting firearms into this State for an unlawful sale or
48 transfer. Any person who knowingly transports, ships or otherwise

S2932 GIRGENTI, SACCO

1 brings into this State any firearm for the purpose of unlawfully
2 selling, transferring, giving, assigning or otherwise disposing of that
3 firearm to another individual is guilty of a crime of the second
4 degree.

5 (cf: P.L.1999, c.233, s.3)

6

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

9

10

11

STATEMENT

12

13 To address the problem of gun trafficking, this bill establishes
14 the transportation of firearms into New Jersey for the purpose of
15 unlawfully selling or transferring them as a crime of the second
16 degree. A crime of the second degree is punishable by
17 imprisonment for a term of five to 10 years, a fine of up to
18 \$150,000 or both. Currently gun trafficking is usually prosecuted
19 as a violation of the State's licensing and permitting statutes, which
20 is a crime of the fourth degree. Crimes of the fourth degree are
21 punishable by imprisonment for a term of no more than 18 months,
22 a fine of up to \$10,000, or both.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2932

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2932.

To address the problem of gun trafficking, this bill establishes the transportation of firearms into New Jersey for the purpose of unlawfully selling or transferring them as a crime of the second degree. A crime of the second degree is punishable by imprisonment for a term of five to 10 years, a fine of up to \$150,000 or both. Currently gun trafficking is usually prosecuted as a violation of the State's licensing and permitting statutes, which is a crime of the fourth degree. Crimes of the fourth degree are punishable by imprisonment for a term of no more than 18 months, a fine of up to \$10,000, or both.

The committee amended the bill to provide that the temporary transfer of a firearm while hunting or target shooting, the transfer of any firearm that uses air or carbon dioxide to expel a projectile (commonly known as BB or pellet guns), or the transfer of an antique firearm would not constitute a violation of the bill's provisions. Unlawful transfers of firearms would continue to be subject to existing statutes and any penalties provided therein.

ASSEMBLY, No. 2697

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:
Assemblyman NEIL M. COHEN
District 20 (Union)

SYNOPSIS

Establishes the transport of firearms into State for purposes of an unlawful sale or transfer as a crime of the second degree.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the transportation of firearms for certain
2 unlawful purposes and amending N.J.S.2C:39-9.

3

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

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

8 2C:39-9. Manufacture, Transport, Disposition and Defacement
9 of Weapons and Dangerous Instruments and Appliances. a.
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11 manufactured, transports, ships, sells or disposes of any machine
12 gun without being registered or licensed to do so as provided in
13 chapter 58 is guilty of a crime of the third degree.

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

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

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 of the fourth degree.

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

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

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

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

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

48 i. Transporting firearms into this State for an unlawful sale or

1 transfer. Any person who knowingly transports, ships or otherwise
2 brings into this State any firearm for the purpose of unlawfully
3 selling, transferring, giving, assigning or otherwise disposing of that
4 firearm to another individual is guilty of a crime of the second
5 degree.

6 (cf: P.L.1999, c.233, s.3)

7

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

10

11

12

STATEMENT

13

14 To address the problem of gun trafficking, this bill establishes
15 the transportation of firearms into New Jersey for the purpose of
16 unlawfully selling or transferring them as a crime of the second
17 degree. A crime of the second degree is punishable by
18 imprisonment for a term of five to 10 years, a fine of up to
19 \$150,000 or both. Currently gun trafficking is usually prosecuted
20 as a violation of the State's licensing and permitting statutes, which
21 is a crime of the fourth degree. Crimes of the fourth degree are
22 punishable by imprisonment for a term of no more than 18 months,
23 a fine of up to \$10,000, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2697

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2697.

To address the problem of gun trafficking, Assembly Bill No. 2697 makes it a crime of the second degree to transport firearms into this State for the purpose of unlawfully selling or transferring them as a crime of the second degree. Second degree crimes are punishable by imprisonment for a term of five to 10 years, a fine of up to \$150,000 or both. Under current law, gun trafficking is usually prosecuted as a violation of the State's licensing and permitting statutes, which is a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2697

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 3, 2008

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2697.

This bill makes it a crime of the second degree to transport firearms into this State for the purpose of unlawfully selling or transferring them in an effort to address the problem of gun trafficking. Second degree crimes are punishable by imprisonment for a term of five to 10 years, a fine of up to \$150,000 or both. Under current law, gun trafficking is usually prosecuted as a violation of the State's licensing and permitting statutes, which is a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

The committee amended the bill to provide that the temporary transfer of a firearm while hunting or target shooting, the transfer of any firearm that uses air or carbon dioxide to expel a projectile (commonly known as BB or pellet guns), or the transfer of an antique firearm would not constitute a violation of the bill's provisions. Unlawful transfers of firearms would continue to be subject to existing statutes and any penalties provided therein.

These amendments would make this bill identical to Senate Bill No. 2932(1R), which passed the Senate on December 10, 2007.

COMMITTEE AMENDMENTS

Amends section 1 of the bill to provide that the following shall not constitute a violation of the provisions of the bill: temporary transfer of a firearm while hunting or target shooting; the transfer of any firearm that uses air or carbon dioxide to expel a projectile (commonly known as BB or pellet guns); or the transfer of an antique firearm. Unlawful transfers of firearms would continue to be subject to existing statutes and any penalties provided therein.