

2C:58-3.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 318

NJSA: 2C:58-3.3 (Regulates sale of ammunition)

BILL NO: A2602 (Substituted for S2470)

SPONSOR(S) Manzo and Others

DATE INTRODUCED: February 23, 2006

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008

SENATE: January 7, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Third reprint enacted)

A2602

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may *possibly* be found at www.njleg.state.nj.us)

[FLOOR AMENDMENT STATEMENT:](#) Yes

LEGISLATIVE FISCAL NOTE: No

S2470

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

[FLOOR AMENDMENT STATEMENT:](#) Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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: Yes

HEARINGS: No

NEWSPAPER ARTICLES: No

974.90 W362, 2007 Armed and dangerous: guns, gangs and easy access to firearms ammunition in New Jersey..
New Jersey State Commission of Investigation.

RWH 6/5/08

P.L. 2007, CHAPTER 318, *approved January 13, 2008*
 Assembly, No. 2602 (*Third Reprint*)

1 AN ACT concerning firearms ³~~["and"],¹] and³ supplementing
 2 chapter 58 of Title 2C of the New Jersey Statutes ³~~["and~~
 3 amending P.L.1992, c.74 and P.L.1979, c.179¹"]³.~~

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

7
 8 1. ¹~~["It shall be a crime of the fourth degree for any person to:"]¹~~

9 a. ²As used in this act, "handgun ammunition" means
 10 ammunition specifically designed to be used only in a handgun.
 11 "Handgun ammunition" shall not include blank ammunition, air gun
 12 pellets, flare gun ammunition, nail gun ammunition, paint ball
 13 ammunition, or any non-fixed ammunition.

14 b.² ¹~~["Sell"]~~ No person shall sell¹, give, transfer, assign or
 15 otherwise dispose of ¹~~["any"], or receive, purchase, or otherwise~~
 16 acquire¹ ²handgun² ammunition ¹~~["to a person who is not the holder~~
 17 of and cannot display] unless the purchaser, assignee, donee,
 18 receiver or holder is licensed as a ²manufacturer, wholesaler, or²
 19 dealer under this chapter or is the holder of and possesses¹ a valid
 20 firearms purchaser identification card, a ²~~["certified"]~~ valid² copy of
 21 a permit to purchase a handgun, ²or² a valid permit to carry a
 22 handgun ¹~~[","] ²or¹ a valid New Jersey hunting license² ¹~~["or valid~~~~
 23 documentation identifying the purchaser as a federal, State or local
 24 law enforcement officer authorized to possess a firearm; and

25 b. Purchase, receive, acquire or possess ammunition unless the
 26 person is the holder of and can display a valid firearms purchaser
 27 identification card, a certified copy of a permit to purchase a
 28 handgun, a valid permit to carry a handgun, a valid New Jersey
 29 hunting license or valid documentation identifying the purchaser as
 30 a federal, State or local law enforcement officer authorized to
 31 possess a firearm] and first exhibits such card or permit to the
 32 seller, donor, transferor or assignor.

33 c. No person shall sell, give, transfer, assign or otherwise
 34 dispose of handgun ammunition to a person who is under ²~~["18"]~~ ²21²
 35 years of age.

36 d. The provisions of this section shall not apply to a collector of
 37 firearms or ammunition as curios or relics ²~~["as defined in 18~~
 38 U.S.C.§921(a)(13) who possess a valid Collector of Curios and
 39 Relics license issued by the Bureau of Alcohol, Tobacco, Firearms

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:

¹Assembly ALP committee amendments adopted May 18, 2006.

²Senate SLP committee amendments adopted December 17, 2007.

³Senate floor amendments adopted January 3, 2008.

1 and Explosives]² who purchases, receives, acquires, possesses, or
2 transfers ²handgun² ammunition which is recognized as being
3 historical in nature or of historical significance.

4 e. A person who violates this section shall be guilty of a crime
5 of the fourth degree, except that nothing contained herein shall be
6 construed to prohibit the sale, transfer, assignment or disposition of
7 ²handgun² ammunition to or the purchase, receipt or acceptance of
8 ammunition by a law enforcement agency or law enforcement
9 official for law enforcement purposes¹.

10 ²f. Nothing in this section shall be construed to prohibit the
11 transfer of ammunition for use in a lawfully transferred firearm in
12 accordance with the provisions of section 1 of P.L.1992, c.74
13 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2) or section
14 14 of P.L.1979, c.179 (C.2C:58-6.1).²

15 ³g. Nothing in this section shall be construed to prohibit the sale
16 of a de minimis amount of handgun ammunition at a firearms range
17 operated by a licensed dealer; a law enforcement agency; a legally
18 recognized military organization; or a rifle or pistol club which has
19 filed a copy of its charter with the superintendent for immediate use
20 at that range.³

21
22 ²[2. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to
23 read as follows:

24 a. Notwithstanding the provisions of N.J.S.2C:39-9,
25 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary
26 concerning the transfer or disposition of ¹ammunition or¹ firearms,
27 the legal owner, or a dealer licensed under N.J.S.2C:58-2, may
28 ¹transfer ammunition or¹ temporarily transfer a handgun, rifle or
29 shotgun to another person who is 18 years of age or older, whether
30 or not the person receiving the ¹ammunition or¹ firearm holds a
31 firearms purchaser identification card or a permit to carry a
32 handgun. The person to whom ¹the ammunition is transferred or to
33 whom¹ a handgun, rifle or shotgun is temporarily transferred by the
34 legal owner of the firearm or a licensed dealer may receive, possess,
35 carry and use that ¹ammunition,¹ handgun, rifle or shotgun, if the
36 transfer is made upon a firing range operated by a licensed dealer,
37 by a law enforcement agency, a legally recognized military
38 organization or a rifle or pistol club which has filed a copy of its
39 charter with the superintendent and annually submits to the
40 superintendent a list of its members and if the ¹ammunition or¹
41 firearm is received, possessed, carried and used for the sole purpose
42 of target practice, trap or skeet shooting, or competition upon that
43 firing range or instruction and training at any location.

44 A transfer under this subsection shall be for not more than eight
45 consecutive hours in any 24-hour period and may be made for a set
46 fee or an hourly charge.

1 The firearm shall be handled and used by the person to whom it
2 is temporarily transferred only in the actual presence or under the
3 direct supervision of the legal owner of the firearm, the dealer who
4 transferred the firearm or any other person competent to supervise
5 the handling and use of firearms and authorized to act for that
6 purpose by the legal owner or licensed dealer. The legal owner of
7 the firearm or the licensed dealer shall be on the premises or the
8 property of the firing range during the entire time that the firearm is
9 in the possession of the person to whom it is temporarily
10 transferred.

11 The term "legal owner" as used in this subsection means a
12 natural person and does not include an organization, commercial
13 enterprise, or a licensed manufacturer, wholesaler or dealer of
14 firearms.

15 b. Notwithstanding the provisions of N.J.S.2C:39-9,
16 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary
17 concerning the transfer and disposition of 'ammunition or'
18 firearms, a legal owner of a shotgun or a rifle may 'transfer
19 ammunition or' temporarily transfer that firearm to another person
20 who is 18 years of age or older, whether or not the person receiving
21 the firearm holds a firearms purchaser identification card. The
22 person to whom 'the ammunition is transferred or to whom' a
23 shotgun or rifle is temporarily transferred by the legal owner may
24 receive, possess, carry and use that 'ammunition.' shotgun or rifle
25 in the woods or fields or upon the waters of this State for the
26 purposes of hunting if the transfer is made in the woods or fields or
27 upon the waters of this State, the shotgun or rifle is legal and
28 appropriate for hunting and the person to whom the firearm is
29 temporarily transferred possesses a valid license to hunt with a
30 firearm, and a valid rifle permit if the firearm is a rifle, obtained in
31 accordance with the provisions of chapter 3 of Title 23 of the
32 Revised Statutes.

33 The transfer of a firearm under this subsection shall be for not
34 more than eight consecutive hours in any 24-hour period and no fee
35 shall be charged for the transfer.

36 The legal owner of the firearm which is temporarily transferred
37 shall remain in the actual presence or in the vicinity of the person to
38 whom it was transferred during the entire time that the firearm is in
39 that person's possession.

40 The term "legal owner" as used in this subsection means a
41 natural person and does not include an organization, commercial
42 enterprise, or a licensed manufacturer, wholesaler or dealer of
43 firearms.

44 c. No 'ammunition or' firearm shall be temporarily transferred
45 or received under the provisions of subsections a. or b. of this
46 section for the purposes described in section 1 of P.L.1983, c.229
47 (C.2C:39-14).

1 d. An owner or dealer shall not transfer a firearm to any person
2 pursuant to the provisions of this section if the owner or dealer
3 knows the person does not meet the qualifications set forth in
4 subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms
5 purchaser identification card or a handgun purchase permit. A
6 person shall not receive, possess, carry or use a firearm pursuant to
7 the provisions of this section if the person knows he does not meet
8 the qualifications set forth in subsection c. of N.J.S.2C:58-3 for
9 obtaining or holding a firearms purchaser identification card or a
10 handgun purchase permit.

11 (cf: P.L.2000, c.145, s.4)]²

12

13 ²[3. Section 1 of P.L.1992, c.74 (C.2C:58-3.2) is amended to
14 read as follows:

15 a. Notwithstanding the provisions of N.J.S.2C:39-9,
16 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a
17 person who is certified as an instructor in the use, handling and
18 maintenance of firearms by the Police Training Commission, the
19 Division of Fish, Game and Wildlife and the State Park Service in
20 the Department of Environmental Protection, the Director of
21 Civilian Marksmanship of the United States Department of the
22 Army or by a recognized rifle or pistol association that certifies
23 instructors may transfer 'ammunition or' a firearm temporarily in
24 accordance with the terms of this section to a person participating in
25 a training course for the use, handling and maintenance of firearms
26 by the Police Training Commission, the Division of Fish, Game and
27 Wildlife, the Director of Civilian Marksmanship or by a recognized
28 rifle or pistol association that certifies instructors. The person to
29 whom 'the ammunition or' a firearm is transferred by a certified
30 instructor in accordance with the terms of this section may receive,
31 possess, carry and use the 'ammunition or' firearm temporarily
32 during the sessions of the course for the purpose of training and
33 participating in the course.

34 b. A transfer of 'ammunition or' a firearm under this section
35 may be made only if:

36 (1) the transfer is made upon a firearms range or, if the firearm
37 is unloaded, in an area designated and appropriate for the training;

38 (2) the transfer is made during the sessions of the firearms
39 course for the sole purpose of participating in the course;

40 (3) the transfer is made for not more than eight consecutive
41 hours in any 24-hour period; and

42 (4) the transferred firearm 'or ammunition' is used and handled
43 only in the actual presence and under the direct supervision of the
44 instructor.

45 c. The transfer permitted by this section may be made whether
46 or not the person participating in the course holds a firearms
47 license, firearms purchaser identification card or a handgun

1 purchase permit. However, an instructor shall not knowingly
2 transfer a firearm under the terms of this section to a person who
3 does not meet the qualifications set forth in subsection c. of
4 N.J.S.2C:58-3 for obtaining or holding a firearms purchaser
5 identification card or a handgun purchase permit, and a person who
6 knows that he does not meet such qualifications shall not receive
7 the transferred firearm under the terms of this section.

8 d. No 'ammunition or' firearm shall be transferred or received
9 under the provisions of this section for purposes described in
10 section 1 of P.L.1983, c.229 (C.2C:39-14).

11 (cf: P.L.1997, c.375, s.1)]²

12

13 ²[4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
14 read as follows:

15 a. No person under the age of 18 years shall purchase, barter or
16 otherwise acquire a firearm 'or ammunition' and no person under
17 the age of 21 years shall purchase, barter or otherwise acquire a
18 handgun, unless the person is authorized to possess the handgun in
19 connection with the performance of official duties under the
20 provisions of N.J.S.2C:39-6.

21 b. No person under the age of 18 years shall possess, carry, fire
22 or use a firearm 'or ammunition' except as provided under
23 paragraphs (1), (2), (3) and (4) of this subsection; and, unless
24 authorized in connection with the performance of official duties
25 under the provisions of N.J.S.2C:39-6, no person under the age of
26 21 years shall possess, carry, fire or use a handgun except under the
27 following circumstances:

28 (1) In the actual presence or under the direct supervision of his
29 father, mother or guardian, or some other person who holds a permit
30 to carry a handgun or a firearms purchaser identification card, as the
31 case may be; or

32 (2) For the purpose of military drill under the auspices of a
33 legally recognized military organization and under competent
34 supervision; or

35 (3) For the purpose of competition or target practice in and upon
36 a firing range approved by the governing body of the municipality
37 in which the range is located or the National Rifle Association and
38 which is under competent supervision at the time of such
39 supervision or target practice or instruction and training at any
40 location; or

41 (4) For the purpose of hunting during the regularly designated
42 hunting season, provided that he possesses a valid hunting license
43 and has successfully completed a hunter's safety course taught by a
44 qualified instructor or conservation officer and possesses a
45 certificate indicating the successful completion of such a course.

46 c. A person who violates this section shall be guilty of a crime
47 of the fourth degree. For purposes of this section the fact that the

1 act would not constitute a crime if committed by an adult shall not
2 be deemed to prohibit or require waiver of family court jurisdiction
3 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
4 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
5 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
6 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
7 70 et seq.).
8 (cf: P.L.2000, c.145, s.3)]²

9
10 ¹[2.] ²[5.] ¹ 2.² This act shall take effect on the first day of the
11 third month following enactment.

12

13

14

15

16

Regulates sale of ammunition.

ASSEMBLY, No. 2602

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Epps

SYNOPSIS

Regulates sale of ammunition.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2006)

1 AN ACT concerning firearms and supplementing chapter 58 of Title
2 2C of the New Jersey Statutes.

3

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

6

7 1. It shall be a crime of the fourth degree for any person to:

8 a. Sell, give, transfer, assign or otherwise dispose of any
9 ammunition to a person who is not the holder of and cannot display
10 a valid firearms purchaser identification card, a certified copy of a
11 permit to purchase a handgun, a valid permit to carry a handgun, a
12 valid New Jersey hunting license or valid documentation identifying
13 the purchaser as a federal, State or local law enforcement officer
14 authorized to possess a firearm; and

15 b. Purchase, receive, acquire or possess ammunition unless the
16 person is the holder of and can display a valid firearms purchaser
17 identification card, a certified copy of a permit to purchase a
18 handgun, a valid permit to carry a handgun, a valid New Jersey
19 hunting license or valid documentation identifying the purchaser as
20 a federal, State or local law enforcement officer authorized to
21 possess a firearm.

22

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

25

26

27

STATEMENT

28

29 This bill would regulate the sale of ammunition in this State.

30 Under the provisions of the bill, only individuals who hold and
31 can display a valid firearms purchaser identification card, a certified
32 copy of a permit to purchase a handgun, a valid permit to carry a
33 handgun, a valid New Jersey hunting license or valid documentation
34 identifying the purchaser as a federal, State or local law
35 enforcement officer authorized to possess a firearm would be
36 permitted to purchase and possess ammunition in this State.

37 A person who sells, transfers, purchases or possesses
38 ammunition in violation of this bill would be guilty of a crime of
39 the fourth degree, which is punishable a fine of up to \$10,000,
40 imprisonment for a term of up to 18 months, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2602

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2006

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2602.

Assembly Bill No. 2602, as amended, regulates the sale of ammunition in this State.

Under the provisions of the amended bill, only individuals who hold and can display a valid firearms purchaser identification card, a certified copy of a permit to purchase a handgun, a valid permit to carry a handgun, a valid New Jersey hunting license, or valid documentation identifying the purchaser as a federal, State or local law enforcement officer authorized to possess a firearm would be permitted to purchase and possess ammunition in this State. The amended bill exempts individuals who hold a valid Collector of Curios and Relics license and purchase ammunition which is recognized as being historical in nature or of historical significance. The amended bill provides that the exemptions which apply to the temporary transfer of firearms also apply to the transfer of ammunition.

A person who sells, transfers, purchases or possesses ammunition in violation of this bill would be guilty of a crime of the fourth degree, which is punishable by a fine of up to \$10,000, imprisonment for a term of up to 18 months, or both.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1. provide that the exemptions which apply to the temporary transfer of firearms also apply to the transfer of ammunition;
2. clarify that the prohibition on the possession of a firearm by a minor also applies to ammunition;
3. clarify that the holder of a valid Collector of Curios and Relics License would be able to purchase ammunition which is historical in nature or of historical significance; and
4. make technical amendments.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 2602

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2602 (1R).

As amended and reported by the committee, this bill would regulate the sale of handgun ammunition in this State.

Under the provisions of the bill, only individuals who hold and can display a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun or a valid permit to carry a handgun, would be permitted to purchase and possess ammunition in this State.

The bill exempts individuals who hold valid Collector of Curios and Relics licenses and purchase ammunition which is recognized as being historical in nature or of historical significance. The bill provides that its provisions are not to be construed to prohibit the the sale or transfer of ammunition for law enforcement purposes or for use in a lawfully transferred firearm in accordance with current law governing the transfer of firearms.

A person who sells, transfers, purchases or possesses ammunition in violation of this bill would be guilty of a crime of the fourth degree, which is punishable by a fine of up to \$10,000, imprisonment for a term of up to 18 months, or both.

The committee amended the bill to limit its provisions to handgun ammunition. The amendments also remove hunting licenses as a valid form of identification and include manufacturers and wholesalers of firearms among the persons who may buy handgun ammunition without one of the forms of identification listed in the bill. In addition, the amendments remove the federal definition of firearms or ammunition which constitute curios or relics. Finally, the amendments provide that the bill's provisions do not apply to blank ammunition, air gun pellets, flare gun ammunition, nail gun ammunition, paint ball ammunition, or any non-fixed ammunition.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2470, which also was amended and reported by the committee on this date.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2602

with Senate Floor Amendmentss
(Proposed By Senator TURNER)

ADOPTED: JANUARY 3, 2008

Assembly Bill 2602 (2R) regulates the sale of handgun ammunition. Under the provisions of the bill, it is unlawful to sell or transfer handgun ammunition to another person unless that person is a licensed manufacturer, wholesaler or dealer, or is the holder of a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun or a valid permit to carry a handgun.

The bill does, however, permit ammunition to be transferred to individuals who are not licensed or the holders of firearms identification cards or permits to purchase or carry a handgun for use in firearms that have been lawfully transferred to that individual for target practice, trap or skeet shooting or firing range competition or instruction.

This Senate amendment clarifies that the provisions of this bill are not to be construed to prohibit the sale of a de minimis amount of handgun ammunition at a lawfully operated firing range for immediate use at that range.

SENATE, No. 2470

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Regulates sale of ammunition.

CURRENT VERSION OF TEXT

As introduced.



S2470 TURNER

2

1 AN ACT concerning firearms, supplementing chapter 58 of Title 2C
2 of the New Jersey Statutes, and amending P.L.1992, c.74,
3 P.L.1997, c.375 and P.L.1979, c.179.

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

7
8 1. a. No person shall sell, give, transfer, assign or otherwise
9 dispose of, or receive, purchase, or otherwise acquire ammunition
10 unless the purchaser, assignee, donee, receiver or holder is licensed
11 as a dealer under this chapter or is the holder of and possesses a
12 valid firearms purchaser identification card, a certified copy of a
13 permit to purchase a handgun, a valid permit to carry a handgun or
14 a valid New Jersey hunting license and first exhibits such card or
15 permit to the seller, donor, transferor or assignor.

16 c. No person shall sell, give, transfer, assign or otherwise
17 dispose of ammunition to a person who is under 18 years of age.

18 d. The provisions of this section shall not apply to a collector of
19 firearms or ammunition as curios or relics as defined in 18 U.S.C.
20 §921(a)(13) who possess a valid Collector of Curios and Relics
21 license issued by the Bureau of Alcohol, Tobacco, Firearms and
22 Explosives who purchases, receives, acquires, possesses, or
23 transfers ammunition which is recognized as being historical in
24 nature or of historical significance.

25 e. A person who violates this section shall be guilty of a crime
26 of the fourth degree, except that nothing contained herein shall be
27 construed to prohibit the sale, transfer, assignment or disposition of
28 ammunition to or the purchase, receipt or acceptance of ammunition
29 by a law enforcement agency or law enforcement official for law
30 enforcement purposes.

31
32 2. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read
33 as follows:

34 1. a. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
35 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
36 concerning the transfer or disposition of ammunition or firearms,
37 the legal owner, or a dealer licensed under N.J.S. 2C:58-2, may
38 transfer ammunition or temporarily transfer a handgun, rifle or
39 shotgun to another person who is 18 years of age or older, whether
40 or not the person receiving the ammunition or firearm holds a
41 firearms purchaser identification card or a permit to carry a
42 handgun. The person to whom the ammunition is transferred or to
43 whom a handgun, rifle or shotgun is temporarily transferred by the
44 legal owner of the firearm or a licensed dealer may receive, possess,
45 carry and use that ammunition, handgun, rifle or shotgun, if 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.

1 transfer is made upon a firing range operated by a licensed dealer,
2 by a law enforcement agency, a legally recognized military
3 organization or a rifle or pistol club which has filed a copy of its
4 charter with the superintendent and annually submits to the
5 superintendent a list of its members and if the ammunition or
6 firearm is received, possessed, carried and used for the sole purpose
7 of target practice, trap or skeet shooting, or competition upon that
8 firing range or instruction and training at any location.

9 A transfer under this subsection shall be for not more than eight
10 consecutive hours in any 24-hour period and may be made for a set
11 fee or an hourly charge.

12 The firearm shall be handled and used by the person to whom it
13 is temporarily transferred only in the actual presence or under the
14 direct supervision of the legal owner of the firearm, the dealer who
15 transferred the firearm or any other person competent to supervise
16 the handling and use of firearms and authorized to act for that
17 purpose by the legal owner or licensed dealer. The legal owner of
18 the firearm or the licensed dealer shall be on the premises or the
19 property of the firing range during the entire time that the firearm is
20 in the possession of the person to whom it is temporarily
21 transferred.

22 The term "legal owner" as used in this subsection means a
23 natural person and does not include an organization, commercial
24 enterprise, or a licensed manufacturer, wholesaler or dealer of
25 firearms.

26 b. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
27 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
28 concerning the transfer and disposition of ammunition or firearms, a
29 legal owner of a shotgun or a rifle may transfer ammunition or
30 temporarily transfer that firearm to another person who is 18 years
31 of age or older, whether or not the person receiving the firearm
32 holds a firearms purchaser identification card. The person to whom
33 the ammunition is transferred or to whom a shotgun or rifle is
34 temporarily transferred by the legal owner may receive, possess,
35 carry and use that ammunition, shotgun or rifle in the woods or
36 fields or upon the waters of this State for the purposes of hunting if
37 the transfer is made in the woods or fields or upon the waters of this
38 State, the shotgun or rifle is legal and appropriate for hunting and
39 the person to whom the firearm is temporarily transferred possesses
40 a valid license to hunt with a firearm, and a valid rifle permit if the
41 firearm is a rifle, obtained in accordance with the provisions of
42 chapter 3 of Title 23 of the Revised Statutes.

43 The transfer of a firearm under this subsection shall be for not
44 more than eight consecutive hours in any 24-hour period and no fee
45 shall be charged for the transfer.

46 The legal owner of the firearm which is temporarily transferred
47 shall remain in the actual presence or in the vicinity of the person to

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1 whom it was transferred during the entire time that the firearm is in
2 that person's possession.

3 The term "legal owner" as used in this subsection means a
4 natural person and does not include an organization, commercial
5 enterprise, or a licensed manufacturer, wholesaler or dealer of
6 firearms.

7 c. No ammunition or firearm shall be temporarily transferred or
8 received under the provisions of subsections a. or b. of this section
9 for the purposes described in section 1 of P.L.1983, c.229 (C.
10 2C:39-14).

11 d. An owner or dealer shall not transfer a firearm to any person
12 pursuant to the provisions of this section if the owner or dealer
13 knows the person does not meet the qualifications set forth in
14 subsection c. of N.J.S. 2C:58-3 for obtaining or holding a firearms
15 purchaser identification card or a handgun purchase permit. A
16 person shall not receive, possess, carry or use a firearm pursuant to
17 the provisions of this section if the person knows he does not meet
18 the qualifications set forth in subsection c. of N.J.S. 2C:58-3 for
19 obtaining or holding a firearms purchaser identification card or a
20 handgun purchase permit.
21 (cf: P.L.2000, c.145, s.4)

22
23 3. Section 1 of P.L.1997, c.375 (C.2C:58-3.2) is amended to
24 read as follows:

25 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,
26 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a
27 person who is certified as an instructor in the use, handling and
28 maintenance of firearms by the Police Training Commission, the
29 Division of Fish, Game and Wildlife and the State Park Service in
30 the Department of Environmental Protection, the Director of
31 Civilian Marksmanship of the United States Department of the
32 Army or by a recognized rifle or pistol association that certifies
33 instructors may transfer ammunition or a firearm temporarily in
34 accordance with the terms of this section to a person participating in
35 a training course for the use, handling and maintenance of firearms
36 by the Police Training Commission, the Division of Fish, Game and
37 Wildlife, the Director of Civilian Marksmanship or by a recognized
38 rifle or pistol association that certifies instructors. The person to
39 whom the ammunition or a firearm is transferred by a certified
40 instructor in accordance with the terms of this section may receive,
41 possess, carry and use the ammunition or firearm temporarily
42 during the sessions of the course for the purpose of training and
43 participating in the course.

44 b. A transfer of ammunition or a firearm under this section may
45 be made only if:

46 (1) the transfer is made upon a firearms range or, if the firearm
47 is unloaded, in an area designated and appropriate for the training;

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1 (2) the transfer is made during the sessions of the firearms
2 course for the sole purpose of participating in the course;

3 (3) the transfer is made for not more than eight consecutive
4 hours in any 24-hour period; and

5 (4) the transferred firearm or ammunition is used and handled
6 only in the actual presence and under the direct supervision of the
7 instructor.

8 c. The transfer permitted by this section may be made whether
9 or not the person participating in the course holds a firearms
10 license, firearms purchaser identification card or a handgun
11 purchase permit. However, an instructor shall not knowingly
12 transfer a firearm under the terms of this section to a person who
13 does not meet the qualifications set forth in subsection c. of
14 N.J.S.2C:58-3 for obtaining or holding a firearms purchaser
15 identification card or a handgun purchase permit, and a person who
16 knows that he does not meet such qualifications shall not receive
17 the transferred firearm under the terms of this section.

18 d. No ammunition or firearm shall be transferred or received
19 under the provisions of this section for purposes described in
20 section 1 of P.L.1983, c.229 (C.2C:39-14).

21 (cf: P.L.1997, c.375, s.1)

22

23 4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
24 read as follows:

25 14. a. No person under the age of 18 years shall purchase, barter
26 or otherwise acquire a firearm or ammunition and no person under
27 the age of 21 years shall purchase, barter or otherwise acquire a
28 handgun, unless the person is authorized to possess the handgun in
29 connection with the performance of official duties under the
30 provisions of N.J.S. 2C:39-6.

31 b. No person under the age of 18 years shall possess, carry, fire
32 or use a firearm or ammunition except as provided under paragraphs
33 (1), (2), (3) and (4) of this subsection; and, unless authorized in
34 connection with the performance of official duties under the
35 provisions of N.J.S. 2C:39-6, no person under the age of 21 years
36 shall possess, carry, fire or use a handgun except under the
37 following circumstances:

38 (1) In the actual presence or under the direct supervision of his
39 father, mother or guardian, or some other person who holds a permit
40 to carry a handgun or a firearms purchaser identification card, as the
41 case may be; or

42 (2) For the purpose of military drill under the auspices of a
43 legally recognized military organization and under competent
44 supervision; or

45 (3) For the purpose of competition or target practice in and upon
46 a firing range approved by the governing body of the municipality
47 in which the range is located or the National Rifle Association and
48 which is under competent supervision at the time of such

1 supervision or target practice or instruction and training at any
2 location; or

3 (4) For the purpose of hunting during the regularly designated
4 hunting season, provided that he possesses a valid hunting license
5 and has successfully completed a hunter's safety course taught by a
6 qualified instructor or conservation officer and possesses a
7 certificate indicating the successful completion of such a course.

8 c. A person who violates this section shall be guilty of a crime
9 of the fourth degree. For purposes of this section the fact that the
10 act would not constitute a crime if committed by an adult shall not
11 be deemed to prohibit or require waiver of family court jurisdiction
12 pursuant to N.J.S. 2C:4-11 or to preclude a finding of delinquency
13 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
14 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.
15 1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et
16 seq.).

17 (cf: P.L.2000, c.145, s.3)

18

19 5. This act shall take effect on the first day of the third month
20 following enactment.

21

22

23

STATEMENT

24

25 This bill would regulate the sale of ammunition in this State.

26 Under the provisions of the bill, only individuals who hold and
27 can display a valid firearms purchaser identification card, a certified
28 copy of a permit to purchase a handgun, a valid permit to carry a
29 handgun, a valid New Jersey hunting license, or valid
30 documentation identifying the purchaser as a federal, State or local
31 law enforcement officer authorized to possess a firearm would be
32 permitted to purchase and possess ammunition in this State. The
33 bill exempts individuals who hold valid Collector of Curios and
34 Relics licenses and purchase ammunition which is recognized as
35 being historical in nature or of historical significance. The bill
36 provides that the exemptions which apply to the temporary transfer
37 of firearms also apply to the transfer of ammunition.

38 A person who sells, transfers, purchases or possesses
39 ammunition in violation of this bill would be guilty of a crime of
40 the fourth degree, which is punishable by a fine of up to \$10,000,
41 imprisonment for a term of up to 18 months, or both.

SENATE LAW AND PUBLIC SAFETY AND VETERANS
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2470

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2470.

As amended and reported by the committee, this bill would regulate the sale of handgun ammunition in this State.

Under the provisions of the bill, only individuals who hold and can display a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun or a valid permit to carry a handgun, would be permitted to purchase and possess ammunition in this State.

The bill exempts individuals who hold valid Collector of Curios and Relics licenses and purchase ammunition which is recognized as being historical in nature or of historical significance. The bill provides that its provisions are not to be construed to prohibit the the sale or transfer of ammunition for law enforcement purposes or for use in a lawfully transferred firearm in accordance with current law governing the transfer of firearms.

A person who sells, transfers, purchases or possesses ammunition in violation of this bill would be guilty of a crime of the fourth degree, which is punishable by a fine of up to \$10,000, imprisonment for a term of up to 18 months, or both.

The committee amended the bill to limit its provisions to handgun ammunition. The amendments also remove hunting licenses as a valid form of identification and include manufacturers and wholesalers of firearms among the persons who may buy handgun ammunition without one of the forms of identification listed in the bill. In addition, the amendments remove the federal definition of firearms or ammunition which constitute curios or relics. Finally, the amendments provide that the bill's provisions do not apply to blank ammunition, air gun pellets, flare gun ammunition, nail gun ammunition, paint ball ammunition, or any non-fixed ammunition.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2602 (1R), which also was amended and reported by the committee on this date.

STATEMENT TO
[First Reprint]
SENATE No. 2470

with Senate Floor Amendments
(Proposed By Senator TURNER)

ADOPTED: JANUARY 3, 2008

Senate Bill 2470 (1R) regulates the sale of handgun ammunition. Under the provisions of the bill, it is unlawful to sell or transfer handgun ammunition to another person unless that person is a licensed manufacturer, wholesaler or dealer, or is the holder of a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun or a valid permit to carry a handgun.

The bill does, however, permit ammunition to be transferred to individuals who are not licensed or the holders of firearms identification cards or permits to purchase or carry a handgun for use in firearms that have been lawfully transferred to that individual for target practice, trap or skeet shooting or firing range competition or instruction.

This Senate amendment clarifies that the provisions of this bill are not to be construed to prohibit the sale of a de minimis amount of handgun ammunition at a lawfully operated firing range for immediate use at that range.