

2C:39-5

LEGISLATIVE HISTORY CHECKLIST
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(Firearms-training)

NJSA: 2C:39-5

LAWS OF: 1997 **CHAPTER:** 375

BILL NO: S1236

SPONSOR(S): Zane

DATE INTRODUCED: June 3, 1996

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

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 12, 1998
SENATE: June 26, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 375, *approved January 19, 1998*
Senate, No. 1236

1 AN ACT permitting the temporary transfer of a firearm for training
2 purposes, amending N.J.S.2C:39-5 and supplementing Title 2C of
3 the New Jersey Statutes.

4

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

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

26 b. A transfer of a firearm under this section may be made only if:

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

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

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

33 (4) the transferred firearm is used and handled only in the actual
34 presence and under the direct supervision of the instructor.

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

Matter underlined thus is new matter.

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

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

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

16 2C:39-5. Unlawful Possession of Weapons.

17 a. Machine guns. Any person who knowingly has in his possession
18 a machine gun or any instrument or device adaptable for use as a
19 machine gun, without being licensed to do so as provided in
20 N.J.S.2C:58-5, is guilty of a crime of the third degree.

21 b. Handguns. Any person who knowingly has in his possession any
22 handgun, including any antique handgun without first having obtained
23 a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of
24 a crime of the third degree.

25 c. Rifles and shotguns. (1) Any person who knowingly has in his
26 possession any rifle or shotgun without having first obtained a firearms
27 purchaser identification card in accordance with the provisions of
28 N.J.S.2C:58-3, is guilty of a crime of the third degree.

29 (2) Unless otherwise permitted by law, any person who knowingly
30 has in his possession any loaded rifle or shotgun is guilty of a crime of
31 the third degree.

32 d. Other weapons. Any person who knowingly has in his
33 possession any other weapon under circumstances not manifestly
34 appropriate for such lawful uses as it may have is guilty of a crime of
35 the fourth degree.

36 e. Firearms or other weapons in educational institutions.

37 (1) Any person who knowingly has in his possession any firearm in
38 or upon any part of the buildings or grounds of any school, college,
39 university or other educational institution, without the written
40 authorization of the governing officer of the institution, is guilty of a
41 crime of the third degree, irrespective of whether he possesses a valid
42 permit to carry the firearm or a valid firearms purchaser identification
43 card.

44 (2) Any person who knowingly possesses any weapon enumerated
45 in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any
46 components which can readily be assembled into a firearm or other

1 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other
2 weapon under circumstances not manifestly appropriate for such
3 lawful use as it may have, while in or upon any part of the buildings or
4 grounds of any school, college, university or other educational
5 institution without the written authorization of the governing officer
6 of the institution is guilty of a crime of the fourth degree.

7 (3) Any person who knowingly has in his possession any imitation
8 firearm in or upon any part of the buildings or grounds of any school,
9 college, university or other educational institution, without the written
10 authorization of the governing officer of the institution, or while on
11 any school bus is a disorderly person, irrespective of whether he
12 possesses a valid permit to carry a firearm or a valid firearms
13 purchaser identification card.

14 f. Assault firearms. Any person who knowingly has in his
15 possession an assault firearm is guilty of a crime of the third degree
16 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;
17 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or
18 rendered inoperable pursuant to section 12 of P.L.1990, c.32
19 (C.2C:58-13).

20 g. (1) The temporary possession of a handgun, rifle or shotgun by
21 a person receiving, possessing, carrying or using the handgun, rifle, or
22 shotgun under the provisions of section 1 of P.L.1992, c.74
23 (C.2C:58-3.1) shall not be considered unlawful possession under the
24 provisions of subsection b. or c. of this section.

25 (2) The temporary possession of a firearm by a person receiving,
26 possessing, carrying or using the firearm under the provisions of
27 section 1 of P.L. ., c. (C.)(now pending before the Legislature
28 as this bill) shall not be considered unlawful possession under the
29 provisions of this section.

30 (cf: P.L.1995, c.389, s.1)

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32 3. This act shall take effect immediately.
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35 STATEMENT

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37 This bill would permit a firearms instructor certified by the Police
38 Training Commission; the Division of Fish, Game and Wildlife and the
39 State Park Service in the Department of Environmental Protection; the
40 Director of Civilian Marksmanship of the United States Department of
41 the Army; or a recognized rifle or pistol association that certifies
42 instructors to transfer temporarily a firearm to a person enrolled in an
43 approved training course for the use, handling and maintenance of
44 firearms. The firearm could be transferred to the person by the
45 instructor during the sessions of the course only for the purposes of
46 training and participating in the course. The transfers could occur

1 only upon a firing range or, if the firearm is unloaded, in an area
2 designated and appropriate for training. The transferred firearm could
3 only be used in the actual presence and under the direct supervision of
4 the instructor for not more than eight consecutive hours in any
5 24-hour period.

6 A transfer under this bill may be made to a person whether or not
7 the person holds a firearms license, firearms purchaser identification
8 card or a handgun purchase permit; however, a transfer could not be
9 made to a person who does not meet the qualifications for obtaining
10 or holding a firearms purchaser identification card or handgun
11 purchase permit under N.J.S.2C:58-3. The bill also excludes from the
12 protection of the bill any transfer of a firearm that occurs during
13 training for an illegal activity.

14 This bill is analogous to a recently enacted law, P.L.1992, c.74
15 (C.2C:58-3.1), permitting temporary transfers of firearms under
16 limited circumstances for the purposes of target practice, trap or skeet
17 shooting, competition or hunting.

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22 Permits temporary transfer of firearms for training purposes.

1 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other
2 weapon under circumstances not manifestly appropriate for such
3 lawful use as it may have, while in or upon any part of the buildings or
4 grounds of any school, college, university or other educational
5 institution without the written authorization of the governing officer
6 of the institution is guilty of a crime of the fourth degree.

7 (3) Any person who knowingly has in his possession any imitation
8 firearm in or upon any part of the buildings or grounds of any school,
9 college, university or other educational institution, without the written
10 authorization of the governing officer of the institution, or while on
11 any school bus is a disorderly person, irrespective of whether he
12 possesses a valid permit to carry a firearm or a valid firearms
13 purchaser identification card.

14 f. Assault firearms. Any person who knowingly has in his
15 possession an assault firearm is guilty of a crime of the third degree
16 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;
17 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or
18 rendered inoperable pursuant to section 12 of P.L.1990, c.32
19 (C.2C:58-13).

20 g. (1) The temporary possession of a handgun, rifle or shotgun by
21 a person receiving, possessing, carrying or using the handgun, rifle, or
22 shotgun under the provisions of section 1 of P.L.1992, c.74
23 (C.2C:58-3.1) shall not be considered unlawful possession under the
24 provisions of subsection b. or c. of this section.

25 (2) The temporary possession of a firearm by a person receiving,
26 possessing, carrying or using the firearm under the provisions of
27 section 1 of P.L. , c. (C.)(now pending before the Legislature
28 as this bill) shall not be considered unlawful possession under the
29 provisions of this section.

30 (cf: P.L.1995, c.389, s.1)

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32 3. This act shall take effect immediately.

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STATEMENT

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37 This bill would permit a firearms instructor certified by the Police
38 Training Commission; the Division of Fish, Game and Wildlife and the
39 State Park Service in the Department of Environmental Protection; the
40 Director of Civilian Marksmanship of the United States Department of
41 the Army; or a recognized rifle or pistol association that certifies
42 instructors to transfer temporarily a firearm to a person enrolled in an
43 approved training course for the use, handling and maintenance of
44 firearms. The firearm could be transferred to the person by the
45 instructor during the sessions of the course only for the purposes of
46 training and participating in the course. The transfers could occur

1 only upon a firing range or, if the firearm is unloaded, in an area
2 designated and appropriate for training. The transferred firearm could
3 only be used in the actual presence and under the direct supervision of
4 the instructor for not more than eight consecutive hours in any
5 24-hour period.

6 A transfer under this bill may be made to a person whether or not
7 the person holds a firearms license, firearms purchaser identification
8 card or a handgun purchase permit; however, a transfer could not be
9 made to a person who does not meet the qualifications for obtaining
10 or holding a firearms purchaser identification card or handgun
11 purchase permit under N.J.S.2C:58-3. The bill also excludes from the
12 protection of the bill any transfer of a firearm that occurs during
13 training for an illegal activity.

14 This bill is analogous to a recently enacted law, P.L.1992, c.74
15 (C.2C:58-3.1), permitting temporary transfers of firearms under
16 limited circumstances for the purposes of target practice, trap or skeet
17 shooting, competition or hunting.

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22 Permits temporary transfer of firearms for training purposes.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1236

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1997

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1236.

Senate Bill No. 1236 amends N.J.S.2C:39-5 and supplements chapter 58 of Title 2C of the New Jersey Statutes to permit the temporary transfer of a firearm to a person enrolled in an approved training course for the use, handling and maintenance of firearms.

Under the provisions of the bill, a firearms instructor certified by the Police Training Commission, the Division of Fish, Game and Wildlife and the State Park Service in the Department of Environmental Protection, the Director of Civilian Marksmanship of the United States Department of the Army, or a recognized rifle or pistol association that certifies instructors would be permitted to transfer temporarily a firearm to a person enrolled in an approved training course in the use, handling and maintenance of firearms. The firearm may be transferred by the instructor to the person only during the training sessions and only for the purposes of the course. Those transfers authorized under the bill may take place only upon a firing range or, if the firearm is unloaded, in an area designated and appropriate for training. Further, the bill specifies that the transferred firearm may be used only in the actual presence and under the direct supervision of the instructor. Finally, it stipulates that the firearm may not be transferred for more than eight consecutive hours in any 24-hour period.

The temporary transfers authorized under this bill would permit persons who do not possess a firearms purchaser identification card, a handgun purchase permit, or a firearms license to temporarily possess a firearm for training purposes. The bill specifies, however, that an instructor is prohibited from transferring a firearm to any person who he knows does not meet the qualifications set forth in N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit.

To ensure there is no criminal misuse of the temporary transfer authority legalized under the bill, there is a provision which specifically prohibits any transfer for an illegal activity (Section 1 of P.L.1983, c.229; C.2C:39-14).

This bill is designed to complement and supplement the provisions of P.L.1992, c.74 (C.2C:58-3.1) which permit the temporary transfer of firearms for target practice, trap or skeet shooting, and firearms competition or hunting, under certain circumstances.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1236

STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1236.

This bill would permit a firearms instructor certified by the Police Training Commission; the Division of Fish, Game and Wildlife and the State Park Service in the Department of Environmental Protection; the Director of Civilian Marksmanship of the United States Department of the Army; or a recognized rifle or pistol association that certifies instructors to transfer temporarily a firearm to a person enrolled in an approved training course for the use, handling and maintenance of firearms. The firearm could be transferred to the person by the instructor during the sessions of the course only for the purposes of training and participating in the course. The transfers could occur only upon a firing range or, if the firearm is unloaded, in an area designated and appropriate for training. The transferred firearm could only be used in the actual presence and under the direct supervision of the instructor for not more than eight consecutive hours in any 24-hour period.

A transfer under this bill may be made to a person whether or not the person holds a firearms license, firearms purchaser identification card or a handgun purchase permit; however, a transfer could not be made to a person who does not meet the qualifications for obtaining or holding a firearms purchaser identification card or handgun purchase permit under N.J.S.2C:58-3. The bill also excludes from the protection of the bill any transfer of a firearm that occurs during training for an illegal activity.

This bill is analogous to a recently enacted law, P.L.1992, c.74 (C.2C:58-3.1), permitting temporary transfers of firearms under limited circumstances for the purposes of target practice, trap or skeet shooting, competition or hunting.