

2C:39-5

LEGISLATIVE HISTORY CHECKLIST
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(Firearms--toy)

NJSA: 2C:39-5

LAWS OF: 1995 CHAPTER: 389

BILL NO: S860

SPONSOR(S): Zane

DATE INTRODUCED: March 21, 1994

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 4, 1996
SENATE: January 19, 1995

DATE OF APPROVAL: January 10, 1996

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

See newspaper clipping attached:
KBP:pp

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[FIRST REPRINT]

SENATE, No. 860

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senator ZANE

1 AN ACT concerning imitation firearms and amending
2 N.J.S.2C:39-5.

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

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

7 2C:39-5. Unlawful Possession of Weapons.

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

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

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

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

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

28 e. Firearms or other weapons in educational institutions.

29 (1) Any person who knowingly has in his possession any firearm
30 in or upon any part of the buildings or grounds of any school,
31 college, university or other educational institution, without the
32 written authorization of the governing officer of the institution,
33 is guilty of a crime of the third degree, irrespective of whether
34 he possesses a valid permit to carry the firearm or a valid
35 firearms purchaser identification card.

36 (2) Any person who knowingly possesses any weapon
37 enumerated in paragraphs (3) and (4) of subsection r. of
38 N.J.S.2C:39-1 or any components which can readily be assembled
39 into a firearm or other weapon enumerated in subsection r. of
40 N.J.S.2C:39-1 or any other weapon under circumstances not
41 manifestly appropriate for such lawful use as it may have, while
42 in or upon any part of the buildings or grounds of any school,

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:
Senate SLP committee amendments adopted June 6, 1994.

1 college, university or other educational institution without the
2 written authorization of the governing officer of the institution is
3 guilty of a crime of the fourth degree.

4 (3) Any person who knowingly has in his possession any
5 imitation firearm in or upon any part of the buildings or grounds
6 of any school, college, university or other educational institution,
7 without the written authorization of the governing officer of the
8 institution, ¹or while on any school bus¹ is a disorderly person,
9 irrespective of whether he possesses a valid permit to carry a
10 firearm or a valid firearms purchaser identification card.

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

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

22 (cf: P.L.1992, c.94, s.1)

23 2. ~~This~~ act shall take effect immediately.

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28 Establishes possession of an imitation firearm on school property
29 as a ~~diso~~ disorderly persons offense.

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2 written authorization of the governing officer of the institution is
3 guilty of a crime of the fourth degree.

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

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12 possession an assault firearm is guilty of a crime of the third
13 degree except if the assault firearm is licensed pursuant to
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18 person receiving, possessing, carrying or using the handgun, rifle,
19 or shotgun under the provisions of section 1 of P.L.1992, c.74
20 (C.2C:58-3.1) shall not be considered unlawful possession under
21 the provisions of subsection b. or c. of this section.

22 (cf: P.L.1992, c.94, s.1)

23 2. This act shall take effect immediately.

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STATEMENT

27

28 This bill establishes the possession of an imitation firearm on
29 school property as a disorderly person's offense.

30 Under the provisions of the bill, any person who brings an
31 imitation firearm in or on any part of any school, college,
32 university or other educational institution's buildings or grounds
33 without the written permission of the governing officer of that
34 school or institution would be guilty of a disorderly person's
35 offense.

36 The purpose of this bill is to assist school administrators and
37 prosecutors who currently are having difficulty in prosecuting
38 students who bring imitation firearms to school. The primary
39 problem under current law is that administrators and prosecutors
40 must prosecute these students under N.J.S.2C:39-4(e) which
41 requires they establish that the student possesses the imitation
42 firearm "for an unlawful purpose."

43 This bill would establish possession of the imitation firearm in
44 the school or on school grounds as the offense, not the student's
45 "intent" or "reason" for possessing that imitation firearm.

46 An imitation firearm is defined in N.J.S.2C:39-1 as "an object
47 or device reasonably capable of being mistaken for a firearm."

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51 Establishes possession of an imitation firearm on school property
52 as a disorderly persons offense.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 860

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 860 (1R).

This bill establishes the possession of an imitation firearm on school property or a school bus as a disorderly person's offense.

The bill adds a new paragraph (3) to subsection e. of N.J.S. 2C:39-5 which provides that any person who brings an imitation firearm in or on any part of any school, college, university or other educational institution's buildings or grounds without the written permission of the governing officer of that school or institution or on any school bus is guilty of a disorderly person's offense regardless of whether the person has a valid permit or firearms purchaser identification card.

The purpose of this bill is to assist school administrators and prosecutors who currently are having difficulty in prosecuting students who bring imitation firearms to school. The primary problem under current law is that administrators and prosecutors must prosecute these students under N.J.S.2C:39-4(e), which requires them to establish that the student possessed the imitation firearm "for an unlawful purpose."

This bill would establish possession of the imitation firearm in the school, on school grounds or while on any school bus as the offense, not the student's "intent" or "reason" for possessing that imitation firearm.

An imitation firearm is defined in N.J.S.2C:39-1 as "an object or device reasonably capable of being mistaken for a firearm."

This bill is identical to Assembly Bill No. 1581 (1R).

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 860

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 1994

The Senate Law and Public Safety Committee favorably reports with committee amendments Senate Bill No. 860.

As amended and released by the committee, this bill establishes the possession of an imitation firearm on school property or a school bus as a disorderly person's offense.

Under the provisions of the bill, any person who brings an imitation firearm in or on any part of any school, college, university or other educational institution's buildings or grounds without the written permission of the governing officer of that school or institution or on any school bus would be guilty of a disorderly person's offense.

The purpose of this bill is to assist school administrators and prosecutors who currently are having difficulty in prosecuting students who bring imitation firearms to school. The primary problem under current law is that administrators and prosecutors must prosecute these students under N.J.S.2C:39-4(e), which requires them to establish that the student possessed the imitation firearm "for an unlawful purpose."

This bill would establish possession of the imitation firearm in the school or on school grounds as the offense, not the student's "intent" or "reason" for possessing that imitation firearm.

An imitation firearm is defined in N.J.S.2C:39-1 as "an object or device reasonably capable of being mistaken for a firearm."

The committee amended the bill to include possession of an imitation firearm on a school bus as a prohibited act under the bill.

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2 written authorization of the governing officer of the institution is
3 guilty of a crime of the fourth degree.

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5 imitation firearm in or upon any part of the buildings or grounds
6 of any school, college, university or other educational institution,
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