

2C: 39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:39-6, 2C:58-3, 2C:58-10 (Firearms--definition in penal code--excludes safety devices used on ships)

LAWS 1982 CHAPTER 173

Bill No. S611

Sponsor(s) Gagliano and others

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes No Senate Committee Substitute enacted

Date of Passage: Assembly Sept. 30, 1982

Senate July 12, 1982

Date of approval Nov. 12, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

DEPOSITORY COPY  
Do Not Remove From Library

6/22/81 AUG 1983

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 611**

**STATE OF NEW JERSEY**

ADOPTED JUNE 21, 1982

AN ACT concerning firearms and amending N. J. S. 2C:39-6, N. J. S. 2C:58-3 and N. J. S. 2C:58-10.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

3 (1) Members of the Armed Forces of the United States or of the  
4 National Guard while actually on duty, or while traveling between  
5 places of duty and carrying authorized weapons in the manner  
6 prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other federal offi-  
8 cers and employees required to carry firearms in the performance  
9 of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
12 assistant prosecutor, prosecutor's detective or investigator, deputy  
13 attorney general or State investigator employed by the Division  
14 of Criminal Justice of the Department of Law and Public Safety,  
15 investigator employed by the State Commission of Investigation,  
16 inspectors and investigators of the Division of Alcoholic Beverage  
17 Control in the Department of Law and Public Safety, State park  
18 ranger, or State conservation officer;

19 (5) A prison or jail warden of any penal institution in this State  
20 or his deputies, or an employee of the Department of Corrections  
21 engaged in the interstate transportation of convicted offenders,  
22 while in the performance of his duties, and when required to possess  
23 such a weapon by his superior officer, or a correction officer or  
24 keeper of a penal institution in this State at all times while in 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 printed in italics *thus* is new matter.

25 State of New Jersey provided he annually passes an examination  
26 approved by the superintendent testing his proficiency in the han-  
27 dling of firearms;

28 (6) A civilian employee of the United States Government under  
29 the supervision of the commanding officer of any post, camp, sta-  
30 tion, base or other military or naval installation located in this  
31 State who is required, in the performance of his official duties, to  
32 carry firearms, and who is authorized to carry such firearms by  
33 said commanding officer, while in the actual performance of his  
34 official duties;

35 (7) A regularly employed member, including a detective, of the  
36 police department of any county or municipality, or of any state,  
37 interstate, municipal or county park police force or boulevard police  
38 force, at all times while in the State of New Jersey, or a special  
39 policeman or airport security officer appointed by the governing  
40 body of any county or municipality or by the commission, board  
41 or other body having control of a county park or airport or boule-  
42 vard police force, while engaged in the actual performance of his  
43 official duties and when specifically authorized by the governing  
44 body to carry weapons; or

45 (8) A paid member of a paid or part-paid fire department or  
46 force of any municipality who is assigned full-time to an arson  
47 investigation unit created pursuant to section 1 of P. L. 1981, c. 409  
48 (C. 40A:14-7.1), [(now pending before the Legislature as Senate  
49 Bill No. 3333 of 1981),] while engaged in the actual performance  
50 of arson investigation duties and when specifically authorized by  
51 the governing body to carry weapons.

52 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

53 (1) A law enforcement officer employed by a governmental  
54 agency outside of the State of New Jersey while actually engaged  
55 in his official duties, provided, however, that he has first notified  
56 the superintendent or the chief law enforcement officer of the  
57 municipality or the prosecutor of the county in which he is engaged;  
58 or

59 (2) A licensed dealer in firearms and his registered employees  
60 during the course of their normal business while traveling to and  
61 from their place of business and other places for the purpose of  
62 demonstration, exhibition or delivery in connection with a sale,  
63 provided, however, that any such weapon is carried in the manner  
64 specified in subsection g. of this section.

65 c. Subsections b. and c. of section 2C:39-5 do not apply to:

66 (1) A special agent of the Division of Taxation who has passed  
67 an examination in an approved police training program testing

68 proficiency in the handling of any firearm which he may be required  
69 to carry or a railway policeman, while in the actual performance  
70 of his official duties and while going to or from his place of duty,  
71 a campus police officer appointed pursuant to P. L. 1970, c. 211  
72 (C. 18A:6-4.2 et seq.) or any other police officer, while in the actual  
73 performance of his official duties;

74 (2) A State deputy conservation officer or a full-time employee  
75 of the Division of Parks and Forestry having the power of arrest  
76 and authorized to carry weapons, while in the actual performance  
77 of his official duties;

78 (3) A full-time member of the marine patrol force or a special  
79 marine patrolman authorized to carry such a weapon by the Com-  
80 missioner of Environmental Protection, while in the actual per-  
81 formance of his official duties;

82 (4) A court attendant serving as such under appointment by the  
83 sheriff of the county or by the judge of any municipal court or  
84 other court of this State, while in the actual performance of his  
85 official duties;

86 (5) A guard in the employ of any railway express company,  
87 banking or building and loan or savings and loan institution of  
88 this State, while in the actual performance of his official duties;

89 (6) A member of a legally recognized military organization while  
90 actually under orders or while going to or from the prescribed  
91 place of meeting and carrying the weapons prescribed for drill,  
92 exercise or parade;

93 (7) An officer of the Society for the Prevention of Cruelty to  
94 Animals, while in the actual performance of his duties; or

95 (8) An employee of a public utilities corporation actually en-  
96 gaged in the transportation of explosives.

97 d. Subsections c. and d. of section 2C:39-5 do not apply to  
98 antique firearms, provided that such antique firearms are unloaded  
99 or are being fired for the purposes of exhibition or demonstration  
100 at an authorized target range or in such other manner as has been  
101 approved in writing by the chief law enforcement officer of the  
102 municipality in which the exhibition or demonstration is held.

103 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
104 be construed to prevent a person keeping or carrying about his  
105 place of business, residence, premises or other land owned or  
106 possessed by him, any firearm, or from carrying the same, in the  
107 manner specified in subsection g. of this section, from any place of  
108 purchase to his residence or place of business between his dwellings  
109 and his place of business, between one place of business or residence  
110 and another when moving, or between his dwelling or place of

111 business and place where such firearms are repaired, for the  
112 purpose of repair. For the purposes of this section, a place of  
113 business shall be deemed to be a fixed location.

114 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
115 be construed to prevent:

116 (1) A member of any rifle or pistol club organized in accordance  
117 with the rules prescribed by the National Board for the Promotion  
118 of Rifle Practice, in going to or from a place of target practice,  
119 carrying such firearms as are necessary for said target practice  
120 provided that the club has filed a copy of its charter with the  
121 superintendent and annually submits a list of its members to the  
122 superintendent and provided further that the firearms are carried  
123 in the manner specified in subsection g. of this section;

124 (2) A person carrying a firearm or knife in the woods or fields  
125 or upon the waters of this State for the purpose of hunting, target  
126 practice or fishing, provided that the firearm or knife is legal and  
127 appropriate for hunting or fishing purposes in this State and he  
128 has in his possession a valid hunting license, or, with respect to  
129 fresh water fishing, a valid fishing license;

130 (3) A person transporting any firearm or knife while traveling:

131 (a) Directly to or from any place for the purpose of hunting or  
132 fishing, provided such person has in his possession a valid hunting  
133 or fishing license; or

134 (b) Directly to or from any target range, or other authorized  
135 place for the purpose of practice, match, target, trap or skeet shoot-  
136 ing exhibitions, provided in all cases that during the course of  
137 such travel all firearms are carried in the manner specified in sub-  
138 section g. of this section and the person has complied with all the  
139 provisions and requirements of Title 23 of the Revised Statutes  
140 and any amendments thereto and all rules and regulations promul-  
141 gated thereunder; or

142 (c) In the case of a firearm, directly to or from any exhibition  
143 or display of firearms which is sponsored by any law enforcement  
144 agency, any rifle or pistol club, or any firearms collectors club,  
145 for the purpose of displaying of the firearms to the public or to the  
146 members of such organization or club, provided, however, that not  
147 less than 30 days prior to such exhibition or display, notice of such  
148 exhibition or display shall be given to the Superintendent of the  
149 State Police by the sponsoring organization or club, and the spon-  
150 sor has complied with such reasonable safety regulations as the  
151 superintendent may promulgate. Any firearms transported pur-  
152 suant to this section shall be transported in the manner specified  
153 in subsection g. of this section;

154 (4) *A person from keeping or carrying about a private or com-*  
 155 *mercial aircraft or any boat, or from transporting to or from such*  
 156 *vessel for the purpose of installation or repair a visual distress*  
 157 *signalling device approved by the United States Coast Guard.*

158 g. All weapons being transported under subsections b. (2), e.  
 159 or f. (1) or (3) of this section shall be carried unloaded and con-  
 160 tained in a closed and fastened case, gunbox, securely tied package,  
 161 or locked in the trunk of the automobile in which it is being trans-  
 162 ported, and in the course of travel shall include only such deviations  
 163 as are reasonably necessary under the circumstances.

164 h. Nothing in subsection d. of section 2C:39-5 shall be construed  
 165 to prevent any employee of a public utility, as defined in R. S.  
 166 48:2-13, doing business in this State or any United States Postal  
 167 Service employee, while in the actual performance of duties which  
 168 specifically require regular and frequent visits to private premises,  
 169 from possessing, carrying or using any device which projects, re-  
 170 leases or emits any substance specified as being noninjurious to  
 171 canines or other animals by the Commissioner of Health and which  
 172 immobilizes only on a temporary basis and produces only tempo-  
 173 rary physical discomfort through being vaporized or otherwise  
 174 dispensed in the air for the sole purpose of repelling canine or  
 175 other animal attacks.

176 The device shall be used solely to repel only those canine or other  
 177 animal attacks when the canines or other animals are not restrained  
 178 in a fashion sufficient to allow the employee to properly perform  
 179 his duties.

180 Any device used pursuant to this act shall be selected from a list  
 181 of products, which consist of active and inert ingredients, permitted  
 182 by the Commissioner of Health.

183 i. Nothing in subsection d. of 2C:39-5 shall be construed to  
 184 prevent any person who is 18 years of age or older and who has  
 185 not been convicted of a felony, from possession for the purpose of  
 186 personal self-defense of one pocket-sized device which contains and  
 187 releases not more than three-quarters of an ounce of chemical  
 188 substance not ordinarily capable of lethal use or of inflicting serious  
 189 bodily injury, but rather, is intended to produce temporary physical  
 190 discomfort or disability through being vaporized or otherwise dis-  
 191 pensed in the air. Any person in possession of any device in vio-  
 192 lation of this subsection shall be deemed and adjudged to be a  
 193 disorderly person, and upon conviction thereof, shall be punished  
 194 by a fine of not less than \$100.00.

1 2. N. J. S. 2C:58-3 is amended to read as follows:

2 2C:58-3. Purchase of Firearms. a. Permit to purchase a hand-  
3 gun. No person shall sell, give, transfer, assign or otherwise dis-  
4 pose of, nor receive, purchase, or otherwise acquire a handgun  
5 unless the purchaser, assignee, donee, receiver or holder is licensed  
6 as a dealer under this chapter or has first secured a permit to  
7 purchase a handgun as provided by this section.

8 b. Firearms purchaser identification card. No person shall sell,  
9 give, transfer, assign or otherwise dispose of nor receive, purchase  
10 or otherwise acquire a rifle or shotgun, other than an antique rifle  
11 or shotgun, unless the purchaser, assignee, donee, receiver or  
12 holder is licensed as a dealer under this chapter or possesses a  
13 valid firearms purchaser identification card, and first exhibits said  
14 card to the seller, donor, transferor or assignor, and unless the  
15 purchaser, assignee, donee, receiver or holder signs a written  
16 certification, on a form prescribed by the superintendent, which  
17 shall indicate that he presently complies with the requirements  
18 of subsection c. of this section and shall contain his name, address  
19 and firearms purchaser identification card number or dealer's  
20 registration number. The said certification shall be retained by  
21 the seller, as provided in section 2C:58-2 a., or, in the case of a  
22 person who is not a dealer, it may be filed with the chief of police  
23 of the municipality in which he resides or with the superintendent.

24 c. Who may obtain. No person of good character and good  
25 repute in the community in which he lives, and who is not subject  
26 to any of the disabilities set forth in this section or other sections  
27 of this chapter, shall be denied a permit to purchase a handgun  
28 or a firearms purchaser identification card, except as hereinafter  
29 set forth. No handgun purchase permit or firearms purchaser  
30 identification card shall be issued:

31 (1) To any person who has been convicted of a crime, whether  
32 or not armed with or possessing a weapon at the time of such  
33 offense;

34 (2) To any drug dependent person as defined in P. L. 1970, c. 226  
35 (C. 24:21-2), to any person who is confined for a mental disorder  
36 to a hospital, mental institution or sanitarium, or to any person  
37 who is presently an habitual drunkard;

38 (3) To any person who suffers from a physical defect or disease  
39 which would make it unsafe for him to handle firearms, to any  
40 person who has ever been confined for a mental disorder, or to any  
41 alcoholic unless any of the foregoing persons produce a certificate  
42 of a medical doctor or psychiatrist licensed in New Jersey, or other  
43 satisfactory proof, that he is no longer suffering from that par-  
44 ticular disability in such a manner that would interfere with or

45 handicap him in the handling of firearms; to any person who know-  
46 ingly falsifies any information on the application forms for a hand-  
47 gun purchase permit or firearms purchaser identification card[.];

48 (4) To any person under the age of 18 years; or

49 (5) To any person where the issuance would not be in the in-  
50 terest of the public health, safety or welfare.

51 d. Issuance. The chief of police of an organized full-time police  
52 department of the municipality where the applicant resides or the  
53 superintendent, in all other cases, shall upon application, issue to  
54 any person qualified under the provisions of subsection c. of this  
55 section a permit to purchase a handgun or a firearms purchaser  
56 identification card.

57 Any person aggrieved by the denial of a permit or identification  
58 card may request a hearing in the Superior Court of the county in  
59 which he resides if he is a resident of New Jersey or in the Superior  
60 Court of the county in which his application was filed if he is a  
61 nonresident. The request for a hearing shall be made in writing  
62 within 30 days of the denial of the application for a permit or  
63 identification card. The applicant shall serve a copy of his request  
64 for a hearing upon the chief of police of the municipality in which  
65 he resides, if he is a resident of New Jersey, and upon the super-  
66 intendent in all cases. The hearing shall be held and a record made  
67 thereof within 30 days of the receipt of the application for such  
68 hearing by the judge of the Superior Court. No formal pleading  
69 and no filing fee shall be required as a preliminary to such hearing.  
70 Appeals from the results of such hearing shall be in accordance  
71 with law.

72 e. Applications. Applications for permits to purchase a handgun  
73 and for firearms purchaser identification cards shall be in the form  
74 prescribed by the superintendent and shall set forth the name,  
75 residence, place of business, age, date of birth, occupation, sex and  
76 physical description, including distinguishing physical character-  
77 istics, if any, of the applicant, and shall state whether the applicant  
78 is a citizen, whether he is an alcoholic, habitual drunkard, drug  
79 dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2)  
80 whether he has ever been confined or committed to a mental insti-  
81 tution or hospital for treatment or observation of a mental or  
82 psychiatric condition on a temporary, interim or permanent basis,  
83 giving the name and location of the institution or hospital and the  
84 dates of such confinement or commitment, whether he has been  
85 attended, treated or observed by any doctor or psychiatrist or at  
86 any hospital or mental institution on an inpatient or outpatient  
87 basis for any mental or psychiatric condition giving the name and



88 location of the doctor, psychiatrist, hospital or institution and the  
89 dates of such occurrence, whether he presently or ever has been a  
90 member of any organization which advocates or approves the com-  
91 mission of acts of force and violence to overthrow the Government  
92 of the United States or of this State, or which seeks to deny others  
93 their rights under the Constitution of either the United States or  
94 the State of New Jersey, whether he has ever been convicted of  
95 a crime or disorderly persons offense, and such other information  
96 as the superintendent shall deem necessary for the proper enforce-  
97 ment of this chapter. For the purpose of complying with this sub-  
98 section, the applicant shall waive any statutory or other right of  
99 confidentiality relating to institutional confinement. The applica-  
100 tion shall be signed by the applicant and shall contain as reference  
101 the names and addresses of two reputable citizens personally  
102 acquainted with him.

103 Application blanks shall be obtainable from the superintendent,  
104 from any other officer authorized to grant such permit or identi-  
105 fication card, and from licensed retail dealers.

106 The chief police officer or the superintendent shall obtain the  
107 fingerprints of the applicant and shall have them compared with  
108 any and all records of fingerprints in the municipality and county  
109 in which the applicant resides and also the records of the State  
110 Bureau of Identification and the Federal Bureau of Investigation,  
111 provided that an applicant for a handgun purchase permit who  
112 possesses a valid firearms purchaser identification card, or who  
113 has previously obtained a handgun purchase permit from the same  
114 licensing authority for which he was previously fingerprinted, and  
115 who provides other reasonably satisfactory proof of his identity,  
116 need not be fingerprinted again; however, the chief police officer  
117 or the superintendent shall proceed to investigate the application  
118 to determine whether or not the applicant has become subject to  
119 any of the disabilities set forth in this chapter.

120 f. Granting of permit or identification card; fee; term; renewal;  
121 revocation. The application for the permit to purchase a handgun  
122 together with a fee of \$2.00, or the application for the firearms  
123 purchaser identification card together with a fee of \$5.00, shall be  
124 delivered or forwarded to the licensing authority who shall investi-  
125 gate the same and, unless good cause for the denial thereof appears,  
126 shall grant the permit or the identification card, or both, if applica-  
127 tion has been made therefor, within 30 days from the date of receipt  
128 of the application for residents of this State and within 45 days for  
129 nonresident applicant. A permit to purchase a handgun shall be  
130 valid for a period of 90 days from the date of issuance and may be

131 renewed by the issuing authority for good cause for an additional  
132 90 days. A firearms purchaser identification card shall be valid  
133 until such time as the holder becomes subject to any of the dis-  
134 abilities set forth in subsection c. of this section, whereupon the  
135 card shall be void and shall be returned within 5 days by the holder  
136 to the superintendent, who shall then advise the licensing authority.  
137 Failure of the holder to return the firearms purchaser identification  
138 card to the superintendent within the said 5 days shall be an offense  
139 under section 2C:39-10 a. Any firearms purchaser identification  
140 card may be revoked by the Superior Court of the county wherein  
141 the card was issued, after hearing upon notice, upon a finding that  
142 the holder thereof no longer qualifies for the issuance of such per-  
143 mit. The county prosecutor of any county, the chief police officer  
144 of any municipality or any citizen may apply to such court at any  
145 time for the revocation of such card.

146 There shall be no conditions or requirements added to the form  
147 or content of the application, or required by the licensing authority  
148 for the issuance of a permit or identification card, other than those  
149 that are specifically set forth in this chapter.

150 g. Disposition of fees. All fees for permits shall be paid to the  
151 State Treasury if the permit is issued by the superintendent, to the  
152 municipality if issued by the chief of police, and to the county  
153 treasurer if issued by the judge of the [county] *Superior* Court.

154 h. Form of permit; quadruplicate; disposition of copies. The  
155 permit shall be in the form prescribed by the superintendent and  
156 shall be issued to the applicant in quadruplicate. Prior to the time  
157 he receives the handgun from the seller, the applicant shall deliver  
158 to the seller the permit in quadruplicate and the seller shall com-  
159 plete all of the information required on the form. Within 5 days of  
160 the date of the sale, the seller shall forward the original copy [of]  
161 to the superintendent and the second copy to the chief of police of  
162 the municipality in which the purchaser resides, except that in a  
163 municipality having no chief of police, such copy shall be forwarded  
164 to the superintendent. The third copy shall then be returned to  
165 the purchaser with the pistol or revolver and the fourth copy shall  
166 be kept by the seller as a permanent record.

167 i. Restriction on number of firearms person may purchase. Only  
168 one handgun shall be purchased or delivered on each permit, but a  
169 person shall not be restricted as to the number of rifles or shotguns  
170 he may purchase, provided he possesses a valid firearms purchaser  
171 identification card and provided further that he signs the certifica-  
172 tion required in subsection b. of this section for each transaction.

173 j. Firearms passing to heirs or legatees. Notwithstanding any  
174 other provision of this section concerning the transfer, receipt or  
175 acquisition of a firearm, a permit to purchase or a firearms pur-  
176 chaser identification card shall not be required for the passing of a  
177 firearm upon the death of an owner thereof to his heir or legatee,  
178 whether the same be by testamentary bequest or by the laws of  
179 intestacy. The person who shall so receive, or acquire said firearm  
180 shall, however, be subject to all other provisions of this chapter.  
181 If the heir or legatee of such firearm does not qualify to possess  
182 or carry it, he may retain ownership of the firearm for the purpose  
183 of sale for a period not exceeding 180 days, or for such further  
184 limited period as may be approved by the chief law enforcement  
185 officer of the municipality in which the heir or legatee resides or  
186 the superintendent, provided that such firearm is in the custody of  
187 the chief law enforcement officer of the municipality or the super-  
188 intendent during such period.

189 k. Sawed-off shotguns. Nothing in this section shall be construed  
190 to authorize the purchase or possession of any sawed-off shotgun.

191 *l. Nothing in this section and in N. J. S. 2C:58-2 shall apply to*  
192 *the sale or purchase of a visual distress signalling device approved*  
193 *by the United States Coast Guard, solely for possession on a pri-*  
194 *vate or commercial aircraft or any boat; provided, however, that*  
195 *no person under the age of 18 years shall purchase nor shall any*  
196 *person sell to a person under the age of 18 years such a visual*  
197 *distress signalling device.*

1 3. N. J. S. 2C:58-10 is amended to read as follows:

2 2C:58-10. Incendiary or Tracer Ammunition. No incendiary or  
3 tracer type ammunition shall be discharged anywhere in this State  
4 except for law enforcement purposes by law enforcement officers  
5 in the course of their official duties or by members of legally recog-  
6 nized military organizations during the actual course of their  
7 official duties in or upon military establishments or ranges con-  
8 structed or maintained for such purposes. Nonincendiary shotgun  
9 tracer ammunition may, however, be used on a trap or skeet field  
10 for target purposes. Nothing in this section shall prohibit the  
11 carrying or possession for distress signal purposes of [flare type  
12 guns aboard boats or ships in open tidewater or upon aircraft]  
13 *a visual distress signalling device approved by the United States*  
14 *Coast Guard aboard a private or commercial aircraft or any boat.*

1 4. This act shall take effect immediately.

---

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 611**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 1982

Under the penal code, in order to purchase or carry a firearm, a person is required to meet certain licensing requirements. Certain devices manufactured for use on boats and other vessels for illumination, distress signaling and line throwing are presently included in the definition of "firearm." The committee substitute for Senate Bill No. 611 would create exemptions to allow the carrying and purchasing of those devices without the necessity of obtaining any license or permit.

The form of the committee substitute was suggested by the Division of Criminal Justice and agreed to by both the Senate and Assembly Judiciary Committees.

SENATE JUDICIARY COMMITTEE  
STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 611**

**STATE OF NEW JERSEY**

DATED: JUNE 21, 1982

Presently, under the penal code, in order to purchase or carry a firearm, a person is required to obtain certain licenses and permits. As originally drafted, Senate Bill No. 611 would exclude from the definition of "firearm" under the penal code certain devices manufactured for use on boats and other vessels for the purpose of illumination, distress signaling and line-throwing. The effect of this exclusion would be that persons could purchase and possess these devices without having to obtain the licenses or permits required for the purchase and possession of a firearm.

At the suggestion of the Division of Criminal Justice, a committee substitute for Senate Bill No. 611 was adopted. The committee substitute is intended to accomplish the same aim as Senate Bill No. 611 as originally drafted, but through a different approach. While original Senate Bill No. 611 would have excluded distress signaling devices from the definitions "firearm", the proposed committee substitute would create exemptions to allow the carrying and purchasing of these devices without the necessity of licenses or permits. The Division of Criminal Justice feels that the approach in the substitute is preferable because these devices would then still be considered firearms and if a person were to use a signaling device in a robbery, for example, the person would still be guilty of an armed offense.

# SENATE, No. 611

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senators GAGLIANO, KENNEDY, LASKIN and DORSEY

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

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

2 2C:39-1. Definitions. The following definitions apply to this  
3 chapter and to chapter 58:

4 a. "Antique firearm" means any firearm which is incapable of  
5 being fired or discharged, or which does not fire fixed ammunition  
6 regardless of date of manufacture, or which was manufactured  
7 before 1899 for which cartridge ammunition is not commercially  
8 available, and is possessed as a curiosity or ornament or for its  
8A historical significance or value.

9 b. "Deface" means to remove, deface, cover, alter or destroy  
10 the name of the maker, model designation, manufacturer's serial  
11 number or any other distinguishing identification mark or number  
12 on any firearm.

13 c. "Destructive device" means any device, instrument or object  
14 designed to explode or produce uncontrolled combustion, including  
15 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
16 rocket having a propellant charge of more than four ounces or any  
17 missile having an explosive or incendiary charge of more than one  
18 quarter of an ounce; (3) any weapon capable of firing a projectile  
19 of a caliber greater than .60 caliber, except a shotgun or shotgun  
20 ammunition generally recognized as suitable for sporting purposes;  
21 (4) any Molotov cocktail or other device consisting of a breakable  
22 container containing flammable liquid and having a wick or similar  
23 device capable of being ignited. The term does not include any  
24 device manufactured for the purpose of illumination, distress sig-  
25 naling, line-throwing, safety or similar purposes.

26 d. "Dispose of" means to give, give away, lease, loan, keep for  
27 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
28 possession.

29 e. "Explosive" means any chemical compound or mixture that  
30 is commonly used or is possessed for the purpose of producing  
31 an explosion and which contains any oxidizing and combustible  
32 materials or other ingredients in such proportions, quantities or  
33 packing that an ignition by fire, by friction, by concussion or by  
34 detonation or any part of the compound or mixture may cause  
35 such a sudden generalization of highly heated gases that the  
36 resultant gaseous pressures are capable of producing destructive  
37 effects on contiguous objects. The term shall not include small  
38 arms ammunition, or explosives in the form prescribed by the  
39 official United States Pharmacopœia.

40 f. "Firearm" means any hand gun, rifle, shotgun, machine gun,  
41 automatic or semi-automatic rifle, or any gun, device or instrument  
42 in the nature of a weapon from which may be fired or ejected any  
43 solid projectible ball, slug, pellet, missile or bullet, or any gas,  
44 vapor or other noxious thing, by means of a cartridge or shell or  
45 by the action of an explosive or the igniting of flammable or explo-  
46 sive substances. It shall also include, without limitation, any fire-  
47 arm which is in the nature of an air gun, spring gun or pistol or  
48 other weapon of a similar nature in which the propelling force is a  
49 spring, elastic band, carbon dioxide, compressed or other gas or  
50 vapor, air or compressed air, or is ignited by compressed air, and  
51 ejecting a bullet or missile smaller than three-eighths of an inch  
52 in diameter, with sufficient force to injure a person. *The term does*  
53 *not include any device manufactured for the purpose of illumination,*  
54 *distress signaling, line-throwing, safety or similar purposes by*  
55 *ships, vessels or other boats or structures adapted to navigation*  
56 *upon the ocean, lakes, rivers or other waterways.*

57 g. "Firearm silencer" means any instrument, attachment, wea-  
58 pon or appliance for causing the firing of any gun, revolver, pistol  
59 or other firearm to be silent, or intended to lessen or muffle the noise  
60 of the firing of any gun, revolver, pistol or other firearm.

61 h. "Gravity knife" means any knife which has a blade which is  
62 released from the handle or sheath thereof by the force of gravity  
63 or the application of centrifugal force.

64 i. "Machine gun" means any firearm, mechanism or instrument  
65 not requiring that the trigger be pressed for each shot and having  
66 a reservoir, belt or other means of storing and carrying ammunition  
67 which can be loaded into the firearm, mechanism or instrument and  
68 fired therefrom.

69 j. "Manufacturer" means any person who receives or obtains  
70 raw materials or parts and processes them into firearms or finished  
71 parts of firearms, except a person who exclusively processes grips,

72 stocks and other nonmetal parts of firearms. The term does not  
73 include a person who repairs existing firearms or receives new and  
74 used raw materials or parts solely for the repair of existing fire-  
75 arms.

76 k. "Hand gun" means any pistol, revolver or other firearm  
77 originally designed or manufactured to be fired by the use of a  
78 single hand.

79 l. "Retail dealer" means any person including a gunsmith,  
80 except a manufacturer or a wholesale dealer, who sells, transfers  
81 or assigns for a fee or profit any firearm or parts of firearms or  
82 ammunition which he has purchased or obtained with the intention,  
83 or for the purpose, of reselling or reassigning to persons who are  
84 reasonably understood to be the ultimate consumer, and includes  
85 any person who is engaged in the business of repairing firearms or  
86 who sells any firearm to satisfy a debt secured by the pledge of a  
87 firearm.

88 m. "Rifle" means any firearm designed to be fired from the  
89 shoulder and using the energy of the explosive in a fixed metallic  
90 cartridge to fire a single projectile through a rifled bore for each  
91 single pull of the trigger.

92 n. "Shotgun" means any firearm designed to be fired from the  
93 shoulder and using the energy of the explosive in a fixed shotgun  
94 shell to fire through a smooth bore either a number of ball shot  
95 or a single projectile for each pull of the trigger, or any firearm  
96 designed to be fired from the shoulder which does not fire fixed  
97 ammunition.

98 o. "Sawed-off shotgun" means any shotgun having a barrel or  
99 barrels of less than 18 inches in length measured from the breach  
100 to the muzzle, or a rifle having a barrel or barrels of less than 16  
101 inches in length measured from the breach to the muzzle, or any  
102 firearm made from a rifle or a shotgun, whether by alteration, or  
103 otherwise, if such firearm as modified has an overall length of less  
104 than 26 inches.

105 p. "Switchblade knife" means any knife or similar device which  
106 has a blade which opens automatically by hand pressure applied  
107 to a button, spring or other device in the handle of the knife.

108 q. "Superintendent" means the Superintendent of the State  
109 Police.

110 r. "Weapon" means anything readily capable of lethal use or of  
111 inflicting serious bodily injury. The term includes, but is not  
112 limited to, all (1) firearms, even though not loaded or lacking a  
113 clip or other component to render them immediately operable; (2)  
114 components which can be readily assembled into a weapon; and



115 (3) gravity knives, switchblade knives, daggers, dirks, stiletos, or  
116 other dangerous knives, billies, blackjacks, bludgeons, metal  
117 knuckles, sandclubs, slingshots, cestus or similar leather bands  
118 studded with metal filings or razor blades imbedded in wood; and  
119 any weapon or other device which projects, releases, or emits tear  
120 gas or any other substance intended to produce temporary physical  
121 discomfort or permanent injury through being vaporized or other-  
122 wise dispensed in the air.

123 s. "Wholesale dealer" means any person, except a manufacturer,  
124 who sells, transfers, or assigns firearms, or parts of firearms, to  
125 persons who are reasonably understood not to be the ultimate  
126 consumer, and includes persons who receive finished parts of fire-  
127 arms and assemble them into completed or partially completed  
128 firearms, in furtherance of such purpose, except that it shall not  
129 include those persons dealing exclusively in grips, stocks and other  
130 nonmetal parts of firearms.

1 2. This act shall take effect immediately.

---

#### STATEMENT

The purpose of this bill is to amend the penal code definition of  
firearm to exclude certain distress or safety devices which may  
otherwise be included under the definition which are used on ships  
or like vessels. The licensing and purchase of these devices should  
not be the same as that of handguns, rifles or other such firearms.

---