

2C:39-5

LEGISLATIVE HISTORY CHECKLIST  
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(Weapons--educational  
institutions)

NJSA: 2C:39-5

LAWS OF: 1992 CHAPTER: 94

BILL NO: A802

SPONSOR(S) LoBiondo & Gibson

DATE INTRODUCED: January 28, 1992

COMMITTEE: ASSEMBLY: Judiciary  
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisk

DATE OF PASSAGE: ASSEMBLY: June 18, 1992  
SENATE: July 20, 1992

DATE OF APPROVAL: September 9, 1992

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

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 802

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1992

By Assemblymen LoBIONDO and GIBSON

1 AN ACT concerning possession of weapons in educational  
2 institutions and amending N.J.S.2C:39-5 <sup>1</sup>and N.J.S.2C:39-6<sup>1</sup>.

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 section 2C:58-5, is guilty of a crime of the third  
12 degree.

13 b. Handguns. Any person who knowingly has in his possession  
14 any handgun, including any antique handgun without first having  
15 obtained a permit to carry the same as provided in section  
16 2C:58-4, is guilty of a crime of the third degree.

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

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

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

29 e. Firearms or other weapons in educational institutions.

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

37 (2) Any person who knowingly possesses any weapon <sup>1</sup>[other  
38 than a firearm] enumerated in paragraphs (3) and (4) of subsection  
39 r. of N.J.S.2C:39-1 or any components which can readily be  
40 assembled into a firearm or other weapon enumerated in  
41 subsection r. of N.J.S.2C:39-1 or any other weapon under  
42 circumstances not manifestly appropriate for such lawful use as

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:

<sup>1</sup> Assembly AJL committee amendments adopted March 30, 1992.

1 it may have,<sup>1</sup> while in or upon any part of the buildings or  
2 grounds of any school, college, university or other educational  
3 institution without the written authorization of the governing  
4 officer of the institution is guilty of a crime of the fourth degree.

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

11 (cf: P.L.1990, c.32, s.2)

12 <sup>12.</sup> N.J.S.2C:39-6 is amended to read as follows:

13 2C:39-6. a. Provided a person complies with the requirements  
14 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

19 (2) Federal law enforcement officers, and any other federal  
20 officers and employees required to carry firearms in the  
21 performance of their official duties;

22 (3) Members of the State Police and, under conditions  
23 prescribed by the superintendent, members of the Marine Law  
24 Enforcement Bureau of the Division of State Police;

25 (4) A sheriff, undersheriff, sheriff's officer, county  
26 prosecutor, assistant prosecutor, prosecutor's detective or  
27 investigator, deputy attorney general or State investigator  
28 employed by the Division of Criminal Justice of the Department  
29 of Law and Public Safety, investigator employed by the State  
30 Commission of Investigation, inspector of the Alcoholic Beverage  
31 Control Enforcement Bureau of the Division of State Police in  
32 the Department of Law and Public Safety authorized to carry  
33 such weapons by the Superintendent of State Police, State park  
34 ranger, or State conservation officer;

35 (5) A prison or jail warden of any penal institution in this State  
36 or his deputies, or an employee of the Department of Corrections  
37 engaged in the interstate transportation of convicted offenders,  
38 while in the performance of his duties, and when required to  
39 possess the weapon by his superior officer, or a correction officer  
40 or keeper of a penal institution in this State at all times while in  
41 the State of New Jersey, provided he annually passes an  
42 examination approved by the superintendent testing his  
43 proficiency in the handling of firearms;

44 (6) A civilian employee of the United States Government under  
45 the supervision of the commanding officer of any post, camp,  
46 station, base or other military or naval installation located in this  
47 State who is required, in the performance of his official duties, to  
48 carry firearms, and who is authorized to carry such firearms by  
49 said commanding officer, while in the actual performance of his  
50 official duties;

51 (7) (a) A regularly employed member, including a detective, of  
52 the police department of any county or municipality, or of any  
53 State, interstate, municipal or county park police force or  
54 boulevard police force, at all times while in the State of New

1 Jersey;

2 (b) A special law enforcement officer authorized to carry a  
3 weapon as provided in subsection b. of section 7 of P.L.1985,  
4 c.439 (C.40A:14-146.14);

5 (c) An airport security officer or a special law enforcement  
6 officer appointed by the governing body of any county or  
7 municipality, except as provided in subsection b. of this section,  
8 or by the commission, board or other body having control of a  
9 county park or airport or boulevard police force, while engaged in  
10 the actual performance of his official duties and when  
11 specifically authorized by the governing body to carry weapons; or

12 (8) A full-time, paid member of a paid or part-paid fire  
13 department or force of any municipality who is assigned full-time  
14 or part-time to an arson investigation unit created pursuant to  
15 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
16 investigation unit in the county prosecutor's office, while either  
17 engaged in the actual performance of arson investigation duties  
18 or while actually on call to perform arson investigation duties and  
19 when specifically authorized by the governing body or the county  
20 prosecutor, as the case may be, to carry weapons. Prior to being  
21 permitted to carry a firearm, such a member shall take and  
22 successfully complete a firearms training course administered by  
23 the Police Training Commission pursuant to P.L.1961, c.56  
24 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
25 revolver or similar weapon prior to being permitted to carry a  
26 firearm.

27 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

28 (1) A law enforcement officer employed by a governmental  
29 agency outside of the State of New Jersey while actually engaged  
30 in his official duties, provided, however, that he has first notified  
31 the superintendent or the chief law enforcement officer of the  
32 municipality or the prosecutor of the county in which he is  
33 engaged; or

34 (2) A licensed dealer in firearms and his registered employees  
35 during the course of their normal business while traveling to and  
36 from their place of business and other places for the purpose of  
37 demonstration, exhibition or delivery in connection with a sale,  
38 provided, however, that the weapon is carried in the manner  
39 specified in subsection g. of this section.

40 c. Provided a person complies with the requirements of  
41 subsection j. of this section, subsections b. and c. of  
42 N.J.S.2C:39-5 do not apply to:

43 (1) A special agent of the Division of Taxation who has passed  
44 an examination in an approved police training program testing  
45 proficiency in the handling of any firearm which he may be  
46 required to carry, while in the actual performance of his official  
47 duties and while going to or from his place of duty, or any other  
48 police officer, while in the actual performance of his official  
49 duties;

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

54 (3) (Deleted by amendment, P.L.1986, c.150.)

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

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

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

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

14 (8) An employee of a public utilities corporation actually  
15 engaged in the transportation of explosives;

16 (9) A railway policeman, except a transit police officer of the  
17 New Jersey Transit Police Department, at all times while in the  
18 State of New Jersey, provided that he has passed an approved  
19 police academy training program consisting of at least 280 hours.  
20 The training program shall include, but need not be limited to,  
21 the handling of firearms, community relations, and juvenile  
22 relations; or

23 (10) A campus police officer appointed under P.L.1970, c.211  
24 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to  
25 carry a firearm, a campus police officer shall take and  
26 successfully complete a firearms training course administered by  
27 the Police Training Commission, pursuant to P.L.1961, c.56  
28 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
29 revolver or similar weapon prior to being permitted to carry a  
30 firearm; or

31 (11) A person who has not been convicted of a crime under the  
32 laws of this State or under the laws of another state or the  
33 United States, and who is employed as a full-time security guard  
34 for a nuclear power plant under the license of the Nuclear  
35 Regulatory Commission, while in the actual performance of his  
36 official duties.

37 (12) A transit police officer of the New Jersey Transit Police  
38 Department, at all times while in the State of New Jersey,  
39 provided the officer has satisfied the training requirements of the  
40 Police Training Commission, pursuant to subsection c. of section  
41 2 of P.L.1989, c.291 (C.27:25-15.1).

42 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
43 antique firearms, provided that such antique firearms are  
44 unloaded or are being fired for the purposes of exhibition or  
45 demonstration at an authorized target range or in such other  
46 manner as has been approved in writing by the chief law  
47 enforcement officer of the municipality in which the exhibition  
48 or demonstration is held, or if not held on property under the  
49 control of a particular municipality, the superintendent.

50 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
51 N.J.S.2C:39-5 do not apply to an antique cannon that is capable  
52 of being fired but that is unloaded and immobile, provided that  
53 the antique cannon is possessed by (a) a scholastic institution, a  
54 museum, a municipality, a county or the State, or (b) a person

1 who obtained a firearms purchaser identification card as  
2 specified in N.J.S.2C:58-3.

3 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
4 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
5 being transported by one eligible to possess it, in compliance with  
6 regulations the superintendent may promulgate, between its  
7 permanent location and place of purchase or repair.

8 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
9 N.J.S.2C:39-5 do not apply to antique cannons that are being  
10 loaded or fired by one eligible to possess an antique cannon, for  
11 purposes of exhibition or demonstration at an authorized target  
12 range or in the manner as has been approved in writing by the  
13 chief law enforcement officer of the municipality in which the  
14 exhibition or demonstration is held, or if not held on property  
15 under the control of a particular municipality, the  
16 superintendent, provided that performer has given at least 30  
17 days' notice to the superintendent.

18 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
19 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
20 antique cannons directly to or from exhibitions or demonstrations  
21 authorized under paragraph (4) of subsection d. of this section,  
22 provided that the transportation is in compliance with safety  
23 regulations the superintendent may promulgate. Nor do those  
24 subsections apply to transportation directly to or from exhibitions  
25 or demonstrations authorized under the law of another  
26 jurisdiction, provided that the superintendent has been given  
27 30 days' notice and that the transportation is in compliance with  
28 safety regulations the superintendent may promulgate.

29 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
30 construed to prevent a person keeping or carrying about his place  
31 of business, residence, premises or other land owned or possessed  
32 by him, any firearm, or from carrying the same, in the manner  
33 specified in subsection g. of this section, from any place of  
34 purchase to his residence or place of business, between his  
35 dwelling and his place of business, between one place of business  
36 or residence and another when moving, or between his dwelling or  
37 place of business and place where such firearms are repaired, for  
38 the purpose of repair. For the purposes of this section, a place of  
39 business shall be deemed to be a fixed location.

40 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
41 construed to prevent:

42 (1) A member of any rifle or pistol club organized in  
43 accordance with the rules prescribed by the National Board for  
44 the Promotion of Rifle Practice, in going to or from a place of  
45 target practice, carrying such firearms as are necessary for said  
46 target practice, provided that the club has filed a copy of its  
47 charter with the superintendent and annually submits a list of its  
48 members to the superintendent and provided further that the  
49 firearms are carried in the manner specified in subsection g. of  
50 this section;

51 (2) A person carrying a firearm or knife in the woods or fields  
52 or upon the waters of this State for the purpose of hunting, target  
53 practice or fishing, provided that the firearm or knife is legal and  
54 appropriate for hunting or fishing purposes in this State and he

1 has in his possession a valid hunting license, or, with respect to  
2 fresh water fishing, a valid fishing license;

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

4 (a) Directly to or from any place for the purpose of hunting or  
5 fishing, provided the person has in his possession a valid hunting  
6 or fishing license; or

7 (b) Directly to or from any target range, or other authorized  
8 place for the purpose of practice, match, target, trap or skeet  
9 shooting exhibitions, provided in all cases that during the course  
10 of the travel all firearms are carried in the manner specified in  
11 subsection g. of this section and the person has complied with all  
12 the provisions and requirements of Title 23 of the Revised  
13 Statutes and any amendments thereto and all rules and  
14 regulations promulgated thereunder; or

15 (c) In the case of a firearm, directly to or from any exhibition  
16 or display of firearms which is sponsored by any law enforcement  
17 agency, any rifle or pistol club, or any firearms collectors club,  
18 for the purpose of displaying the firearms to the public or to the  
19 members of the organization or club, provided, however, that not  
20 less than 30 days prior to the exhibition or display, notice of the  
21 exhibition or display shall be given to the Superintendent of the  
22 State Police by the sponsoring organization or club, and the  
23 sponsor has complied with such reasonable safety regulations as  
24 the superintendent may promulgate. Any firearms transported  
25 pursuant to this section shall be transported in the manner  
26 specified in subsection g. of this section;

27 (4) A person from keeping or carrying about a private or  
28 commercial aircraft or any boat, or from transporting to or from  
29 such vessel for the purpose of installation or repair a visual  
30 distress signalling device approved by the United States Coast  
31 Guard.

32 g. All weapons being transported under paragraph (2) of  
33 subsection b., subsection e., or paragraph (1) or (3) of subsection  
34 f. of this section shall be carried unloaded and contained in a  
35 closed and fastened case, gunbox, securely tied package, or  
36 locked in the trunk of the automobile in which it is being  
37 transported, and in the course of travel shall include only such  
38 deviations as are reasonably necessary under the circumstances.

39 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
40 to prevent any employee of a public utility, as defined in  
41 R.S.48:2-13, doing business in this State or any United States  
42 Postal Service employee, while in the actual performance of  
43 duties which specifically require regular and frequent visits to  
44 private premises, from possessing, carrying or using any device  
45 which projects, releases or emits any substance specified as being  
46 noninjurious to canines or other animals by the Commissioner of  
47 Health and which immobilizes only on a temporary basis and  
48 produces only temporary physical discomfort through being  
49 vaporized or otherwise dispensed in the air for the sole purpose of  
50 repelling canine or other animal attacks.

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

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

4 i. Nothing in [subsection d. of] N.J.S.2C:39-5 shall be  
5 construed to prevent any person who is 18 years of age or older  
6 and who has not been convicted of a felony, from possession for  
7 the purpose of personal self-defense of one pocket-sized device  
8 which contains and releases not more than three-quarters of an  
9 ounce of chemical substance not ordinarily capable of lethal use  
10 or of inflicting serious bodily injury, but rather, is intended to  
11 produce temporary physical discomfort or disability through being  
12 vaporized or otherwise dispensed in the air. Any person in  
13 possession of any device in violation of this subsection shall be  
14 deemed and adjudged to be a disorderly person, and upon  
15 conviction thereof, shall be punished by a fine of not less than  
16 \$100.00.

17 j. A person shall qualify for an exemption from the provisions  
18 of N.J.S.2C:39-5, as specified under subsections a. and c. of this  
19 section, if the person has satisfactorily completed a firearms  
20 training course approved by the Police Training Commission.

21 Such exempt person shall not possess or carry a firearm until  
22 the person has satisfactorily completed a firearms training course  
23 and shall annually qualify in the use of a revolver or similar  
24 weapon. For purposes of this subsection, a "firearms training  
25 course" means a course of instruction in the safe use,  
26 maintenance and storage of firearms which is approved by the  
27 Police Training Commission. The commission shall approve a  
28 firearms training course if the requirements of the course are  
29 substantially equivalent to the requirements for firearms training  
30 provided by police training courses which are certified under  
31 section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is  
32 specified in paragraph (1), (2), (3) or (6) of subsection a. of this  
33 section shall be exempt from the requirements of this subsection.

34 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
35 to prevent any financial institution, or any duly authorized  
36 personnel of the institution, from possessing, carrying or using for  
37 the protection of money or property, any device which projects,  
38 releases or emits tear gas or other substances intended to  
39 produce temporary physical discomfort or temporary  
40 identification.<sup>1</sup>

41 (cf: P.L.1991, c.386, s.3)

42 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

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47 Prohibits possession of weapons in educational institutions.



1 possession an assault firearm is guilty of a crime of the third  
2 degree except if the assault firearm is licensed pursuant to  
3 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32  
4 (C.2C:58-12) or rendered inoperable pursuant to section 12 of  
5 P.L.1990, c.32 (C.2C:58-13).

6 (cf: P.L.1990, c.32, s.2)

7 2. This act shall take effect immediately.

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#### STATEMENT

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12 This bill amends N.J.S.2C:39-5 to prohibit the unauthorized  
13 possession of any weapon in an educational institution.

14 In its present form, N.J.S.2C:39-5 prohibits the unauthorized  
15 possession of a firearm in an educational institution.  
16 Authorization, in this case, requires the written permission of the  
17 governing body of the institution. A valid permit to carry a  
18 firearm or a valid firearms purchaser identification card does not  
19 constitute authorization and, therefore, does not exempt a person  
20 from the prohibition set forth in this section. Violators are guilty  
21 of a crime of the third degree.

22 This bill amends the section to expand the scope of the  
23 prohibition to include any weapon. A weapon is defined in  
24 N.J.S.2C:39-1 as anything readily capable of lethal use or of  
25 inflicting serious bodily injury and includes:

26 a. gravity knives, switchblade knives, daggers, dirks, stiletos,  
27 or other dangerous knives, billies, blackjacks, bludgeons, metal  
28 knuckles, sandclubs, slingshots, cesti or similar leather bands  
29 studded with metal filings or razor blades imbedded in wood;

30 b. stun guns and any weapon or other device which projects,  
31 releases or emits tear gas or any other substance intended to  
32 produce temporary physical discomfort or permanent injury  
33 through being vaporized or otherwise dispensed in the air; and

34 c. any components which can be readily assembled into a  
35 weapon.

36 Under the provisions of the bill, any person possessing a weapon  
37 other than a firearm, in an educational institution is guilty of a  
38 crime of the fourth degree. A person found to be guilty of a  
39 crime of the fourth degree may be sentenced to a fine of not  
40 more than \$7,500, a term of imprisonment of not more than 18  
41 months, or both.

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Prohibits possession of weapons in educational institutions.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 802**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 30, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 802.

This bill amends N.J.S.2C:39-5 to prohibit the unauthorized possession of weapons in an educational institution. The committee amendments clarify the prohibition by further defining "weapon" and also add a new section 2 to amend N.J.S.2C:39-6 to permit persons over 18 years of age to possess mace in an educational institution.

In its present form, N.J.S.2C:39-5 prohibits the unauthorized possession of a firearm in an educational institution. Violators are guilty of a crime of the third degree. This bill amends that section to expand the scope of the prohibition to include other weapons.

The committee amended the bill to limit the bill's prohibition to weapons enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1, which include: gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; stun guns and any weapon or other device which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air. The committee amendments also clarify that components which can be assembled into weapons or firearms are included in the bill's prohibition. The amendments also include any weapon under circumstances that are not manifestly appropriate for such lawful uses as it may have. These weapons are included to address possible cases in which items which may have a legitimate use such as a tool in shop class or a knife in home economics class are used as weapons.

The committee amendments also amend N.J.S.A.2C:39-6 to omit the phrase "subsection d. of" in subsection i. of that section to permit persons 18 years of age or older to possess mace for personal self-defense. Some college students travel alone to night classes and may carry the mace onto the grounds of the institution. Such possession is permissible.

Under the provisions of the bill, any person possessing a weapon, other than a firearm, in an educational institution is guilty of a crime of the fourth degree. A person guilty of a crime of the fourth degree may be sentenced to a fine of not more than \$7,500, a term of imprisonment of not more than 18 months, or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 802

STATE OF NEW JERSEY

DATED: JUNE 22, 1992

The Senate Judiciary Committee reports favorably Assembly Bill No. 802 (1R).

This bill would amend N.J.S.2C:39-5 to prohibit the unauthorized possession of any weapon in an educational institution.

Presently, N.J.S.2C:39-5 prohibits the unauthorized possession of a firearm in an educational institution. A person may only possess a firearm in an educational institution with the written permission of the governing body of the institution. A valid permit to carry a firearm or a valid firearms purchaser identification card does not constitute authorization and, therefore, does not exempt a person from the prohibition set forth in N.J.S.2C:39-5. Violators are guilty of a crime of the third degree (between 3 and 5 years imprisonment; a fine of up to \$7,500.00 or both)

This bill would amend N.J.S.2C:39-5 to prohibit the possession of any weapon in an educational institution without authorization. A weapon is defined in N.J.S.2C:39-1 as anything readily capable of lethal use or of inflicting serious bodily injury and includes:

a. Gravity knives, switchblade knives, daggers, dirks, stiletos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood;

b. Stun guns and any weapon or other device which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air; and

c. Any components which can be readily assembled into a weapon.

Under this bill, any person possessing a weapon, other than a firearm, in an educational institution would be guilty of a crime of the fourth degree. Crimes of the fourth degree are punishable by a fine of not more than \$7,500, a term of imprisonment of not more than 18 months, or both.