

2C 39.10

LEGISLATIVE HISTORY CHECKLIST
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(Firearms)

NJSA: 2C:39-10

LAWS OF: 1993 **CHAPTER:** 49

BILL NO: S550

SPONSOR(S): Bassano

DATE INTRODUCED: March 12, 1992

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: **ASSEMBLY:** January 12, 1993
SENATE: May 14, 1992

DATE OF APPROVAL: February 18, 1993

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

P.L.1993, CHAPTER 49, approved February 18, 1993
1992 Senate No. 550 (First Reprint)

1 AN ACT to impose a criminal ¹[the]¹ penalty for selling or giving
2 a firearm to a minor and amending N.J.S.2C:39-10 and
3 P.L.1989, c.53.
4

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

7 1. N.J.S.2C:39-10 is amended to read as follows:

8 2C:39-10. Violation of the Regulatory Provisions Relating to
9 Firearms; False Representation in Applications.

10 a. Any person who knowingly violates the regulatory provisions
11 relating to manufacturing or wholesaling of firearms (section
12 2C:58-1), retailing of firearms (section 2C:58-2), permits to
13 purchase certain firearms (section 2C:58-3), permits to carry
14 certain firearms (section 2C:58-4), licenses to procure machine
15 guns or assault firearms (section 2C:58-5), or incendiary or tracer
16 ammunition (section 2C:58-10), except acts which are punishable
17 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of
18 the fourth degree.

19 b. Any person who knowingly violates the regulatory provisions
20 relating to notifying the authorities of possessing certain items of
21 explosives (section 2C:58-7), or of certain wounds (section
22 2C:58-8) is a disorderly person.

23 c. Any person who gives or causes to be given any false
24 information, or signs a fictitious name or address, in applying for
25 a firearms purchaser identification card, a permit to purchase a
26 handgun, a permit to carry a handgun, a permit to possess a
27 machine gun, a permit to possess an assault firearm, or in
28 completing the certificate or any other instrument required by
29 law in purchasing or otherwise acquiring delivery of any rifle,
30 shotgun, handgun, machine gun, or assault firearm or any other
31 firearm, is guilty of a crime of the third degree.

32 d. Any person who gives or causes to be given any false
33 information in registering an assault firearm pursuant to section
34 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
35 firearm was rendered inoperable pursuant to section 12 of
36 P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth
37 degree.

38 e. Any person who knowingly ¹[violates the regulatory
39 provisions of N.J.S.2C:58-1 et seq. by selling, giving,
40 transferring, assigning or otherwise disposing] sells, gives,
41 transfers, assigns or otherwise disposes¹ of a firearm to a person

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 April 2, 1992.

1 who is under the age of 18 years ¹, except as permitted in section
2 14 of P.L.1979, c.179 (C.2C:58-6.1), ¹ is guilty of a crime of the
3 third degree. Notwithstanding any other ¹[provisions] provision¹
4 of law to the contrary, the sentence imposed for a conviction
5 under this subsection shall include a mandatory minimum three
6 year term of imprisonment, during which the defendant shall be
7 ineligible for parole.

8 (cf: P.L.1990, c.32, s.4)

9 12. Section 1 of P.L.1989, c.53 (C.2C:43-6.2) is amended to
10 read as follows:

11 1. On a motion by the prosecutor made to the assignment
12 judge that the imposition of a mandatory minimum term of
13 imprisonment under (a) subsection c. of N.J.S.2C:43-6 for a
14 defendant who has not previously been convicted of an offense
15 under that subsection, or (b) subsection e. of N.J.S.2C:39-10 for a
16 defendant who has not previously been convicted of an offense
17 under chapter 39 of Title 2C of the New Jersey Statutes, does not
18 serve the interests of justice, the assignment judge shall place
19 the defendant on probation pursuant to paragraph (2) of
20 subsection b. of N.J.S.2C:43-2 or reduce to one year the
21 mandatory minimum term of imprisonment during which the
22 defendant will be ineligible for parole. The sentencing court may
23 also refer a case of a defendant who has not previously been
24 convicted of an offense under that subsection to the assignment
25 judge, with the approval of the prosecutor, if the sentencing
26 court believes that the interests of justice would not be served by
27 the imposition of a mandatory minimum term.¹

28 (cf: P.L.1989, c.53, s.1)

29 ¹[2.] ¹This act shall take effect immediately.

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34 Imposes criminal penalty for selling or giving firearm to minor.

1 include a mandatory minimum three year term of imprisonment,
2 during which the defendant shall be ineligible for parole.

3 (cf: P.L.1990, c.32, s.4)

4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill makes it a crime of the third degree to sell or give a
10 firearm to a person under 18 years of age. The bill requires that
11 a sentence imposed for this crime include a mandatory three year
12 term of imprisonment.

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17 Imposes criminal penalty for selling or giving firearm to minor.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 550

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 2, 1992

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 550 with amendments.

As amended, this bill makes it a crime of the third degree to sell or give a firearm to a person under 18 years of age. The bill requires that a sentence imposed for this crime include a mandatory three year term of imprisonment.

Under current law, persons under 18 years of age cannot purchase or own a firearm.

The committee amended the bill to clarify its wording and to ensure that a transfer of a firearm to a minor as now permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1) would not be prohibited.

In addition, the committee amendments change section 1 of P.L.1989, c.53 (C.2C:43-6.2) to permit a court to sentence a person to probation or to a reduced prison term if the interests of justice would not be served by the imposition of the three year mandatory minimum prison term provided for in the bill.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 550

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 550 [1R].

This bill would make it a crime of the third degree to sell, give, transfer, assign or otherwise dispose of, a firearm to a person under 18 years of age except as provided in section 14 of P.L.1979, c.179 (C.2C:58-6.1).

The bill would require that a sentence imposed for this crime include a mandatory three year term of imprisonment. Under the provisions of the bill, the court would be permitted to sentence a first time offender to probation or to a reduced sentence, if the interests of justice would not be served by the imposition of the three year mandatory minimum prison term.

The committee stated its intent that the provisions of the bill would not affect the current law with regard to inheritance of firearms by persons under 18 years of age.