

2C:39-1; 2C:39-21 & 2C:39-22
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 54

NJSA: 2C:39-1; 2C:39-21 & 2C:39-22
(Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.)

BILL NO: S2905 (Substituted for A4366 (1R))

SPONSOR(S) Nicholas P. Scutari and others

DATE INTRODUCED: 6/20/2022

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

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/29/2022
SENATE: 6/29/2022

DATE OF APPROVAL: 7/5/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S2905

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Law & Public Safety

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A4366 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Appropriations
Judiciary

SENATE: No

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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 6/28/2022
6/30/2022

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Katie Sobko, NorthJersey.com | USA TODAY NETWORK – NEW JERSEY, 'NJ tightens gun laws after high court ruling - New bills follow weekend of nationwide gun violence', Burlington County Times (online), 6 Jul 2022 A1

By MIKE CATALINI, Associated Press, 'Murphy signs 7 new bills aimed at tightening NJ gun laws', Associated Press State Wire: New Jersey (online), 5 Jul 2022

end

P.L. 2022, CHAPTER 54, *approved July 5, 2022*
Senate, No. 2905 (*First Reprint*)

1 AN ACT concerning destructive devices, amending N.J.S.2C:39-1
2 and supplementing chapter 39 of Title 2C of the New Jersey
3 Statutes.

4

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

7

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

9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

11 a. "Antique firearm" means any rifle or shotgun and "antique
12 cannon" means a destructive device defined in paragraph (3) of
13 subsection c. of this section, if the rifle, shotgun or destructive
14 device, or replica thereof, as the case may be, is incapable of being
15 fired or discharged, or which does not fire fixed ammunition,
16 regardless of date of manufacture, or was manufactured before 1898
17 for which cartridge ammunition is not commercially available, and
18 is possessed as a curiosity or ornament or for its historical
19 significance or value.

20 b. "Deface" means to remove, deface, cover, alter or destroy
21 the name of the maker, model designation, manufacturer's serial
22 number or any other distinguishing identification mark or number
23 on any firearm.

24 c. "Destructive device" means any device, instrument or object
25 designed to explode or produce uncontrolled combustion, including:
26 (1) any explosive or incendiary bomb, mine or grenade;

27 (2) any rocket having a propellant charge of more than four
28 ounces or any missile having an explosive or incendiary charge of
29 more than one-quarter of an ounce;

30 (3) any weapon capable of firing a projectile of a caliber greater
31 than 60 caliber, except a shotgun or shotgun ammunition generally
32 recognized as suitable for sporting purposes;

33 (4) any Molotov cocktail or other device consisting of a
34 breakable container containing flammable liquid and having a wick
35 or similar device capable of being ignited. The term **[does]** shall
36 not include any device manufactured for the purpose of

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:

¹Senate SLP committee amendments adopted June 23, 2022.

1 illumination, distress signaling, line-throwing, safety, or similar
2 purposes ; or

3 (5) any center-fire rifle that is capable of firing a .50 BMG
4 cartridge as defined in subsection ee. of this section.

5 The provisions of this paragraph shall not apply to any antique
6 firearm as defined in subsection a. of this section or any "curio or
7 relic" as defined in 27 CFR 478.11.

8 The provisions of this paragraph also shall not apply to a weapon
9 solely used to fire blank ammunition for the purpose of a living
10 historical reenactment as defined in subsection ff. of this section.

11 d. "Dispose of" means to give, give away, lease, loan, keep for
12 sale, offer, offer for sale, sell, transfer, or otherwise transfer
13 possession.

14 e. "Explosive" means any chemical compound or mixture that
15 is commonly used or is possessed for the purpose of producing an
16 explosion and which contains any oxidizing and combustible
17 materials or other ingredients in such proportions, quantities or
18 packing that an ignition by fire, by friction, by concussion or by
19 detonation of any part of the compound or mixture may cause such
20 a sudden generation of highly heated gases that the resultant
21 gaseous pressures are capable of producing destructive effects on
22 contiguous objects. The term shall not include small arms
23 ammunition, or explosives in the form prescribed by the official
24 United States Pharmacopoeia.

25 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
26 automatic or semi-automatic rifle, or any gun, device or instrument
27 in the nature of a weapon from which may be fired or ejected any
28 solid projectable ball, slug, pellet, missile or bullet, or any gas,
29 vapor or other noxious thing, by means of a cartridge or shell or by
30 the action of an explosive or the igniting of flammable or explosive
31 substances. It shall also include, without limitation, any firearm
32 which is in the nature of an air gun, spring gun or pistol or other
33 weapon of a similar nature in which the propelling force is a spring,
34 elastic band, carbon dioxide, compressed or other gas or vapor, air
35 or compressed air, or is ignited by compressed air, and ejecting a
36 bullet or missile smaller than three-eighths of an inch in diameter,
37 with sufficient force to injure a person.

38 g. "Firearm silencer" means any instrument, attachment,
39 weapon or appliance for causing the firing of any gun, revolver,
40 pistol or other firearm to be silent, or intended to lessen or muffle
41 the noise of the firing of any gun, revolver, pistol or other firearm.

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

45 i. "Machine gun" means any firearm, mechanism or instrument
46 not requiring that the trigger be pressed for each shot and having a
47 reservoir, belt or other means of storing and carrying ammunition

1 which can be loaded into the firearm, mechanism or instrument and
2 fired therefrom.

3 j. "Manufacturer" means any person who receives or obtains
4 raw materials or parts and processes them into firearms or finished
5 parts of firearms, except a person who exclusively processes grips,
6 stocks and other nonmetal parts of firearms. The term does not
7 include a person who repairs existing firearms or receives new and
8 used raw materials or parts solely for the repair of existing firearms.

9 k. "Handgun" means any pistol, revolver or other firearm
10 originally designed or manufactured to be fired by the use of a
11 single hand.

12 l. "Retail dealer" means any person including a gunsmith,
13 except a manufacturer or a wholesale dealer, who sells, transfers or
14 assigns for a fee or profit any firearm or parts of firearms or
15 ammunition which he has purchased or obtained with the intention,
16 or for the purpose, of reselling or reassigning to persons who are
17 reasonably understood to be the ultimate consumers, and includes
18 any person who is engaged in the business of repairing firearms or
19 who sells any firearm to satisfy a debt secured by the pledge of a
20 firearm.

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

25 n. "Shotgun" means any firearm designed to be fired from the
26 shoulder and using the energy of the explosive in a fixed shotgun
27 shell to fire through a smooth bore either a number of ball shots or a
28 single projectile for each pull of the trigger, or any firearm designed
29 to be fired from the shoulder which does not fire fixed ammunition.

30 o. "Sawed-off shotgun" means any shotgun having a barrel or
31 barrels of less than 18 inches in length measured from the breech to
32 the muzzle, or a rifle having a barrel or barrels of less than 16
33 inches in length measured from the breech to the muzzle, or any
34 firearm made from a rifle or a shotgun, whether by alteration, or
35 otherwise, if such firearm as modified has an overall length of less
36 than 26 inches.

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

40 q. "Superintendent" means the Superintendent of the State
41 Police.

42 r. "Weapon" means anything readily capable of lethal use or of
43 inflicting serious bodily injury. The term includes, but is not
44 limited to, all (1) firearms, even though not loaded or lacking a clip
45 or other component to render them immediately operable; (2)
46 components which can be readily assembled into a weapon; (3)
47 gravity knives, switchblade knives, daggers, dirks, stiletos, or other
48 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,

1 sandclubs, slingshots, cesti or similar leather bands studded with
2 metal filings or razor blades imbedded in wood; and (4) stun guns;
3 and any weapon or other device which projects, releases, or emits
4 tear gas or any other substance intended to produce temporary
5 physical discomfort or permanent injury through being vaporized or
6 otherwise dispensed in the air.

7 s. "Wholesale dealer" means any person, except a
8 manufacturer, who sells, transfers, or assigns firearms, or parts of
9 firearms, to persons who are reasonably understood not to be the
10 ultimate consumers, and includes persons who receive finished
11 parts of firearms and assemble them into completed or partially
12 completed firearms, in furtherance of such purpose, except that it
13 shall not include those persons dealing exclusively in grips, stocks
14 and other nonmetal parts of firearms.

15 t. "Stun gun" means any weapon or other device which emits
16 an electrical charge or current intended to temporarily or
17 permanently disable a person.

18 u. "Ballistic knife" means any weapon or other device capable
19 of lethal use and which can propel a knife blade.

20 v. "Imitation firearm" means an object or device reasonably
21 capable of being mistaken for a firearm.

22 w. "Assault firearm" means:

23 (1) The following firearms:

24 Algimec AGM1 type

25 Any shotgun with a revolving cylinder such as the "Street
26 Sweeper" or "Striker 12"

27 Armalite AR-180 type

28 Australian Automatic Arms SAR

29 Avtomat Kalashnikov type semi-automatic firearms

30 Beretta AR-70 and BM59 semi-automatic firearms

31 Bushmaster Assault Rifle

32 Calico M-900 Assault carbine and M-900

33 CETME G3

34 Chartered Industries of Singapore SR-88 type

35 Colt AR-15 and CAR-15 series

36 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

37 Demro TAC-1 carbine type

38 Encom MP-9 and MP-45 carbine types

39 FAMAS MAS223 types

40 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

41 Franchi SPAS 12 and LAW 12 shotguns

42 G3SA type

43 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

44 Intratec TEC 9 and 22 semi-automatic firearms

45 M1 carbine type

46 M14S type

47 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

48 PJK M-68 carbine type

- 1 Plainfield Machine Company Carbine
- 2 Ruger K-Mini-14/5F and Mini-14/5RF
- 3 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 4 SKS with detachable magazine type
- 5 Spectre Auto carbine type
- 6 Springfield Armory BM59 and SAR-48 type
- 7 Sterling MK-6, MK-7 and SAR types
- 8 Steyr A.U.G. semi-automatic firearms
- 9 USAS 12 semi-automatic type shotgun
- 10 Uzi type semi-automatic firearms
- 11 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 12 Weaver Arm Nighthawk.
- 13 (2) Any firearm manufactured under any designation which is
- 14 substantially identical to any of the firearms listed above.
- 15 (3) A semi-automatic shotgun with either a magazine capacity
- 16 exceeding six rounds, a pistol grip, or a folding stock.
- 17 (4) A semi-automatic rifle with a fixed magazine capacity
- 18 exceeding 15 rounds.
- 19 (5) A part or combination of parts designed or intended to
- 20 convert a firearm into an assault firearm, or any combination of
- 21 parts from which an assault firearm may be readily assembled if
- 22 those parts are in the possession or under the control of the same
- 23 person.
- 24 x. "Semi-automatic" means a firearm which fires a single
- 25 projectile for each single pull of the trigger and is self-reloading or
- 26 automatically chambers a round, cartridge, or bullet.
- 27 y. "Large capacity ammunition magazine" means a box, drum,
- 28 tube or other container which is capable of holding more than 15
- 29 rounds of ammunition to be fed continuously and directly therefrom
- 30 into a semi-automatic firearm.
- 31 z. "Pistol grip" means a well-defined handle, similar to that
- 32 found on a handgun, that protrudes conspicuously beneath the
- 33 action of the weapon, and which permits the shotgun to be held and
- 34 fired with one hand.
- 35 aa. "Antique handgun" means a handgun manufactured before
- 36 1898, or a replica thereof, which is recognized as being historical in
- 37 nature or of historical significance and either (1) utilizes a match,
- 38 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 39 cartridge in which the pin is part of the cartridge or (2) does not fire
- 40 fixed ammunition or for which cartridge ammunition is not
- 41 commercially available.
- 42 bb. "Trigger lock" means a commercially available device
- 43 approved by the Superintendent of State Police which is operated
- 44 with a key or combination lock that prevents a firearm from being
- 45 discharged while the device is attached to the firearm. It may
- 46 include, but need not be limited to, devices that obstruct the barrel
- 47 or cylinder of the firearm, as well as devices that immobilize the
- 48 trigger.

1 cc. "Trigger locking device" means a device that, if installed on
2 a firearm and secured by means of a key or mechanically,
3 electronically or electromechanically operated combination lock,
4 prevents the firearm from being discharged without first
5 deactivating or removing the device by means of a key or
6 mechanically, electronically or electromechanically operated
7 combination lock.

8 dd. "Personalized handgun" means a handgun which
9 incorporates within its design, and as part of its original
10 manufacture, technology which automatically limits its operational
11 use and which cannot be readily deactivated, so that it may only be
12 fired by an authorized or recognized user. The technology limiting
13 the handgun's operational use may include, but not be limited to:
14 radio frequency tagging, touch memory, remote control, fingerprint,
15 magnetic encoding and other automatic user identification systems
16 utilizing biometric, mechanical or electronic systems. No make or
17 model of a handgun shall be deemed to be a "personalized handgun"
18 unless the Attorney General has determined, through testing or
19 other reasonable means, that the handgun meets any reliability
20 standards that the manufacturer may require for its commercially
21 available handguns that are not personalized or, if the manufacturer
22 has no such reliability standards, the handgun meets the reliability
23 standards generally used in the industry for commercially available
24 handguns.

25 ee. ".50 BMG cartridge" means a cartridge that is designed and
26 intended to be fired from a center-fire rifle and that meets all of the
27 following criteria:

28 (1) it has an overall length of 5.54 inches from the base to the tip
29 of the bullet;

30 (2) the bullet diameter for the cartridge is from .510 inches to
31 and including .511 inch;

32 (3) the case base diameter for the cartridge is from .800 inches to
33 and including .804 inch; and

34 (4) the cartridge case length is 3.91 inches.

35 ff. "Living historical reenactment" means a depiction of
36 historical characters, scenes, historical life, or events for
37 entertainment, education, or historical documentation through the
38 wearing or use of period, historical, antique or vintage clothing,
39 accessories, firearms, weapons, and other implements of the
40 historical period.

41 (cf: P.L.2019, c.164, s.6)

42

43 2. (New section) a. A person who lawfully owned a center-fire
44 rifle that is capable of firing a .50 BMG cartridge before the rifle
45 was prohibited under the provisions of paragraph (5) of subsection
46 c. of N.J.S.2C:39-1 by the enactment of P.L. , c. (C.)
47 (pending before the Legislature as this bill) shall register that

1 firearm within one year of the enactment of P.L. , c. (C.)
 2 (pending before the Legislature as this bill).

3 In order to register a prohibited firearm, the owner shall¹]:

4 (1)]¹complete a registration statement, in the form to be
 5 prescribed by the Superintendent of State Police¹]; and

6 (2) pay a registration fee of \$50 for each prohibited weapon]¹.

7 b. An applicant who resides in a municipality with an
 8 organized full-time police department shall register the firearm with
 9 the chief law enforcement officer of the municipality. All other
 10 applicants shall register the firearm with the Superintendent of State
 11 Police.

12 c. Within 60 days of the effective date of P.L. , c. (C.)
 13 (pending before the Legislature as this bill), the superintendent shall
 14 prepare the form of registration statement required under subsection
 15 a. of this section and shall provide a suitable supply of statements to
 16 each organized full-time municipal police department and each
 17 State Police station.

18 d. One copy of the completed prohibited firearm registration
 19 statement shall be returned to the registrant, a second copy shall be
 20 sent to the superintendent, and, if the registration takes place at a
 21 municipal police department, a third copy shall be retained by that
 22 municipal police department.

23 e. If the owner of a prohibited firearm that has been registered
 24 pursuant to this section dies, the owner's heirs or estate shall, within
 25 90 days, dispose of that firearm in accordance with the provisions
 26 of section 3 of P.L. , c. (C.) (pending before the Legislature
 27 as this bill).

28 f. If a prohibited firearm registered pursuant to this section is
 29 used in the commission of a crime, the registrant of that prohibited
 30 firearm shall be civilly liable for any damages resulting from that
 31 crime.

32 The liability imposed by this subsection shall not apply¹:¹ (1) if
 33 the firearm used in the commission of that crime was stolen and the
 34 registrant reported the theft of the weapon to law enforcement
 35 authorities within 36 hours of ¹the registrant's knowledge of the
 36 theft] discovering that the firearm was stolen;¹ or (2) prior to the
 37 commission of the crime, the registrant lawfully transferred the
 38 firearm to another person.

39 g. The provisions of this paragraph shall not apply to any
 40 antique firearm, curio or relic, or weapon solely used to fire blank
 41 ammunition for the purpose of a living historical reenactment in
 42 accordance with the provisions of paragraph (5) of subsection c. of
 43 N.J.S.2C:39-1¹.¹
 44

45 3. (New section) a. A person who lawfully owned a center-
 46 fire rifle that is capable of firing a .50 BMG cartridge prohibited
 47 under the provisions of paragraph (5) of subsection c. of

1 N.J.S.2C:39-1 on the effective date of P.L. , c. (C.) (pending
2 before the Legislature as this bill) and does not register it pursuant
3 to section 2 of P.L. , c. (C.) (pending before the Legislature
4 as this bill) may retain possession of that firearm for a period not to
5 exceed one year from that effective date. During that time period,
6 the owner of the prohibited firearm shall either:

7 (1) transfer the prohibited firearm to a person or firm lawfully
8 entitled to own or possess such weapon;

9 (2) render the prohibited firearm inoperable; or

10 (3) voluntarily surrender the prohibited firearm pursuant to
11 N.J.S.2C:39-12.

12 b. If the owner of the prohibited firearm elects to render the
13 weapon inoperable, the owner shall file a certification on a form
14 prescribed by the superintendent indicating the date on which the
15 weapon was rendered inoperable. This certification shall be filed
16 with either the chief law enforcement officer of the municipality in
17 which the owner resides or, in the case of an owner who resides in a
18 municipality which does not have a full-time police department,
19 with the superintendent.

20 c. As used in this section, "inoperable" means that the firearm
21 is altered in such a manner that it cannot be immediately fired and
22 that the owner or possessor of the firearm does not possess or have
23 control over the parts necessary to make the firearm operable.

24 d. The provisions of this paragraph shall not apply to any
25 antique firearm, curio or relic, or weapon solely used to fire blank
26 ammunition for purpose of a living historical reenactment in
27 accordance with the provisions of paragraph (5) of subsection c. of
28 N.J.S.2C:39-1¹.

29
30 4. This act shall take effect on the first day of the third month
31 next following the date of enactment, but the Superintendent of
32 State Police may take any anticipatory action in advance thereof as
33 shall be necessary for the implementation of this act.

34

35

36

37

38 Revises definition of destructive device to include certain .50
39 caliber rifles; makes certain exceptions.

SENATE, No. 2905

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.

CURRENT VERSION OF TEXT

As introduced.



S2905 SCUTARI

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3 Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
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17 for which cartridge ammunition is not commercially available, and
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25 designed to explode or produce uncontrolled combustion, including:
26 (1) any explosive or incendiary bomb, mine or grenade;

27 (2) any rocket having a propellant charge of more than four
28 ounces or any missile having an explosive or incendiary charge of
29 more than one-quarter of an ounce;

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31 than 60 caliber, except a shotgun or shotgun ammunition generally
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34 breakable container containing flammable liquid and having a wick
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38 purposes ; or

39 (5) any center-fire rifle that is capable of firing a .50 BMG
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42 firearm as defined in subsection a. of this section or any "curio or
43 relic" as defined in 27 CFR 478.11.

44 The provisions of this paragraph also shall not apply to a weapon
45 solely used to fire blank ammunition for the purpose of a living
46 historical reenactment as defined in subsection ff. of this section.

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

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S2905 SCUTARI

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24 otherwise, if such firearm as modified has an overall length of less
25 than 26 inches.

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

29 q. "Superintendent" means the Superintendent of the State
30 Police.

31 r. "Weapon" means anything readily capable of lethal use or of
32 inflicting serious bodily injury. The term includes, but is not
33 limited to, all (1) firearms, even though not loaded or lacking a clip
34 or other component to render them immediately operable; (2)
35 components which can be readily assembled into a weapon; (3)
36 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
37 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
38 sandclubs, slingshots, cesti or similar leather bands studded with
39 metal filings or razor blades imbedded in wood; and (4) stun guns;
40 and any weapon or other device which projects, releases, or emits
41 tear gas or any other substance intended to produce temporary
42 physical discomfort or permanent injury through being vaporized or
43 otherwise dispensed in the air.

44 s. "Wholesale dealer" means any person, except a
45 manufacturer, who sells, transfers, or assigns firearms, or parts of
46 firearms, to persons who are reasonably understood not to be the
47 ultimate consumers, and includes persons who receive finished
48 parts of firearms and assemble them into completed or partially

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1 completed firearms, in furtherance of such purpose, except that it
2 shall not include those persons dealing exclusively in grips, stocks
3 and other nonmetal parts of firearms.

4 t. "Stun gun" means any weapon or other device which emits
5 an electrical charge or current intended to temporarily or
6 permanently disable a person.

7 u. "Ballistic knife" means any weapon or other device capable
8 of lethal use and which can propel a knife blade.

9 v. "Imitation firearm" means an object or device reasonably
10 capable of being mistaken for a firearm.

11 w. "Assault firearm" means:

12 (1) The following firearms:

13 Algimec AGM1 type

14 Any shotgun with a revolving cylinder such as the "Street
15 Sweeper" or "Striker 12"

16 Armalite AR-180 type

17 Australian Automatic Arms SAR

18 Avtomat Kalashnikov type semi-automatic firearms

19 Beretta AR-70 and BM59 semi-automatic firearms

20 Bushmaster Assault Rifle

21 Calico M-900 Assault carbine and M-900

22 CETME G3

23 Chartered Industries of Singapore SR-88 type

24 Colt AR-15 and CAR-15 series

25 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

26 Demro TAC-1 carbine type

27 Encom MP-9 and MP-45 carbine types

28 FAMAS MAS223 types

29 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

30 Franchi SPAS 12 and LAW 12 shotguns

31 G3SA type

32 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

33 Intratec TEC 9 and 22 semi-automatic firearms

34 M1 carbine type

35 M14S type

36 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

37 PJK M-68 carbine type

38 Plainfield Machine Company Carbine

39 Ruger K-Mini-14/5F and Mini-14/5RF

40 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

41 SKS with detachable magazine type

42 Spectre Auto carbine type

43 Springfield Armory BM59 and SAR-48 type

44 Sterling MK-6, MK-7 and SAR types

45 Steyr A.U.G. semi-automatic firearms

46 USAS 12 semi-automatic type shotgun

47 Uzi type semi-automatic firearms

48 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

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1 Weaver Arm Nighthawk.

2 (2) Any firearm manufactured under any designation which is
3 substantially identical to any of the firearms listed above.

4 (3) A semi-automatic shotgun with either a magazine capacity
5 exceeding six rounds, a pistol grip, or a folding stock.

6 (4) A semi-automatic rifle with a fixed magazine capacity
7 exceeding 15 rounds.

8 (5) A part or combination of parts designed or intended to
9 convert a firearm into an assault firearm, or any combination of
10 parts from which an assault firearm may be readily assembled if
11 those parts are in the possession or under the control of the same
12 person.

13 x. "Semi-automatic" means a firearm which fires a single
14 projectile for each single pull of the trigger and is self-reloading or
15 automatically chambers a round, cartridge, or bullet.

16 y. "Large capacity ammunition magazine" means a box, drum,
17 tube or other container which is capable of holding more than 15
18 rounds of ammunition to be fed continuously and directly therefrom
19 into a semi-automatic firearm.

20 z. "Pistol grip" means a well-defined handle, similar to that
21 found on a handgun, that protrudes conspicuously beneath the
22 action of the weapon, and which permits the shotgun to be held and
23 fired with one hand.

24 aa. "Antique handgun" means a handgun manufactured before
25 1898, or a replica thereof, which is recognized as being historical in
26 nature or of historical significance and either (1) utilizes a match,
27 friction, flint, or percussion ignition, or which utilizes a pin-fire
28 cartridge in which the pin is part of the cartridge or (2) does not fire
29 fixed ammunition or for which cartridge ammunition is not
30 commercially available.

31 bb. "Trigger lock" means a commercially available device
32 approved by the Superintendent of State Police which is operated
33 with a key or combination lock that prevents a firearm from being
34 discharged while the device is attached to the firearm. It may
35 include, but need not be limited to, devices that obstruct the barrel
36 or cylinder of the firearm, as well as devices that immobilize the
37 trigger.

38 cc. "Trigger locking device" means a device that, if installed on
39 a firearm and secured by means of a key or mechanically,
40 electronically or electromechanically operated combination lock,
41 prevents the firearm from being discharged without first
42 deactivating or removing the device by means of a key or
43 mechanically, electronically or electromechanically operated
44 combination lock.

45 dd. "Personalized handgun" means a handgun which
46 incorporates within its design, and as part of its original
47 manufacture, technology which automatically limits its operational
48 use and which cannot be readily deactivated, so that it may only be

1 fired by an authorized or recognized user. The technology limiting
2 the handgun's operational use may include, but not be limited to:
3 radio frequency tagging, touch memory, remote control, fingerprint,
4 magnetic encoding and other automatic user identification systems
5 utilizing biometric, mechanical or electronic systems. No make or
6 model of a handgun shall be deemed to be a "personalized handgun"
7 unless the Attorney General has determined, through testing or
8 other reasonable means, that the handgun meets any reliability
9 standards that the manufacturer may require for its commercially
10 available handguns that are not personalized or, if the manufacturer
11 has no such reliability standards, the handgun meets the reliability
12 standards generally used in the industry for commercially available
13 handguns.

14 ee. “.50 BMG cartridge” means a cartridge that is designed and
15 intended to be fired from a center-fire rifle and that meets all of the
16 following criteria:

17 (1) it has an overall length of 5.54 inches from the base to the tip
18 of the bullet;

19 (2) the bullet diameter for the cartridge is from .510 inches to
20 and including .511 inch;

21 (3) the case base diameter for the cartridge is from .800 inches to
22 and including .804 inch; and

23 (4) the cartridge case length is 3.91 inches.

24 ff. “Living historical reenactment” means a depiction of
25 historical characters, scenes, historical life, or events for
26 entertainment, education, or historical documentation through the
27 wearing or use of period, historical, antique or vintage clothing,
28 accessories, firearms, weapons, and other implements of the
29 historical period.

30 (cf: P.L.2019, c.164, s.6)

31

32 2. (New section) a. A person who lawfully owned a center-
33 fire rifle that is capable of firing a .50 BMG cartridge before the
34 rifle was prohibited under the provisions of paragraph (5) of
35 subsection c. of N.J.S.2C:39-1 by the enactment of
36 P.L. , c. (C.) (pending before the Legislature as this bill)
37 shall register that firearm within one year of the enactment of
38 P.L. , c. (C.) (pending before the Legislature as this bill).

39 In order to register a prohibited firearm, the owner shall:

40 (1) complete a registration statement, in the form to be
41 prescribed by the Superintendent of State Police; and

42 (2) pay a registration fee of \$50 for each prohibited weapon.

43 b. An applicant who resides in a municipality with an
44 organized full-time police department shall register the firearm with
45 the chief law enforcement officer of the municipality. All other
46 applicants shall register the firearm with the Superintendent of State
47 Police.

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1 c. Within 60 days of the effective date of P.L. , c. (C.)
2 (pending before the Legislature as this bill), the superintendent shall
3 prepare the form of registration statement required under subsection
4 a. of this section and shall provide a suitable supply of statements to
5 each organized full-time municipal police department and each
6 State Police station.

7 d. One copy of the completed prohibited firearm registration
8 statement shall be returned to the registrant, a second copy shall be
9 sent to the superintendent, and, if the registration takes place at a
10 municipal police department, a third copy shall be retained by that
11 municipal police department.

12 e. If the owner of a prohibited firearm that has been registered
13 pursuant to this section dies, the owner's heirs or estate shall, within
14 90 days, dispose of that firearm in accordance with the provisions
15 of section 3 of P.L. , c. (C.)(pending before the Legislature
16 as this bill).

17 f. If a prohibited firearm registered pursuant to this section is
18 used in the commission of a crime, the registrant of that prohibited
19 firearm shall be civilly liable for any damages resulting from that
20 crime.

21 The liability imposed by this subsection shall not apply (1) if the
22 firearm used in the commission of that crime was stolen and the
23 registrant reported the theft of the weapon to law enforcement
24 authorities within 36 hours of the registrant's knowledge of the theft
25 or (2) prior to the commission of the crime, the registrant lawfully
26 transferred the firearm to another person.

27 g. The provisions of this paragraph shall not apply to any
28 antique firearm, curio or relic, or weapon solely used to fire blank
29 ammunition for the purpose of a living historical reenactment in
30 accordance with the provisions of paragraph (5) of subsection c. of
31 N.J.S.2C:39-1

32

33 3. (New section) a. A person who lawfully owned a center-
34 fire rifle that is capable of firing a .50 BMG cartridge prohibited
35 under the provisions of paragraph (5) of subsection c. of
36 N.J.S.2C:39-1 on the effective date of P.L. , c. (pending before
37 the Legislature as this bill) and does not register it pursuant to
38 section 2 of P.L. , c. (C.)(pending before the Legislature as
39 this bill) may retain possession of that firearm for a period not to
40 exceed one year from that effective date. During that time period,
41 the owner of the prohibited firearm shall either:

42 (1) transfer the prohibited firearm to a person or firm lawfully
43 entitled to own or possess such weapon;

44 (2) render the prohibited firearm inoperable; or

45 (3) voluntarily surrender the prohibited firearm pursuant to
46 N.J.S.2C:39-12.

47 b. If the owner of the prohibited firearm elects to render the
48 weapon inoperable, the owner shall file a certification on a form

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1 prescribed by the superintendent indicating the date on which the
2 weapon was rendered inoperable. This certification shall be filed
3 with either the chief law enforcement officer of the municipality in
4 which the owner resides or, in the case of an owner who resides in a
5 municipality which does not have a full-time police department,
6 with the superintendent.

7 c. As used in this section, "inoperable" means that the firearm
8 is altered in such a manner that it cannot be immediately fired and
9 that the owner or possessor of the firearm does not possess or have
10 control over the parts necessary to make the firearm operable.

11 d. The provisions of this paragraph shall not apply to any
12 antique firearm, curio or relic, or weapon solely used to fire blank
13 ammunition for purpose of a living historical reenactment in
14 accordance with the provisions of paragraph (5) of subsection c. of
15 N.J.S.2C:39-1

16
17 4. This act shall take effect on the first day of the third month
18 next following the date of enactment, but the Superintendent of
19 State Police may take any anticipatory action in advance thereof as
20 shall be necessary for the implementation of this act.

21

22

23 STATEMENT

24

25 This bill revises the definition of "destructive device" so that it
26 includes certain rifles capable of firing a projectile of 50 caliber or
27 greater. Specifically, the bill applies to center-fire rifles capable of
28 firing a .50 browning machine gun cartridge (BMG). The bill
29 defines a ".50 BMG cartridge" as a cartridge that is designed and
30 intended to be fired from a center-fire rifle and that meets all of the
31 following criteria:

32 (1) it has an overall length of 5.54 inches from the base to the tip
33 of the bullet;

34 (2) the bullet diameter for the cartridge is from .510 inches to
35 and including .511 inch;

36 (3) the case base diameter for the cartridge is from .800 inches to
37 and including .804 inch; and

38 (4) the cartridge case length is 3.91 inches.

39 The prohibition on this weapon would not apply to antique
40 firearms or firearms defined as a curio or relic by federal regulation.
41 Under 27 CFR 478.11, curio or relic is defined firearms which are
42 of special interest to collectors by reason of some quality other than
43 is associated with firearms intended for sporting use or as offensive
44 or defensive weapons.

45 Additionally, the prohibition would not apply to a 50 caliber or
46 greater weapon solely used to fire blank ammunition for purpose of
47 a living historical reenactment. The bill defines a "living historical
48 reenactment" as a depiction of historical characters, scenes,

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1 historical life, or events for entertainment, education, or historical
2 documentation through the wearing or use of period, historical,
3 antique or vintage clothing, accessories, firearms, weapons, and
4 other implements of the historical period.

5 Under the provisions of the bill, a person who purchased or
6 acquired a weapon that has been prohibited with the enactment of
7 this bill may retain that weapon if he or she registers it with law
8 enforcement. The registration fee is \$50. A person who chooses
9 not to register his or her prohibited weapon has one year in which to
10 lawfully sell the weapon, render it inoperable, or voluntarily
11 surrender the weapon to law enforcement.

12 When a registrant dies, the heirs or estate are to dispose of the
13 weapon by either selling it, rendering it inoperable, or voluntarily
14 surrendering it.

15 The registrant of a prohibited weapon may be held civilly liable
16 if it is used in the commission of a crime.

17 This liability does not apply (1) if the weapon used in the crime
18 was stolen and the registrant reported the theft to law enforcement
19 within 36 hours of the registrant's knowledge of the theft or (2)
20 prior to the commission of the crime, the registrant lawfully
21 transferred the weapon to another person.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2905

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2905.

As amended and reported by the committee, this bill revises the definition of "destructive device" so that it includes certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 Browning machine gun cartridge (BMG). The bill defines a ".50 BMG cartridge" as a cartridge that is designed and intended to be fired from a center-fire rifle and that meets all of the following criteria:

- (1) it has an overall length of 5.54 inches from the base to the tip of the bullet;
- (2) the bullet diameter for the cartridge is from .510 inches to and including .511 inch;
- (3) the case base diameter for the cartridge is from .800 inches to and including .804 inch; and
- (4) the cartridge case length is 3.91 inches.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation. Under 27 CFR 478.11, curio or relic is defined firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons.

Additionally, the prohibition would not apply to a 50 caliber or greater weapon solely used to fire blank ammunition for purpose of a living historical reenactment. The bill defines a "living historical reenactment" as a depiction of historical characters, scenes, historical life, or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

Under the provisions of the bill, a person who purchased or acquired a weapon that has been prohibited with the enactment of this bill may retain that weapon if he or she registers it with law enforcement. A person who chooses not to register his or her prohibited weapon has one year in which to lawfully sell the

weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

When a registrant dies, the heirs or estate are to dispose of the weapon by either selling it, rendering it inoperable, or voluntarily surrendering it.

The registrant of a prohibited weapon may be held civilly liable if it is used in the commission of a crime.

This liability does not apply: (1) if the weapon used in the crime was stolen and the registrant reported the theft to law enforcement within 36 hours of discovering that the firearm was stolen or (2) prior to the commission of the crime, the registrant lawfully transferred the weapon to another person.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) remove the \$50 registration fee for a prohibited weapon;
- 2) make a clarifying change.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2905

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 30, 2022

SUMMARY

- Synopsis:** Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.
- Type of Impact:** Annual State and local expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; Judiciary; Department of Corrections; Office of the Public Defender; State Parole Board; local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that expanding the definition of “destructive device” to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.
-
- Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the provisions of this bill.
-
- A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police.

BILL DESCRIPTION

This bill expands the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 caliber Browning machine gun cartridge.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation.

Under the provisions of the bill, a person who possesses a prohibited firearm may retain that weapon if the individual registers the firearm with law enforcement. A person who chooses not to register the prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that expanding the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.

Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The following State agencies would incur caseload and expenditure increases if a person is charged with and convicted of knowingly possessing a destructive device like the one covered by the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that crimes of the third degree carry a presumption of non-incarceration for first time offenders. The OLS also notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect monetary penalties has historically been limited.

A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. The OLS notes that the Office of the Attorney General regularly conducts and funds gun buyback programs for these and other firearms if a current owner wishes to dispose of the weapon.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4366

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman McKeon

SYNOPSIS

Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2022)

A4366 ATKINS, QUIJANO

2

1 AN ACT concerning destructive devices, amending N.J.S.2C:39-1
2 and supplementing chapter 39 of Title 2C of the New Jersey
3 Statutes.

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

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

9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

11 a. "Antique firearm" means any rifle or shotgun and "antique
12 cannon" means a destructive device defined in paragraph (3) of
13 subsection c. of this section, if the rifle, shotgun or destructive
14 device, or replica thereof, as the case may be, is incapable of being
15 fired or discharged, or which does not fire fixed ammunition,
16 regardless of date of manufacture, or was manufactured before 1898
17 for which cartridge ammunition is not commercially available, and
18 is possessed as a curiosity or ornament or for its historical
19 significance or value.

20 b. "Deface" means to remove, deface, cover, alter or destroy
21 the name of the maker, model designation, manufacturer's serial
22 number or any other distinguishing identification mark or number
23 on any firearm.

24 c. "Destructive device" means any device, instrument or object
25 designed to explode or produce uncontrolled combustion, including:

26 (1) any explosive or incendiary bomb, mine or grenade;

27 (2) any rocket having a propellant charge of more than four
28 ounces or any missile having an explosive or incendiary charge of
29 more than one-quarter of an ounce;

30 (3) any weapon capable of firing a projectile of a caliber greater
31 than 60 caliber, except a shotgun or shotgun ammunition generally
32 recognized as suitable for sporting purposes;

33 (4) any Molotov cocktail or other device consisting of a
34 breakable container containing flammable liquid and having a wick
35 or similar device capable of being ignited. The term **[does]** shall
36 not include any device manufactured for the purpose of
37 illumination, distress signaling, line-throwing, safety, or similar
38 purposes ; or

39 (5) any center-fire rifle that is capable of firing a .50 BMG
40 cartridge as defined in subsection ee. of this section.

41 The provisions of this paragraph shall not apply to any antique
42 firearm as defined in subsection a. of this section or any "curio or
43 relic" as defined in 27 CFR 478.11.

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.

1 The provisions of this paragraph also shall not apply to a weapon
2 solely used to fire blank ammunition for the purpose of a living
3 historical reenactment as defined in subsection ff. of this section.

4 d. "Dispose of" means to give, give away, lease, loan, keep for
5 sale, offer, offer for sale, sell, transfer, or otherwise transfer
6 possession.

7 e. "Explosive" means any chemical compound or mixture that
8 is commonly used or is possessed for the purpose of producing an
9 explosion and which contains any oxidizing and combustible
10 materials or other ingredients in such proportions, quantities or
11 packing that an ignition by fire, by friction, by concussion or by
12 detonation of any part of the compound or mixture may cause such
13 a sudden generation of highly heated gases that the resultant
14 gaseous pressures are capable of producing destructive effects on
15 contiguous objects. The term shall not include small arms
16 ammunition, or explosives in the form prescribed by the official
17 United States Pharmacopoeia.

18 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
19 automatic or semi-automatic rifle, or any gun, device or instrument
20 in the nature of a weapon from which may be fired or ejected any
21 solid projectable ball, slug, pellet, missile or bullet, or any gas,
22 vapor or other noxious thing, by means of a cartridge or shell or by
23 the action of an explosive or the igniting of flammable or explosive
24 substances. It shall also include, without limitation, any firearm
25 which is in the nature of an air gun, spring gun or pistol or other
26 weapon of a similar nature in which the propelling force is a spring,
27 elastic band, carbon dioxide, compressed or other gas or vapor, air
28 or compressed air, or is ignited by compressed air, and ejecting a
29 bullet or missile smaller than three-eighths of an inch in diameter,
30 with sufficient force to injure a person.

31 g. "Firearm silencer" means any instrument, attachment,
32 weapon or appliance for causing the firing of any gun, revolver,
33 pistol or other firearm to be silent, or intended to lessen or muffle
34 the noise of the firing of any gun, revolver, pistol or other firearm.

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

38 i. "Machine gun" means any firearm, mechanism or instrument
39 not requiring that the trigger be pressed for each shot and having a
40 reservoir, belt or other means of storing and carrying ammunition
41 which can be loaded into the firearm, mechanism or instrument and
42 fired therefrom.

43 j. "Manufacturer" means any person who receives or obtains
44 raw materials or parts and processes them into firearms or finished
45 parts of firearms, except a person who exclusively processes grips,
46 stocks and other nonmetal parts of firearms. The term does not
47 include a person who repairs existing firearms or receives new and
48 used raw materials or parts solely for the repair of existing firearms.

- 1 k. "Handgun" means any pistol, revolver or other firearm
2 originally designed or manufactured to be fired by the use of a
3 single hand.
- 4 l. "Retail dealer" means any person including a gunsmith,
5 except a manufacturer or a wholesale dealer, who sells, transfers or
6 assigns for a fee or profit any firearm or parts of firearms or
7 ammunition which he has purchased or obtained with the intention,
8 or for the purpose, of reselling or reassigning to persons who are
9 reasonably understood to be the ultimate consumers, and includes
10 any person who is engaged in the business of repairing firearms or
11 who sells any firearm to satisfy a debt secured by the pledge of a
12 firearm.
- 13 m. "Rifle" means any firearm designed to be fired from the
14 shoulder and using the energy of the explosive in a fixed metallic
15 cartridge to fire a single projectile through a rifled bore for each
16 single pull of the trigger.
- 17 n. "Shotgun" means any firearm designed to be fired from the
18 shoulder and using the energy of the explosive in a fixed shotgun
19 shell to fire through a smooth bore either a number of ball shots or a
20 single projectile for each pull of the trigger, or any firearm designed
21 to be fired from the shoulder which does not fire fixed ammunition.
- 22 o. "Sawed-off shotgun" means any shotgun having a barrel or
23 barrels of less than 18 inches in length measured from the breech to
24 the muzzle, or a rifle having a barrel or barrels of less than 16
25 inches in length measured from the breech to the muzzle, or any
26 firearm made from a rifle or a shotgun, whether by alteration, or
27 otherwise, if such firearm as modified has an overall length of less
28 than 26 inches.
- 29 p. "Switchblade knife" means any knife or similar device
30 which has a blade which opens automatically by hand pressure
31 applied to a button, spring or other device in the handle of the knife.
- 32 q. "Superintendent" means the Superintendent of the State
33 Police.
- 34 r. "Weapon" means anything readily capable of lethal use or of
35 inflicting serious bodily injury. The term includes, but is not
36 limited to, all (1) firearms, even though not loaded or lacking a clip
37 or other component to render them immediately operable; (2)
38 components which can be readily assembled into a weapon; (3)
39 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
40 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
41 sandclubs, slingshots, cesti or similar leather bands studded with
42 metal filings or razor blades imbedded in wood; and (4) stun guns;
43 and any weapon or other device which projects, releases, or emits
44 tear gas or any other substance intended to produce temporary
45 physical discomfort or permanent injury through being vaporized or
46 otherwise dispensed in the air.
- 47 s. "Wholesale dealer" means any person, except a
48 manufacturer, who sells, transfers, or assigns firearms, or parts of

1 firearms, to persons who are reasonably understood not to be the
2 ultimate consumers, and includes persons who receive finished
3 parts of firearms and assemble them into completed or partially
4 completed firearms, in furtherance of such purpose, except that it
5 shall not include those persons dealing exclusively in grips, stocks
6 and other nonmetal parts of firearms.

7 t. "Stun gun" means any weapon or other device which emits
8 an electrical charge or current intended to temporarily or
9 permanently disable a person.

10 u. "Ballistic knife" means any weapon or other device capable
11 of lethal use and which can propel a knife blade.

12 v. "Imitation firearm" means an object or device reasonably
13 capable of being mistaken for a firearm.

14 w. "Assault firearm" means:

15 (1) The following firearms:

16 Algimec AGM1 type

17 Any shotgun with a revolving cylinder such as the "Street
18 Sweeper" or "Striker 12"

19 Armalite AR-180 type

20 Australian Automatic Arms SAR

21 Avtomat Kalashnikov type semi-automatic firearms

22 Beretta AR-70 and BM59 semi-automatic firearms

23 Bushmaster Assault Rifle

24 Calico M-900 Assault carbine and M-900

25 CETME G3

26 Chartered Industries of Singapore SR-88 type

27 Colt AR-15 and CAR-15 series

28 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

29 Demro TAC-1 carbine type

30 Encom MP-9 and MP-45 carbine types

31 FAMAS MAS223 types

32 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

33 Franchi SPAS 12 and LAW 12 shotguns

34 G3SA type

35 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

36 Intratec TEC 9 and 22 semi-automatic firearms

37 M1 carbine type

38 M14S type

39 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

40 PJK M-68 carbine type

41 Plainfield Machine Company Carbine

42 Ruger K-Mini-14/5F and Mini-14/5RF

43 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

44 SKS with detachable magazine type

45 Spectre Auto carbine type

46 Springfield Armory BM59 and SAR-48 type

47 Sterling MK-6, MK-7 and SAR types

48 Steyr A.U.G. semi-automatic firearms

- 1 USAS 12 semi-automatic type shotgun
2 Uzi type semi-automatic firearms
3 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
4 Weaver Arm Nighthawk.
- 5 (2) Any firearm manufactured under any designation which is
6 substantially identical to any of the firearms listed above.
- 7 (3) A semi-automatic shotgun with either a magazine capacity
8 exceeding six rounds, a pistol grip, or a folding stock.
- 9 (4) A semi-automatic rifle with a fixed magazine capacity
10 exceeding 15 rounds.
- 11 (5) A part or combination of parts designed or intended to
12 convert a firearm into an assault firearm, or any combination of
13 parts from which an assault firearm may be readily assembled if
14 those parts are in the possession or under the control of the same
15 person.
- 16 x. "Semi-automatic" means a firearm which fires a single
17 projectile for each single pull of the trigger and is self-reloading or
18 automatically chambers a round, cartridge, or bullet.
- 19 y. "Large capacity ammunition magazine" means a box, drum,
20 tube or other container which is capable of holding more than 15
21 rounds of ammunition to be fed continuously and directly therefrom
22 into a semi-automatic firearm.
- 23 z. "Pistol grip" means a well-defined handle, similar to that
24 found on a handgun, that protrudes conspicuously beneath the
25 action of the weapon, and which permits the shotgun to be held and
26 fired with one hand.
- 27 aa. "Antique handgun" means a handgun manufactured before
28 1898, or a replica thereof, which is recognized as being historical in
29 nature or of historical significance and either (1) utilizes a match,
30 friction, flint, or percussion ignition, or which utilizes a pin-fire
31 cartridge in which the pin is part of the cartridge or (2) does not fire
32 fixed ammunition or for which cartridge ammunition is not
33 commercially available.
- 34 bb. "Trigger lock" means a commercially available device
35 approved by the Superintendent of State Police which is operated
36 with a key or combination lock that prevents a firearm from being
37 discharged while the device is attached to the firearm. It may
38 include, but need not be limited to, devices that obstruct the barrel
39 or cylinder of the firearm, as well as devices that immobilize the
40 trigger.
- 41 cc. "Trigger locking device" means a device that, if installed on
42 a firearm and secured by means of a key or mechanically,
43 electronically or electromechanically operated combination lock,
44 prevents the firearm from being discharged without first
45 deactivating or removing the device by means of a key or
46 mechanically, electronically or electromechanically operated
47 combination lock.

1 dd. "Personalized handgun" means a handgun which
2 incorporates within its design, and as part of its original
3 manufacture, technology which automatically limits its operational
4 use and which cannot be readily deactivated, so that it may only be
5 fired by an authorized or recognized user. The technology limiting
6 the handgun's operational use may include, but not be limited to:
7 radio frequency tagging, touch memory, remote control, fingerprint,
8 magnetic encoding and other automatic user identification systems
9 utilizing biometric, mechanical or electronic systems. No make or
10 model of a handgun shall be deemed to be a "personalized handgun"
11 unless the Attorney General has determined, through testing or
12 other reasonable means, that the handgun meets any reliability
13 standards that the manufacturer may require for its commercially
14 available handguns that are not personalized or, if the manufacturer
15 has no such reliability standards, the handgun meets the reliability
16 standards generally used in the industry for commercially available
17 handguns.

18 ee. “.50 BMG cartridge” means a cartridge that is designed and
19 intended to be fired from a center-fire rifle and that meets all of the
20 following criteria:

21 (1) it has an overall length of 5.54 inches from the base to the tip
22 of the bullet;

23 (2) the bullet diameter for the cartridge is from .510 inches to
24 and including .511 inch;

25 (3) the case base diameter for the cartridge is from .800 inches to
26 and including .804 inch; and

27 (4) the cartridge case length is 3.91 inches.

28 ff. “Living historical reenactment” means a depiction of
29 historical characters, scenes, historical life, or events for
30 entertainment, education, or historical documentation through the
31 wearing or use of period, historical, antique or vintage clothing,
32 accessories, firearms, weapons, and other implements of the
33 historical period.

34 (cf: P.L.2019, c.164, s.6)

35

36 2. (New section) a. A person who lawfully owned a center-
37 fire rifle that is capable of firing a .50 BMG cartridge before the
38 rifle was prohibited under the provisions of paragraph (5) of
39 subsection c. of N.J.S.2C:39-1 by the enactment of
40 P.L. , c. (C.) (pending before the Legislature as this bill)
41 shall register that firearm within one year of the enactment
42 of P.L. , c. (C.) (pending before the Legislature as this
43 bill).

44 In order to register a prohibited firearm, the owner shall:

45 (1) complete a registration statement, in the form to be
46 prescribed by the Superintendent of State Police; and

47 (2) pay a registration fee of \$50 for each prohibited weapon.

1 b. An applicant who resides in a municipality with an organized
2 full-time police department shall register the firearm with the chief
3 law enforcement officer of the municipality. All other applicants
4 shall register the firearm with the Superintendent of State Police.

5 c. Within 60 days of the effective date of P.L. , c. (C.)
6 (pending before the Legislature as this bill), the superintendent shall
7 prepare the form of registration statement required under subsection
8 a. of this section and shall provide a suitable supply of statements to
9 each organized full-time municipal police department and each
10 State Police station.

11 d. One copy of the completed prohibited firearm registration
12 statement shall be returned to the registrant, a second copy shall be
13 sent to the superintendent, and, if the registration takes place at a
14 municipal police department, a third copy shall be retained by that
15 municipal police department.

16 e. If the owner of a prohibited firearm that has been registered
17 pursuant to this section dies, the owner's heirs or estate shall, within
18 90 days, dispose of that firearm in accordance with the provisions
19 of section 3 of P.L. , c. (C.)(pending before the Legislature
20 as this bill).

21 f. If a prohibited firearm registered pursuant to this section is
22 used in the commission of a crime, the registrant of that prohibited
23 firearm shall be civilly liable for any damages resulting from that
24 crime.

25 The liability imposed by this subsection shall not apply (1) if the
26 firearm used in the commission of that crime was stolen and the
27 registrant reported the theft of the weapon to law enforcement
28 authorities within 36 hours of the registrant's knowledge of the theft
29 or (2) prior to the commission of the crime, the registrant lawfully
30 transferred the firearm to another person.

31 g. The provisions of this paragraph shall not apply to any
32 antique firearm, curio or relic, or weapon solely used to fire blank
33 ammunition for the purpose of a living historical reenactment in
34 accordance with the provisions of paragraph (5) of subsection c. of
35 N.J.S.2C:39-1

36

37 3. (New section) a. A person who lawfully owned a center-
38 fire rifle that is capable of firing a .50 BMG cartridge prohibited
39 under the provisions of paragraph (5) of subsection c. of
40 N.J.S.2C:39-1 on the effective date of P.L. , c. (pending before
41 the Legislature as this bill) and does not register it pursuant to
42 section 2 of P.L. , c. (C.)(pending before the Legislature as
43 this bill) may retain possession of that firearm for a period not to
44 exceed one year from that effective date. During that time period,
45 the owner of the prohibited firearm shall either:

46 (1) transfer the prohibited firearm to a person or firm lawfully
47 entitled to own or possess such weapon;

48 (2) render the prohibited firearm inoperable; or

1 (3) voluntarily surrender the prohibited firearm pursuant to
2 N.J.S.2C:39-12.

3 b. If the owner of the prohibited firearm elects to render the
4 weapon inoperable, the owner shall file a certification on a form
5 prescribed by the superintendent indicating the date on which the
6 weapon was rendered inoperable. This certification shall be filed
7 with either the chief law enforcement officer of the municipality in
8 which the owner resides or, in the case of an owner who resides in a
9 municipality which does not have a full-time police department,
10 with the superintendent.

11 c. As used in this section, "inoperable" means that the firearm
12 is altered in such a manner that it cannot be immediately fired and
13 that the owner or possessor of the firearm does not possess or have
14 control over the parts necessary to make the firearm operable.

15 d. The provisions of this paragraph shall not apply to any
16 antique firearm, curio or relic, or weapon solely used to fire blank
17 ammunition for purpose of a living historical reenactment in
18 accordance with the provisions of paragraph (5) of subsection c. of
19 N.J.S.2C:39-1
20

21 4. This act shall take effect on the first day of the third month
22 next following the date of enactment, but the Superintendent of
23 State Police may take any anticipatory action in advance thereof as
24 shall be necessary for the implementation of this act.
25

26
27 STATEMENT
28

29 This bill revises the definition of "destructive device" so that it
30 includes certain rifles capable of firing a projectile of 50 caliber or
31 greater. Specifically, the bill applies to center-fire rifles capable of
32 firing a .50 browning machine gun cartridge (BMG). The bill
33 defines a ".50 BMG cartridge" as a cartridge that is designed and
34 intended to be fired from a center-fire rifle and that meets all of the
35 following criteria:

36 (1) it has an overall length of 5.54 inches from the base to the tip
37 of the bullet;

38 (2) the bullet diameter for the cartridge is from .510 inches to
39 and including .511 inch;

40 (3) the case base diameter for the cartridge is from .800 inches to
41 and including .804 inch; and

42 (4) the cartridge case length is 3.91 inches.

43 The prohibition on this weapon would not apply to antique
44 firearms or firearms defined as a curio or relic by federal regulation.
45 Under 27 CFR 478.11, curio or relic is defined firearms which are
46 of special interest to collectors by reason of some quality other than
47 is associated with firearms intended for sporting use or as offensive
48 or defensive weapons.

1 Additionally, the prohibition would not apply to a 50 caliber or
2 greater weapon solely used to fire blank ammunition for purpose of
3 a living historical reenactment. The bill defines a “living historical
4 reenactment” as a depiction of historical characters, scenes,
5 historical life, or events for entertainment, education, or historical
6 documentation through the wearing or use of period, historical,
7 antique or vintage clothing, accessories, firearms, weapons, and
8 other implements of the historical period.

9 Under the provisions of the bill, a person who purchased or
10 acquired a weapon that has been prohibited with the enactment of
11 this bill may retain that weapon if he or she registers it with law
12 enforcement. The registration fee is \$50. A person who chooses
13 not to register his or her prohibited weapon has one year in which to
14 lawfully sell the weapon, render it inoperable, or voluntarily
15 surrender the weapon to law enforcement.

16 When a registrant dies, the heirs or estate are to dispose of the
17 weapon by either selling it, rendering it inoperable, or voluntarily
18 surrendering it.

19 The registrant of a prohibited weapon may be held civilly liable
20 if it is used in the commission of a crime.

21 This liability does not apply (1) if the weapon used in the crime
22 was stolen and the registrant reported the theft to law enforcement
23 within 36 hours of the registrant’s knowledge of the theft or (2)
24 prior to the commission of the crime, the registrant lawfully
25 transferred the weapon to another person.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4366

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4366.

As amended and reported by the committee, Assembly Bill No. 4366 revises the definition of "destructive device" so that it includes certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 browning machine gun cartridge (BMG). The bill defines a ".50 BMG cartridge" as a cartridge that is designed and intended to be fired from a center-fire rifle and that meets all of the following criteria:

- (1) it has an overall length of 5.54 inches from the base to the tip of the bullet;
- (2) the bullet diameter for the cartridge is from .510 inches to and including .511 inch;
- (3) the case base diameter for the cartridge is from .800 inches to and including .804 inch; and
- (4) the cartridge case length is 3.91 inches.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation. Under 27 CFR 478.11, curio or relic is defined firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons.

Additionally, the prohibition would not apply to a .50 caliber or greater weapon solely used to fire blank ammunition for purpose of a living historical reenactment. The bill defines a "living historical reenactment" as a depiction of historical characters, scenes, historical life, or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

Under the provisions of the bill, a person who purchased or acquired a weapon that has been prohibited with the enactment of this bill may retain that weapon if he or she registers it with law enforcement. A person who chooses not to register his or her

prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

When a registrant dies, the heirs or estate are to dispose of the weapon by either selling it, rendering it inoperable, or voluntarily surrendering it.

The registrant of a prohibited weapon may be held civilly liable if it is used in the commission of a crime.

This liability does not apply: (1) if the weapon used in the crime was stolen and the registrant reported the theft to law enforcement within 36 hours of discovering that the firearm was stolen or (2) prior to the commission of the crime, the registrant lawfully transferred the weapon to another person.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) remove the \$50 registration fee for a prohibited weapon;
- 2) make a clarifying change.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that expanding the definition of “destructive device” to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.

Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the provisions of this bill.

A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. If the owner chooses to register the rifle, there will be a \$50 fee to do so.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4366

STATE OF NEW JERSEY

DATED: JUNE 22, 2022

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4366.

This bill revises the definition of "destructive device" so that it includes certain rifles capable of firing a projectile of 50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 browning machine gun cartridge (BMG). The bill defines a ".50 BMG cartridge" as a cartridge that is designed and intended to be fired from a center-fire rifle and that meets all of the following criteria:

(1) it has an overall length of 5.54 inches from the base to the tip of the bullet;

(2) the bullet diameter for the cartridge is from .510 inches to and including .511 inch;

(3) the case base diameter for the cartridge is from .800 inches to and including .804 inch; and

(4) the cartridge case length is 3.91 inches.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation. Under 27 CFR 478.11, curio or relic is defined firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons.

Additionally, the prohibition would not apply to a 50 caliber or greater weapon solely used to fire blank ammunition for purpose of a living historical reenactment. The bill defines a "living historical reenactment" as a depiction of historical characters, scenes, historical life, or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

Under the provisions of the bill, a person who purchased or acquired a weapon that has been prohibited with the enactment of this bill may retain that weapon if he or she registers it with law enforcement. The registration fee is \$50. A person who chooses not to register his or her prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

When a registrant dies, the heirs or estate are to dispose of the weapon by either selling it, rendering it inoperable, or voluntarily surrendering it.

The registrant of a prohibited weapon may be held civilly liable if it is used in the commission of a crime.

This liability does not apply (1) if the weapon used in the crime was stolen and the registrant reported the theft to law enforcement within 36 hours of the registrant's knowledge of the theft or (2) prior to the commission of the crime, the registrant lawfully transferred the weapon to another person.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4366
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 28, 2022

SUMMARY

Synopsis: Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.

Type of Impact: Annual State and local expenditure and revenue increases.

Agencies Affected: Department of Law and Public Safety; Judiciary; Department of Corrections; Office of the Public Defender; State Parole Board; local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that expanding the definition of “destructive device” to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.
- Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the provisions of this bill.
- A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. If the owner chooses to register the rifle, there will be a \$50 fee to do so.

BILL DESCRIPTION

This bill expands the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing .50 Browning machine gun cartridge.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation.

Under the provisions of the bill, a person who possesses a prohibited firearm may retain that weapon if the individual registers the firearm with law enforcement for a \$50 fee. A person who chooses not to register the prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that expanding the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.

Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The following State agencies would incur caseload and expenditure increases if a person is charged with and convicted of knowingly possessing a destructive device like the one covered by the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts. The OLS notes that crimes of the third degree carry a presumption of non-incarceration for first time offenders. The also OLS notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect monetary penalties has historically been limited.

A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. If the owner chooses to register the rifle, there will be a \$50 fee to do so. The OLS notes that the Office of the Attorney General regularly conducts and funds gun buyback programs for these and other firearms if a current owner wishes to dispose of the weapon.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4366

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 30, 2022

SUMMARY

- Synopsis:** Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.
- Type of Impact:** Annual State and local expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; Judiciary; Department of Corrections; Office of the Public Defender; State Parole Board; local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that expanding the definition of “destructive device” to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.
- Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the provisions of this bill.
- A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police.

BILL DESCRIPTION

This bill expands the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 caliber Browning machine gun cartridge.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation.

Under the provisions of the bill, a person who possesses a prohibited firearm may retain that weapon if the individual registers the firearm with law enforcement. A person who chooses not to register the prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that expanding the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.

Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The following State agencies would incur caseload and expenditure increases if a person is charged with and convicted of knowingly possessing a destructive device like the one covered by the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that crimes of the third degree carry a presumption of non-incarceration for first time offenders. The OLS also notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect monetary penalties has historically been limited.

A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. The OLS notes that the Office of the Attorney General regularly conducts and funds gun buyback programs for these and other firearms if a current owner wishes to dispose of the weapon.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Sweeping Gun Safety Package 3.0 to Continue the Fight Against Gun Violence

07/5/2022

Comprehensive Reforms Further Solidify New Jersey as National Leader in Gun Safety

METUCHEN – Governor Phil Murphy today signed a sweeping series of gun safety reforms to continue the fight against gun violence in New Jersey. Since taking office in 2018, Governor Murphy has been a champion of bold, commonsense gun reform, and signed significant gun safety packages in June 2018 and July 2019. Today, the Governor reaffirmed his commitment to reduce the epidemic of gun violence in New Jersey and signed seven comprehensive gun safety bills, six of which were part of his Gun Safety 3.0 package that he introduced to the Legislature in April 2021 and has repeatedly championed over the last year. These gun safety reforms further solidify New Jersey as a national leader in gun safety and deliver on the promise to make communities safer.

"In the wake of horrific mass shootings in Highland Park, Illinois, Uvalde Texas, and Buffalo, New York, it is necessary that we take action in order to protect our communities. I am proud to sign these bills today and thank my legislative partners for sending them to my desk," **said Governor Murphy**. "As I have said before, this is a huge step forward for commonsense gun safety and for safer communities. But it cannot be our only or last step. I look forward to continuing to work with the Legislature and take action to make this state safer for all."

"In New Jersey we understand what it takes to actually stop the vicious cycle of mass shootings and everyday gun violence in New Jersey. We do it by passing common sense gun safety laws that work," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. "We cannot continue repeating the sentiment that there is nothing that can be done to end this scourge of gun violence. There is and we owe it to the next generation to sign common sense gun safety laws that cut the problem off at the source."

The seven gun safety reform bills include:

1. **A1765/S1893 (McKeon, Atkins, Jasey/Ruiz, Pou)** - Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.
2. **A1179/S1204 (Jasey, Swain, Jaffer/Cryan, Zwicker)** - Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register handguns acquired out-of-State.
3. **A4367/S2846 (McKeon, Greenwald/Scutari, Cryan)** - Upgrades certain crimes related to manufacturing firearms from third degree to second degree.
4. **A4366/S2905 (Atkins, Quijano/Scutari)** – Revises definition of destructive device to include certain .50 caliber rifles.
5. **A1302/S2903 (Greenwald, Reynolds-Jackson, Atkins/Cryan)** - Regulates sale of handgun ammunition and develops system of electronic reporting of handgun ammunition sales.*
6. **A4370/S2906 (Reynolds-Jackson, Greenwald/Codey)** - Requires training for issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provides that firearms purchaser identification card include photograph and thumb print and remain valid for ten years.*
7. **A4368/S2907 (Greenwald, McKeon/Codey)** - Requires firearm retailers to sell microstamping-enabled firearms upon determination of availability by AG.

"The legislation signed into law today provides New Jersey with robust tools to combat gun violence and hold accountable irresponsible gun dealers and manufacturers who profit from this bloodshed," **said Acting Attorney General Platkin**. "I thank Governor Murphy for his continued efforts to protect New Jersey residents from mass shootings and gun violence, even as the U.S. Supreme Court is doing its best to undermine those efforts. These new commonsense gun laws send a clear message that New Jersey will continue to serve as a model for states seeking to address the epidemic of gun violence."

"As criminals attempt to find new ways to circumvent the laws, we must adjust our tactics to keep illegal guns away from those individuals who have no regard for human life once the trigger is pulled," **said Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police**. "Our efforts to limit gun violence must be comprehensive as we strive to protect the citizens of New Jersey. We will continue to work with the Governor's Office and the Office of Attorney General to keep our state safe."

"The threat of gun violence is a real and growing menace in our communities. These bills might not stop every gun crime, but they represent a thoughtful, common sense approach that will target areas of gun control in both the legal and illegal gun markets," **said Senate President Nicholas Scutari**. "They provide an opportunity to prevent gun violence and provide a safe overall environment for the public."

"New Jersey continues to lead the nation on fair and robust common-sense gun safety thanks to the Governor and Legislature's partnership that has made public safety a priority," **said Assembly Speaker Craig Coughlin**. "With the signing of these decisive, common-sense measures designed to stop gun violence in its tracks, we are advancing our commitment to ensure people in every New Jersey community can feel more safe."

"Far too many families have been torn apart by gun violence. We cannot stand by and accept the fact that firearms are the leading cause of death for children in the United States. While we desperately need federal legislation, I am thankful that the Governor is signing these key measures into law today," **said Senate Majority Leader M. Teresa Ruiz**. "We must do everything we can to stop this, and by allowing the Attorney General to take action and seek damages for shootings here in New Jersey, we can start holding individuals accountable for their actions."

"The surge in gun violence has been horribly tragic, with lives lost, victims wounded and loved ones suffering heartbreak," **said Senator Joe Cryan, former Union County Sheriff**. "As public servants, we must continue to do all we can to keep deadly firearms out of the hands of those who pose a danger, off the streets, away from schools and out of our communities."

"By having Governor Murphy sign these sensible gun safety bills into law, we are taking responsible actions to help keep our communities safe," **said Senator Andrew Zwicker**. "Making sure that owners of firearms follow the laws and procedures for gun safety is important. We have some of the strongest gun laws in the country – we want every resident to follow them."

"This senseless gun violence has gone on long enough, and I am glad to see Governor Murphy moving quickly by signing these bills to make our streets, schools and neighborhoods safer. We cannot continue down the path we are now on," **said Senator Nellie Pou**. "If gun manufacturers or retailers act in ways that constitute a 'public nuisance' in the eyes of the Attorney General they should be held liable for appropriate penalties."

"As we have all seen recently, gun violence is a real and scary risk in our country and we have to act now to stop it," **said Senator Richard Codey**. "We must ensure that gun owners are aware of how to safely handle and store a firearm to better protect our residents from unnecessary harm. Additionally, by incorporating microstamping technology, law enforcement would have a critical aid that would assist them in tracking down weapons used in crimes. We have to do all that we can on God's green Earth to stop these shootings from occurring. Everyone needs to be held accountable, and if you misuse a firearm, you shouldn't be able to get away with it."

"Just as residents are required to register their vehicles with New Jersey's Motor Vehicle Commission when they first move here, gun owners will now be held to the same standards," **said Assemblywoman Mila Jasey**. "This commonsense law will ensure that every legally-obtained gun is registered in our state to promote greater safety in our communities. We are proud of the work we have accomplished in New Jersey to strengthen gun safety laws."

"Firearm registration not only promotes responsible gun ownership, but helps protect first responders by alerting them to the possible presence of a firearm before they arrive at the scene of an emergency," **said Assemblywoman Lisa Swain**. "These benefits cannot be fully realized unless every legal gun owner participates in our registration system, which is why this new law is so critical to ensuring the safety of residents throughout our state."

"Closing the loophole that allows new residents to own a gun without going through the process of registration will help keep our communities safe," **said Assemblywoman Sadaf Jaffer**. "This new law encourages responsible gun ownership by requiring new residents to register their guns."

"In New Jersey, almost 80 percent of guns used in crimes are originally purchased outside of the state. The gun industry has made little effort to help stem the flow of guns to the illegal market through gun shows, flea markets, straw purchasers, and theft," **said Assemblyman John McKeon**. "The industry, essentially, has not taken responsibility for its part in the increasing gun violence and its influence through product marketing. Gun violence is a public health threat. New Jersey must have the ability to seek appropriate remedies against members of the gun industry who knowingly or recklessly endanger the public health and safety. No one should get a pass when lives are on the line."

"Too many families in New Jersey have seen the impact of gun violence in their communities. While our law enforcement officers work tirelessly to hold perpetrators of violent crimes accountable for their actions, those responsible for manufacturing and selling firearms often go unpunished for their role in creating significant threats to public health and safety," **said Assemblyman Reginald**

Atkins. "Members of the gun industry who have knowingly and recklessly put the public in danger deserve to see consequences for their actions."

"In New Jersey, we continue to implement common-sense measures to reach our goal of ending gun violence once and for all," **said Assemblyman Louis D. Greenwald.** "Today, with these new laws, we take another calculated step toward stemming gun trafficking by ensuring accountability and proper record-keeping at the point of sale for ammunition, encouraging responsible gun ownership, and increasing penalties for the manufacturing of illegal firearms."

"We are looking at a steep rise in violent crimes in communities across the state. We see this right here in the City of Trenton," **said Assemblywoman Verlina Reynolds-Jackson.** "We must all work together in creating safer communities for the families and children who live there. These new laws will help us reach that goal."

"New technology and the make-it-at-home kits are making it way too easy for guns to get into the wrong hands," **said Assemblywoman Annette Quijano.** "The new law sends the appropriate message: New Jersey will not stand for it. If a person manufactures or possesses a ghost gun, or 3-D printed weapon or even buys the parts to make them, there will be additional penalties if convicted."

"Gun violence is a public health crisis that has taken its toll on many cities across the United States, including in New Jersey," **said Assemblyman Gary Schaeer.** "With these new laws, we take one more step toward ending senseless violence in our communities."

"Almost daily in New Jersey, communities witness family members, neighbors, and friends lose their lives to senseless gun violence," **said Assemblyman Benjie Wimberly.** "We must provide law enforcement and prosecutors with the tools necessary to deter violent gun crimes on our streets. Today signifies the next step in this process and moves toward safer communities for New Jersey families."

"The Gun Safety Package 3.0 is ground breaking change. It includes legislation that fills loopholes not only in NJ, but federally, by enabling the attorney general to hold gun manufacturers accountable for misconduct that causes harm in New Jersey. This is a huge step towards safer communities across the state and much needed accountability that has been denied for years due to PLCAA," **said Raisa Rubin-Stankiewicz, NJ State Policy Associate with March For Our Lives.** "At the same time, we know this is not the end of our work. We will continue working with the governor to make sure that more life-saving measures are passed, including establishing a standard for safe gun storage."

"In the face of political gridlock at the federal level, New Jersey proves that states will lead the way in fighting gun violence," **said David Hogg, co-founder of March For Our Lives.** "This comprehensive package of bills shows us that bold action on gun safety is possible and further solidifies New Jersey as a proving ground for commonsense legislation. More needs to be done, but states across the country should look to New Jersey as a model of gun safety. March For Our Lives is happy to have been a part of this work over the last year and we're deeply grateful to the legislature and to Governor Phil Murphy for their consistent and admirable leadership."

"New Jersey's leaders understand our fight to end gun violence is not over," **said Nico Bocour, Government Affairs Director of Giffords.** "The legislation signed today is the most comprehensive package championed in the country this year and will make the Garden State's gun laws even stronger. Senate President Nicholas Scutari, Senate Majority Leader Teresa Ruiz, Speaker Craig Coughlin, and Assembly Majority Leader Lou Greenwald have taken meaningful steps to further protect families and communities from the ongoing gun violence crisis. We thank New Jersey Governor Phil Murphy for demonstrating what it means to have the courage to act to prevent gun violence."

"New Jersey is once again leading where most of our nation has failed: taking aggressive steps to protect our families against gun violence," **said Bill Castner, Senior Advisor to the Governor on Firearms for the state of New Jersey.** "I am proud of Governor Murphy for signing these critical bills into law, especially for doing so in the backyard of key gun safety proponent Assembly Speaker Coughlin. We desperately need Washington to follow suit."

"This moment in our gun violence crisis calls for decisive action from our leaders to put the safety of our communities first," **said Jenifer Berrier Gonzalez, a volunteer with the New Jersey chapter of Moms Demand Action.** "These are wide-ranging, effective, and innovative reforms to help ensure that all New Jerseyans are kept safe. While there is still more work to be done, we appreciate Governor Murphy for continuing to fight for meaningful action to end gun violence and for signing this bill package into law — reaffirming New Jersey's status as a leader in the gun violence prevention movement."

"With the passing of these 7 gun safety bills, NJ shows its on-going commitment to the safety of its residents. Brady NJ, along with the other gun safety advocacy groups, is proud to have been part of this effort to work with the Governor and the legislators

to move these bills though to their signing today," said **Karen Kanter of Brady NJ**. "In response to the SCOTUS decision, we support the Governor's serious efforts to diminish its impact. Along with those efforts we hope that the safe storage bill and the age increase for long guns bill will also receive the same support from the legislature."

Governor Murphy Delivers Remarks on Gun Safety Package 3.0

07/5/2022

Remarks as Prepared for Delivery

Good morning, everyone.

Thank you, Mayor Jonathan Busch, for welcoming us to Metuchen and kicking things off for us. With me are Acting Attorney General Matt Platkin ...

State Police Superintendent Colonel Pat Callahan ...

Assembly Speaker Craig Coughlin, Senate Majority Leader Teresa Ruiz, Senator and former Governor Richard Codey, Senators Joe Cryan and Andrew Zwicker, Assemblyman John McKeon, Assemblywomen Annette Quijano, Verlina Reynolds Jackson, and Sadaf Jaffer ...

... And so many more tremendous advocates and voices for gun safety than I can mention without us all roasting under the sun.

Fourteen months ago, on April 15, 2021, we came together to unveil what we called our Gun Safety 3.0 package of legislation.

We did so because while we had made great progress in becoming one of the nation's top states for gun safety, we knew there was more to do. Every life lost to gun violence is one life too many.

On that same day, April 15, 2021, there were four mass-shootings in America, including an incident at a FedEx facility in Indianapolis, Indiana, in which eight people were senselessly murdered by a former coworker.

In the time since, there have been more than 870 mass shootings in America – Oxford, Michigan ... San Jose, California ... Buffalo, New York ... Uvalde, Texas ... and just yesterday, Highland Park, Illinois ... among hundreds and hundreds more – roughly two mass shootings every single day since we put forward our plan to help stop gun violence.

And, in New Jersey since April 15, 2021, there have been 1,271 total shootings in New Jersey – shootings which have claimed 291 lives and left 1,313 others injured.

There are those who think this is all just the price of living in the United States ...

There are those who take seriously the words of the satirical website, The Onion, “No Way To Prevent This,’ Says Only Nation Where This Regularly Happens” ...

... And, sadly, it appears six of these mistaken people sit on the United States Supreme Court.

We believe different. We believe – no, we know – that we can take on the epidemic of gun violence and win. We know we can put in place strong and smart gun safety laws that are consistent with the 2nd Amendment and still protect our communities.

And, surely, there were those who said we would never get the gun safety bills we supported through the Legislature. There were those who said that we were too ambitious, that the gun lobby was too strong, and that our political system would not have the will to take on and win this fight.

But, again, we believed different. And guess what? Today, we are making Gun Safety Package 3.0 the law.

First, and perhaps most important, we are enacting a public nuisance law that will allow our Attorney General to hold gun manufacturers and distributors responsible for the damage caused by the reckless unchecked marketing and sale of firearms.

We're also saying, in no uncertain terms, that if you want to buy a gun you need to first complete a certified safety course – no different than if you want to drive a car you have to get a license showing you know how to safely use it ...

The loophole that allowed gunowners moving into New Jersey to skirt the procedures that established New Jersey residents follow in order to qualify to purchase or obtain firearms is hereby closed ...

We are requiring that when microstamping technology is commercially viable, gun retailers must offer firearms equipped with this technology, with a financial incentive for customers to choose it. Microstamping leaves a one-of-a-kind imprint on every round of ammunition fired, so law enforcement can trace a specific round to a specific gun and identify perpetrators of gun violence ...

And we're finally requiring electronic record-keeping of all ammunition sold in New Jersey to help law enforcement monitor suspicious purchases and identify bad-apple dealers and straw purchasers ...

We're increasing the penalties on those who break our existing law prohibiting the manufacturing or transporting of ghost guns – because if you're creating or transferring these untraceable guns, you're not a "responsible gun owner," you're a criminal.

And, once and for all, we are banning the sale of .50 caliber weapons. I have often asked, who can seriously argue that a weapon that can take down a helicopter belongs on our streets? Sadly, one person who answered "yes" to that question was my predecessor, who vetoed this bill in 2013. Today, we reverse that terrible mistake.

These are now the laws of our land. They are commonsense. They are smart. They live up to our Jersey values. A poll released last week proved the overwhelming popularity of these laws among the people of New Jersey.

That same poll also showed that too many residents – especially parents with school-aged kids – live fearful of being the victim of gun violence.

So, these are not going to be our last words on gun safety. We cannot walk away from here today – none of us – thinking our job is done. Because it is not.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

This past Thursday, they signaled their desire to revisit our ban on high-capacity magazines, telling the lower courts to look at it again. And they also told the lower courts to look anew at Maryland's prohibition of dozens of models of assault rifles, some of which are also banned here in New Jersey.

But we're not going to just lay down and let our streets, our houses of worship, our supermarkets and shopping malls, our sports arenas, our bars, or anywhere else be overrun with hidden guns capable of unleashing a hail of bullets.

I look forward to working with the Legislature to address this awful decision with strong and smart laws expanding the number of places where firearms cannot be carried and saying, without any doubt, that you can't bring your gun onto private property without explicit permission to do so.

In the face of the Supreme Court's tragic and wrong-headed ruling, we need those laws – and all of these laws – more than ever.

And, now more than ever, we cannot let up in the fight to keep our communities safe.

I have mentioned it before – New Jersey has one of the nation's lowest rates of gun violence and gun deaths because we are among the leaders in gun safety. I am not going to give up on always looking for new ways to save lives, protect communities, and ensure that every resident can live without fear.

And I know that none of you are going to give up, either.

I must extend a special thank you to Speaker Craig Coughlin, who stood with me in this very location last December and committed to getting these bills done. We would not be here today without your leadership and the work of your team, including Dan Harris and Mark Iaconelli, who worked closely with my team to get these bills over the finish line.

And I also want to thank Senate President Nick Scutari, who after taking the reins of the Senate in January, joined us in this journey and ensured that we would not respond to the horrors of Buffalo and Uvalde by doing nothing.

So, to the two leaders, and to every legislator with us today who voted on the right side of history, thank you. To all the members of law enforcement who stand with us for safer communities, thank you.

And, to all the folks from Everytown and Moms Demand Action, Giffords, Brady, March for Our Lives, Sandy Hook Promise, Ceasefire NJ, and the Rutgers Gun Violence Research Center ... from the Newark Street Team, Paterson Healing Collective, and Jersey City Together, on down to every community-based organization doing the hard work at street-level, thank you most of all!

Today is a day to celebrate. But it is not a day to rest on any laurels. Let's keep at it.

I cannot wait to sign these bills into law, but before I do, I want us to hear from some of the gun safety champions with us, starting with the Speaker of the General Assembly, Craig Coughlin.