

2C:39-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-3 (Security guards-- clarify right to carry nightstick)

LAWS OF: 1989 **CHAPTER:** 11

BILL NO: S650

SPONSOR(S): Cowan

Date Introduced: Pre-filed

Committee: **Assembly:** Law, Public Safety and Corrections
Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: **Assembly:** January 25, 1989
Senate: December 19, 1988

Date of Approval: February 1, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

rdv

1 AN ACT concerning security guards and amending N.J.S.
2C:39-3.

3

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

1. N.J.S. 2C:39-3 is amended to read as follows:

7 2C:39-3. Prohibited Weapons and Devices. a. Destructive
8 devices. Any person who knowingly has in his possession any,
9 destructive device is guilty of a crime of the third degree.

11 b. Sawed-off shotguns. Any person who knowingly has in his
12 possession any sawed-off shotgun is guilty of a crime of the
13 third degree.

14 c. Silencers. Any person who knowingly has in his possession
15 any firearm silencer is guilty of a crime of the fourth degree.

16 d. Defaced firearms. Any person who knowingly has in his
17 possession any firearm which has been defaced, except an
18 antique firearm, is guilty of a crime of the fourth degree.

19 e. Certain weapons. Any person who knowingly has in his
20 possession any gravity knife, switchblade knife, dagger, dirk,
21 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot,
22 crustus or similar leather band studded with metal filings or
23 razor blades imbedded in wood, ballistic knife, without any
24 explainable lawful purpose, is guilty of a crime of the fourth
25 degree.

26 f. Dum-dum or body armor penetrating bullets. (1) Any
27 person, other than a law enforcement officer or persons engaged
28 in activities pursuant to subsection f. of N.J.S. 2C:39-6, who
29 knowingly has in his possession any hollow nose or dum-dum
30 bullet, or (2) any person, other than a collector of firearms or
31 ammunition as curios or relics as defined in Title 18, United
32 States Code, section 921 (a) (13) and has in his possession a valid
33 Collector of Curios and Relics License issued by the Bureau of
Alcohol, Tobacco and Firearms, who knowingly has in his

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 possession any body armor breaching or penetrating ammunition,
which means: (a) ammunition primarily designed for use in a
3 handgun, and (b) which is comprised of a bullet whose core or
jacket, if the jacket is thicker than .025 of an inch, is made of
5 tungsten carbide, or hard bronze, or other material which is
harder than a rating of 79 or greater on the Rockwell B.
7 Hardness Scale, and (c) is therefore capable of breaching or
penetrating body armor, is guilty of a crime of the fourth
9 degree. For purposes of this section, a collector may possess
not more than three examples of each distinctive variation of
11 the ammunition described above. A distinctive variation
includes a different head stamp, composition, design, or color.

13 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., or f.
of this section shall apply to any member of the Armed Forces
15 of the United States or the National Guard, or except as
otherwise provided, to any law enforcement officer while
17 actually on duty or traveling to or from an authorized place of
duty, provided that his possession of the prohibited weapon or
19 device has been duly authorized under the applicable laws,
regulations or military or law enforcement orders. Nothing in
21 subsection h. of this section shall apply to any law enforcement
officer who is exempted from the provisions of that subsection
23 by the Attorney General. Nothing in this section shall apply to
the possession of any weapon or device by a law enforcement
25 officer who has confiscated, seized or otherwise taken
possession of said weapon or device as evidence of the
27 commission of a crime or because he believed it to be possessed
illegally by the person from whom it was taken, provided that
29 said law enforcement officer promptly notifies his superiors of
his possession of such prohibited weapon or device.

31 (2) Nothing in subsection f. (1) shall be construed to prevent a
person from keeping such ammunition at his dwelling, premises
33 or other land owned or possessed by him, or from carrying such
ammunition from the place of purchase to said dwelling or land,
35 nor shall subsection f. (1) be construed to prevent any licensed
retail or wholesale firearms dealer from possessing such
37 ammunition at its licensed premises, provided that the seller of
any such ammunition shall maintain a record of the name, age
39 and place of residence of any purchaser who is not a licensed

1 dealer, together with the date of sale and quantity of
ammunition sold.

3 (3) Nothing in paragraph (2) of subsection f. shall be construed
5 to prevent any licensed retail or wholesale firearms dealer from
7 possessing that ammunition at its licensed premises for sale or
9 disposition to another licensed dealer, the Armed Forces of the
11 United States or the National Guard, or to a law enforcement
13 agency, provided that the seller maintains a record of any sale
15 or disposition to a law enforcement agency. The record shall
17 include the name of the purchasing agency, together with
written authorization of the chief of police or highest ranking
official of the agency, the name and rank of the purchasing law
enforcement officer, if applicable, and the date, time and
amount of ammunition sold or otherwise disposed. A copy of
this record shall be forwarded by the seller to the
Superintendent of the Division of State Police within 48 hours of
the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed
19 to apply to antique cannons as exempted in subsection d. of
N.J.S. 2C:39-6.

21 h. Stun guns. Any person who knowingly has in his possession
any stun gun is guilty of a crime of the fourth degree.

23 i. Nothing in subsection e. of this section shall be construed
25 to prevent any guard in the employ of a private security
27 company, who is licensed to carry a firearm, from the possession
29 of a nightstick when in the actual performance of his official
duties, provided that he has satisfactorily completed a training
course approved by the Police Training Commission in the use of
a nightstick.

(cf: P.L. 1987, c. 228, s. 2)

31 2. This act shall take effect immediately.

33 **CIVIL JUSTICE**

35 **Public Safety**

37 **Clarifies security guard's right to carry nightstick while on duty.**

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ammunition shall maintain a record of the name, age and place
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31 a nightstick.

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STATEMENT

37 This bill establishes that a guard who is licensed to carry a
firearm and is employed by a private security company may
39 lawfully carry a night stick when in the actual performance of
his official duties, provided that he has satisfactorily

1 completed a training course, approved by the Police Training
Commission, in the use of a night stick.

3 The bill would also limit to a nightstick the weapons that may
be carried by a private security guard who is licensed to carry a
5 firearm while in the performance of his duties.

7 The bill would also require that a training course, approved by
the Police Training Commission, in the use of a nightstick must
be completed before a private security guard licensed to carry a
9 firearm is authorized to carry a nightstick while performance of
his official duties.

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CIVIL JUSTICE

Public Safety

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Clarifies security guard's right to carry nightstick while on duty.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE

STATEMENT TO

SENATE, No. 650

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports Senate Bill No. 650.

Senate Bill No. 650 amends N.J.S.2C:39-3 to permit certain individuals who are employed as guards by private security companies to carry nightsticks when in the performance of their actual security duties.

Under the provisions of the bill, an individual who is licensed to carry a firearm would be authorized to carry a nightstick while performing his actual duties as a guard employed by a private security company if he has satisfactorily completed a training course, approved by the Police Training Commission, in its use.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 650

STATE OF NEW JERSEY

DATED: January 21, 1988

Senate 650 permits a guard who is licensed to carry a firearm and is employed by a private security company to lawfully carry a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course.

The bill requires that a training course, approved by the Police Training Commission, in the use of a nightstick must be completed before a private security guard licensed to carry a firearm is authorized to carry a nightstick while in the performance of his official duties.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.