

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.