

SENATE, No. 3003

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Upgrades certain crimes related to manufacturing firearms from second to first degree.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning manufacturing of firearms and amending
2 N.J.S.2C:39-9.

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

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7 1. N.J.S.2C:39-9 is amended to read as follows:

8 2C:39-9. Manufacture, Transport, Disposition and Defacement
9 of Weapons and Dangerous Instruments and Appliances.

10 a. Machine guns. Any person who manufactures, causes to be
11 manufactured, transports, ships, sells or disposes of any machine
12 gun without being registered or licensed to do so as provided in
13 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
14 crime of the third degree.

15 b. Sawed-off shotguns. Any person who manufactures, causes
16 to be manufactured, transports, ships, sells or disposes of any
17 sawed-off shotgun is guilty of a crime of the third degree.

18 c. Firearm silencers. Any person who manufactures, causes to
19 be manufactured, transports, ships, sells or disposes of any firearm
20 silencer is guilty of a crime of the fourth degree.

21 d. Weapons. Any person who manufactures, causes to be
22 manufactured, transports, ships, sells or disposes of any weapon,
23 including gravity knives, switchblade knives, ballistic knives,
24 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
25 sandclubs, slingshots, cesti or similar leather bands studded with
26 metal filings, or, except as otherwise provided in subsection i. of
27 this section, in the case of firearms if he is not licensed or registered
28 to do so as provided in chapter 58 of Title 2C of the New Jersey
29 Statutes, is guilty of a crime of the fourth degree. Any person who
30 manufactures, causes to be manufactured, transports, ships, sells or
31 disposes of any weapon or other device which projects, releases or
32 emits tear gas or other substances intended to produce temporary
33 physical discomfort or permanent injury through being vaporized or
34 otherwise dispensed in the air, which is intended to be used for any
35 purpose other than for authorized military or law enforcement
36 purposes by duly authorized military or law enforcement personnel
37 or the device is for the purpose of personal self-defense, is pocket-
38 sized and contains not more than three-quarters of an ounce of
39 chemical substance not ordinarily capable of lethal use or of
40 inflicting serious bodily injury, or other than to be used by any
41 person permitted to possess such weapon or device under the
42 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
43 use by financial and other business institutions as part of an
44 integrated security system, placed at fixed locations, for the

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.

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1 protection of money and property, by the duly authorized personnel
2 of those institutions, is guilty of a crime of the fourth degree.

3 e. Defaced firearms. Any person who defaces any firearm is
4 guilty of a crime of the third degree. Any person who knowingly
5 buys, receives, disposes of or conceals a defaced firearm, except an
6 antique firearm or an antique handgun, is guilty of a crime of the
7 fourth degree.

8 f. (1) Any person who manufactures, causes to be
9 manufactured, transports, ships, sells, or disposes of any armor-
10 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
11 which is intended to be used for any purpose other than for
12 authorized military or law enforcement purposes by duly authorized
13 military or law enforcement personnel, is guilty of a crime of the
14 fourth degree.

15 (2) Nothing in this subsection shall be construed to prevent a
16 licensed collector of ammunition as defined in paragraph (2) of
17 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
18 in paragraph (1) of this subsection from (a) any licensed retail or
19 wholesale firearms dealer's place of business to the collector's
20 dwelling, premises, or other land owned or possessed by him, or (b)
21 to or from the collector's dwelling, premises or other land owned or
22 possessed by him to any gun show for the purposes of display, sale,
23 trade, or transfer between collectors, or (c) to or from the collector's
24 dwelling, premises or other land owned or possessed by him to any
25 rifle or pistol club organized in accordance with the rules prescribed
26 by the National Board for the Promotion of Rifle Practice; provided
27 that the club has filed a copy of its charter with the superintendent
28 of the State Police and annually submits a list of its members to the
29 superintendent, and provided further that the ammunition being
30 transported shall be carried not loaded in any firearm and contained
31 in a closed and fastened case, gun box, or locked in the trunk of the
32 automobile in which it is being transported, and the course of travel
33 shall include only such deviations as are reasonably necessary under
34 the circumstances.

35 g. Assault firearms. Any person who manufactures, causes to
36 be manufactured, transports, ships, sells or disposes of an assault
37 firearm without being registered or licensed to do so pursuant to
38 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

39 h. Large capacity ammunition magazines. Any person who
40 manufactures, causes to be manufactured, transports, ships, sells or
41 disposes of a large capacity ammunition magazine which is
42 intended to be used for any purpose other than for authorized
43 military or law enforcement purposes by duly authorized military or
44 law enforcement personnel is guilty of a crime of the fourth degree.

45 i. Transporting firearms into this State for an unlawful sale or
46 transfer. Any person who knowingly transports, ships or otherwise
47 brings into this State any firearm for the purpose of unlawfully
48 selling, transferring, giving, assigning or otherwise disposing of that

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1 firearm to another individual is guilty of a crime of the second
2 degree. Any motor vehicle used by a person to transport, ship, or
3 otherwise bring a firearm into this State for unlawful sale or transfer
4 shall be subject to forfeiture in accordance with the provisions of
5 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
6 shall not apply to innocent owners, nor shall it affect the rights of a
7 holder of a valid lien.

8 The temporary transfer of a firearm shall not constitute a
9 violation of this subsection if that firearm is transferred:

10 (1) while hunting or target shooting in accordance with the
11 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

12 (2) for shooting competitions sponsored by a licensed dealer, law
13 enforcement agency, legally recognized military organization, or a
14 rifle or pistol club which has filed a copy of its charter with the
15 superintendent in accordance with the provisions of section 1 of
16 P.L.1992, c.74 (C.2C:58-3.1); or

17 (3) for participation in a training course conducted by a certified
18 instructor in accordance with the provisions of section 1 of
19 P.L.1997, c.375 (C.2C:58-3.2).

20 The transfer of any firearm that uses air or carbon dioxide to
21 expel a projectile; or the transfer of an antique firearm shall not
22 constitute a violation of this subsection.

23 j. Any person who manufactures, causes to be manufactured,
24 transports, ships, sells, or disposes of a bump stock as defined in
25 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
26 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
27 degree.

28 k. Purchasing firearm parts to manufacture a firearm without a
29 serial number. In addition to any other criminal penalties provided
30 under law, a person who, with the purpose to manufacture or
31 otherwise assemble a firearm and without being registered or
32 licensed do so as provided in chapter 58 of Title 2C of the New
33 Jersey Statutes, purchases or otherwise obtains separately or as part
34 of a kit a firearm frame or firearm receiver which is not imprinted
35 with a serial number registered with a federally licensed
36 manufacturer or any combination of parts from which a firearm
37 without a serial number may be readily manufactured or otherwise
38 assembled, but which does not have the capacity to function as a
39 firearm unless manufactured or otherwise assembled is guilty of a
40 crime of the ~~second~~ first degree. Notwithstanding the provisions
41 of N.J.S.2C:1-8 or any other law, a conviction under this subsection
42 shall not merge with a conviction for any other criminal offense and
43 the court shall impose separate sentences upon a violation of this
44 subsection and any other criminal offense.

45 As used in this subsection, "firearm frame or firearm receiver"
46 means the part of a firearm that provides housing for the firearm's
47 internal components, such as the hammer, bolt or breechblock,
48 action, and firing mechanism, and includes without limitation any

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1 object or part which is not a firearm frame or receiver in finished
2 form but is designed or intended to be used for that purpose and
3 which may readily be made into a firearm frame or receiver through
4 milling or other means.

5 1. Manufacturing or facilitating the manufacture of a firearm
6 using a three-dimensional printer. In addition to any other criminal
7 penalties provided under law it is a **【second】** first-degree crime for:

8 (1) a person who is not registered or licensed to do so as a
9 manufacturer as provided in chapter 58 of Title 2C of the New
10 Jersey Statutes, to use a three-dimensional printer or similar device
11 to manufacture or produce a firearm, firearm receiver, magazine, or
12 firearm component; or

13 (2) a person to distribute by any means, including the Internet, to
14 a person in New Jersey who is not registered or licensed as a
15 manufacturer as provided in chapter 58 of Title 2C of the New
16 Jersey Statutes, digital instructions in the form of computer-aided
17 design files or other code or instructions stored and displayed in
18 electronic format as a digital model that may be used to program a
19 three-dimensional printer to manufacture or produce a firearm,
20 firearm receiver, magazine, or firearm component.

21 As used in this subsection: "three-dimensional printer" means a
22 computer or computer-driven machine or device capable of
23 producing a three-dimensional object from a digital model; and
24 "distribute" means to sell, or to manufacture, give, provide, lend,
25 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
26 display, share, advertise, offer, or make available via the Internet or
27 by any other means, whether for pecuniary gain or not, and includes
28 an agreement or attempt to distribute.

29 m. Covert or undetectable firearms. Any person who
30 manufactures, causes to be manufactured, transports, ships, sells or
31 disposes of any covert firearm as defined in subsection hh. of
32 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
33 ii. of N.J.S.2C:39-1 is guilty of a crime of the **【second】** first degree.

34 n. Transporting a manufactured firearm without a serial
35 number. In addition to any other criminal penalties provided under
36 law, a person who transports, ships, sells, or disposes of a firearm
37 manufactured or otherwise assembled using a firearm frame or
38 firearm receiver as defined in subsection k. of this section which is
39 not imprinted with a serial number registered with a federally
40 licensed manufacturer, including but not limited to a firearm
41 manufactured or otherwise assembled from parts purchased or
42 otherwise obtained in violation of subsection k. of this section, is
43 guilty of a crime of the **【second】** first degree.

44 (cf: P.L.2022, c.53, s.1)

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46 2. This act shall take effect immediately.

STATEMENT

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This bill upgrades purchasing firearm parts to manufacture a firearm without a serial number; manufacturing a firearm with a three-dimensional printer; manufacturing a covert or undetectable firearm; and transporting a manufactured firearm without a serial number from second degree crimes to first degree crimes.

Under current law, it is a second degree crime for a person:

- not licensed as a manufacturer to purchase or otherwise obtain separately or as part of a kit a firearm frame or firearm receiver which is not imprinted with a serial number;
- not licensed as a manufacturer to manufacture a firearm or certain components of a firearm using a three-dimensional printer;
- to distribute to an unlicensed person, including via the Internet, digital instructions to manufacture a firearm or certain components of a firearm using a three-dimensional printer; and
- to manufacture, cause to be manufactured, transport, ship, sell or dispose of any covert firearm or undetectable firearm.

The bill's provisions upgrade each of these offenses to first degree crimes. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the first degree is punishable by 10 to 20 years imprisonment, a fine of up to \$200,000, or both.