

[Third Reprint]

**ASSEMBLY, No. 2602**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED FEBRUARY 23, 2006

**Sponsored by:**

**Assemblyman LOUIS M. MANZO**

**District 31 (Hudson)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman ALBIO SIRES**

**District 33 (Hudson)**

**Co-Sponsored by:**

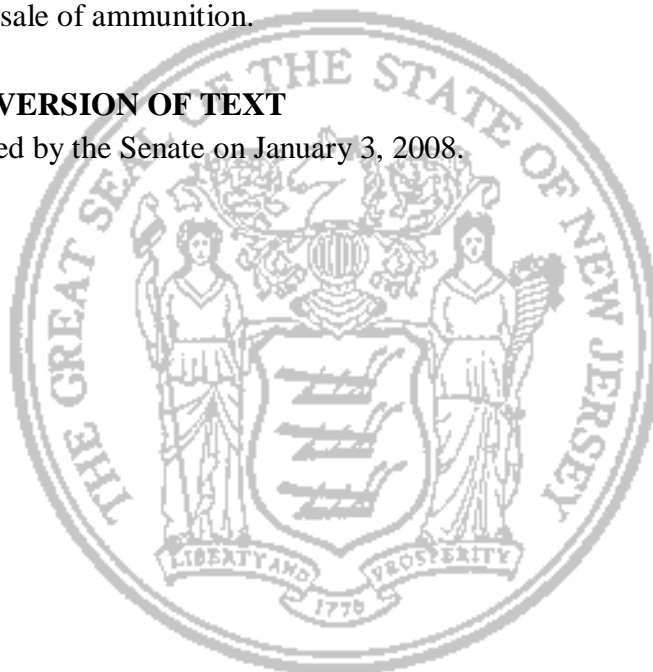
**Assemblymen Epps, Gusciora, Vas, Green, Stack and Senator Turner**

**SYNOPSIS**

Regulates sale of ammunition.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 3, 2008.



**(Sponsorship Updated As Of: 1/8/2008)**

1 AN ACT concerning firearms <sup>3</sup>**[<sup>1</sup>and, <sup>1</sup> ] and<sup>3</sup>** supplementing  
 2 chapter 58 of Title 2C of the New Jersey Statutes <sup>3</sup>**[<sup>1</sup>and**  
 3 amending P.L.1992, c.74 and P.L.1979, c.179<sup>1</sup>]<sup>3</sup>.

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

7  
 8 1. **[It shall be a crime of the fourth degree for any person to:]**<sup>1</sup>

9 a. <sup>2</sup>As used in this act, “handgun ammunition” means  
 10 ammunition specifically designed to be used only in a handgun.  
 11 “Handgun ammunition” shall not include blank ammunition, air gun  
 12 pellets, flare gun ammunition, nail gun ammunition, paint ball  
 13 ammunition, or any non-fixed ammunition.

14 b.<sup>2</sup> **[Sell] No person shall sell<sup>1</sup>, give, transfer, assign or**  
 15 otherwise dispose of **[any], or receive, purchase, or otherwise**  
 16 acquire<sup>1</sup> <sup>2</sup>handgun<sup>2</sup> ammunition **[to a person who is not the holder**  
 17 of and cannot display] unless the purchaser, assignee, donee,  
 18 receiver or holder is licensed as a <sup>2</sup>manufacturer, wholesaler, or<sup>2</sup>  
 19 dealer under this chapter or is the holder of and possesses<sup>1</sup> a valid  
 20 firearms purchaser identification card, a <sup>2</sup>**[certified] valid<sup>2</sup>** copy of  
 21 a permit to purchase a handgun, <sup>2</sup>or<sup>2</sup> a valid permit to carry a  
 22 handgun **[,] <sup>2</sup>**[or<sup>1</sup> a valid New Jersey hunting license]**<sup>2</sup> <sup>1</sup>**[or valid****  
 23 documentation identifying the purchaser as a federal, State or local  
 24 law enforcement officer authorized to possess a firearm; and

25 b. Purchase, receive, acquire or possess ammunition unless the  
 26 person is the holder of and can display a valid firearms purchaser  
 27 identification card, a certified copy of a permit to purchase a  
 28 handgun, a valid permit to carry a handgun, a valid New Jersey  
 29 hunting license or valid documentation identifying the purchaser as  
 30 a federal, State or local law enforcement officer authorized to  
 31 possess a firearm] and first exhibits such card or permit to the  
 32 seller, donor, transferor or assignor.

33 c. No person shall sell, give, transfer, assign or otherwise  
 34 dispose of handgun ammunition to a person who is under <sup>2</sup>**[18] 21<sup>2</sup>**  
 35 years of age.

36 d. The provisions of this section shall not apply to a collector of  
 37 firearms or ammunition as curios or relics <sup>2</sup>**[as defined in 18**  
 38 U.S.C.§921(a)(13) who possess a valid Collector of Curios and  
 39 Relics license issued by the Bureau of Alcohol, Tobacco, Firearms  
 40 and Explosives]<sup>2</sup> who purchases, receives, acquires, possesses, or  
 41 transfers <sup>2</sup>handgun<sup>2</sup> ammunition which is recognized as being

**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:

<sup>1</sup>Assembly ALP committee amendments adopted May 18, 2006.

<sup>2</sup>Senate SLP committee amendments adopted December 17, 2007.

<sup>3</sup>Senate floor amendments adopted January 3, 2008.

1 historical in nature or of historical significance.

2 e. A person who violates this section shall be guilty of a crime  
3 of the fourth degree, except that nothing contained herein shall be  
4 construed to prohibit the sale, transfer, assignment or disposition of  
5 <sup>2</sup>handgun<sup>2</sup> ammunition to or the purchase, receipt or acceptance of  
6 ammunition by a law enforcement agency or law enforcement  
7 official for law enforcement purposes<sup>1</sup>.

8 <sup>2</sup>f. Nothing in this section shall be construed to prohibit the  
9 transfer of ammunition for use in a lawfully transferred firearm in  
10 accordance with the provisions of section 1 of P.L.1992, c.74  
11 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2) or section  
12 14 of P.L.1979, c.179 (C.2C:58-6.1).<sup>2</sup>

13 <sup>3</sup>g. Nothing in this section shall be construed to prohibit the sale  
14 of a de minimis amount of handgun ammunition at a firearms range  
15 operated by a licensed dealer; a law enforcement agency; a legally  
16 recognized military organization; or a rifle or pistol club which has  
17 filed a copy of its charter with the superintendent for immediate use  
18 at that range.<sup>3</sup>

19

20 <sup>2</sup>[2. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to  
21 read as follows:

22 a. Notwithstanding the provisions of N.J.S.2C:39-9,  
23 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
24 concerning the transfer or disposition of 'ammunition or' firearms,  
25 the legal owner, or a dealer licensed under N.J.S.2C:58-2, may  
26 'transfer ammunition or' temporarily transfer a handgun, rifle or  
27 shotgun to another person who is 18 years of age or older, whether  
28 or not the person receiving the 'ammunition or' firearm holds a  
29 firearms purchaser identification card or a permit to carry a  
30 handgun. The person to whom 'the ammunition is transferred or to  
31 whom' a handgun, rifle or shotgun is temporarily transferred by the  
32 legal owner of the firearm or a licensed dealer may receive, possess,  
33 carry and use that 'ammunition,' handgun, rifle or shotgun, if the  
34 transfer is made upon a firing range operated by a licensed dealer,  
35 by a law enforcement agency, a legally recognized military  
36 organization or a rifle or pistol club which has filed a copy of its  
37 charter with the superintendent and annually submits to the  
38 superintendent a list of its members and if the 'ammunition or'  
39 firearm is received, possessed, carried and used for the sole purpose  
40 of target practice, trap or skeet shooting, or competition upon that  
41 firing range or instruction and training at any location.

42 A transfer under this subsection shall be for not more than eight  
43 consecutive hours in any 24-hour period and may be made for a set  
44 fee or an hourly charge.

45 The firearm shall be handled and used by the person to whom it  
46 is temporarily transferred only in the actual presence or under the  
47 direct supervision of the legal owner of the firearm, the dealer who

1 transferred the firearm or any other person competent to supervise  
2 the handling and use of firearms and authorized to act for that  
3 purpose by the legal owner or licensed dealer. The legal owner of  
4 the firearm or the licensed dealer shall be on the premises or the  
5 property of the firing range during the entire time that the firearm is  
6 in the possession of the person to whom it is temporarily  
7 transferred.

8 The term "legal owner" as used in this subsection means a  
9 natural person and does not include an organization, commercial  
10 enterprise, or a licensed manufacturer, wholesaler or dealer of  
11 firearms.

12 b. Notwithstanding the provisions of N.J.S.2C:39-9,  
13 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
14 concerning the transfer and disposition of 'ammunition or'  
15 firearms, a legal owner of a shotgun or a rifle may 'transfer  
16 ammunition or' temporarily transfer that firearm to another person  
17 who is 18 years of age or older, whether or not the person receiving  
18 the firearm holds a firearms purchaser identification card. The  
19 person to whom 'the ammunition is transferred or to whom' a  
20 shotgun or rifle is temporarily transferred by the legal owner may  
21 receive, possess, carry and use that 'ammunition,' shotgun or rifle  
22 in the woods or fields or upon the waters of this State for the  
23 purposes of hunting if the transfer is made in the woods or fields or  
24 upon the waters of this State, the shotgun or rifle is legal and  
25 appropriate for hunting and the person to whom the firearm is  
26 temporarily transferred possesses a valid license to hunt with a  
27 firearm, and a valid rifle permit if the firearm is a rifle, obtained in  
28 accordance with the provisions of chapter 3 of Title 23 of the  
29 Revised Statutes.

30 The transfer of a firearm under this subsection shall be for not  
31 more than eight consecutive hours in any 24-hour period and no fee  
32 shall be charged for the transfer.

33 The legal owner of the firearm which is temporarily transferred  
34 shall remain in the actual presence or in the vicinity of the person to  
35 whom it was transferred during the entire time that the firearm is in  
36 that person's possession.

37 The term "legal owner" as used in this subsection means a  
38 natural person and does not include an organization, commercial  
39 enterprise, or a licensed manufacturer, wholesaler or dealer of  
40 firearms.

41 c. No 'ammunition or' firearm shall be temporarily transferred  
42 or received under the provisions of subsections a. or b. of this  
43 section for the purposes described in section 1 of P.L.1983, c.229  
44 (C.2C:39-14).

45 d. An owner or dealer shall not transfer a firearm to any person  
46 pursuant to the provisions of this section if the owner or dealer  
47 knows the person does not meet the qualifications set forth in

1 subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms  
2 purchaser identification card or a handgun purchase permit. A  
3 person shall not receive, possess, carry or use a firearm pursuant to  
4 the provisions of this section if the person knows he does not meet  
5 the qualifications set forth in subsection c. of N.J.S.2C:58-3 for  
6 obtaining or holding a firearms purchaser identification card or a  
7 handgun purchase permit.

8 (cf: P.L.2000, c.145, s.4)]<sup>2</sup>

9

10 <sup>2</sup>[3. Section 1 of P.L.1992, c.74 (C.2C:58-3.2) is amended to  
11 read as follows:

12 a. Notwithstanding the provisions of N.J.S.2C:39-9,  
13 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a  
14 person who is certified as an instructor in the use, handling and  
15 maintenance of firearms by the Police Training Commission, the  
16 Division of Fish, Game and Wildlife and the State Park Service in  
17 the Department of Environmental Protection, the Director of  
18 Civilian Marksmanship of the United States Department of the  
19 Army or by a recognized rifle or pistol association that certifies  
20 instructors may transfer 'ammunition or' a firearm temporarily in  
21 accordance with the terms of this section to a person participating in  
22 a training course for the use, handling and maintenance of firearms  
23 by the Police Training Commission, the Division of Fish, Game and  
24 Wildlife, the Director of Civilian Marksmanship or by a recognized  
25 rifle or pistol association that certifies instructors. The person to  
26 whom 'the ammunition or' a firearm is transferred by a certified  
27 instructor in accordance with the terms of this section may receive,  
28 possess, carry and use the 'ammunition or' firearm temporarily  
29 during the sessions of the course for the purpose of training and  
30 participating in the course.

31 b. A transfer of 'ammunition or' a firearm under this section  
32 may be made only if:

33 (1) the transfer is made upon a firearms range or, if the firearm  
34 is unloaded, in an area designated and appropriate for the training;

35 (2) the transfer is made during the sessions of the firearms  
36 course for the sole purpose of participating in the course;

37 (3) the transfer is made for not more than eight consecutive  
38 hours in any 24-hour period; and

39 (4) the transferred firearm 'or ammunition' is used and handled  
40 only in the actual presence and under the direct supervision of the  
41 instructor.

42 c. The transfer permitted by this section may be made whether  
43 or not the person participating in the course holds a firearms  
44 license, firearms purchaser identification card or a handgun  
45 purchase permit. However, an instructor shall not knowingly  
46 transfer a firearm under the terms of this section to a person who  
47 does not meet the qualifications set forth in subsection c. of

1 N.J.S.2C:58-3 for obtaining or holding a firearms purchaser  
2 identification card or a handgun purchase permit, and a person who  
3 knows that he does not meet such qualifications shall not receive  
4 the transferred firearm under the terms of this section.

5 d. No 'ammunition or' firearm shall be transferred or received  
6 under the provisions of this section for purposes described in  
7 section 1 of P.L.1983, c.229 (C.2C:39-14).

8 (cf: P.L.1997, c.375, s.1)]<sup>2</sup>

9

10 <sup>2</sup>[4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to  
11 read as follows:

12 a. No person under the age of 18 years shall purchase, barter or  
13 otherwise acquire a firearm 'or ammunition' and no person under  
14 the age of 21 years shall purchase, barter or otherwise acquire a  
15 handgun, unless the person is authorized to possess the handgun in  
16 connection with the performance of official duties under the  
17 provisions of N.J.S.2C:39-6.

18 b. No person under the age of 18 years shall possess, carry, fire  
19 or use a firearm 'or ammunition' except as provided under  
20 paragraphs (1), (2), (3) and (4) of this subsection; and, unless  
21 authorized in connection with the performance of official duties  
22 under the provisions of N.J.S.2C:39-6, no person under the age of  
23 21 years shall possess, carry, fire or use a handgun except under the  
24 following circumstances:

25 (1) In the actual presence or under the direct supervision of his  
26 father, mother or guardian, or some other person who holds a permit  
27 to carry a handgun or a firearms purchaser identification card, as the  
28 case may be; or

29 (2) For the purpose of military drill under the auspices of a  
30 legally recognized military organization and under competent  
31 supervision; or

32 (3) For the purpose of competition or target practice in and upon  
33 a firing range approved by the governing body of the municipality  
34 in which the range is located or the National Rifle Association and  
35 which is under competent supervision at the time of such  
36 supervision or target practice or instruction and training at any  
37 location; or

38 (4) For the purpose of hunting during the regularly designated  
39 hunting season, provided that he possesses a valid hunting license  
40 and has successfully completed a hunter's safety course taught by a  
41 qualified instructor or conservation officer and possesses a  
42 certificate indicating the successful completion of such a course.

43 c. A person who violates this section shall be guilty of a crime  
44 of the fourth degree. For purposes of this section the fact that the  
45 act would not constitute a crime if committed by an adult shall not  
46 be deemed to prohibit or require waiver of family court jurisdiction  
47 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency

1 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77  
2 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),  
3 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-  
4 70 et seq.).  
5 (cf: P.L.2000, c.145, s.3)]<sup>2</sup>

6

7 <sup>1</sup>[2.] <sup>2</sup>[5.] 2.<sup>2</sup> This act shall take effect on the first day of the  
8 third month following enactment.