

SENATE, No. 2470

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Regulates sale of ammunition.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning firearms, supplementing chapter 58 of Title 2C
2 of the New Jersey Statutes, and amending P.L.1992, c.74,
3 P.L.1997, c.375 and P.L.1979, c.179.

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

7
8 1. a. No person shall sell, give, transfer, assign or otherwise
9 dispose of, or receive, purchase, or otherwise acquire ammunition
10 unless the purchaser, assignee, donee, receiver or holder is licensed
11 as a dealer under this chapter or is the holder of and possesses a
12 valid firearms purchaser identification card, a certified copy of a
13 permit to purchase a handgun, a valid permit to carry a handgun or
14 a valid New Jersey hunting license and first exhibits such card or
15 permit to the seller, donor, transferor or assignor.

16 c. No person shall sell, give, transfer, assign or otherwise
17 dispose of ammunition to a person who is under 18 years of age.

18 d. The provisions of this section shall not apply to a collector of
19 firearms or ammunition as curios or relics as defined in 18 U.S.C.
20 §921(a)(13) who possess a valid Collector of Curios and Relics
21 license issued by the Bureau of Alcohol, Tobacco, Firearms and
22 Explosives who purchases, receives, acquires, possesses, or
23 transfers ammunition which is recognized as being historical in
24 nature or of historical significance.

25 e. A person who violates this section shall be guilty of a crime
26 of the fourth degree, except that nothing contained herein shall be
27 construed to prohibit the sale, transfer, assignment or disposition of
28 ammunition to or the purchase, receipt or acceptance of ammunition
29 by a law enforcement agency or law enforcement official for law
30 enforcement purposes.

31
32 2. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read
33 as follows:

34 1. a. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
35 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
36 concerning the transfer or disposition of ammunition or firearms,
37 the legal owner, or a dealer licensed under N.J.S. 2C:58-2, may
38 transfer ammunition or temporarily transfer a handgun, rifle or
39 shotgun to another person who is 18 years of age or older, whether
40 or not the person receiving the ammunition or firearm holds a
41 firearms purchaser identification card or a permit to carry a
42 handgun. The person to whom the ammunition is transferred or to
43 whom a handgun, rifle or shotgun is temporarily transferred by the
44 legal owner of the firearm or a licensed dealer may receive, possess,
45 carry and use that ammunition, handgun, rifle or shotgun, if 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.

1 transfer is made upon a firing range operated by a licensed dealer,
2 by a law enforcement agency, a legally recognized military
3 organization or a rifle or pistol club which has filed a copy of its
4 charter with the superintendent and annually submits to the
5 superintendent a list of its members and if the ammunition or
6 firearm is received, possessed, carried and used for the sole purpose
7 of target practice, trap or skeet shooting, or competition upon that
8 firing range or instruction and training at any location.

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

12 The firearm shall be handled and used by the person to whom it
13 is temporarily transferred only in the actual presence or under the
14 direct supervision of the legal owner of the firearm, the dealer who
15 transferred the firearm or any other person competent to supervise
16 the handling and use of firearms and authorized to act for that
17 purpose by the legal owner or licensed dealer. The legal owner of
18 the firearm or the licensed dealer shall be on the premises or the
19 property of the firing range during the entire time that the firearm is
20 in the possession of the person to whom it is temporarily
21 transferred.

22 The term "legal owner" as used in this subsection means a
23 natural person and does not include an organization, commercial
24 enterprise, or a licensed manufacturer, wholesaler or dealer of
25 firearms.

26 b. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
27 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
28 concerning the transfer and disposition of ammunition or firearms, a
29 legal owner of a shotgun or a rifle may transfer ammunition or
30 temporarily transfer that firearm to another person who is 18 years
31 of age or older, whether or not the person receiving the firearm
32 holds a firearms purchaser identification card. The person to whom
33 the ammunition is transferred or to whom a shotgun or rifle is
34 temporarily transferred by the legal owner may receive, possess,
35 carry and use that ammunition, shotgun or rifle in the woods or
36 fields or upon the waters of this State for the purposes of hunting if
37 the transfer is made in the woods or fields or upon the waters of this
38 State, the shotgun or rifle is legal and appropriate for hunting and
39 the person to whom the firearm is temporarily transferred possesses
40 a valid license to hunt with a firearm, and a valid rifle permit if the
41 firearm is a rifle, obtained in accordance with the provisions of
42 chapter 3 of Title 23 of the Revised Statutes.

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

46 The legal owner of the firearm which is temporarily transferred
47 shall remain in the actual presence or in the vicinity of the person to

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1 whom it was transferred during the entire time that the firearm is in
2 that person's possession.

3 The term "legal owner" as used in this subsection means a
4 natural person and does not include an organization, commercial
5 enterprise, or a licensed manufacturer, wholesaler or dealer of
6 firearms.

7 c. No ammunition or firearm shall be temporarily transferred or
8 received under the provisions of subsections a. or b. of this section
9 for the purposes described in section 1 of P.L.1983, c.229 (C.
10 2C:39-14).

11 d. An owner or dealer shall not transfer a firearm to any person
12 pursuant to the provisions of this section if the owner or dealer
13 knows the person does not meet the qualifications set forth in
14 subsection c. of N.J.S. 2C:58-3 for obtaining or holding a firearms
15 purchaser identification card or a handgun purchase permit. A
16 person shall not receive, possess, carry or use a firearm pursuant to
17 the provisions of this section if the person knows he does not meet
18 the qualifications set forth in subsection c. of N.J.S. 2C:58-3 for
19 obtaining or holding a firearms purchaser identification card or a
20 handgun purchase permit.
21 (cf: P.L.2000, c.145, s.4)

22
23 3. Section 1 of P.L.1997, c.375 (C.2C:58-3.2) is amended to
24 read as follows:

25 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,
26 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a
27 person who is certified as an instructor in the use, handling and
28 maintenance of firearms by the Police Training Commission, the
29 Division of Fish, Game and Wildlife and the State Park Service in
30 the Department of Environmental Protection, the Director of
31 Civilian Marksmanship of the United States Department of the
32 Army or by a recognized rifle or pistol association that certifies
33 instructors may transfer ammunition or a firearm temporarily in
34 accordance with the terms of this section to a person participating in
35 a training course for the use, handling and maintenance of firearms
36 by the Police Training Commission, the Division of Fish, Game and
37 Wildlife, the Director of Civilian Marksmanship or by a recognized
38 rifle or pistol association that certifies instructors. The person to
39 whom the ammunition or a firearm is transferred by a certified
40 instructor in accordance with the terms of this section may receive,
41 possess, carry and use the ammunition or firearm temporarily
42 during the sessions of the course for the purpose of training and
43 participating in the course.

44 b. A transfer of ammunition or a firearm under this section may
45 be made only if:

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

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

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

5 (4) the transferred firearm or ammunition is used and handled
6 only in the actual presence and under the direct supervision of the
7 instructor.

8 c. The transfer permitted by this section may be made whether
9 or not the person participating in the course holds a firearms
10 license, firearms purchaser identification card or a handgun
11 purchase permit. However, an instructor shall not knowingly
12 transfer a firearm under the terms of this section to a person who
13 does not meet the qualifications set forth in subsection c. of
14 N.J.S.2C:58-3 for obtaining or holding a firearms purchaser
15 identification card or a handgun purchase permit, and a person who
16 knows that he does not meet such qualifications shall not receive
17 the transferred firearm under the terms of this section.

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

21 (cf: P.L.1997, c.375, s.1)

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23 4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
24 read as follows:

25 14. a. No person under the age of 18 years shall purchase, barter
26 or otherwise acquire a firearm or ammunition and no person under
27 the age of 21 years shall purchase, barter or otherwise acquire a
28 handgun, unless the person is authorized to possess the handgun in
29 connection with the performance of official duties under the
30 provisions of N.J.S. 2C:39-6.

31 b. No person under the age of 18 years shall possess, carry, fire
32 or use a firearm or ammunition except as provided under paragraphs
33 (1), (2), (3) and (4) of this subsection; and, unless authorized in
34 connection with the performance of official duties under the
35 provisions of N.J.S. 2C:39-6, no person under the age of 21 years
36 shall possess, carry, fire or use a handgun except under the
37 following circumstances:

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

42 (2) For the purpose of military drill under the auspices of a
43 legally recognized military organization and under competent
44 supervision; or

45 (3) For the purpose of competition or target practice in and upon
46 a firing range approved by the governing body of the municipality
47 in which the range is located or the National Rifle Association and
48 which is under competent supervision at the time of such

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1 supervision or target practice or instruction and training at any
2 location; or

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

8 c. A person who violates this section shall be guilty of a crime
9 of the fourth degree. For purposes of this section the fact that the
10 act would not constitute a crime if committed by an adult shall not
11 be deemed to prohibit or require waiver of family court jurisdiction
12 pursuant to N.J.S. 2C:4-11 or to preclude a finding of delinquency
13 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
14 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.
15 1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et
16 seq.).

17 (cf: P.L.2000, c.145, s.3)

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19 5. This act shall take effect on the first day of the third month
20 following enactment.

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STATEMENT

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25 This bill would regulate the sale of ammunition in this State.

26 Under the provisions of the bill, only individuals who hold and
27 can display a valid firearms purchaser identification card, a certified
28 copy of a permit to purchase a handgun, a valid permit to carry a
29 handgun, a valid New Jersey hunting license, or valid
30 documentation identifying the purchaser as a federal, State or local
31 law enforcement officer authorized to possess a firearm would be
32 permitted to purchase and possess ammunition in this State. The
33 bill exempts individuals who hold valid Collector of Curios and
34 Relics licenses and purchase ammunition which is recognized as
35 being historical in nature or of historical significance. The bill
36 provides that the exemptions which apply to the temporary transfer
37 of firearms also apply to the transfer of ammunition.

38 A person who sells, transfers, purchases or possesses
39 ammunition in violation of this bill would be guilty of a crime of
40 the fourth degree, which is punishable by a fine of up to \$10,000,
41 imprisonment for a term of up to 18 months, or both.