

SENATE, No. 2735

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED APRIL 25, 2013

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Excludes .22 caliber tubular magazines from large capacity ammunition magazine definition.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning large capacity magazines and amending
2 N.J.S.2C:39-1.

3

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

6

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

8 2C:39-1. Definitions. The following definitions apply to this
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique
11 cannon" means a destructive device defined in paragraph (3) of
12 subsection c. of this section, if the rifle, shotgun or destructive
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy the
20 name of the maker, model designation, manufacturer's serial
21 number or any other distinguishing identification mark or number
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object
24 designed to explode or produce uncontrolled combustion, including
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any
26 rocket having a propellant charge of more than four ounces or any
27 missile having an explosive or incendiary charge of more than one-
28 quarter of an ounce; (3) any weapon capable of firing a projectile of
29 a caliber greater than 60 caliber, except a shotgun or shotgun
30 ammunition generally recognized as suitable for sporting purposes;
31 (4) any Molotov cocktail or other device consisting of a breakable
32 container containing flammable liquid and having a wick or similar
33 device capable of being ignited. The term does not include any
34 device manufactured for the purpose of illumination, distress
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that is
40 commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible
42 materials or other ingredients in such proportions, quantities or
43 packing that an ignition by fire, by friction, by concussion or by
44 detonation of any part of the compound or mixture may cause such
45 a sudden generation of highly heated gases that the resultant

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 gaseous pressures are capable of producing destructive effects on
2 contiguous objects. The term shall not include small arms
3 ammunition, or explosives in the form prescribed by the official
4 United States Pharmacopoeia.

5 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
6 automatic or semi-automatic rifle, or any gun, device or instrument
7 in the nature of a weapon from which may be fired or ejected any
8 solid projectable ball, slug, pellet, missile or bullet, or any gas,
9 vapor or other noxious thing, by means of a cartridge or shell or by
10 the action of an explosive or the igniting of flammable or explosive
11 substances. It shall also include, without limitation, any firearm
12 which is in the nature of an air gun, spring gun or pistol or other
13 weapon of a similar nature in which the propelling force is a spring,
14 elastic band, carbon dioxide, compressed or other gas or vapor, air
15 or compressed air, or is ignited by compressed air, and ejecting a
16 bullet or missile smaller than three-eighths of an inch in diameter,
17 with sufficient force to injure a person.

18 g. "Firearm silencer" means any instrument, attachment, weapon
19 or appliance for causing the firing of any gun, revolver, pistol or
20 other firearm to be silent, or intended to lessen or muffle the noise
21 of the firing of any gun, revolver, pistol or other firearm.

22 h. "Gravity knife" means any knife which has a blade which is
23 released from the handle or sheath thereof by the force of gravity or
24 the application of centrifugal force.

25 i. "Machine gun" means any firearm, mechanism or instrument
26 not requiring that the trigger be pressed for each shot and having a
27 reservoir, belt or other means of storing and carrying ammunition
28 which can be loaded into the firearm, mechanism or instrument and
29 fired therefrom.

30 j. "Manufacturer" means any person who receives or obtains raw
31 materials or parts and processes them into firearms or finished parts
32 of firearms, except a person who exclusively processes grips, stocks
33 and other nonmetal parts of firearms. The term does not include a
34 person who repairs existing firearms or receives new and used raw
35 materials or parts solely for the repair of existing firearms.

36 k. "Handgun" means any pistol, revolver or other firearm
37 originally designed or manufactured to be fired by the use of a
38 single hand.

39 l. "Retail dealer" means any person including a gunsmith, except
40 a manufacturer or a wholesale dealer, who sells, transfers or assigns
41 for a fee or profit any firearm or parts of firearms or ammunition
42 which he has purchased or obtained with the intention, or for the
43 purpose, of reselling or reassigning to persons who are reasonably
44 understood to be the ultimate consumers, and includes any person
45 who is engaged in the business of repairing firearms or who sells
46 any firearm to satisfy a debt secured by the pledge of a firearm.

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

- 1 cartridge to fire a single projectile through a rifled bore for each
2 single pull of the trigger.
- 3 n. "Shotgun" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed shotgun
5 shell to fire through a smooth bore either a number of ball shots or a
6 single projectile for each pull of the trigger, or any firearm designed
7 to be fired from the shoulder which does not fire fixed ammunition.
- 8 o. "Sawed-off shotgun" means any shotgun having a barrel or
9 barrels of less than 18 inches in length measured from the breech to
10 the muzzle, or a rifle having a barrel or barrels of less than 16
11 inches in length measured from the breech to the muzzle, or any
12 firearm made from a rifle or a shotgun, whether by alteration, or
13 otherwise, if such firearm as modified has an overall length of less
14 than 26 inches.
- 15 p. "Switchblade knife" means any knife or similar device which
16 has a blade which opens automatically by hand pressure applied to a
17 button, spring or other device in the handle of the knife.
- 18 q. "Superintendent" means the Superintendent of the State
19 Police.
- 20 r. "Weapon" means anything readily capable of lethal use or of
21 inflicting serious bodily injury. The term includes, but is not
22 limited to, all (1) firearms, even though not loaded or lacking a clip
23 or other component to render them immediately operable; (2)
24 components which can be readily assembled into a weapon; (3)
25 gravity knives, switchblade knives, daggers, dirks, stiletos, or other
26 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
27 sandclubs, slingshots, cesti or similar leather bands studded with
28 metal filings or razor blades imbedded in wood; and (4) stun guns;
29 and any weapon or other device which projects, releases, or emits
30 tear gas or any other substance intended to produce temporary
31 physical discomfort or permanent injury through being vaporized or
32 otherwise dispensed in the air.
- 33 s. "Wholesale dealer" means any person, except a manufacturer,
34 who sells, transfers, or assigns firearms, or parts of firearms, to
35 persons who are reasonably understood not to be the ultimate
36 consumers, and includes persons who receive finished parts of
37 firearms and assemble them into completed or partially completed
38 firearms, in furtherance of such purpose, except that it shall not
39 include those persons dealing exclusively in grips, stocks and other
40 nonmetal parts of firearms.
- 41 t. "Stun gun" means any weapon or other device which emits an
42 electrical charge or current intended to temporarily or permanently
43 disable a person.
- 44 u. "Ballistic knife" means any weapon or other device capable of
45 lethal use and which can propel a knife blade.
- 46 v. "Imitation firearm" means an object or device reasonably
47 capable of being mistaken for a firearm.
- 48 w. "Assault firearm" means:

- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding 15 rounds.
- 45 (5) A part or combination of parts designed or intended to
- 46 convert a firearm into an assault firearm, or any combination of
- 47 parts from which an assault firearm may be readily assembled if

1 those parts are in the possession or under the control of the same
2 person.

3 x. "Semi-automatic" means a firearm which fires a single
4 projectile for each single pull of the trigger and is self-reloading or
5 automatically chambers a round, cartridge, or bullet.

6 y. "Large capacity ammunition magazine" means a box, drum,
7 tube or other container which is capable of holding more than 15
8 rounds of ammunition to be fed continuously and directly therefrom
9 into a semi-automatic firearm. The term shall not include an
10 attached tubular device designed to accept, and capable of operating
11 only with, .22 caliber rimfire ammunition.

12 z. "Pistol grip" means a well-defined handle, similar to that
13 found on a handgun, that protrudes conspicuously beneath the
14 action of the weapon, and which permits the shotgun to be held and
15 fired with one hand.

16 aa. "Antique handgun" means a handgun manufactured before
17 1898, or a replica thereof, which is recognized as being historical in
18 nature or of historical significance and either (1) utilizes a match,
19 friction, flint, or percussion ignition, or which utilizes a pin-fire
20 cartridge in which the pin is part of the cartridge or (2) does not fire
21 fixed ammunition or for which cartridge ammunition is not
22 commercially available.

23 bb. "Trigger lock" means a commercially available device
24 approved by the Superintendent of State Police which is operated
25 with a key or combination lock that prevents a firearm from being
26 discharged while the device is attached to the firearm. It may
27 include, but need not be limited to, devices that obstruct the barrel
28 or cylinder of the firearm, as well as devices that immobilize the
29 trigger.

30 cc. "Trigger locking device" means a device that, if installed on
31 a firearm and secured by means of a key or mechanically,
32 electronically or electromechanically operated combination lock,
33 prevents the firearm from being discharged without first
34 deactivating or removing the device by means of a key or
35 mechanically, electronically or electromechanically operated
36 combination lock.

37 dd. "Personalized handgun" means a handgun which
38 incorporates within its design, and as part of its original
39 manufacture, technology which automatically limits its operational
40 use and which cannot be readily deactivated, so that it may only be
41 fired by an authorized or recognized user. The technology limiting
42 the handgun's operational use may include, but not be limited to:
43 radio frequency tagging, touch memory, remote control, fingerprint,
44 magnetic encoding and other automatic user identification systems
45 utilizing biometric, mechanical or electronic systems. No make or
46 model of a handgun shall be deemed to be a "personalized handgun"
47 unless the Attorney General has determined, through testing or
48 other reasonable means, that the handgun meets any reliability

1 standards that the manufacturer may require for its commercially
2 available handguns that are not personalized or, if the manufacturer
3 has no such reliability standards, the handgun meets the reliability
4 standards generally used in the industry for commercially available
5 handguns.

6 (cf: P.L.2002, c.130, s.5)

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8 2 This act shall take effect immediately.

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STATEMENT

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13 This bill exempts tubular magazines designed to accept, and
14 capable of operation only with, .22 caliber rimfire ammunition from
15 the definition of “large capacity ammunition magazine.”

16 Currently, any magazine, regardless of design or caliber, that is
17 capable of holding more than 15 rounds of ammunition is defined as
18 a large capacity ammunition magazine. Large capacity ammunition
19 magazines are illegal in New Jersey. Under New Jersey law, any
20 person possessing a large capacity ammunition magazine is guilty
21 of a crime of the fourth degree.

22 Under this bill, tubular magazines designed to accept, and
23 capable of operating only with, .22 caliber rimfire ammunition are
24 exempted from the definition of “large capacity ammunition
25 magazine.” This exemption would permit the sale and possession
26 of a popular beginner gun, the Marlin Model 60, often referred to as
27 the “Boy Scout gun.” The firearm is low caliber and the tubular
28 magazine cannot be reloaded quickly.

29 Other states and jurisdictions with strict gun laws have provided
30 exemptions from their definitions of “large capacity magazines” for
31 this specific magazine. Among those states and jurisdictions are
32 California, New York, Maryland, and Washington, D.C.