

# ASSEMBLY, No. 626

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman MICHAEL PATRICK CARROLL**

**District 25 (Morris and Somerset)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblyman Rible and Assemblywoman Phoebus**

**SYNOPSIS**

Amends and repeals certain parts of New Jersey firearm statutes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning firearms and amending and repealing various  
2 parts of the statutory law.

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:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of  
9 assault if he:

10 (1) Attempts to cause or purposely, knowingly or recklessly  
11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of  
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed  
17 in a fight or scuffle entered into by mutual consent, in which case it  
18 is a petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if he:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 such injury purposely or knowingly or under circumstances  
23 manifesting extreme indifference to the value of human life  
24 recklessly causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily  
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme  
30 indifference to the value of human life points a firearm, as defined  
31 in section **[2C:39-1f.]** 2C:39-1d, at or in the direction of another,  
32 whether or not the actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2)  
34 or (3) of this section upon:

35 (a) Any law enforcement officer acting in the performance of  
36 his duties while in uniform or exhibiting evidence of his authority  
37 or because of his status as a law enforcement officer; or

38 (b) Any paid or volunteer fireman acting in the performance of  
39 his duties while in uniform or otherwise clearly identifiable as being  
40 engaged in the performance of the duties of a fireman; or

41 (c) Any person engaged in emergency first-aid or medical  
42 services acting in the performance of his duties while in uniform or  
43 otherwise clearly identifiable as being engaged in the performance  
44 of emergency first-aid or medical services; or

45 (d) Any school board member, school administrator, teacher,  
46 school bus driver or other employee of a public or nonpublic school

**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 or school board while clearly identifiable as being engaged in the  
2 performance of his duties or because of his status as a member or  
3 employee of a public or nonpublic school or school board or any  
4 school bus driver employed by an operator under contract to a  
5 public or nonpublic school or school board while clearly  
6 identifiable as being engaged in the performance of his duties or  
7 because of his status as a school bus driver; or
- 8 (e) Any employee of the Division of Child Protection and  
9 Permanency while clearly identifiable as being engaged in the  
10 performance of his duties or because of his status as an employee of  
11 the division; or
- 12 (f) Any justice of the Supreme Court, judge of the Superior  
13 Court, judge of the Tax Court or municipal judge while clearly  
14 identifiable as being engaged in the performance of judicial duties  
15 or because of his status as a member of the judiciary; or
- 16 (g) Any operator of a motorbus or the operator's supervisor or  
17 any employee of a rail passenger service while clearly identifiable  
18 as being engaged in the performance of his duties or because of his  
19 status as an operator of a motorbus or as the operator's supervisor or  
20 as an employee of a rail passenger service; or
- 21 (h) Any Department of Corrections employee, county  
22 corrections officer, juvenile corrections officer, State juvenile  
23 facility employee, juvenile detention staff member, juvenile  
24 detention officer, probation officer or any sheriff, undersheriff, or  
25 sheriff's officer acting in the performance of his duties while in  
26 uniform or exhibiting evidence of his authority; or
- 27 (i) Any employee, including any person employed under  
28 contract, of a utility company as defined in section 2 of P.L.1971,  
29 c.224 (C.2A:42-86) or a cable television company subject to the  
30 provisions of the "Cable Television Act," P.L.1972,  
31 c.186 (C.48:5A-1 et seq.) while clearly identifiable as being  
32 engaged in the performance of his duties in regard to connecting,  
33 disconnecting or repairing or attempting to connect, disconnect or  
34 repair any gas, electric or water utility, or cable television or  
35 telecommunication service; or
- 36 (j) Any health care worker employed by a licensed health care  
37 facility to provide direct patient care, any health care professional  
38 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
39 the Revised Statutes to practice a health care profession, except a  
40 direct care worker at a State or county psychiatric hospital or State  
41 developmental center or veterans' memorial home, while clearly  
42 identifiable as being engaged in the duties of providing direct  
43 patient care or practicing the health care profession; or
- 44 (k) Any direct care worker at a State or county psychiatric  
45 hospital or State developmental center or veterans' memorial home,  
46 while clearly identifiable as being engaged in the duties of  
47 providing direct patient care or practicing the health care  
48 profession, provided that the actor is not a patient or resident at the

- 1 facility who is classified by the facility as having a mental illness or  
2 developmental disability; or
- 3 (6) Causes bodily injury to another person while fleeing or  
4 attempting to elude a law enforcement officer in violation of  
5 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
6 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
7 other provision of law to the contrary, a person shall be strictly  
8 liable for a violation of this subsection upon proof of a violation of  
9 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
10 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
11 bodily injury to another person; or
- 12 (7) Attempts to cause significant bodily injury to another or  
13 causes significant bodily injury purposely or knowingly or, under  
14 circumstances manifesting extreme indifference to the value of  
15 human life recklessly causes such significant bodily injury; or
- 16 (8) Causes bodily injury by knowingly or purposely starting a  
17 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
18 results in bodily injury to any emergency services personnel  
19 involved in fire suppression activities, rendering emergency  
20 medical services resulting from the fire or explosion or rescue  
21 operations, or rendering any necessary assistance at the scene of the  
22 fire or explosion, including any bodily injury sustained while  
23 responding to the scene of a reported fire or explosion. For  
24 purposes of this subsection, "emergency services personnel" shall  
25 include, but not be limited to, any paid or volunteer fireman, any  
26 person engaged in emergency first-aid or medical services and any  
27 law enforcement officer. Notwithstanding any other provision of  
28 law to the contrary, a person shall be strictly liable for a violation of  
29 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
30 resulted in bodily injury to any emergency services personnel; or
- 31 (9) Knowingly, under circumstances manifesting extreme  
32 indifference to the value of human life, points or displays a firearm,  
33 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
34 a law enforcement officer; or
- 35 (10) Knowingly points, displays or uses an imitation firearm, as  
36 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
37 law enforcement officer with the purpose to intimidate, threaten or  
38 attempt to put the officer in fear of bodily injury or for any unlawful  
39 purpose; or
- 40 (11) Uses or activates a laser sighting system or device, or a  
41 system or device which, in the manner used, would cause a  
42 reasonable person to believe that it is a laser sighting system or  
43 device, against a law enforcement officer acting in the performance  
44 of his duties while in uniform or exhibiting evidence of his  
45 authority. As used in this paragraph, "laser sighting system or  
46 device" means any system or device that is integrated with or  
47 affixed to a firearm and emits a laser light beam that is used to  
48 assist in the sight alignment or aiming of the firearm.

1       Aggravated assault under subsections b. (1) and b. (6) is a crime  
2 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
3 (10) is a crime of the third degree; under subsections b. (3) and b.  
4 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
5 crime of the third degree if the victim suffers bodily injury,  
6 otherwise it is a crime of the fourth degree. Aggravated assault  
7 under subsection b.(8) is a crime of the third degree if the victim  
8 suffers bodily injury; if the victim suffers significant bodily injury  
9 or serious bodily injury it is a crime of the second degree.  
10 Aggravated assault under subsection b. (11) is a crime of the third  
11 degree.

12       c. (1) A person is guilty of assault by auto or vessel when the  
13 person drives a vehicle or vessel recklessly and causes either  
14 serious bodily injury or bodily injury to another. Assault by auto or  
15 vessel is a crime of the fourth degree if serious bodily injury results  
16 and is a disorderly persons offense if bodily injury results. Proof  
17 that the defendant was operating a hand-held wireless telephone  
18 while driving a motor vehicle in violation of section 1 of P.L.2003,  
19 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
20 was driving recklessly.

21       (2) Assault by auto or vessel is a crime of the third degree if the  
22 person drives the vehicle while in violation of R.S.39:4-50 or  
23 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
24 injury results and is a crime of the fourth degree if the person drives  
25 the vehicle while in violation of R.S.39:4-50 or section 2 of  
26 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

27       (3) Assault by auto or vessel is a crime of the second degree if  
28 serious bodily injury results from the defendant operating the auto  
29 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
30 c.512 (C.39:4-50.4a) while:

31       (a) on any school property used for school purposes which is  
32 owned by or leased to any elementary or secondary school or school  
33 board, or within 1,000 feet of such school property;

34       (b) driving through a school crossing as defined in R.S.39:1-1 if  
35 the municipality, by ordinance or resolution, has designated the  
36 school crossing as such; or

37       (c) driving through a school crossing as defined in R.S.39:1-1  
38 knowing that juveniles are present if the municipality has not  
39 designated the school crossing as such by ordinance or resolution.

40       Assault by auto or vessel is a crime of the third degree if bodily  
41 injury results from the defendant operating the auto or vessel in  
42 violation of this paragraph.

43       A map or true copy of a map depicting the location and  
44 boundaries of the area on or within 1,000 feet of any property used  
45 for school purposes which is owned by or leased to any elementary  
46 or secondary school or school board produced pursuant to section 1  
47 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
48 subparagraph (a) of paragraph (3) of this subsection.

1 It shall be no defense to a prosecution for a violation of  
2 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
3 defendant was unaware that the prohibited conduct took place while  
4 on or within 1,000 feet of any school property or while driving  
5 through a school crossing. Nor shall it be a defense to a prosecution  
6 under subparagraph (a) or (b) of paragraph (3) of this subsection  
7 that no juveniles were present on the school property or crossing  
8 zone at the time of the offense or that the school was not in session.

9 (4) Assault by auto or vessel is a crime of the third degree if the  
10 person purposely drives a vehicle in an aggressive manner directed  
11 at another vehicle and serious bodily injury results and is a crime of  
12 the fourth degree if the person purposely drives a vehicle in an  
13 aggressive manner directed at another vehicle and bodily injury  
14 results. For purposes of this paragraph, "driving a vehicle in an  
15 aggressive manner" shall include, but is not limited to,  
16 unexpectedly altering the speed of the vehicle, making improper or  
17 erratic traffic lane changes, disregarding traffic control devices,  
18 failing to yield the right of way, or following another vehicle too  
19 closely.

20 As used in this section, "vessel" means a means of conveyance  
21 for travel on water and propelled otherwise than by muscular  
22 power.

23 d. A person who is employed by a facility as defined in section  
24 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
25 defined in paragraph (1) or (2) of subsection a. of this section upon  
26 an institutionalized elderly person as defined in section 2 of  
27 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
28 degree.

29 e. (Deleted by amendment, P.L.2001, c.443).

30 f. A person who commits a simple assault as defined in  
31 paragraph (1), (2) or (3) of subsection a. of this section in the  
32 presence of a child under 16 years of age at a school or community  
33 sponsored youth sports event is guilty of a crime of the fourth  
34 degree. The defendant shall be strictly liable upon proof that the  
35 offense occurred, in fact, in the presence of a child under 16 years  
36 of age. It shall not be a defense that the defendant did not know  
37 that the child was present or reasonably believed that the child was  
38 16 years of age or older. The provisions of this subsection shall not  
39 be construed to create any liability on the part of a participant in a  
40 youth sports event or to abrogate any immunity or defense available  
41 to a participant in a youth sports event. As used in this act, "school  
42 or community sponsored youth sports event" means a competition,  
43 practice or instructional event involving one or more interscholastic  
44 sports teams or youth sports teams organized pursuant to a  
45 nonprofit or similar charter or which are member teams in a youth  
46 league organized by or affiliated with a county or municipal

1 recreation department and shall not include collegiate, semi-  
2 professional or professional sporting events.

3 (cf: P.L.2012, c.22, s.2)

4

5 2. N.J.S.2C:29-6 is amended to read as follows:

6 2C:29-6 a. Escape implements. (1) A person commits an  
7 offense if he knowingly and unlawfully introduces within an  
8 institution for commitment of persons under N.J.S. 2C:4-8 or a  
9 detention facility, or knowingly and unlawfully provides an inmate  
10 with any weapon, tool, instrument, document or other thing which  
11 may be useful for escape. The offense is a crime of the second  
12 degree and shall be punished by a minimum term of imprisonment,  
13 which shall be fixed at no less than three years if the item is a  
14 weapon as defined by **【N.J.S. 2C:39-1(r)】** N.J.S. 2C:39-1(k).  
15 Otherwise it is a crime of the third degree.

16 (2) An inmate of an institution or facility defined by paragraph  
17 (1) of subsection a. of this section commits an offense if he  
18 knowingly and unlawfully procures, makes, or otherwise provides  
19 himself with, or has in his possession, any such implement of  
20 escape. The offense is a crime of the second degree and shall be  
21 punished by a minimum term of imprisonment, which shall be fixed  
22 at no less than three years if the item is a weapon as defined by  
23 **【N.J.S. 2C:39-1(r)】** N.J.S. 2C:39-1(k). Otherwise it is a crime of  
24 the third degree.

25 "Unlawfully" means surreptitiously or contrary to law, regulation  
26 or order of the detaining authority.

27 b. Other contraband. A person commits a petty disorderly  
28 persons offense if he provides an inmate with any other thing which  
29 the actor knows or should know it is unlawful for the inmate to  
30 possess.

31 (cf: P.L.1983, c.87, s.1)

32

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

34 2C:39-1. Definitions. The following definitions apply to this  
35 chapter and to chapter 58:

36 a. **【**"Antique firearm" means any rifle or shotgun and "antique  
37 cannon" means a destructive device defined in paragraph (3) of  
38 subsection c. of this section, if the rifle, shotgun or destructive  
39 device, as the case may be, is incapable of being fired or  
40 discharged, or which does not fire fixed ammunition, regardless of  
41 date of manufacture, or was manufactured before 1898 for which  
42 cartridge ammunition is not commercially available, and is  
43 possessed as a curiosity or ornament or for its historical  
44 significance or value.

45 b. "Deface" means to remove, deface, cover, alter or destroy  
46 the name of the maker, model designation, manufacturer's serial  
47 number or any other distinguishing identification mark or number  
48 on any firearm.

1       c.】 "Destructive device" means any device, instrument or object  
2 designed to explode or produce uncontrolled combustion, including  
3 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
4 rocket having a propellant charge of more than four ounces or any  
5 missile having an explosive or incendiary charge of more than one-  
6 quarter of an ounce; (3) any weapon capable of firing a projectile of  
7 a caliber greater than 60 caliber, except a shotgun or shotgun  
8 ammunition generally recognized as suitable for sporting purposes;  
9 (4) any Molotov cocktail or other device consisting of a breakable  
10 container containing flammable liquid and having a wick or similar  
11 device capable of being ignited. The term does not include any  
12 device manufactured for the purpose of illumination, distress  
13 signaling, line-throwing, safety or similar purposes.

14       【d.】 b. "Dispose of" means to give, give away, lease, loan,  
15 keep for sale, offer, offer for sale, sell, transfer, or otherwise  
16 transfer possession.

17       【e.】 c. "Explosive" means any chemical compound or  
18 mixture that is commonly used or is possessed for the purpose of  
19 producing an explosion and which contains any oxidizing and  
20 combustible materials or other ingredients in such proportions,  
21 quantities or packing that an ignition by fire, by friction, by  
22 concussion or by detonation of any part of the compound or mixture  
23 may cause such a sudden generation of highly heated gases that the  
24 resultant gaseous pressures are capable of producing destructive  
25 effects on contiguous objects. The term shall not include small arms  
26 ammunition, or explosives in the form prescribed by the official  
27 United States Pharmacopoeia.

28       【f.】 d. "Firearm" means any handgun, rifle, shotgun,  
29 machine gun, automatic or semi-automatic rifle, or any gun, device  
30 or instrument in the nature of a weapon from which may be fired or  
31 ejected any solid projectable ball, slug, pellet, missile or bullet 【, or  
32 any gas, vapor or other noxious thing,】 by means of a cartridge or  
33 shell or by the action of an explosive or the igniting of flammable  
34 or explosive substances. 【It shall also include, without limitation,  
35 any firearm which is in the nature of an air gun, spring gun or pistol  
36 or other weapon of a similar nature in which the propelling force is  
37 a spring, elastic band, carbon dioxide, compressed or other gas or  
38 vapor, air or compressed air, or is ignited by compressed air, and  
39 ejecting a bullet or missile smaller than three-eighths of an inch in  
40 diameter, with sufficient force to injure a person.】

41       【g.】 e. "Firearm silencer" means any instrument, attachment,  
42 weapon or appliance for causing the firing of any gun, revolver,  
43 pistol or other firearm to be silent, or intended to lessen or muffle  
44 the noise of the firing of any gun, revolver, pistol or other firearm.

45       【h.】 "Gravity knife" means any knife which has a blade which is  
46 released from the handle or sheath thereof by the force of gravity or  
47 the application of centrifugal force.



- 1 I. "Machine gun" means any firearm, mechanism or instrument  
2 not requiring that the trigger be pressed for each shot and having a  
3 reservoir, belt or other means of storing and carrying ammunition  
4 which can be loaded into the firearm, mechanism or instrument and  
5 fired therefrom.
- 6 j. **f.** "Manufacturer" means any person who receives or obtains  
7 raw materials or parts and processes them into firearms or finished  
8 parts of firearms, except a person who exclusively processes grips,  
9 stocks and other nonmetal parts of firearms. The term does not  
10 include a person who repairs existing firearms or receives new and  
11 used raw materials or parts solely for the repair of existing firearms.
- 12 **[k.] g.** "Handgun" means any pistol, revolver or other firearm  
13 originally designed or manufactured to be fired by the use of a  
14 single hand.
- 15 **[l.] h.** "Retail dealer" means any person including a gunsmith,  
16 except a manufacturer or a wholesale dealer, who sells, transfers or  
17 assigns for a fee or profit any firearm or parts of firearms or  
18 ammunition which he has purchased or obtained with the intention,  
19 or for the purpose, of reselling or reassigning to persons who are  
20 reasonably understood to be the ultimate consumers, and includes  
21 any person who is engaged in the business of repairing firearms or  
22 who sells any firearm to satisfy a debt secured by the pledge of a  
23 firearm.
- 24 **[m.] i.** "Rifle" means any firearm designed to be fired from the  
25 shoulder and using the energy of the explosive in a fixed metallic  
26 cartridge to fire a single projectile through a rifled bore for each  
27 single pull of the trigger.
- 28 **[n.] j.** "Shotgun" means any firearm designed to be fired from  
29 the shoulder and using the energy of the explosive in a fixed  
30 shotgun shell to fire through a smooth bore either a number of ball  
31 shots or a single projectile for each pull of the trigger, or any  
32 firearm designed to be fired from the shoulder which does not fire  
33 fixed ammunition.
- 34 **[o.]** "Sawed-off shotgun" means any shotgun having a barrel or  
35 barrels of less than 18 inches in length measured from the breech to  
36 the muzzle, or a rifle having a barrel or barrels of less than 16  
37 inches in length measured from the breech to the muzzle, or any  
38 firearm made from a rifle or a shotgun, whether by alteration, or  
39 otherwise, if such firearm as modified has an overall length of less  
40 than 26 inches.
- 41 p. "Switchblade knife" means any knife or similar device  
42 which has a blade which opens automatically by hand pressure  
43 applied to a button, spring or other device in the handle of the knife.
- 44 q. "Superintendent" means the Superintendent of the State  
45 Police.
- 46 **r.] k.** "Weapon" means anything readily capable of lethal use or  
47 of inflicting serious bodily injury. The term includes, but is not

1 limited to, all (1) firearms, even though not loaded or lacking a clip  
2 or other component to render them immediately operable; (2)  
3 components which can be readily assembled into a weapon; (3)  
4 gravity knives, switchblade knives, daggers, dirks, stiletos, or other  
5 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
6 sandclubs, slingshots, slungshots, cesti or similar leather bands  
7 studded with metal filings or razor blades imbedded in wood; and  
8 (4) stun guns; and any weapon or other device which projects,  
9 releases, or emits tear gas or any other substance intended to  
10 produce temporary physical discomfort or permanent injury through  
11 being vaporized or otherwise dispensed in the air.

12 [s. "Wholesale dealer" means any person, except a  
13 manufacturer, who sells, transfers, or assigns firearms, or parts of  
14 firearms, to persons who are reasonably understood not to be the  
15 ultimate consumers, and includes persons who receive finished  
16 parts of firearms and assemble them into completed or partially  
17 completed firearms, in furtherance of such purpose, except that it  
18 shall not include those persons dealing exclusively in grips, stocks  
19 and other nonmetal parts of firearms.

20 t. "Stun gun" means any weapon or other device which emits  
21 an electrical charge or current intended to temporarily or  
22 permanently disable a person.

23 u. "Ballistic knife" means any weapon or other device capable  
24 of lethal use and which can propel a knife blade.

25 v. "Imitation firearm" means an object or device reasonably  
26 capable of being mistaken for a firearm.

27 w. "Assault firearm" means:

28 (1) The following firearms:

29 Algimec AGM1 type

30 Any shotgun with a revolving cylinder such as the "Street  
31 Sweeper" or "Striker 12"

32 Armalite AR-180 type

33 Australian Automatic Arms SAR

34 Avtomat Kalashnikov type semi-automatic firearms

35 Beretta AR-70 and BM59 semi-automatic firearms

36 Bushmaster Assault Rifle

37 Calico M-900 Assault carbine and M-900

38 CETME G3

39 Chartered Industries of Singapore SR-88 type

40 Colt AR-15 and CAR-15 series

41 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

42 Demro TAC-1 carbine type

43 Encom MP-9 and MP-45 carbine types

44 FAMAS MAS223 types

45 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

46 Franchi SPAS 12 and LAW 12 shotguns

47 G3SA type

48 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

- 1 Intratec TEC 9 and 22 semi-automatic firearms
- 2 M1 carbine type
- 3 M14S type
- 4 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 5 PJK M-68 carbine type
- 6 Plainfield Machine Company Carbine
- 7 Ruger K-Mini-14/5F and Mini-14/5RF
- 8 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 9 SKS with detachable magazine type
- 10 Spectre Auto carbine type
- 11 Springfield Armory BM59 and SAR-48 type
- 12 Sterling MK-6, MK-7 and SAR types
- 13 Steyr A.U.G. semi-automatic firearms
- 14 USAS 12 semi-automatic type shotgun
- 15 Uzi type semi-automatic firearms
- 16 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 17 Weaver Arm Nighthawk.
- 18 (2) Any firearm manufactured under any designation which is
- 19 substantially identical to any of the firearms listed above.
- 20 (3) A semi-automatic shotgun with either a magazine capacity
- 21 exceeding six rounds, a pistol grip, or a folding stock.
- 22 (4) A semi-automatic rifle with a fixed magazine capacity
- 23 exceeding 15 rounds.
- 24 (5) A part or combination of parts designed or intended to
- 25 convert a firearm into an assault firearm, or any combination of
- 26 parts from which an assault firearm may be readily assembled if
- 27 those parts are in the possession or under the control of the same
- 28 person.
- 29 x. "Semi-automatic" means a firearm which fires a single
- 30 projectile for each single pull of the trigger and is self-reloading or
- 31 automatically chambers a round, cartridge, or bullet.
- 32 y. "Large capacity ammunition magazine" means a box, drum,
- 33 tube or other container which is capable of holding more than 15
- 34 rounds of ammunition to be fed continuously and directly therefrom
- 35 into a semi-automatic firearm.
- 36 z. "Pistol grip" means a well-defined handle, similar to that
- 37 found on a handgun, that protrudes conspicuously beneath the
- 38 action of the weapon, and which permits the shotgun to be held and
- 39 fired with one hand.
- 40 aa. "Antique handgun" means a handgun manufactured before
- 41 1898, or a replica thereof, which is recognized as being historical in
- 42 nature or of historical significance and either (1) utilizes a match,
- 43 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 44 cartridge in which the pin is part of the cartridge or (2) does not fire
- 45 fixed ammunition or for which cartridge ammunition is not
- 46 commercially available.
- 47 bb. "Trigger lock" means a commercially available device
- 48 approved by the Superintendent of State Police which is operated

1 with a key or combination lock that prevents a firearm from being  
2 discharged while the device is attached to the firearm. It may  
3 include, but need not be limited to, devices that obstruct the barrel  
4 or cylinder of the firearm, as well as devices that immobilize the  
5 trigger.

6 cc. "Trigger locking device" means a device that, if installed on  
7 a firearm and secured by means of a key or mechanically,  
8 electronically or electromechanically operated combination lock,  
9 prevents the firearm from being discharged without first  
10 deactivating or removing the device by means of a key or  
11 mechanically, electronically or electromechanically operated  
12 combination lock.

13 dd. "Personalized handgun" means a handgun which  
14 incorporates within its design, and as part of its original  
15 manufacture, technology which automatically limits its operational  
16 use and which cannot be readily deactivated, so that it may only be  
17 fired by an authorized or recognized user. The technology limiting  
18 the handgun's operational use may include, but not be limited to:  
19 radio frequency tagging, touch memory, remote control, fingerprint,  
20 magnetic encoding and other automatic user identification systems  
21 utilizing biometric, mechanical or electronic systems. No make or  
22 model of a handgun shall be deemed to be a "personalized handgun"  
23 unless the Attorney General has determined, through testing or  
24 other reasonable means, that the handgun meets any reliability  
25 standards that the manufacturer may require for its commercially  
26 available handguns that are not personalized or, if the manufacturer  
27 has no such reliability standards, the handgun meets the reliability  
28 standards generally used in the industry for commercially available  
29 handguns.】

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

31

32 4. N.J.S.2C:39-2 is amended to read as follows:

33 2C:39-2. Presumptions.

34 **【a.】** Possession of firearms, weapons, destructive devices,  
35 silencers, or explosives in a vehicle.

36 a. When a firearm, weapon, destructive device, silencer, or  
37 explosive described in this chapter is found in a vehicle, it is  
38 presumed to be in the possession of the occupant if there is but one.

39 b. If there is more than one occupant in the vehicle, it shall be  
40 presumed to be in the possession of all, except under the following  
41 circumstances:

42 (1) When it is found upon the person of one of the occupants, it  
43 shall be presumed to be in the possession of that occupant alone;

44 (2) When the vehicle is not a stolen one and the weapon or other  
45 instrument is found out of view in a glove compartment, trunk or  
46 other enclosed customary depository, it shall be presumed to be in  
47 the possession of the occupant or occupants who own or have  
48 authority to operate the vehicle; and

1 (3) When the vehicle is a taxicab and a weapon or other  
2 instrument is found in the passenger's portion of the vehicle, it  
3 shall be presumed to be in the possession of all the passengers, if  
4 there are any, and if not, in the possession of the driver.

5 **【b. Licenses and permits.** When the legality of a person's  
6 conduct under this chapter depends on his possession of a license  
7 or permit or on his having registered with or given notice to a  
8 particular person or agency, it shall be presumed that he does not  
9 possess such a license or permit or has not registered or given the  
10 required notice, until he establishes the contrary.】

11 (cf: P.L.1979, c.179, s.1)

12

13 5. N.J.S.2C:39-3 is amended to read as follows:

14 2C:39-3. Prohibited Weapons and Devices.

15 a. Destructive devices. Any person who knowingly has in his  
16 possession any destructive device is guilty of a crime of the third  
17 degree.

18 b. **【Sawed-off shotguns.** Any person who knowingly has in his  
19 possession any sawed-off shotgun is guilty of a crime of the third  
20 degree.

21 c.】 Silencers. Any person who knowingly has in his possession  
22 any firearm silencer is guilty of a **【crime of the fourth degree】** petty  
23 disorderly persons offense.

24 **【d. Defaced firearms.** Any person who knowingly has in his  
25 possession any firearm which has been defaced, except an antique  
26 firearm or an antique handgun, is guilty of a crime of the fourth  
27 degree.

28 e.】 c. Certain weapons. Any person who knowingly has in his  
29 possession any gravity knife, switchblade knife, dagger, dirk,  
30 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot,  
31 slungshot, cestus or similar leather band studded with metal filings  
32 or razor blades imbedded in wood, ballistic knife, without any  
33 explainable lawful purpose, or an improvised firearm, commonly  
34 known as a zip gun, is guilty of a **【crime of the fourth degree】**  
35 disorderly persons offense.

36 **【f. Dum-dum or body armor penetrating bullets.** (1) Any  
37 person, other than a law enforcement officer or persons engaged in  
38 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
39 knowingly has in his possession any hollow nose or dum-dum  
40 bullet, or (2) any person, other than a collector of firearms or  
41 ammunition as curios or relics as defined in Title 18, United States  
42 Code, section 921 (a) (13) and has in his possession a valid  
43 Collector of Curios and Relics License issued by the Bureau of  
44 Alcohol, Tobacco and Firearms, who knowingly has in his  
45 possession any body armor breaching or penetrating ammunition,  
46 which means: (a) ammunition primarily designed for use in a  
47 handgun, and (b) which is comprised of a bullet whose core or

1 jacket, if the jacket is thicker than .025 of an inch, is made of  
2 tungsten carbide, or hard bronze, or other material which is harder  
3 than a rating of 72 or greater on the Rockwell B. Hardness Scale,  
4 and (c) is therefore capable of breaching or penetrating body armor,  
5 is guilty of a crime of the fourth degree. For purposes of this  
6 section, a collector may possess not more than three examples of  
7 each distinctive variation of the ammunition described above. A  
8 distinctive variation includes a different head stamp, composition,  
9 design, or color.

10 g. d. Exceptions. (1) Nothing in subsection a., b., or c., d.,  
11 e., f., j. or k. of this section shall apply to any member of the  
12 Armed Forces of the United States or the National Guard, or except  
13 as otherwise provided, to any law enforcement officer while  
14 actually on duty or traveling to or from an authorized place of duty,  
15 provided that his possession of the prohibited weapon or device has  
16 been duly authorized under the applicable laws, regulations or  
17 military or law enforcement orders. Nothing in subsection h. of this  
18 section shall apply to any law enforcement officer who is exempted  
19 from the provisions of that subsection by the Attorney General.  
20 Nothing in this section shall apply to the possession of any weapon  
21 or device by a law enforcement officer who has confiscated, seized  
22 or otherwise taken possession of said weapon or device as evidence  
23 of the commission of a crime or because he believed it to be  
24 possessed illegally by the person from whom it was taken, provided  
25 that said law enforcement officer promptly notifies his superiors of  
26 his possession of such prohibited weapon or device.

27 (2) a. Nothing in subsection f. (1) shall be construed to prevent  
28 a person from keeping such ammunition at his dwelling, premises  
29 or other land owned or possessed by him, or from carrying such  
30 ammunition from the place of purchase to said dwelling or land, nor  
31 shall subsection f. (1) be construed to prevent any licensed retail or  
32 wholesale firearms dealer from possessing such ammunition at its  
33 licensed premises, provided that the seller of any such ammunition  
34 shall maintain a record of the name, age and place of residence of  
35 any purchaser who is not a licensed dealer, together with the date of  
36 sale and quantity of ammunition sold.

37 b. Nothing in subsection f.(1) shall be construed to prevent a  
38 designated employee or designated licensed agent for a nuclear  
39 power plant under the license of the Nuclear Regulatory  
40 Commission from possessing hollow nose ammunition while in the  
41 actual performance of his official duties, if the federal licensee  
42 certifies that the designated employee or designated licensed agent  
43 is assigned to perform site protection, guard, armed response or  
44 armed escort duties and is appropriately trained and qualified, as  
45 prescribed by federal regulation, to perform those duties.

46 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
47 shall be construed to prevent any licensed retail or wholesale  
48 firearms dealer from possessing that ammunition or large capacity

1 ammunition magazine at its licensed premises for sale or disposition  
2 to another licensed dealer, the Armed Forces of the United States or  
3 the National Guard, or to a law enforcement agency, provided that  
4 the seller maintains a record of any sale or disposition to a law  
5 enforcement agency. The record shall include the name of the  
6 purchasing agency, together with written authorization of the chief  
7 of police or highest ranking official of the agency, the name and  
8 rank of the purchasing law enforcement officer, if applicable, and  
9 the date, time and amount of ammunition sold or otherwise  
10 disposed. A copy of this record shall be forwarded by the seller to  
11 the Superintendent of the Division of State Police within 48 hours  
12 of the sale or disposition.

13 (4) Nothing in subsection a. of this section shall be construed to  
14 apply to antique cannons as exempted in subsection d. of  
15 N.J.S.2C:39-6.

16 (5) **(2)** Nothing in subsection **[c.] b.** of this section shall be  
17 construed to apply to any person who is specifically identified in a  
18 special deer management permit issued by the Division of Fish and  
19 Wildlife to utilize a firearm silencer as part of an alternative deer  
20 control method implemented in accordance with a special deer  
21 management permit issued pursuant to section 4 of P.L.2000, c.46  
22 (C.23:4-42.6), while the person is in the actual performance of the  
23 permitted alternative deer control method and while going to and  
24 from the place where the permitted alternative deer control method  
25 is being utilized. This exception shall not, however, otherwise  
26 apply to any person to authorize the purchase or possession of a  
27 firearm silencer.

28 **[h. Stun guns.** Any person who knowingly has in his possession  
29 any stun gun is guilty of a crime of the fourth degree.

30 i. Nothing in subsection e. of this section shall be construed to  
31 prevent any guard in the employ of a private security company, who  
32 is licensed to carry a firearm, from the possession of a nightstick  
33 when in the actual performance of his official duties, provided that  
34 he has satisfactorily completed a training course approved by the  
35 Police Training Commission in the use of a nightstick.

36 j. Any person who knowingly has in his possession a large  
37 capacity ammunition magazine is guilty of a crime of the fourth  
38 degree unless the person has registered an assault firearm pursuant  
39 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is  
40 maintained and used in connection with participation in competitive  
41 shooting matches sanctioned by the Director of Civilian  
42 Marksmanship of the United States Department of the Army.

43 k. Handcuffs. Any person who knowingly has in his  
44 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),  
45 under circumstances not manifestly appropriate for such lawful uses  
46 as handcuffs may have, is guilty of a disorderly persons offense. A  
47 law enforcement officer shall confiscate handcuffs possessed in  
48 violation of the law. **]**

1 (cf: P.L.2003, c.168, s.1)

2

3 6. N.J.S.2C:39-4 is amended to read as follows:

4 2C:39-4 Possession of weapons **【for unlawful purposes】** while  
5 committing a crime.

6 **【a. Firearms.** (1) Any person who has in his possession any  
7 firearm with a purpose to use it unlawfully against the person or  
8 property of another is guilty of a crime of the second degree.

9 (2) Any person who possesses, receives or transfers a  
10 community gun is guilty of a crime of the second degree and shall  
11 be sentenced to a term of imprisonment by the court. The term of  
12 imprisonment shall include the imposition of a minimum term. The  
13 minimum term shall be fixed at one-half of the sentence imposed by  
14 the court or three years, whichever is greater and during which the  
15 defendant shall be ineligible for parole. As used in this paragraph,  
16 "community gun" means a firearm that is transferred among,  
17 between or within any association of two or more persons who,  
18 while possessing that firearm, engage in criminal activity or use it  
19 unlawfully against the person or property of another.

20 b. Explosives. Any person who has in his possession or carries  
21 any explosive substance with a purpose to use it unlawfully against  
22 the person or property of another is guilty of a crime of the second  
23 degree.

24 c. Destructive devices. Any person who has in his possession  
25 any destructive device with a purpose to use it unlawfully against  
26 the person or property of another is guilty of a crime of the second  
27 degree.

28 d. Other weapons. Any person who has in his possession any  
29 weapon, except a firearm, with a purpose to use it unlawfully  
30 against the person or property of another is guilty of a crime of the  
31 third degree.

32 e. Imitation firearms. Any person who has in his possession an  
33 imitation firearm under circumstances that would lead an observer  
34 to reasonably believe that it is possessed for an unlawful purpose is  
35 guilty of a crime of the fourth degree **】** Any person who carries a  
36 weapon during the commission of a crime commits a crime of third  
37 degree.

38 (cf: P.L.2007, c.24, s.1)

39

40 7. Section 1 of P.L.1998, c.26 (C.2C:39-4.1) is amended to read  
41 as follows:

42 2C:39-4.1. Weapons; controlled dangerous substances and other  
43 offenses, penalties.

44 1. a. Any person who has in his possession any firearm or any  
45 other weapon while in the course of committing, attempting to  
46 commit, or conspiring to commit a **【violation of N.J.S.2C:35-3,**  
47 **N.J.S. 2C:35-4, N.J.S.2C:35-5, section 3 or section 5 of P.L.1997,**  
48 **c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6, section 1 of**



1 P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,  
2 c.327 (C.2C:35-7.1), N.J.S.2C:35-11 or N.J.S.2C:16-1 is guilty of a  
3 crime of the second degree.

4 b. Any person who has in his possession any weapon, except a  
5 firearm, with a purpose to use such weapon unlawfully against the  
6 person or property of another, while in the course of committing,  
7 attempting to commit, or conspiring to commit a violation of  
8 N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3 or 5 of  
9 P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6, section  
10 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,  
11 c.327 (C.2C:35-7.1), N.J.S.2C:35-11 or N.J.S.2C:16-1] crime is  
12 guilty of a crime of the [second] third degree.

13 [c. Any person who has in his possession any weapon, except a  
14 firearm, under circumstances not manifestly appropriate for such  
15 lawful uses as the weapon may have, while in the course of  
16 committing, attempting to commit, or conspiring to commit a  
17 violation of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3  
18 or section 5 of P.L. 1997, c.194 (C.2C:35-5.2 or 2C:35-5.3),  
19 N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7), section 1  
20 of P.L.1997,c.327(C.2C:35-7.1), N.J.S.2C:35-11 or N.J.S.2C:16-1  
21 is guilty of a crime of the second degree.

22 d.] b. Notwithstanding the provisions of N.J.S.2C:1-8 or any  
23 other provision of law, a conviction arising under this section shall  
24 not merge with a conviction for a violation of any of the sections of  
25 chapter 35 or chapter 16 referred to in this section nor shall any  
26 conviction under those sections merge with a conviction under this  
27 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any  
28 other provision of law, the sentence imposed upon a violation of  
29 this section shall be ordered to be served consecutively to that  
30 imposed for any conviction for a violation of any of the sections of  
31 chapter 35 or chapter 16 referred to in this section or a conviction  
32 for conspiracy or attempt to violate any of those sections.

33 [e.] c. Nothing herein shall be deemed to preclude, if the  
34 evidence so warrants, an indictment and conviction for a violation  
35 of N.J.S.2C:39-4 or N.J.S.2C:39-5 or any other provision of law.

36 [f.] d. Nothing herein shall prevent the court from also  
37 imposing enhanced punishments, pursuant to N.J.S.2C:35-8, section  
38 2 of P.L.1997, c.117 (C.2C:43-7.2), or any other provision of law,  
39 or an extended term.

40 (cf: P.L.2001, c.443, s.4)

41

42 8. N.J.S.2C:39-5 is amended to read as follows:

43 2C:39-5. Unlawful possession of weapons. a. [Machine guns.  
44 Any person who knowingly has in his possession a machine gun or  
45 any instrument or device adaptable for use as a machine gun,  
46 without being licensed to do so as provided in N.J.S.2C:58-5, is  
47 guilty of a crime of the second degree.

1       b. Handguns. (1) Any person who knowingly has in his  
2 possession any handgun, including any antique handgun, without  
3 first having obtained a permit to carry the same as provided in  
4 N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the  
5 handgun is in the nature of an air gun, spring gun or pistol or other  
6 weapon of a similar nature in which the propelling force is a spring,  
7 elastic band, carbon dioxide, compressed or other gas or vapor, air  
8 or compressed air, or is ignited by compressed air, and ejecting a  
9 bullet or missile smaller than three-eighths of an inch in diameter,  
10 with sufficient force to injure a person it is a crime of the third  
11 degree.

12       c. Rifles and shotguns. (1) Any person who knowingly has in  
13 his possession any rifle or shotgun without having first obtained a  
14 firearms purchaser identification card in accordance with the  
15 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

16       (2) Unless otherwise permitted by law, any person who  
17 knowingly has in his possession any loaded rifle or shotgun is  
18 guilty of a crime of the third degree.

19       d. Other weapons. Any person who **【**knowingly has in his  
20 possession**】** possesses any other weapon under circumstances not  
21 manifestly appropriate for such lawful uses as it may have is guilty  
22 of a crime of the fourth degree.

23       e. **】**Firearms or other weapons in educational institutions.

24       (1) Any person who knowingly has in his possession any firearm  
25 in or upon any part of the buildings or grounds of any school,  
26 college, university or other educational institution, without the  
27 written authorization of the governing officer of the institution, is  
28 guilty of a crime of the third degree.

29       (2) Any person who knowingly possesses any weapon other than  
30 a firearm in or upon any part of the buildings or grounds of any  
31 school, college, university or other educational institution, without  
32 the written authorization of the governing officer of the institution,  
33 is guilty of a crime of the third degree **【**, irrespective of whether he  
34 possesses a valid permit to carry the firearm or a valid firearms  
35 purchaser identification card.

36       (2) Any person who knowingly possesses any weapon  
37 enumerated in paragraphs (3) and (4) of subsection r. of  
38 N.J.S.2C:39-1 or any components which can readily be assembled  
39 into a firearm or other weapon enumerated in subsection r. of  
40 N.J.S.2C:39-1 or any other weapon under circumstances not  
41 manifestly appropriate for such lawful use as it may have, while in  
42 or upon any part of the buildings or grounds of any school, college,  
43 university or other educational institution without the written  
44 authorization of the governing officer of the institution is guilty of a  
45 crime of the fourth degree.

46       (3) Any person who knowingly has in his possession any  
47 imitation firearm in or upon any part of the buildings or grounds of  
48 any school, college, university or other educational institution,

1 without the written authorization of the governing officer of the  
2 institution, or while on any school bus is a disorderly person,  
3 irrespective of whether he possesses a valid permit to carry a  
4 firearm or a valid firearms purchaser identification card.

5 f. Assault firearms. Any person who knowingly has in his  
6 possession an assault firearm is guilty of a crime of the second  
7 degree except if the assault firearm is licensed pursuant to  
8 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32  
9 (C.2C:58-12); or rendered inoperable pursuant to section 12 of  
10 P.L.1990, c.32 (C.2C:58-13).

11 g. (1) The temporary possession of a handgun, rifle or shotgun  
12 by a person receiving, possessing, carrying or using the handgun,  
13 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74  
14 (C.2C:58-3.1) shall not be considered unlawful possession under  
15 the provisions of subsection b. or c. of this section.

16 (2) The temporary possession of a firearm by a person receiving,  
17 possessing, carrying or using the firearm under the provisions of  
18 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered  
19 unlawful possession under the provisions of this section.

20 h. A person who is convicted of a crime under subsection a., b.,  
21 f. or j. of this section shall be ineligible for participation in any  
22 program of intensive supervision; provided, however, that this  
23 provision shall not apply to a crime under subsection b. involving  
24 only a handgun which is in the nature of an air gun, spring gun or  
25 pistol or other weapon of a similar nature in which the propelling  
26 force is a spring, elastic band, carbon dioxide, compressed or other  
27 gas or vapor, air or compressed air, or is ignited by compressed air,  
28 and ejecting a bullet or missile smaller than three-eighths of an inch  
29 in diameter, with sufficient force to injure a person.

30 i. A person convicted of violating subsection a., b. or f. of this  
31 section shall be sentenced by the court to a term of imprisonment,  
32 which shall include the imposition of a minimum term during which  
33 the defendant shall be ineligible for parole, if the court finds that  
34 the aggravating circumstance set forth in paragraph (5) of  
35 subsection a. of N.J.S.2C:44-1 applies. The minimum term of  
36 parole ineligibility shall be fixed at five years. The sentencing  
37 court shall make a finding on the record as to whether the  
38 aggravating circumstance set forth in paragraph (5) of subsection a.  
39 of N.J.S.2C:44-1 applies, and the court shall presume that there is a  
40 substantial likelihood that the defendant is involved in organized  
41 criminal activity if there is a substantial likelihood that the  
42 defendant is a member of an organization or group that engages in  
43 criminal activity. The prosecution at the sentencing hearing shall  
44 have the initial burden of producing evidence or information  
45 concerning the defendant's membership in such an organization or  
46 group.

47 j. A violation of subsection a., b., c. or f. of this section by a  
48 person who has a prior conviction of any of the crimes enumerated

1 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a  
2 first degree crime】

3 b. Firearms or other weapons in courthouses.

4 (1) Any person who knowingly possesses any firearm or other  
5 weapon in or upon any building or property containing any  
6 municipal, State or federal court, is guilty of a crime of the third  
7 degree

8 (2) Any person who knowingly possesses any weapon other than  
9 a firearm in or upon any building or property containing any  
10 municipal, State or federal court is guilty of a crime of the fourth  
11 degree

12 c. Firearms in State institutions.

13 (1) Any person who knowingly possesses any firearm in or upon  
14 any part of the buildings or grounds of any State institution, without  
15 the written authorization of the governing officer of the institution,  
16 is guilty of a crime of the third degree.

17 (2) Any person who knowingly possesses any weapon other than  
18 a firearm in or upon any part of the buildings or grounds of any  
19 State institution, without the written authorization of the governing  
20 officer of the institution, is guilty of a crime of the third degree.

21 (cf: P.L.2013, c.113, s.1)

22

23 9. N.J.S.2C:39-6 is amended to read as follows:

24 2C:39-6. 【a. Provided a person complies with the requirements  
25 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

26 (1) Members of the Armed Forces of the United States or of the  
27 National Guard while actually on duty, or while traveling between  
28 places of duty and carrying authorized weapons in the manner  
29 prescribed by the appropriate military authorities;

30 (2) Federal law enforcement officers, and any other federal  
31 officers and employees required to carry firearms in the  
32 performance of their official duties;

33 (3) Members of the State Police and, under conditions  
34 prescribed by the superintendent, members of the Marine Law  
35 Enforcement Bureau of the Division of State Police;

36 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
37 assistant prosecutor, prosecutor's detective or investigator, deputy  
38 attorney general or State investigator employed by the Division of  
39 Criminal Justice of the Department of Law and Public Safety,  
40 investigator employed by the State Commission of Investigation,  
41 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
42 the Division of State Police in the Department of Law and Public  
43 Safety authorized to carry such weapons by the Superintendent of  
44 State Police, State park police officer, or State conservation officer;

45 (5) Except as hereinafter provided, a prison or jail warden of  
46 any penal institution in this State or his deputies, or an employee of  
47 the Department of Corrections engaged in the interstate  
48 transportation of convicted offenders, while in the performance of

1 his duties, and when required to possess the weapon by his superior  
2 officer, or a corrections officer or keeper of a penal institution in  
3 this State at all times while in the State of New Jersey, provided he  
4 annually passes an examination approved by the superintendent  
5 testing his proficiency in the handling of firearms;

6 (6) A civilian employee of the United States Government under  
7 the supervision of the commanding officer of any post, camp,  
8 station, base or other military or naval installation located in this  
9 State who is required, in the performance of his official duties, to  
10 carry firearms, and who is authorized to carry such firearms by said  
11 commanding officer, while in the actual performance of his official  
12 duties;

13 (7) (a) A regularly employed member, including a detective, of  
14 the police department of any county or municipality, or of any  
15 State, interstate, municipal or county park police force or boulevard  
16 police force, at all times while in the State of New Jersey;

17 (b) A special law enforcement officer authorized to carry a  
18 weapon as provided in subsection b. of section 7 of P.L.1985, c.439  
19 (C.40A:14-146.14);

20 (c) An airport security officer or a special law enforcement  
21 officer appointed by the governing body of any county or  
22 municipality, except as provided in subparagraph (b) of this  
23 paragraph, or by the commission, board or other body having  
24 control of a county park or airport or boulevard police force, while  
25 engaged in the actual performance of his official duties and when  
26 specifically authorized by the governing body to carry weapons;

27 (8) A full-time, paid member of a paid or part-paid fire  
28 department or force of any municipality who is assigned full-time  
29 or part-time to an arson investigation unit created pursuant to  
30 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
31 investigation unit in the county prosecutor's office, while either  
32 engaged in the actual performance of arson investigation duties or  
33 while actually on call to perform arson investigation duties and  
34 when specifically authorized by the governing body or the county  
35 prosecutor, as the case may be, to carry weapons. Prior to being  
36 permitted to carry a firearm, such a member shall take and  
37 successfully complete a firearms training course administered by  
38 the Police Training Commission pursuant to P.L.1961, c.56  
39 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
40 revolver or similar weapon prior to being permitted to carry a  
41 firearm;

42 (9) A juvenile corrections officer in the employment of the  
43 Juvenile Justice Commission established pursuant to section 2 of  
44 P.L.1995, c.284 (C.52:17B-170) subject to the regulations  
45 promulgated by the commission;

46 (10) A designated employee or designated licensed agent for a  
47 nuclear power plant under license of the Nuclear Regulatory  
48 Commission, while in the actual performance of his official duties,

1 if the federal licensee certifies that the designated employee or  
2 designated licensed agent is assigned to perform site protection,  
3 guard, armed response or armed escort duties and is appropriately  
4 trained and qualified, as prescribed by federal regulation, to  
5 perform those duties. Any firearm utilized by an employee or agent  
6 for a nuclear power plant pursuant to this paragraph shall be  
7 returned each day at the end of the employee's or agent's authorized  
8 official duties to the employee's or agent's supervisor. All firearms  
9 returned each day pursuant to this paragraph shall be stored in  
10 locked containers located in a secure area;

11 (11) A county corrections officer at all times while in the State of  
12 New Jersey, provided he annually passes an examination approved  
13 by the superintendent testing his proficiency in the handling of  
14 firearms.

15 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

16 (1) A law enforcement officer employed by a governmental  
17 agency outside of the State of New Jersey while actually engaged in  
18 his official duties, provided, however, that he has first notified the  
19 superintendent or the chief law enforcement officer of the  
20 municipality or the prosecutor of the county in which he is engaged;  
21 or

22 (2) A licensed dealer in firearms and his registered employees  
23 during the course of their normal business while traveling to and  
24 from their place of business and other places for the purpose of  
25 demonstration, exhibition or delivery in connection with a sale,  
26 provided, however, that the weapon is carried in the manner  
27 specified in subsection g. of this section.

28 c. Provided a person complies with the requirements of  
29 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5  
30 do not apply to:

31 (1) A special agent of the Division of Taxation who has passed  
32 an examination in an approved police training program testing  
33 proficiency in the handling of any firearm which he may be  
34 required to carry, while in the actual performance of his official  
35 duties and while going to or from his place of duty, or any other  
36 police officer, while in the actual performance of his official duties;

37 (2) A State deputy conservation officer or a full-time employee  
38 of the Division of Parks and Forestry having the power of arrest and  
39 authorized to carry weapons, while in the actual performance of his  
40 official duties;

41 (3) (Deleted by amendment, P.L.1986, c.150.)

42 (4) A court attendant serving as such under appointment by the  
43 sheriff of the county or by the judge of any municipal court or other  
44 court of this State, while in the actual performance of his official  
45 duties;

46 (5) A guard in the employ of any railway express company,  
47 banking or building and loan or savings and loan institution of this  
48 State, while in the actual performance of his official duties;

- 1 (6) A member of a legally recognized military organization  
2 while actually under orders or while going to or from the prescribed  
3 place of meeting and carrying the weapons prescribed for drill,  
4 exercise or parade;
- 5 (7) A humane law enforcement officer of the New Jersey  
6 Society for the Prevention of Cruelty to Animals or of a county  
7 society for the prevention of cruelty to animals, while in the actual  
8 performance of his duties;
- 9 (8) An employee of a public utilities corporation actually  
10 engaged in the transportation of explosives;
- 11 (9) A railway policeman, except a transit police officer of the  
12 New Jersey Transit Police Department, at all times while in the  
13 State of New Jersey, provided that he has passed an approved police  
14 academy training program consisting of at least 280 hours. The  
15 training program shall include, but need not be limited to, the  
16 handling of firearms, community relations, and juvenile relations;
- 17 (10) A campus police officer appointed under P.L.1970, c.211  
18 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry  
19 a firearm, a campus police officer shall take and successfully  
20 complete a firearms training course administered by the Police  
21 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
22 seq.), and shall annually qualify in the use of a revolver or similar  
23 weapon prior to being permitted to carry a firearm;
- 24 (11) (Deleted by amendment, P.L.2003, c.168).
- 25 (12) A transit police officer of the New Jersey Transit Police  
26 Department, at all times while in the State of New Jersey, provided  
27 the officer has satisfied the training requirements of the Police  
28 Training Commission, pursuant to subsection c. of section 2 of  
29 P.L.1989, c.291 (C.27:25-15.1);
- 30 (13) A parole officer employed by the State Parole Board at all  
31 times. Prior to being permitted to carry a firearm, a parole officer  
32 shall take and successfully complete a basic course for regular  
33 police officer training administered by the Police Training  
34 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
35 shall annually qualify in the use of a revolver or similar weapon  
36 prior to being permitted to carry a firearm;
- 37 (14) A Human Services police officer at all times while in the  
38 State of New Jersey, as authorized by the Commissioner of Human  
39 Services;
- 40 (15) A person or employee of any person who, pursuant to and as  
41 required by a contract with a governmental entity, supervises or  
42 transports persons charged with or convicted of an offense;
- 43 (16) A housing authority police officer appointed under  
44 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
45 State of New Jersey; or
- 46 (17) A probation officer assigned to the "Probation Officer  
47 Community Safety Unit" created by section 2 of P.L.2001, c.362  
48 (C.2B:10A-2) while in the actual performance of the probation

1 officer's official duties. Prior to being permitted to carry a firearm,  
2 a probation officer shall take and successfully complete a basic  
3 course for regular police officer training administered by the Police  
4 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
5 seq.), and shall annually qualify in the use of a revolver or similar  
6 weapon prior to being permitted to carry a firearm.

7 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
8 antique firearms, provided that such antique firearms are unloaded  
9 or are being fired for the purposes of exhibition or demonstration at  
10 an authorized target range or in such other manner as has been  
11 approved in writing by the chief law enforcement officer of the  
12 municipality in which the exhibition or demonstration is held, or if  
13 not held on property under the control of a particular municipality,  
14 the superintendent.

15 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
16 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of  
17 being fired but that is unloaded and immobile, provided that the  
18 antique cannon is possessed by (a) a scholastic institution, a  
19 museum, a municipality, a county or the State, or (b) a person who  
20 obtained a firearms purchaser identification card as specified in  
21 N.J.S.2C:58-3.

22 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
23 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
24 being transported by one eligible to possess it, in compliance with  
25 regulations the superintendent may promulgate, between its  
26 permanent location and place of purchase or repair.

27 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
28 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
29 or fired by one eligible to possess an antique cannon, for purposes  
30 of exhibition or demonstration at an authorized target range or in  
31 the manner as has been approved in writing by the chief law  
32 enforcement officer of the municipality in which the exhibition or  
33 demonstration is held, or if not held on property under the control  
34 of a particular municipality, the superintendent, provided that  
35 performer has given at least 30 days' notice to the superintendent.

36 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
37 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
38 antique cannons directly to or from exhibitions or demonstrations  
39 authorized under paragraph (4) of subsection d. of this section,  
40 provided that the transportation is in compliance with safety  
41 regulations the superintendent may promulgate. Nor do those  
42 subsections apply to transportation directly to or from exhibitions or  
43 demonstrations authorized under the law of another jurisdiction,  
44 provided that the superintendent has been given 30 days' notice and  
45 that the transportation is in compliance with safety regulations the  
46 superintendent may promulgate.

47 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
48 construed to prevent a person keeping or carrying about his place of



1 business, residence, premises or other land owned or possessed by  
2 him, any firearm, or from carrying the same, in the manner  
3 specified in subsection g. of this section, from any place of  
4 purchase to his residence or place of business, between his dwelling  
5 and his place of business, between one place of business or  
6 residence and another when moving, or between his dwelling or  
7 place of business and place where such firearms are repaired, for  
8 the purpose of repair. For the purposes of this section, a place of  
9 business shall be deemed to be a fixed location.

10 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
11 construed to prevent:

12 (1) A member of any rifle or pistol club organized in accordance  
13 with the rules prescribed by the National Board for the Promotion  
14 of Rifle Practice, in going to or from a place of target practice,  
15 carrying such firearms as are necessary for said target practice,  
16 provided that the club has filed a copy of its charter with the  
17 superintendent and annually submits a list of its members to the  
18 superintendent and provided further that the firearms are carried in  
19 the manner specified in subsection g. of this section;

20 (2) A person carrying a firearm or knife in the woods or fields  
21 or upon the waters of this State for the purpose of hunting, target  
22 practice or fishing, provided that the firearm or knife is legal and  
23 appropriate for hunting or fishing purposes in this State and he has  
24 in his possession a valid hunting license, or, with respect to fresh  
25 water fishing, a valid fishing license;

26 (3) A person transporting any firearm or knife while traveling:

27 (a) Directly to or from any place for the purpose of hunting or  
28 fishing, provided the person has in his possession a valid hunting or  
29 fishing license; or

30 (b) Directly to or from any target range, or other authorized  
31 place for the purpose of practice, match, target, trap or skeet  
32 shooting exhibitions, provided in all cases that during the course of  
33 the travel all firearms are carried in the manner specified in  
34 subsection g. of this section and the person has complied with all  
35 the provisions and requirements of Title 23 of the Revised Statutes  
36 and any amendments thereto and all rules and regulations  
37 promulgated thereunder; or

38 (c) In the case of a firearm, directly to or from any exhibition or  
39 display of firearms which is sponsored by any law enforcement  
40 agency, any rifle or pistol club, or any firearms collectors club, for  
41 the purpose of displaying the firearms to the public or to the  
42 members of the organization or club, provided, however, that not  
43 less than 30 days prior to the exhibition or display, notice of the  
44 exhibition or display shall be given to the Superintendent of the  
45 State Police by the sponsoring organization or club, and the sponsor  
46 has complied with such reasonable safety regulations as the  
47 superintendent may promulgate. Any firearms transported pursuant

1 to this section shall be transported in the manner specified in  
2 subsection g. of this section;

3 (4) A person from keeping or carrying about a private or  
4 commercial aircraft or any boat, or from transporting to or from  
5 such vessel for the purpose of installation or repair a visual distress  
6 signaling device approved by the United States Coast Guard.

7 g. All weapons being transported under paragraph (2) of  
8 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
9 of this section shall be carried unloaded and contained in a closed  
10 and fastened case, gunbox, securely tied package, or locked in the  
11 trunk of the automobile in which it is being transported, and in the  
12 course of travel shall include only such deviations as are reasonably  
13 necessary under the circumstances.

14 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
15 to prevent any employee of a public utility, as defined in R.S.48:2-  
16 13, doing business in this State or any United States Postal Service  
17 employee, while in the actual performance of duties which  
18 specifically require regular and frequent visits to private premises,  
19 from possessing, carrying or using any device which projects,  
20 releases or emits any substance specified as being noninjurious to  
21 canines or other animals by the Commissioner of Health and which  
22 immobilizes only on a temporary basis and produces only  
23 temporary physical discomfort through being vaporized or  
24 otherwise dispensed in the air for the sole purpose of repelling  
25 canine or other animal attacks.

26 The device shall be used solely to repel only those canine or  
27 other animal attacks when the canines or other animals are not  
28 restrained in a fashion sufficient to allow the employee to properly  
29 perform his duties.

30 Any device used pursuant to this act shall be selected from a list  
31 of products, which consist of active and inert ingredients, permitted  
32 by the Commissioner of Health.

33 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent  
34 any person who is 18 years of age or older and who has not been  
35 convicted of a crime, from possession for the purpose of personal  
36 self-defense of one pocket-sized device which contains and releases  
37 not more than three-quarters of an ounce of chemical substance not  
38 ordinarily capable of lethal use or of inflicting serious bodily injury,  
39 but rather, is intended to produce temporary physical discomfort or  
40 disability through being vaporized or otherwise dispensed in the air.  
41 Any person in possession of any device in violation of this  
42 subsection shall be deemed and adjudged to be a disorderly person,  
43 and upon conviction thereof, shall be punished by a fine of not less  
44 than \$100.

45 (2) Notwithstanding the provisions of paragraph (1) of this  
46 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
47 health inspector or investigator operating pursuant to the provisions  
48 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building

1 inspector from possessing a device which is capable of releasing  
2 more than three-quarters of an ounce of a chemical substance, as  
3 described in paragraph (1), while in the actual performance of the  
4 inspector's or investigator's duties, provided that the device does not  
5 exceed the size of those used by law enforcement.

6 j. A person shall qualify for an exemption from the provisions  
7 of N.J.S.2C:39-5, as specified under subsections a. and c. of this  
8 section, if the person has satisfactorily completed a firearms  
9 training course approved by the Police Training Commission.

10 Such exempt person shall not possess or carry a firearm until the  
11 person has satisfactorily completed a firearms training course and  
12 shall annually qualify in the use of a revolver or similar weapon.  
13 For purposes of this subsection, a "firearms training course" means  
14 a course of instruction in the safe use, maintenance and storage of  
15 firearms which is approved by the Police Training Commission.  
16 The commission shall approve a firearms training course if the  
17 requirements of the course are substantially equivalent to the  
18 requirements for firearms training provided by police training  
19 courses which are certified under section 6 of P.L.1961, c.56  
20 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)  
21 or (6) of subsection a. of this section shall be exempt from the  
22 requirements of this subsection.

23 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
24 to prevent any financial institution, or any duly authorized  
25 personnel of the institution, from possessing, carrying or using for  
26 the protection of money or property, any device which projects,  
27 releases or emits tear gas or other substances intended to produce  
28 temporary physical discomfort or temporary identification.

29 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
30 to prevent a law enforcement officer who retired in good standing,  
31 including a retirement because of a disability pursuant to section 6  
32 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
33 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any  
34 substantially similar statute governing the disability retirement of  
35 federal law enforcement officers, provided the officer was a  
36 regularly employed, full-time law enforcement officer for an  
37 aggregate of four or more years prior to his disability retirement and  
38 further provided that the disability which constituted the basis for  
39 the officer's retirement did not involve a certification that the officer  
40 was mentally incapacitated for the performance of his usual law  
41 enforcement duties and any other available duty in the department  
42 which his employer was willing to assign to him or does not subject  
43 that retired officer to any of the disabilities set forth in subsection c.  
44 of N.J.S.2C:58-3 which would disqualify the retired officer from  
45 possessing or carrying a firearm, who semi-annually qualifies in the  
46 use of the handgun he is permitted to carry in accordance with the  
47 requirements and procedures established by the Attorney General  
48 pursuant to subsection j. of this section and pays the actual costs

1 associated with those semi-annual qualifications, who is 75 years of  
2 age or younger, and who was regularly employed as a full-time  
3 member of the State Police; a full-time member of an interstate  
4 police force; a full-time member of a county or municipal police  
5 department in this State; a full-time member of a State law  
6 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
7 officer of a county of this State; a full-time State or county  
8 corrections officer; a full-time county park police officer; a full-  
9 time county prosecutor's detective or investigator; a full-time  
10 federal law enforcement officer; or is a qualified retired law  
11 enforcement officer, as used in the federal "Law Enforcement  
12 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this  
13 State from carrying a handgun in the same manner as law  
14 enforcement officers exempted under paragraph (7) of subsection a.  
15 of this section under the conditions provided herein:

16 (1) The retired law enforcement officer shall make application  
17 in writing to the Superintendent of State Police for approval to carry  
18 a handgun for one year. An application for annual renewal shall be  
19 submitted in the same manner.

20 (2) Upon receipt of the written application of the retired law  
21 enforcement officer, the superintendent shall request a verification  
22 of service from the chief law enforcement officer of the  
23 organization in which the retired officer was last regularly  
24 employed as a full-time law enforcement officer prior to retiring.  
25 The verification of service shall include:

26 (a) The name and address of the retired officer;

27 (b) The date that the retired officer was hired and the date that  
28 the officer retired;

29 (c) A list of all handguns known to be registered to that officer;

30 (d) A statement that, to the reasonable knowledge of the chief  
31 law enforcement officer, the retired officer is not subject to any of  
32 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

33 (e) A statement that the officer retired in good standing.

34 (3) If the superintendent approves a retired officer's application  
35 or reapplication to carry a handgun pursuant to the provisions of  
36 this subsection, the superintendent shall notify in writing the chief  
37 law enforcement officer of the municipality wherein that retired  
38 officer resides. In the event the retired officer resides in a  
39 municipality which has no chief law enforcement officer or law  
40 enforcement agency, the superintendent shall maintain a record of  
41 the approval.

42 (4) The superintendent shall issue to an approved retired officer  
43 an identification card permitting the retired officer to carry a  
44 handgun pursuant to this subsection. This identification card shall  
45 be valid for one year from the date of issuance and shall be valid  
46 throughout the State. The identification card shall not be  
47 transferable to any other person. The identification card shall be  
48 carried at all times on the person of the retired officer while the

1 retired officer is carrying a handgun. The retired officer shall  
2 produce the identification card for review on the demand of any law  
3 enforcement officer or authority.

4 (5) Any person aggrieved by the denial of the superintendent of  
5 approval for a permit to carry a handgun pursuant to this subsection  
6 may request a hearing in the Superior Court of New Jersey in the  
7 county in which he resides by filing a written request for such a  
8 hearing within 30 days of the denial. Copies of the request shall be  
9 served upon the superintendent and the county prosecutor. The  
10 hearing shall be held within 30 days of the filing of the request, and  
11 no formal pleading or filing fee shall be required. Appeals from the  
12 determination of such a hearing shall be in accordance with law and  
13 the rules governing the courts of this State.

14 (6) A judge of the Superior Court may revoke a retired officer's  
15 privilege to carry a handgun pursuant to this subsection for good  
16 cause shown on the application of any interested person. A person  
17 who becomes subject to any of the disabilities set forth in  
18 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
19 superintendent, his identification card issued under paragraph (4) of  
20 this subsection to the chief law enforcement officer of the  
21 municipality wherein he resides or the superintendent, and shall be  
22 permanently disqualified to carry a handgun under this subsection.

23 (7) The superintendent may charge a reasonable application fee  
24 to retired officers to offset any costs associated with administering  
25 the application process set forth in this subsection.

26 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
27 to prevent duly authorized personnel of the New Jersey Division of  
28 Fish and Wildlife, while in the actual performance of duties, from  
29 possessing, transporting or using any device that projects, releases  
30 or emits any substance specified as being non-injurious to wildlife  
31 by the Director of the Division of Animal Health in the Department  
32 of Agriculture, and which may immobilize wildlife and produces  
33 only temporary physical discomfort through being vaporized or  
34 otherwise dispensed in the air for the purpose of repelling bear or  
35 other animal attacks or for the aversive conditioning of wildlife.

36 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
37 be construed to prevent duly authorized personnel of the New  
38 Jersey Division of Fish and Wildlife, while in the actual  
39 performance of duties, from possessing, transporting or using hand  
40 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
41 missiles for the sole purpose of frightening, hazing or aversive  
42 conditioning of nuisance or depredating wildlife; from possessing,  
43 transporting or using rifles, pistols or similar devices for the sole  
44 purpose of chemically immobilizing wild or non-domestic animals;  
45 or, provided the duly authorized person complies with the  
46 requirements of subsection j. of this section, from possessing,  
47 transporting or using rifles or shotguns, upon completion of a Police  
48 Training Commission approved training course, in order to dispatch

1 injured or dangerous animals or for non-lethal use for the purpose  
2 of frightening, hazing or aversive conditioning of nuisance or  
3 depredating wildlife】 Nothing in subsections a., b. or c. of  
4 N.J.S.2C:39-5 shall be construed to prevent a federal, State or local  
5 law enforcement officer, or any member of the Armed Forces of the  
6 United States or the National Guard, from possessing a firearm or  
7 other weapon when in the actual performance of his official duties.  
8 (cf: P.L.2013, c.219, s.1)

9

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

11 2C:39-9. Manufacture, Transport, and Disposition **【and**  
12 **Defacement】** of Weapons and Dangerous Instruments and  
13 Appliances. a. **【Machine guns.** Any person who manufactures,  
14 causes to be manufactured, transports, ships, sells or disposes of  
15 any machine gun without being registered or licensed to do so as  
16 provided in chapter 58 is guilty of a crime of the third degree.

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

20 c. **】** Firearm silencers. Any person who manufactures, causes to  
21 be manufactured, transports, ships, sells or disposes of any firearm  
22 silencer is **【guilty of a crime of the fourth degree】** a petty  
23 disorderly person.

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

1 duly authorized personnel of those institutions,] is guilty of a crime  
2 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 bullet,  
10 which is primarily designed for use in a handgun, and which is  
11 comprised of a bullet whose core or jacket, if the jacket is thicker  
12 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
13 other material which is harder than a rating of 72 or greater on the  
14 Rockwell B. Hardness Scale, and is therefore capable of breaching  
15 or penetrating body armor and which is intended to be used for any  
16 purpose other than for authorized military or law enforcement  
17 purposes by duly authorized military or law enforcement personnel,  
18 is guilty of a crime of the fourth degree.

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

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

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

1 i. Transporting firearms into this State for an unlawful sale or  
2 transfer. Any person who knowingly transports, ships or otherwise  
3 brings into this State any firearm for the purpose of unlawfully  
4 selling, transferring, giving, assigning or otherwise disposing of that  
5 firearm to another individual is guilty of a crime of the second  
6 degree. Any motor vehicle used by a person to transport, ship, or  
7 otherwise bring a firearm into this State for unlawful sale or transfer  
8 shall be subject to forfeiture in accordance with the provisions of  
9 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
10 shall not apply to innocent owners, nor shall it affect the rights of a  
11 holder of a valid lien.

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

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

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

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

24 The transfer of any firearm that uses air or carbon dioxide to  
25 expel a projectile; or the transfer of an antique firearm shall not  
26 constitute a violation of this subsection. **】**

27 (cf: P.L.2013, c.111, s.1)

28

29 11. N.J.S.2C:39-10 is amended to read as follows:

30 2C:39-10. **【**Violation of the regulatory provisions relating to  
31 firearms; false representation in applications.

32 a. (1) Except as otherwise provided in paragraph (2) and  
33 paragraph (4) of this subsection, any person who knowingly violates  
34 the regulatory provisions relating to manufacturing or wholesaling  
35 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,  
36 permits to purchase certain firearms N.J.S.2C:58-3, permits to carry  
37 certain firearms N.J.S.2C:58-4, licenses to procure machine guns or  
38 assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition  
39 N.J.S.2C:58-10, except acts which are punishable under section  
40 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the  
41 fourth degree.

42 (2) A licensed dealer who knowingly violates the provisions of  
43 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
44 is a disorderly person.

45 (3) If, upon review, a law enforcement agency determines that a  
46 licensed dealer has sold, transferred, assigned, or otherwise  
47 disposed of an inordinate number of firearms and that licensed  
48 dealer knew, or should have known, that the firearms would be used



1 in the commission of a crime or would be transferred to a person in  
2 order for the firearms to be used for an unlawful purpose, that  
3 dealer's license shall, after a hearing, be permanently revoked.

4 (4) A licensed dealer who sells or transfers a firearm to a person  
5 knowing that person intends to sell, transfer, assign, or otherwise  
6 dispose of that firearm to a person who is disqualified from  
7 possessing a firearm under State or federal law is guilty of a crime  
8 of the second degree. Notwithstanding any other provisions of law  
9 to the contrary, the sentence imposed for a conviction under this  
10 subsection shall include a mandatory minimum term of  
11 imprisonment of 18 months, during which the defendant shall be  
12 ineligible for parole; provided however, if the firearm was used in  
13 the commission of a crime, the sentence imposed under this  
14 subsection shall include a mandatory minimum term of  
15 imprisonment of three years, during which the defendant shall be  
16 ineligible for parole. Further, a person convicted under this  
17 subsection shall be permanently disqualified from holding a retail  
18 license under N.J.S.2C:58-2.

19 b. Any person who knowingly violates the regulatory  
20 provisions relating to notifying the authorities of possessing certain  
21 items of explosives N.J.S.2C:58-7, or of certain wounds  
22 N.J.S.2C:58-8 is a disorderly person.

23 c. Any person who gives or causes to be given any false  
24 information, or signs a fictitious name or address, in applying for a  
25 firearms purchaser identification card, a permit to purchase a  
26 handgun, a permit to carry a handgun, a permit to possess a machine  
27 gun, a permit to possess an assault firearm, or in completing the  
28 certificate or any other instrument required by law in purchasing or  
29 otherwise acquiring delivery of any rifle, shotgun, handgun,  
30 machine gun, or assault firearm or any other firearm, is guilty of a  
31 crime of the third degree.

32 d. Any person who gives or causes to be given any false  
33 information in registering an assault firearm pursuant to section 11  
34 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
35 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
36 c.32 (C.2C:58-13) commits a crime of the fourth degree.

37 e. Transfer of firearms to minors.

38 Any person, other than a parent or guardian, who knowingly  
39 sells, gives, transfers, assigns or otherwise disposes of a firearm to a  
40 person who is under the age of **[18]** 16 years **],** except as permitted  
41 in section 14 of P.L.1979, c.179 (C.2C:58-6.1), **]** is **[**guilty of a  
42 crime of the second degree. Notwithstanding any other provision of  
43 law to the contrary, the sentence imposed for a conviction under  
44 this subsection shall include a mandatory minimum five-year term  
45 of imprisonment, during which the defendant shall be ineligible for  
46 parole] a petty disorderly person. This section shall not apply to an  
47 instructor or teacher who furnishes firearms to pupils for instruction and  
48 drill.

1       **【**f. Unless the recipient is authorized to possess the handgun in  
2 connection with the performance of official duties under the  
3 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
4 gives, transfers, assigns or otherwise disposes of a handgun to a  
5 person who is under the age of 21 years, except as permitted in  
6 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
7 the third degree.

8       g. Any person who knowingly gives or causes to be given any  
9 false information or knowingly engages in any other fraudulent  
10 conduct in applying for an exemption to purchase more than one  
11 handgun in a 30-day period in violation of the provisions of section  
12 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
13 third degree. The presumption of nonimprisonment set forth in  
14 N.J.S.2C:44-1 shall not apply to persons convicted under the  
15 provisions of this subsection. **】**

16 (cf: P.L.2013, c.111, s.2)

17  
18       12. N.J.S.2C:43-6 is amended to read as follows:

19       2C:43-6. a. Except as otherwise provided, a person who has been  
20 convicted of a crime may be sentenced to imprisonment, as follows:

21       (1) In the case of a crime of the first degree, for a specific term  
22 of years which shall be fixed by the court and shall be between 10  
23 years and 20 years;

24       (2) In the case of a crime of the second degree, for a specific  
25 term of years which shall be fixed by the court and shall be between  
26 five years and 10 years;

27       (3) In the case of a crime of the third degree, for a specific term  
28 of years which shall be fixed by the court and shall be between  
29 three years and five years;

30       (4) In the case of a crime of the fourth degree, for a specific  
31 term which shall be fixed by the court and shall not exceed 18  
32 months.

33       b. As part of a sentence for any crime, where the court is  
34 clearly convinced that the aggravating factors substantially  
35 outweigh the mitigating factors, as set forth in subsections a. and b.  
36 of 2C:44-1, or the court finds that the aggravating factor set forth in  
37 paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court  
38 may fix a minimum term not to exceed one-half of the term set  
39 pursuant to subsection a., or one-half of the term set pursuant to a  
40 maximum period of incarceration for a crime set forth in any statute  
41 other than this code, during which the defendant shall not be  
42 eligible for parole; provided that no defendant shall be eligible for  
43 parole at a date earlier than otherwise provided by the law  
44 governing parole.

45       c. **【**A person who has been convicted under subsection b. or d.  
46 of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of  
47 section 1 of P.L.1998, c.26 (C.2C:39-4.1), subsection a., b., c., or f.  
48 of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection

1 b. of section 6 of P.L.1979, c.179 (C.2C:39-7), or subsection a., b.,  
2 e. or g. of N.J.S.2C:39-9, or of a crime under any of the following  
3 sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-  
4 3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of  
5 committing or attempting to commit the crime, including the  
6 immediate flight therefrom, used or was in possession of a firearm  
7 as defined in 2C:39-1f., shall be sentenced to a term of  
8 imprisonment by the court. The term of imprisonment shall include  
9 the imposition of a minimum term. The minimum term shall be  
10 fixed at one-half of the sentence imposed by the court or 42 months,  
11 whichever is greater, or 18 months in the case of a fourth degree  
12 crime, during which the defendant shall be ineligible for parole.

13 The minimum terms established by this section shall not prevent  
14 the court from imposing presumptive terms of imprisonment  
15 pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth  
16 degree.

17 A person who has been convicted of an offense enumerated by  
18 this subsection and who used or possessed a firearm during its  
19 commission, attempted commission or flight therefrom and who has  
20 been previously convicted of an offense involving the use or  
21 possession of a firearm as defined in 2C:44-3d., shall be sentenced  
22 by the court to an extended term as authorized by 2C:43-7c.,  
23 notwithstanding that extended terms are ordinarily discretionary  
24 with the court. **Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_**  
25 (pending before the Legislature as this bill)

26 d. **[(1)** The court shall not impose a mandatory sentence  
27 pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d.,  
28 unless the ground therefor has been established at a hearing. At the  
29 hearing, which may occur at the time of sentencing, the prosecutor  
30 shall establish by a preponderance of the evidence that the weapon  
31 used or possessed was a firearm. In making its finding, the court  
32 shall take judicial notice of any evidence, testimony or information  
33 adduced at the trial, plea hearing, or other court proceedings and  
34 shall also consider the presentence report and any other relevant  
35 information.

36 (2) The court shall not impose a mandatory sentence pursuant to  
37 subsection c. of this section for a violation of paragraph (2) of  
38 subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of  
39 subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the  
40 nature of an air gun, spring gun or pistol or other weapon of a  
41 similar nature in which the propelling force is a spring, elastic band,  
42 carbon dioxide, compressed or other gas or vapor, air or compressed  
43 air, or is ignited by compressed air, and ejecting a bullet or missile  
44 smaller than three-eighths of an inch in diameter, with sufficient  
45 force to injure a person; or a violation of paragraph (1) of  
46 subsection c. of N.J.S.2C:39-5. **Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_**  
47 (C. \_\_\_\_\_) (pending before the Legislature as this bill)

1 e. A person convicted of a third or subsequent offense  
2 involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any  
3 other provision of this code, or under any of the provisions of Title  
4 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes,  
5 as amended and supplemented, shall be sentenced to a term of  
6 imprisonment by the court. This shall not preclude an application  
7 for and imposition of an extended term of imprisonment under  
8 N.J.S.2C:44-3 if the provisions of that section are applicable to the  
9 offender.

10 f. A person convicted of manufacturing, distributing,  
11 dispensing or possessing with intent to distribute any dangerous  
12 substance or controlled substance analog under N.J.S.2C:35-5, of  
13 maintaining or operating a controlled dangerous substance  
14 production facility under N.J.S.2C:35-4, of employing a juvenile in  
15 a drug distribution scheme under N.J.S.2C:35-6, leader of a  
16 narcotics trafficking network under N.J.S.2C:35-3, or of  
17 distributing, dispensing or possessing with intent to distribute on or  
18 near school property or buses under section 1 of P.L.1987, c.101  
19 (C.2C:35-7), who has been previously convicted of manufacturing,  
20 distributing, dispensing or possessing with intent to distribute a  
21 controlled dangerous substance or controlled substance analog,  
22 shall upon application of the prosecuting attorney be sentenced by  
23 the court to an extended term as authorized by subsection c. of  
24 N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily  
25 discretionary with the court. The term of imprisonment shall,  
26 except as may be provided in N.J.S.2C:35-12, include the  
27 imposition of a minimum term. The minimum term shall be fixed  
28 at, or between, one-third and one-half of the sentence imposed by  
29 the court or three years, whichever is greater, not less than seven  
30 years if the person is convicted of a violation of N.J.S.2C:35-6, or  
31 18 months in the case of a fourth degree crime, during which the  
32 defendant shall be ineligible for parole.

33 The court shall not impose an extended term pursuant to this  
34 subsection unless the ground therefor has been established at a  
35 hearing. At the hearing, which may occur at the time of sentencing,  
36 the prosecutor shall establish the ground therefor by a  
37 preponderance of the evidence. In making its finding, the court shall  
38 take judicial notice of any evidence, testimony or information  
39 adduced at the trial, plea hearing, or other court proceedings and  
40 shall also consider the presentence report and any other relevant  
41 information.

42 For the purpose of this subsection, a previous conviction exists  
43 where the actor has at any time been convicted under chapter 35 of  
44 this title or Title 24 of the Revised Statutes or under any similar  
45 statute of the United States, this State, or any other state for an  
46 offense that is substantially equivalent to N.J.S.2C:35-3,  
47 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of  
48 P.L.1987, c.101 (C.2C:35-7).

1 g. **【**Any person who has been convicted under subsection a. of  
2 N.J.S.2C:39-4 or of a crime under any of the following sections:  
3 N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1,  
4 N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2,  
5 N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of  
6 committing or attempting to commit the crime, including the  
7 immediate flight therefrom, used or was in possession of a machine  
8 gun or assault firearm shall be sentenced to a term of imprisonment  
9 by the court. The term of imprisonment shall include the  
10 imposition of a minimum term. The minimum term shall be fixed at  
11 10 years for a crime of the first or second degree, five years for a  
12 crime of the third degree, or 18 months in the case of a fourth  
13 degree crime, during which the defendant shall be ineligible for  
14 parole.

15 The minimum terms established by this section shall not prevent  
16 the court from imposing presumptive terms of imprisonment  
17 pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for  
18 crimes of the first degree.

19 A person who has been convicted of an offense enumerated in  
20 this subsection and who used or possessed a machine gun or assault  
21 firearm during its commission, attempted commission or flight  
22 therefrom and who has been previously convicted of an offense  
23 involving the use or possession of any firearm as defined in  
24 subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an  
25 extended term as authorized by subsection d. of N.J.S.2C:43-7,  
26 notwithstanding that extended terms are ordinarily discretionary  
27 with the court. **】 Deleted by amendment, P.L. , c. (C. )**  
28 **(pending before the Legislature as this bill)**

29 h. The court shall not impose a mandatory sentence pursuant to  
30 **【**subsection g. of this section,**】** subsection d. of N.J.S.2C:43-7 or  
31 N.J.S.2C:44-3, unless the ground therefor has been established at a  
32 hearing. At the hearing, which may occur at the time of sentencing,  
33 the prosecutor shall establish by a preponderance of the evidence  
34 that the weapon used or possessed was a machine gun or assault  
35 firearm. In making its finding, the court shall take judicial notice of  
36 any evidence, testimony or information adduced at the trial, plea  
37 hearing, or other court proceedings and shall also consider the  
38 presentence report and any other relevant information.

39 i. A person who has been convicted under paragraph (6) of  
40 subsection b. of N.J.S.2C:12-1 of causing bodily injury while  
41 eluding shall be sentenced to a term of imprisonment by the court.  
42 The term of imprisonment shall include the imposition of a  
43 minimum term. The minimum term shall be fixed at, or between  
44 one-third and one-half of the sentence imposed by the court. The  
45 minimum term established by this subsection shall not prevent the  
46 court from imposing a presumptive term of imprisonment pursuant  
47 to paragraph (1) of subsection f. of N.J.S.2C:44-1.

48 (cf: P.L.2013, c,113, s.2)

1

2 13. N.J.S.2C:44-3 is amended to read as follows:

3 2C:44-3. The court may, upon application of the prosecuting  
4 attorney, sentence a person who has been convicted of a crime of  
5 the first, second or third degree to an extended term of  
6 imprisonment if it finds one or more of the grounds specified in  
7 subsection a., b., c., or f. of this section. **【**If the grounds specified  
8 in subsection d. are found, and the person is being sentenced for  
9 commission of any of the offenses enumerated in N.J.S.2C:43-6c.  
10 or N.J.S.2C:43-6g., the court shall sentence the defendant to an  
11 extended term as required by N.J.S.2C:43-6c. or N.J.S.2C:43-6g.,  
12 and application by the prosecutor shall not be required.**】** The court  
13 shall, upon application of the prosecuting attorney, sentence a  
14 person who has been convicted of a crime under N.J.S.2C:14-2 or  
15 N.J.S.2C:14-3 to an extended term of imprisonment if the grounds  
16 specified in subsection g. of this section are found. The court shall,  
17 upon application of the prosecuting attorney, sentence a person to  
18 an extended term if the imposition of such term is required pursuant  
19 to the provisions of section 2 of P.L.1994, c.130 (C.2C:43-6.4).  
20 The finding of the court shall be incorporated in the record.

21 a. The defendant has been convicted of a crime of the first,  
22 second or third degree and is a persistent offender. A persistent  
23 offender is a person who at the time of the commission of the crime  
24 is 21 years of age or over, who has been previously convicted on at  
25 least two separate occasions of two crimes, committed at different  
26 times, when he was at least 18 years of age, if the latest in time of  
27 these crimes or the date of the defendant's last release from  
28 confinement, whichever is later, is within 10 years of the date of the  
29 crime for which the defendant is being sentenced.

30 b. The defendant has been convicted of a crime of the first,  
31 second or third degree and is a professional criminal. A  
32 professional criminal is a person who committed a crime as part of  
33 a continuing criminal activity in concert with two or more persons,  
34 and the circumstances of the crime show he has knowingly devoted  
35 himself to criminal activity as a major source of livelihood.

36 c. The defendant has been convicted of a crime of the first,  
37 second or third degree and committed the crime as consideration for  
38 the receipt, or in expectation of the receipt, of anything of pecuniary  
39 value the amount of which was unrelated to the proceeds of the  
40 crime or he procured the commission of the offense by payment or  
41 promise of payment of anything of pecuniary value.

42 d. **【**Second offender with a firearm. The defendant is at least  
43 18 years of age and has been previously convicted of any of the  
44 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-  
45 2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or has been  
46 previously convicted of an offense under Title 2A of the New  
47 Jersey Statutes or under any statute of the United States or any other  
48 state which is substantially equivalent to the offenses enumerated in

1 this subsection and he used or possessed a firearm, as defined in  
2 2C:39-1f., in the course of committing or attempting to commit any  
3 of these crimes, including the immediate flight therefrom. **】 Deleted**  
4 **by amendment, P.L. , c. (pending before the Legislature as this**  
5 **bill)**

6 e. (Deleted by amendment, P.L.2001, c.443).

7 f. The defendant has been convicted of a crime under any of  
8 the following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b.,  
9 N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1,  
10 N.J.S.2C:18-2, N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5, and  
11 in the course of committing or attempting to commit the crime,  
12 including the immediate flight therefrom, the defendant used or was  
13 in possession of a stolen motor vehicle.

14 g. The defendant has been convicted of a crime under  
15 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat of  
16 violence and the victim of the crime was 16 years of age or less.

17 For purposes of this subsection, a crime involves violence or the  
18 threat of violence if the victim sustains serious bodily injury as  
19 defined in subsection b. of N.J.S.2C:11-1, or the actor is armed with  
20 and uses a deadly weapon or threatens by word or gesture to use a  
21 deadly weapon as defined in subsection c. of N.J.S.2C:11-1, or  
22 threatens to inflict serious bodily injury.

23 h. (Deleted by amendment, P.L.2007, c.341).

24 (cf: P.L.2007, c.341, s.8)

25

26 14. N.J.S.2C:58-2 is amended to read as follows:

27 2C:58-2. a. **】Licensing of retail dealers and their employees.**  
28 No retail dealer of firearms nor any employee of a retail dealer shall  
29 sell or expose for sale, or possess with the intent of selling, any  
30 firearm unless licensed to do so as hereinafter provided. The  
31 superintendent shall prescribe standards and qualifications for retail  
32 dealers of firearms and their employees for the protection of the  
33 public safety, health and welfare.

34 Applications shall be made in the form prescribed by the  
35 superintendent, accompanied by a fee of \$50 payable to the  
36 superintendent, and shall be made to a judge of the Superior Court  
37 in the county where the applicant maintains his place of business.  
38 The judge shall grant a license to an applicant if he finds that the  
39 applicant meets the standards and qualifications established by the  
40 superintendent and that the applicant can be permitted to engage in  
41 business as a retail dealer of firearms or employee thereof without  
42 any danger to the public safety, health and welfare. Each license  
43 shall be valid for a period of three years from the date of issuance,  
44 and shall authorize the holder to sell firearms at retail in a specified  
45 municipality.

46 In addition, every retail dealer shall pay a fee of \$5 for each  
47 employee actively engaged in the sale or purchase of firearms. The  
48 superintendent shall issue a license for each employee for whom

1 said fee has been paid, which license shall be valid for so long as  
2 the employee remains in the employ of said retail dealer.

3 No license shall be granted to any retail dealer under the age of  
4 21 years or to any employee of a retail dealer under the age of 18 or  
5 to any person who could not qualify to obtain a permit to purchase a  
6 handgun or a firearms purchaser identification card, or to any  
7 corporation, partnership or other business organization in which the  
8 actual or equitable controlling interest is held or possessed by such  
9 an ineligible person.

10 All licenses shall be granted subject to the following conditions,  
11 for breach of any of which the license shall be subject to revocation  
12 on the application of any law enforcement officer and after notice  
13 and hearing by the issuing court:

14 (1) The business shall be carried on only in the building or  
15 buildings designated in the license, provided that repairs may be  
16 made by the dealer or his employees outside of such premises.

17 (2) The license or a copy certified by the issuing authority shall  
18 be displayed at all times in a conspicuous place on the business  
19 premises where it can be easily read.

20 (3) No firearm or imitation thereof shall be placed in any  
21 window or in any other part of the premises where it can be readily  
22 seen from the outside.

23 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
24 be delivered to any person unless such person possesses and  
25 exhibits a valid firearms purchaser identification card and furnishes  
26 the seller, on the form prescribed by the superintendent, a  
27 certification signed by him setting forth his name, permanent  
28 address, firearms purchaser identification card number and such  
29 other information as the superintendent may by rule or regulation  
30 require. The certification shall be retained by the dealer and shall  
31 be made available for inspection by any law enforcement officer at  
32 any reasonable time.

33 (5) No handgun shall be delivered to any person unless:

34 (a) Such person possesses and exhibits a valid permit to  
35 purchase a firearm and at least seven days have elapsed since the  
36 date of application for the permit;

37 (b) The person is personally known to the seller or presents  
38 evidence of his identity;

39 (c) The handgun is unloaded and securely wrapped;

40 (d) Except as otherwise provided in subparagraph (e) of this  
41 paragraph, the handgun is accompanied by a trigger lock or a locked  
42 case, gun box, container or other secure facility; provided, however,  
43 this provision shall not apply to antique handguns. The exemption  
44 afforded under this subparagraph for antique handguns shall be  
45 narrowly construed, limited solely to the requirements set forth  
46 herein and shall not be deemed to afford or authorize any other  
47 exemption from the regulatory provisions governing firearms set



1 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
2 Statutes; and

3 (e) On and after the first day of the sixth month following the  
4 date on which the list of personalized handguns is prepared and  
5 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),  
6 the handgun is identified as a personalized handgun and included on  
7 that list or is an antique handgun. The provisions of subparagraph  
8 (d) of this section shall not apply to the delivery of a personalized  
9 handgun.

10 (6) The dealer shall keep a true record of every handgun sold,  
11 given or otherwise delivered or disposed of, in accordance with the  
12 provisions of subsections b. through e. of this section and the record  
13 shall note whether a trigger lock, locked case, gun box, container or  
14 other secure facility was delivered along with the handgun.

15 (7) A dealer shall not knowingly deliver more than one handgun  
16 to any person within any 30-day period. This limitation shall not  
17 apply to:

18 (a) a federal, State, or local law enforcement officer or agency  
19 purchasing handguns for use by officers in the actual performance  
20 of their law enforcement duties;

21 (b) a collector of handguns as curios or relics as defined in Title  
22 18, United States Code, section 921 (a) (13) who has in his  
23 possession a valid Collector of Curios and Relics License issued by  
24 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

25 (c) transfers of handguns among licensed retail dealers,  
26 registered wholesale dealers and registered manufacturers;

27 (d) any transaction where the person has purchased a handgun  
28 from a licensed retail dealer and has returned that handgun to the  
29 dealer in exchange for another handgun within 30 days of the  
30 original transaction, provided the retail dealer reports the exchange  
31 transaction to the superintendent; or

32 (e) any transaction where the superintendent issues an  
33 exemption from the prohibition in this subsection pursuant to the  
34 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

35 **b.] Records of handgun sales.** Every person engaged in the  
36 retail business of selling, leasing or otherwise transferring a  
37 handgun, as a retail dealer or otherwise, shall keep a register in  
38 which shall be entered the time of the sale, lease or other transfer,  
39 the date thereof, the name, age, date of birth, complexion,  
40 occupation, residence and a physical description including  
41 distinguishing physical characteristics, if any, of the purchaser,  
42 lessee or transferee, the name and permanent home address of the  
43 person making the sale, lease or transfer, the place of the  
44 transaction, and the make, model, manufacturer's number, caliber  
45 and other marks of identification on such handgun and such other  
46 information as the superintendent shall deem necessary for the  
47 proper enforcement of this chapter. The register shall be retained by

1 the dealer and shall be made available at all reasonable hours for  
2 inspection by any law enforcement officer.

3 **【c.】** b. Forms of register. The superintendent shall prepare the  
4 form of the register as described in subsection **【b.】** a. of this section  
5 **【and furnish the same in triplicate to each person licensed to be**  
6 **engaged in the business of selling, leasing or otherwise transferring**  
7 **firearms】.**

8 **【d.】** c. Signatures in register. The purchaser, lessee or  
9 transferee of any handgun shall sign, and the dealer shall require  
10 him to sign his name to the register **【, in triplicate,】** and the person  
11 making the sale, lease or transfer shall affix his name **【, in**  
12 **triplicate,】** as a witness to the signature. The signatures shall  
13 constitute a representation of the accuracy of the information  
14 contained in the register.

15 **【e.** Copies of register entries; delivery to chief of police or  
16 county clerk. Within five days of the date of the sale, assignment or  
17 transfer, the dealer shall deliver or mail by certified mail, return  
18 receipt requested, legible copies of the register forms to the office  
19 of the chief of police of the municipality in which the purchaser  
20 resides, or to the office of the captain of the precinct of the  
21 municipality in which the purchaser resides, and to the  
22 superintendent. If hand delivered a receipt shall be given to the  
23 dealer therefor.

24 Where a sale, assignment or transfer is made to a purchaser who  
25 resides in a municipality having no chief of police, the dealer shall,  
26 within five days of the transaction, mail a duplicate copy of the  
27 register sheet to the clerk of the county within which the purchaser  
28 resides.】

29 (cf: P.L.2009, c.186, s.1)

30

31 15. Section 3 of P.L.2000, c.46 (C.23:4-42.5) is amended to read  
32 as follows:

33 3. a. The Fish and Game Council may authorize an exemption  
34 or variation from the following laws, rules or regulations to the  
35 extent necessary and appropriate to implement the alternative  
36 control methods set forth in an approved community based deer  
37 management plan:

38 (1) any provision of the State Fish and Game Code;

39 (2) any rule or regulation adopted by the council;

40 (3) the following provisions of Title 23 of the Revised Statutes:

41 (a) R.S.23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)  
42 P.L.1939, c.172 (C.23:4-24.1); (d) section 11 of P.L.1990, c.29  
43 (C.23:4-24.1a); (e) R.S.23:4-44; (f) R.S.23:4-45; and (g) R.S.23:4-  
44 48; and

45 (4) the provisions of subsection **【c.】** b. of N.J.S. 2C:39-3.

46 b. The council shall authorize an exemption or variation from  
47 one or more of the laws, rules or regulations set forth in subsection

1 a. of this section only upon a determination that the approved  
2 community based deer management plan adequately provides for  
3 the safety of the public. The council may condition the exemption  
4 or variation from one or more of the laws, rules or regulations set  
5 forth in subsection a. of this section on the implementation of one  
6 or more specific measures it determines to be reasonably necessary  
7 to ensure public safety, including but not limited to the on-site  
8 presence of law enforcement officers or on-site inspection by  
9 division personnel.

10 c. The council may authorize an exemption or variation from  
11 subsection **[c.]** b. of N.J.S.2C:39-3 only upon the prior written  
12 approval of the county prosecutor of the county in which the  
13 municipality in which the special deer management area is located.  
14 The council may authorize an exemption or variation from  
15 R.S.23:4-13 and R.S.23:4-44 only upon the receipt of  
16 documentation that each individual authorized to administer the  
17 alternate control method possesses a valid firearm hunting license, a  
18 valid rifle permit issued by the division, and a valid New Jersey  
19 firearm purchaser identification card or proof that the person is in  
20 compliance with the applicable laws of the person's state of  
21 residence. The council may authorize an exemption or variation  
22 from subsection c. of R.S.23:4-16 only if, for public safety reasons,  
23 it is conditioned upon the road or highway being properly closed by  
24 law enforcement officers for the time authorized in the special deer  
25 management permit issued pursuant to section 4 of this act.

26 (cf: P.L.2000, c.46, s.3)

27

28 16. The following sections are repealed:

29 Section 6 of P.L.1979, c.179 (C.2C:39-7);

30 Section 4 of P.L.1987, c.228 (C.2C:39-9.1);

31 Section 2 of P.L.1991, c.437 (C.2C:39-9.2);

32 N.J.S.2C:39-11;

33 N.J.S.2C:39-12;

34 Section 1 of P.L.1983, c.152 (C.2C:39-13);

35 Section 1 of P.L.1983, c.229 (C.2C:39-14);

36 Section 1 of P.L.1983, c.515 (C.2C:39-15);

37 Section 1 of P.L.1995, c.405 (C.2C:39-16);

38 Section 2 of P.L.1982, c.119 (C.2C:43-6.1);

39 Section 1 of P.L.1989, c.53 (C.2C:43-6.2);

40 Section 2 of P.L.1989, c.53 (C.2C:43-6.3);

41 N.J.S.2C:58-1;

42 Sections 1 through 4 and section 7 of P.L.2002, c.130 (C.2C:58-  
43 2.2 through C.2C:58-2.6);

44 N.J.S.2C:58-3;

45 Section 1 of P.L.1992, c.74 (C.2C:58-3.1);

46 Section 1 of P.L.1997, c.375 (C.2C:58-3.2);

47 Section 1 of P.L.2007, c.318 (C.2C:58-3.3);

48 Section 4 of P.L.2009, c.186 (C.2C:58-3.4);

1 N.J.S.2C:58-4;  
2 Section 2 of P.L.1981, c.135 (C.2C:58-4.1);  
3 N.J.S.2C:58-5;  
4 Section 14 of P.L.1979, c.179 (C.2C:58-6.1);  
5 N.J.S.2C:58-7;  
6 N.J.S.2C:58-10;  
7 Sections 11 through 13 of P.L.1990, c.32 (C.2C:58-12 through  
8 C.2C:58-14);  
9 Sections 1 and 2 of P.L.1991, c.397 (C.2C:58-15 through  
10 C.2C:58-16);  
11 Sections 2 and 3 of P.L.1999, c.255 (C.2C:58-17 through  
12 C.2C:58-18); and  
13 Section 1 of P.L.2007, c.299 (C.2C:58-19).

14

15 17. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill amends and repeals various sections of the statutes to  
21 modify New Jersey's firearms laws.

22

As provided in the bill, amendments to current law include:

23

- Removing the provisions which require a purchaser to obtain a firearms purchaser identification card (FPID) or a permit to purchase a handgun (PPH). Under the bill, there will be no permitting required for persons aged 16 and over to purchase long guns or handguns and there will be no background checks conducted, other than those mandated by federal law.

24

25

26

27

28

29

- Removing the restrictions on the possession, purchase or sale of assault firearms and sawed off shotguns in the State and removing the related registration procedures for assault firearms.

30

31

32

33

- Removing the restrictions related to large capacity ammunition magazines and hollow nose, dum-dum or body armor penetrating bullets.

34

35

36

- Removing the restrictions related to and requirement of a permit to carry a firearm in the State. Under the bill, a firearm – both long gun and handgun – may be carried, either openly or concealed, except in educational institutions, State institutions or courthouses.

37

38

39

40

41

- Removing many of the criminal laws and criminal sentencing provisions related to unlawful possession, carrying, sale, transfer, and manufacture of firearms. Under the bill, committing any crime while in possession of a firearm would be a third degree crime, for which there would be no mandatory minimum sentences or periods of parole ineligibility attached.

42

43

44

45

46

47

- 1       • Removing the exemptions to unlawful possession, as under  
2       the bill possession is no longer restricted to certain persons  
3       who meet eligibility criteria for the obtainment of FPIDs or  
4       PPHs.
- 5       • Removing the restriction on defacing firearms.
- 6       • Removing the sections of law related to “personalized  
7       handguns” and the implementation of their sale when  
8       deemed commercially available.
- 9       • Removing the registration and licensing requirements for  
10      firearms manufacturers, wholesale dealers and retailers.
- 11     • Removing provisions related to temporary transfers of  
12      firearms. Under the bill, most transfers of firearms would no  
13      longer be restricted.

14       It is the sponsor’s assertion that New Jersey’s draconian laws  
15      respecting firearms freedoms clearly run afoul of the text and  
16      history of the Second Amendment to the Constitution of the United  
17      States, impinge upon the fundamental civil rights guaranteed to all  
18      citizens under the New Jersey Constitution, and produce massive  
19      injustices while doing essentially nothing to prevent violent  
20      criminals from terrorizing residents, often with illegally obtained  
21      firearms.

22       Meanwhile, states more respectful of their citizens’ basic rights  
23      see substantially greater diminution in violence and far fewer cases  
24      of rank injustice, as when otherwise law abiding citizens find  
25      themselves unknowingly impaled upon one of the technical prongs  
26      of New Jersey’s impossibly complicated laws.

27       According to the sponsor, the purpose of this bill is to bring New  
28      Jersey more into the mainstream of American law, in particular to  
29      emulate the legal regime extant in Vermont, toward the end of  
30      empowering a free citizenry to defend themselves against violence  
31      and to enjoy the freedoms both the Framers of the United States and  
32      New Jersey constitutions considered the fundamental rights of  
33      citizens.