

ASSEMBLY, No. 5200

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 30, 2017

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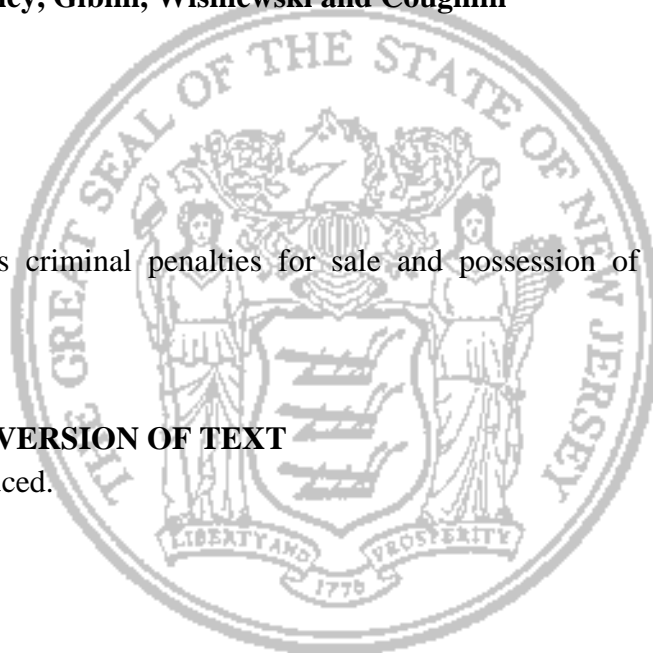
Assemblyman Caputo, Assemblywoman Pinkin, Assemblymen Conaway, McKeon, Assemblywomen Vainieri Huttle, Sumter, Assemblymen Eustace, Mazzeo, Holley, Giblin, Wisniewski and Coughlin

SYNOPSIS

Establishes criminal penalties for sale and possession of certain firearm components.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning firearm components and amending and
2 supplementing various sections of statutory law.

3

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

6

7 1. 2C:39-1. Definitions. The following definitions apply to
8 this chapter and to chapter 58:

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

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

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

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

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

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 contiguous objects. The term shall not include small arms
2 ammunition, or explosives in the form prescribed by the official
3 United States Pharmacopoeia.

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

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

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

24 i. "Machine gun" means any firearm, mechanism or instrument
25 not requiring that the trigger be pressed for each shot and having a
26 reservoir, belt or other means of storing and carrying ammunition
27 which can be loaded into the firearm, mechanism or instrument and
28 fired therefrom. A machine gun also shall include, without
29 limitation, any firearm with a trigger crank attached.

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

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

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

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

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

1 (5) A part or combination of parts designed or intended to
2 convert a firearm into an assault firearm, or any combination of
3 parts from which an assault firearm may be readily assembled if
4 those parts are in the possession or under the control of the same
5 person.

6 (6) A firearm with a bump stock attached.

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

10 y. "Large capacity ammunition magazine" means a box, drum,
11 tube or other container which is capable of holding more than 15
12 rounds of ammunition to be fed continuously and directly therefrom
13 into a semi-automatic firearm.

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

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

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

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

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

1 General has determined, through testing or other reasonable means,
2 that the handgun meets any reliability standards that the
3 manufacturer may require for its commercially available handguns
4 that are not personalized or, if the manufacturer has no such
5 reliability standards, the handgun meets the reliability standards
6 generally used in the industry for commercially available handguns.

7 ee. "Bump stock" means any device or instrument for a firearm
8 that increases the rate of fire achievable with the firearm by using
9 energy from the recoil of the firearm to generate a reciprocating
10 action that facilitates repeated activation of the trigger.

11 ff. "Trigger crank" means any device or instrument to be
12 attached to a firearm that repeatedly activates the trigger of the
13 firearm through the use of a lever or other part that is turned in a
14 circular motion; provided, however, the term shall not include any
15 weapon initially designed and manufactured to fire through the use
16 of a crank or lever.

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

18

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

20 2C:39-3. Prohibited Weapons and Devices.

21 a. Destructive devices. Any person who knowingly has in his
22 possession any destructive device is guilty of a crime of the third
23 degree.

24 b. Sawed-off shotguns. Any person who knowingly has in his
25 possession any sawed-off shotgun is guilty of a crime of the third
26 degree.

27 c. Silencers. Any person who knowingly has in his possession
28 any firearm silencer is guilty of a crime of the fourth degree.

29 d. Defaced firearms. Any person who knowingly has in his
30 possession any firearm which has been defaced, except an antique
31 firearm or an antique handgun, is guilty of a crime of the fourth
32 degree.

33 e. Certain weapons. Any person who knowingly has in his
34 possession any gravity knife, switchblade knife, dagger, dirk,
35 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
36 or similar leather band studded with metal filings or razor blades
37 imbedded in wood, ballistic knife, without any explainable lawful
38 purpose, is guilty of a crime of the fourth degree.

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

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

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

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

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

1 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
2 shall be construed to prevent any licensed retail or wholesale
3 firearms dealer from possessing that ammunition or large capacity
4 ammunition magazine at its licensed premises for sale or disposition
5 to another licensed dealer, the Armed Forces of the United States or
6 the National Guard, or to a law enforcement agency, provided that
7 the seller maintains a record of any sale or disposition to a law
8 enforcement agency. The record shall include the name of the
9 purchasing agency, together with written authorization of the chief
10 of police or highest ranking official of the agency, the name and
11 rank of the purchasing law enforcement officer, if applicable, and
12 the date, time and amount of ammunition sold or otherwise
13 disposed. A copy of this record shall be forwarded by the seller to
14 the Superintendent of the Division of State Police within 48 hours
15 of the sale or disposition.

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

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

30 h. Stun guns. Any person who knowingly has in his possession
31 any stun gun is guilty of a crime of the fourth degree.

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

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

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

1 law enforcement officer shall confiscate handcuffs possessed in
2 violation of the law.

3 1. Bump stock or trigger crank. Any person who knowingly
4 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
5 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
6 regardless of whether the person is in possession of a firearm, is
7 guilty of a crime of the third degree.

8 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
9 provision of law, a conviction arising out of this subsection shall
10 not merge with a conviction for possessing an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
12 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
13 shall be imposed upon each conviction. Notwithstanding the
14 provisions of N.J.S.2C:44-5 or any other provisions of law, the
15 sentence imposed pursuant to this subsection shall be served
16 consecutively to that imposed for unlawfully possessing an assault
17 firearm in violation of subsection f. of N.J.S.2C:39-5.

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

19

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

21 2C:39-9. Manufacture, Transport, Disposition and Defacement of
22 Weapons and Dangerous Instruments and Appliances. a. Machine
23 guns. Any person who manufactures, causes to be manufactured,
24 transports, ships, sells or disposes of any machine gun without
25 being registered or licensed to do so as provided in chapter 58 is
26 guilty of a crime of the third degree.

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

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

33 d. Weapons. Any person who manufactures, causes to be
34 manufactured, transports, ships, sells or disposes of any weapon,
35 including gravity knives, switchblade knives, ballistic knives,
36 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
37 sandclubs, slingshots, cesti or similar leather bands studded with
38 metal filings, or, except as otherwise provided in subsection i. of
39 this section, in the case of firearms if he is not licensed or registered
40 to do so as provided in chapter 58, is guilty of a crime of the fourth
41 degree. Any person who manufactures, causes to be manufactured,
42 transports, ships, sells or disposes of any weapon or other device
43 which projects, releases or emits tear gas or other substances
44 intended to produce temporary physical discomfort or permanent
45 injury through being vaporized or otherwise dispensed in the air,
46 which is intended to be used for any purpose other than for
47 authorized military or law enforcement purposes by duly authorized
48 military or law enforcement personnel or the device is for the

1 purpose of personal self-defense, is pocket-sized and contains not
2 more than three-quarters of an ounce of chemical substance not
3 ordinarily capable of lethal use or of inflicting serious bodily injury,
4 or other than to be used by any person permitted to possess such
5 weapon or device under the provisions of subsection d. of
6 N.J.S.2C:39-5, which is intended for use by financial and other
7 business institutions as part of an integrated security system, placed
8 at fixed locations, for the protection of money and property, by the
9 duly authorized personnel of those institutions, is guilty of a crime
10 of the fourth degree.

11 e. Defaced firearms. Any person who defaces any firearm is
12 guilty of a crime of the third degree. Any person who knowingly
13 buys, receives, disposes of or conceals a defaced firearm, except an
14 antique firearm or an antique handgun, is guilty of a crime of the
15 fourth degree.

16 f. (1) Any person who manufactures, causes to be
17 manufactured, transports, ships, sells, or disposes of any bullet,
18 which is primarily designed for use in a handgun, and which is
19 comprised of a bullet whose core or jacket, if the jacket is thicker
20 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
21 other material which is harder than a rating of 72 or greater on the
22 Rockwell B. Hardness Scale, and is therefore capable of breaching
23 or penetrating body armor and which is intended to be used for any
24 purpose other than for authorized military or law enforcement
25 purposes by duly authorized military or law enforcement personnel,
26 is guilty of a crime of the fourth degree.

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

47 g. Assault firearms. Any person who manufactures, causes to
48 be manufactured, transports, ships, sells or disposes of an assault

1 firearm without being registered or licensed to do so pursuant to
2 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

3 h. Large capacity ammunition magazines. Any person who
4 manufactures, causes to be manufactured, transports, ships, sells or
5 disposes of a large capacity ammunition magazine which is
6 intended to be used for any purpose other than for authorized
7 military or law enforcement purposes by duly authorized military or
8 law enforcement personnel is guilty of a crime of the fourth degree.

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

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

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

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

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

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

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

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

41

42 4. (New section) a. No licensed manufacturer, wholesale
43 dealer of firearms, or retail dealer of firearms in possession of a
44 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
45 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
46 effective date of P.L. , c. (C.) (pending before the
47 Legislature as this bill) who voluntarily surrenders the bump stock
48 or trigger crank in accordance with the provisions of N.J.S.2C:39-

1 12 or otherwise lawfully disposes of the bump stock or trigger crank
2 within 30 days of the effective date of P.L. , c. (C.)
3 (pending before the Legislature as this bill) shall be convicted of an
4 offense for possession of a bump stock or trigger crank under
5 subsection l. of N.J.S.2C:39-3 or unlawful manufacture, transport,
6 shipment, sale, or disposition of a bump stock or trigger crank
7 under subsection j. of N.J.S.2C:39-9.

8 b. Except as otherwise provided in subsection a. of this section
9 with respect to licensed manufacturers, wholesale dealers of
10 firearms, and retail dealers of firearms, no person in possession of a
11 bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
12 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
13 effective date of P.L. , c. (C.) (pending before the
14 Legislature as this bill) who voluntarily surrenders the bump stock
15 or trigger crank in accordance with the provisions of N.J.S.2C:39-
16 12 or otherwise lawfully disposes of the bump stock or trigger crank
17 within 90 days of the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill) shall be convicted of an
19 offense for possession of a bump stock or trigger crank under
20 subsection l. of N.J.S.2C:39-3.

21

22 5. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill establishes the crime of possessing or selling a bump
28 stock or trigger crank. In addition, the bill clarifies that a firearm
29 affixed with a bump stock constitutes an assault weapon and a
30 firearm affixed with a trigger crank constitutes a machine gun.
31 Under current law, it is a second degree crime to possess a machine
32 gun or an assault firearm or part or combination of parts designed or
33 intended to convert a firearm into an assault firearm. A crime of the
34 second degree is punishable by five to 10 years imprisonment, a
35 fine of up to \$150,000, or both.

36 This bill makes it a third degree crime to possess a bump stock or
37 trigger crank, regardless of whether the person is in possession of a
38 firearm, and provides that the penalty for possessing a bump stock
39 or trigger crank is to run consecutively with the penalty for
40 possessing an assault firearm or machine gun. Under the bill, "bump
41 stock" is defined as a device or instrument for a firearm that
42 increases the rate of fire achievable with the weapon by using
43 energy from the recoil of the weapon to generate a reciprocating
44 action that facilitates repeated activation of the trigger. The bill
45 defines "trigger crank" as a device or instrument to be attached to a
46 firearm that repeatedly activates the trigger of the firearm through
47 the use of a lever or other part that is turned in a circular motion.
48 Weapons initially designed and manufactured to fire through the

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1 use of a crank or lever are excluded from the definition of trigger
2 crank.

3 The bill also establishes a third degree crime of manufacturing,
4 transporting, shipping, selling, or disposing of a bump stock or
5 trigger crank. A crime of the third degree is punishable by three to
6 five years imprisonment, a fine of up to \$15,000, or both.

7 The bill allows individuals to voluntarily surrender any bump
8 stock or trigger crank in their possession to a law enforcement
9 agency within 90 days of the bill's effective date. Licensed
10 manufacturers and retailers would have 30 days of the effective date
11 of the bill to voluntarily surrender their bump stocks or trigger
12 cranks.

13 On October 1, 2017, Stephen Paddock opened fire on an outdoor
14 venue in Las Vegas, Nevada killing 59 people and injuring at least
15 530 people in the deadliest mass shooting in the United States'
16 modern history. According to recent news reports, the rifles found
17 in the gunman's hotel room were modified with bump stocks.