

ASSEMBLY, No. 2761

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

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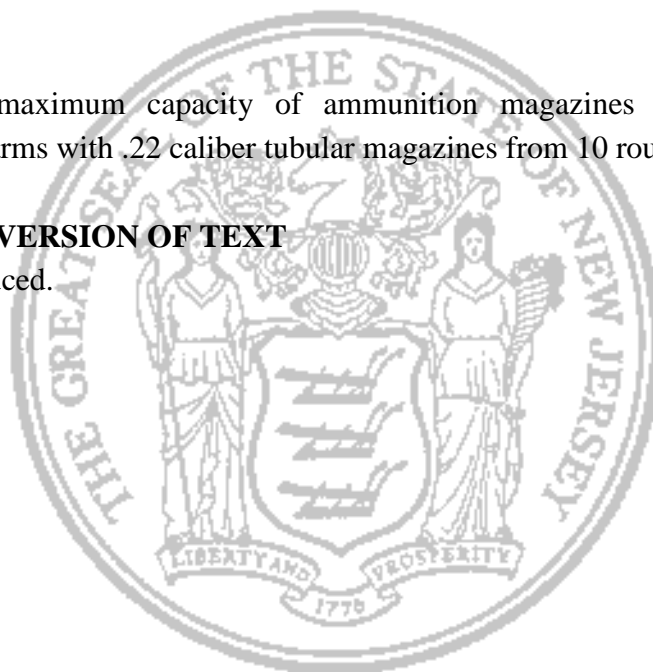
**Assemblywoman Murphy, Assemblymen Caputo, Eustace,
Assemblywomen Vainieri Huttle, Mosquera, Downey and Assemblyman
Houghtaling**

SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds;
exempts firearms with .22 caliber tubular magazines from 10 round limitation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/23/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1 and
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

3

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

6

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

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

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

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

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

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

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

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

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

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

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

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

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

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]** 10 rounds. "Assault firearm" shall not include a

1 semi-automatic rifle which has an attached tubular device and which
2 is capable of operating only with .22 caliber rimfire ammunition.

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

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

11 y. "Large capacity ammunition magazine" means a box, drum,
12 tube or other container which is capable of holding more than **[15]**
13 10 rounds of ammunition to be fed continuously and directly
14 therefrom into a semi-automatic firearm. The term shall not include
15 an attached tubular device which is capable of holding only .22
16 caliber rimfire ammunition.

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

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

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

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

42 dd. "Personalized handgun" means a handgun which
43 incorporates within its design, and as part of its original
44 manufacture, technology which automatically limits its operational
45 use and which cannot be readily deactivated, so that it may only be
46 fired by an authorized or recognized user. The technology limiting
47 the handgun's operational use may include, but not be limited to:
48 radio frequency tagging, touch memory, remote control, fingerprint,

1 magnetic encoding and other automatic user identification systems
2 utilizing biometric, mechanical or electronic systems. No make or
3 model of a handgun shall be deemed to be a "personalized handgun"
4 unless the Attorney General has determined, through testing or
5 other reasonable means, that the handgun meets any reliability
6 standards that the manufacturer may require for its commercially
7 available handguns that are not personalized or, if the manufacturer
8 has no such reliability standards, the handgun meets the reliability
9 standards generally used in the industry for commercially available
10 handguns.

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

12

13 2. (New section) Notwithstanding the provisions of subsection
14 j. of N.J.S.2C:39-3, a retired law enforcement officer who is
15 authorized to possess and carry a handgun pursuant to subsection l.
16 of N.J.S.2C:39-6 may possess and carry a large capacity
17 ammunition magazine which is capable of holding up to 15 rounds
18 of ammunition that can be fed continuously and directly into a
19 semi-automatic handgun.

20

21 3. (New section) Notwithstanding the provisions of
22 N.J.S.2C:39-6, a law enforcement officer may possess and carry
23 while on duty a large capacity ammunition magazine and possess
24 and carry while off duty a large capacity ammunition magazine
25 which is capable of holding up to 15 rounds of ammunition that can
26 be fed continuously and directly into a semi-automatic firearm.

27

28 4. (New section) Any person who legally owns a semi-
29 automatic rifle with a fixed magazine capacity exceeding 10 rounds
30 or a large capacity ammunition magazine as defined under
31 subsection y. of N.J.S.2C:39-1 which is capable of holding more
32 than 10 rounds of ammunition on the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 may retain possession of that rifle or magazine for a period not to
35 exceed 180 days from the effective date of this act. During this
36 time period, the owner of the semi-automatic rifle or magazine
37 shall:

38 a. Transfer the semi-automatic rifle or magazine to any person
39 or firm lawfully entitled to own or possess that firearm or
40 magazine;

41 b. Render the semi-automatic rifle or magazine inoperable; or

42 c. Voluntarily surrender the semi-automatic rifle or magazine
43 pursuant to the provisions of N.J.S.2C:39-12.

44

45 5. N.J.S.2C:39-12 is amended to read as follows:

46 2C:39-12. No person shall be convicted of an offense under this
47 chapter for possessing any firearms, weapons, destructive devices,
48 large capacity ammunition magazines, silencers or explosives, if

1 after giving written notice of his intention to do so, including the
2 proposed date and time of surrender, he voluntarily surrendered the
3 weapon, device, instrument or substance in question to the
4 superintendent or to the chief of police in the municipality in which
5 he resides, provided that the required notice is received by the
6 superintendent or chief of police before any charges have been
7 made or complaints filed against such person for the unlawful
8 possession of the weapon, device, instrument or substance in
9 question and before any investigation has been commenced by any
10 law enforcement agency concerning the unlawful possession.
11 Nothing in this section shall be construed as granting immunity
12 from prosecution for any crime or offense except that of the
13 unlawful possession of such weapons, devices, instruments or
14 substances surrendered as herein provided.
15 (cf: N.J.S.2C:39-12)

16

17 6. This act shall take effect immediately.

18

19

20

20 STATEMENT

21

22 This bill bans firearm magazines that hold more than 10 rounds
23 of ammunition. Magazines capable of holding up to 15 rounds of
24 ammunition currently are legal in New Jersey.25 Specifically, the bill revises the definition of a “large capacity
26 ammunition magazine” to reduce the allowable rounds of
27 ammunition from 15 to 10. The bill also designates a semi-
28 automatic rifle with a fixed magazine capacity exceeding 10 rounds
29 as a prohibited assault firearm.30 The bill exempts law enforcement officers from the bill’s 10
31 round limit on ammunition magazines by authorizing them to
32 possess and carry while on duty a large capacity ammunition
33 magazine and possess and carry while off duty a large capacity
34 ammunition magazine which is capable of holding up to 15 rounds
35 of ammunition. The bill also permits retired police officers
36 authorized to possess and carry a handgun in this State to continue
37 to possess and carry a magazine capable of holding up to 15 rounds.38 In addition, the bill exempts from the 10 round limitation those
39 semi-automatic rifles which have an attached tubular magazine and
40 which is capable of operating only with .22 caliber rimfire
41 ammunition. This exemption would permit the sale and possession
42 of a popular beginner gun, the Marlin Model 60, often referred to as
43 the “Boy Scout gun.” These firearms are low caliber and the
44 tubular magazine cannot be quickly reloaded. The bill limited the
45 exception for the Boy Scout gun to magazines that hold up to 15
46 rounds. These Boy Scout guns are manufactured with magazines
47 holding more than 15 rounds. Therefore, the bill removes from the
48 definition a limit on number of rounds.

A2761 GREENWALD, QUIJANO

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1 The bill makes its provisions effective immediately, but allows
2 for a 180-day grace period to transfer, render inoperable, or
3 voluntarily surrender a semi-automatic rifle or magazine that will
4 be unlawful under the bill.