

[Third Reprint]

ASSEMBLY, No. 2761

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblywoman Murphy, Assemblymen Caputo, Eustace, Assemblywomen Vainieri Huttle, Mosquera, Downey, Assemblyman Houghtaling, Assemblywomen Jasey, McKnight, Pinkin, Lampitt, Assemblymen Gusciora, Chiaravalloti, Assemblywoman Reynolds-Jackson, Senators Gopal, Greenstein, Turner, Pou and Ruiz

SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 21, 2018, with amendments.

(Sponsorship Updated As Of: 6/8/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1¹,
2 N.J.S.2C:39-3, and N.J.S.2C:39-12,¹ and supplementing chapter
3 39 of Title 2C of the New Jersey Statutes.

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

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

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

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

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

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

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

40 e. "Explosive" means any chemical compound or mixture that
41 is commonly used or is possessed for the purpose of producing an
42 explosion and which contains any oxidizing and combustible
43 materials or other ingredients in such proportions, quantities or
44 packing that an ignition by fire, by friction, by concussion or by

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted March 22, 2018.

²Senate SLP committee amendments adopted April 16, 2018.

³Senate SBA committee amendments adopted May 21, 2018.

1 detonation of any part of the compound or mixture may cause such
2 a sudden generation of highly heated gases that the resultant
3 gaseous pressures are capable of producing destructive effects on
4 contiguous objects. The term shall not include small arms
5 ammunition, or explosives in the form prescribed by the official
6 United States Pharmacopoeia.

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

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

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

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

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

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

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

1 who sells any firearm to satisfy a debt secured by the pledge of a
2 firearm.

3 m. "Rifle" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed metallic
5 cartridge to fire a single projectile through a rifled bore for each
6 single pull of the trigger.

7 n. "Shotgun" means any firearm designed to be fired from the
8 shoulder and using the energy of the explosive in a fixed shotgun
9 shell to fire through a smooth bore either a number of ball shots or a
10 single projectile for each pull of the trigger, or any firearm designed
11 to be fired from the shoulder which does not fire fixed ammunition.

12 o. "Sawed-off shotgun" means any shotgun having a barrel or
13 barrels of less than 18 inches in length measured from the breech to
14 the muzzle, or a rifle having a barrel or barrels of less than 16
15 inches in length measured from the breech to the muzzle, or any
16 firearm made from a rifle or a shotgun, whether by alteration, or
17 otherwise, if such firearm as modified has an overall length of less
18 than 26 inches.

19 p. "Switchblade knife" means any knife or similar device
20 which has a blade which opens automatically by hand pressure
21 applied to a button, spring or other device in the handle of the knife.

22 q. "Superintendent" means the Superintendent of the State
23 Police.

24 r. "Weapon" means anything readily capable of lethal use or of
25 inflicting serious bodily injury. The term includes, but is not
26 limited to, all (1) firearms, even though not loaded or lacking a clip
27 or other component to render them immediately operable; (2)
28 components which can be readily assembled into a weapon; (3)
29 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
30 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
31 sandclubs, slingshots, cesti or similar leather bands studded with
32 metal filings or razor blades imbedded in wood; and (4) stun guns;
33 and any weapon or other device which projects, releases, or emits
34 tear gas or any other substance intended to produce temporary
35 physical discomfort or permanent injury through being vaporized or
36 otherwise dispensed in the air.

37 s. "Wholesale dealer" means any person, except a
38 manufacturer, who sells, transfers, or assigns firearms, or parts of
39 firearms, to persons who are reasonably understood not to be the
40 ultimate consumers, and includes persons who receive finished
41 parts of firearms and assemble them into completed or partially
42 completed firearms, in furtherance of such purpose, except that it
43 shall not include those persons dealing exclusively in grips, stocks
44 and other nonmetal parts of firearms.

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

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

1 (4) A semi-automatic rifle with a fixed magazine capacity
2 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a
3 semi-automatic rifle which has an attached tubular device and which
4 is capable of operating only with .22 caliber rimfire ammunition.

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

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

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

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

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

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

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

44 dd. "Personalized handgun" means a handgun which
45 incorporates within its design, and as part of its original
46 manufacture, technology which automatically limits its operational
47 use and which cannot be readily deactivated, so that it may only be

1 fired by an authorized or recognized user. The technology limiting
2 the handgun's operational use may include, but not be limited to:
3 radio frequency tagging, touch memory, remote control, fingerprint,
4 magnetic encoding and other automatic user identification systems
5 utilizing biometric, mechanical or electronic systems. No make or
6 model of a handgun shall be deemed to be a "personalized handgun"
7 unless the Attorney General has determined, through testing or
8 other reasonable means, that the handgun meets any reliability
9 standards that the manufacturer may require for its commercially
10 available handguns that are not personalized or, if the manufacturer
11 has no such reliability standards, the handgun meets the reliability
12 standards generally used in the industry for commercially available
13 handguns.

14 (cf: P.L.2002, c.130, s.5) **1**¹

15

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

17 Definitions. The following definitions apply to this chapter and
18 to chapter 58:

19 a. "Antique firearm" means any rifle or shotgun and "antique
20 cannon" means a destructive device defined in paragraph (3) of
21 subsection c. of this section, if the rifle, shotgun or destructive
22 device, as the case may be, is incapable of being fired or
23 discharged, or which does not fire fixed ammunition, regardless of
24 date of manufacture, or was manufactured before 1898 for which
25 cartridge ammunition is not commercially available, and is
26 possessed as a curiosity or ornament or for its historical
27 significance or value.

28 b. "Deface" means to remove, deface, cover, alter or destroy
29 the name of the maker, model designation, manufacturer's serial
30 number or any other distinguishing identification mark or number
31 on any firearm.

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

45 d. "Dispose of" means to give, give away, lease, loan, keep for
46 sale, offer, offer for sale, sell, transfer, or otherwise transfer
47 possession.

1 e. "Explosive" means any chemical compound or mixture that
2 is commonly used or is possessed for the purpose of producing an
3 explosion and which contains any oxidizing and combustible
4 materials or other ingredients in such proportions, quantities or
5 packing that an ignition by fire, by friction, by concussion or by
6 detonation of any part of the compound or mixture may cause such
7 a sudden generation of highly heated gases that the resultant
8 gaseous pressures are capable of producing destructive effects on
9 contiguous objects. The term shall not include small arms
10 ammunition, or explosives in the form prescribed by the official
11 United States Pharmacopoeia.

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

25 g. "Firearm silencer" means any instrument, attachment,
26 weapon or appliance for causing the firing of any gun, revolver,
27 pistol or other firearm to be silent, or intended to lessen or muffle
28 the noise of the firing of any gun, revolver, pistol or other firearm.

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

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

38 j. "Manufacturer" means any person who receives or obtains
39 raw materials or parts and processes them into firearms or finished
40 parts of firearms, except a person who exclusively processes grips,
41 stocks and other nonmetal parts of firearms. The term does not
42 include a person who repairs existing firearms or receives new and
43 used raw materials or parts solely for the repair of existing firearms.

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

47 l. "Retail dealer" means any person including a gunsmith,
48 except a manufacturer or a wholesale dealer, who sells, transfers or

1 assigns for a fee or profit any firearm or parts of firearms or
2 ammunition which he has purchased or obtained with the intention,
3 or for the purpose, of reselling or reassigning to persons who are
4 reasonably understood to be the ultimate consumers, and includes
5 any person who is engaged in the business of repairing firearms or
6 who sells any firearm to satisfy a debt secured by the pledge of a
7 firearm.

8 m. "Rifle" means any firearm designed to be fired from the
9 shoulder and using the energy of the explosive in a fixed metallic
10 cartridge to fire a single projectile through a rifled bore for each
11 single pull of the trigger.

12 n. "Shotgun" means any firearm designed to be fired from the
13 shoulder and using the energy of the explosive in a fixed shotgun
14 shell to fire through a smooth bore either a number of ball shots or a
15 single projectile for each pull of the trigger, or any firearm designed
16 to be fired from the shoulder which does not fire fixed ammunition.

17 o. "Sawed-off shotgun" means any shotgun having a barrel or
18 barrels of less than 18 inches in length measured from the breech to
19 the muzzle, or a rifle having a barrel or barrels of less than 16
20 inches in length measured from the breech to the muzzle, or any
21 firearm made from a rifle or a shotgun, whether by alteration, or
22 otherwise, if such firearm as modified has an overall length of less
23 than 26 inches.

24 p. "Switchblade knife" means any knife or similar device
25 which has a blade which opens automatically by hand pressure
26 applied to a button, spring or other device in the handle of the knife.

27 q. "Superintendent" means the Superintendent of the State
28 Police.

29 r. "Weapon" means anything readily capable of lethal use or of
30 inflicting serious bodily injury. The term includes, but is not
31 limited to, all (1) firearms, even though not loaded or lacking a clip
32 or other component to render them immediately operable; (2)
33 components which can be readily assembled into a weapon; (3)
34 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
35 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
36 sandclubs, slingshots, cesti or similar leather bands studded with
37 metal filings or razor blades imbedded in wood; and (4) stun guns;
38 and any weapon or other device which projects, releases, or emits
39 tear gas or any other substance intended to produce temporary
40 physical discomfort or permanent injury through being vaporized or
41 otherwise dispensed in the air.

42 s. "Wholesale dealer" means any person, except a
43 manufacturer, who sells, transfers, or assigns firearms, or parts of
44 firearms, to persons who are reasonably understood not to be the
45 ultimate consumers, and includes persons who receive finished
46 parts of firearms and assemble them into completed or partially
47 completed firearms, in furtherance of such purpose, except that it

1 shall not include those persons dealing exclusively in grips, stocks
2 and other nonmetal parts of firearms.

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

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

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

10 w. "Assault firearm" means:

11 (1) The following firearms:

12 Algimec AGM1 type

13 Any shotgun with a revolving cylinder such as the "Street
14 Sweeper" or "Striker 12"

15 Armalite AR-180 type

16 Australian Automatic Arms SAR

17 Avtomat Kalashnikov type semi-automatic firearms

18 Beretta AR-70 and BM59 semi-automatic firearms

19 Bushmaster Assault Rifle

20 Calico M-900 Assault carbine and M-900

21 CETME G3

22 Chartered Industries of Singapore SR-88 type

23 Colt AR-15 and CAR-15 series

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

25 Demro TAC-1 carbine type

26 Encom MP-9 and MP-45 carbine types

27 FAMAS MAS223 types

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

29 Franchi SPAS 12 and LAW 12 shotguns

30 G3SA type

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

32 Intratec TEC 9 and 22 semi-automatic firearms

33 M1 carbine type

34 M14S type

35 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

36 PJK M-68 carbine type

37 Plainfield Machine Company Carbine

38 Ruger K-Mini-14/5F and Mini-14/5RF

39 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

40 SKS with detachable magazine type

41 Spectre Auto carbine type

42 Springfield Armory BM59 and SAR-48 type

43 Sterling MK-6, MK-7 and SAR types

44 Steyr A.U.G. semi-automatic firearms

45 USAS 12 semi-automatic type shotgun

46 Uzi type semi-automatic firearms

47 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

48 Weaver Arm Nighthawk.

- 1 (2) Any firearm manufactured under any designation which is
2 substantially identical to any of the firearms listed above.
- 3 (3) A semi-automatic shotgun with either a magazine capacity
4 exceeding six rounds, a pistol grip, or a folding stock.
- 5 (4) A semi-automatic rifle with a fixed magazine capacity
6 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a
7 semi-automatic rifle which has an attached tubular device and which
8 is capable of operating only with .22 caliber rimfire ammunition.
- 9 (5) A part or combination of parts designed or intended to
10 convert a firearm into an assault firearm, or any combination of
11 parts from which an assault firearm may be readily assembled if
12 those parts are in the possession or under the control of the same
13 person.
- 14 (6) A firearm with a bump stock attached.
- 15 x. "Semi-automatic" means a firearm which fires a single
16 projectile for each single pull of the trigger and is self-reloading or
17 automatically chambers a round, cartridge, or bullet.
- 18 y. "Large capacity ammunition magazine" means a box, drum,
19 tube or other container which is capable of holding more than **[15]**
20 10 rounds of ammunition to be fed continuously and directly
21 therefrom into a semi-automatic firearm. The term shall not include
22 an attached tubular device which is capable of holding only .22
23 caliber rimfire ammunition.
- 24 z. "Pistol grip" means a well-defined handle, similar to that
25 found on a handgun, that protrudes conspicuously beneath the
26 action of the weapon, and which permits the shotgun to be held and
27 fired with one hand.
- 28 aa. "Antique handgun" means a handgun manufactured before
29 1898, or a replica thereof, which is recognized as being historical in
30 nature or of historical significance and either (1) utilizes a match,
31 friction, flint, or percussion ignition, or which utilizes a pin-fire
32 cartridge in which the pin is part of the cartridge or (2) does not fire
33 fixed ammunition or for which cartridge ammunition is not
34 commercially available.
- 35 bb. "Trigger lock" means a commercially available device
36 approved by the Superintendent of State Police which is operated
37 with a key or combination lock that prevents a firearm from being
38 discharged while the device is attached to the firearm. It may
39 include, but need not be limited to, devices that obstruct the barrel
40 or cylinder of the firearm, as well as devices that immobilize the
41 trigger.
- 42 cc. "Trigger locking device" means a device that, if installed on
43 a firearm and secured by means of a key or mechanically,
44 electronically or electromechanically operated combination lock,
45 prevents the firearm from being discharged without first
46 deactivating or removing the device by means of a key or

1 mechanically, electronically or electromechanically operated
2 combination lock.

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

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

24 ff. "Trigger crank" means any device or instrument to be
25 attached to a firearm that repeatedly activates the trigger of the
26 firearm through the use of a lever or other part that is turned in a
27 circular motion; provided, however, the term shall not include any
28 weapon initially designed and manufactured to fire through the use
29 of a crank or lever.¹

30 (cf: P.L.2017, c.323, s.1)

31

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

33 2C:39-3. Prohibited Weapons and Devices.

34 a. Destructive devices. Any person who knowingly has in his
35 possession any destructive device is guilty of a crime of the third
36 degree.

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

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

42 d. Defaced firearms. Any person who knowingly has in his
43 possession any firearm which has been defaced, except an antique
44 firearm or an antique handgun, is guilty of a crime of the fourth
45 degree.

46 e. Certain weapons. Any person who knowingly has in his
47 possession any gravity knife, switchblade knife, dagger, dirk,

1 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
2 or similar leather band studded with metal filings or razor blades
3 imbedded in wood, ballistic knife, without any explainable lawful
4 purpose, is guilty of a crime of the fourth degree.

5 f. Dum-dum or body armor penetrating bullets. (1) Any
6 person, other than a law enforcement officer or persons engaged in
7 activities pursuant to subsection f. of N.J.S.2C:39-6, who
8 knowingly has in his possession any hollow nose or dum-dum
9 bullet, or (2) any person, other than a collector of firearms or
10 ammunition as curios or relics as defined in Title 18, United States
11 Code, section 921 (a) (13) and has in his possession a valid
12 Collector of Curios and Relics License issued by the Bureau of
13 Alcohol, Tobacco and Firearms, who knowingly has in his
14 possession any body armor breaching or penetrating ammunition,
15 which means: (a) ammunition primarily designed for use in a
16 handgun, and (b) which is comprised of a bullet whose core or
17 jacket, if the jacket is thicker than .025 of an inch, is made of
18 tungsten carbide, or hard bronze, or other material which is harder
19 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
20 and (c) is therefore capable of breaching or penetrating body armor,
21 is guilty of a crime of the fourth degree. For purposes of this
22 section, a collector may possess not more than three examples of
23 each distinctive variation of the ammunition described above. A
24 distinctive variation includes a different head stamp, composition,
25 design, or color.

26 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
27 or k. of this section shall apply to any member of the Armed Forces
28 of the United States or the National Guard, or except as otherwise
29 provided, to any law enforcement officer while actually on duty or
30 traveling to or from an authorized place of duty, provided that his
31 possession of the prohibited weapon or device has been duly
32 authorized under the applicable laws, regulations or military or law
33 enforcement orders.

34 Nothing in subsection h. of this section shall apply to any law
35 enforcement officer who is exempted from the provisions of that
36 subsection by the Attorney General. Nothing in this section shall
37 apply to the possession of any weapon or device by a law
38 enforcement officer who has confiscated, seized or otherwise taken
39 possession of said weapon or device as evidence of the commission
40 of a crime or because he believed it to be possessed illegally by the
41 person from whom it was taken, provided that said law enforcement
42 officer promptly notifies his superiors of his possession of such
43 prohibited weapon or device.

44 (2) a. Nothing in subsection f. (1) shall be construed to prevent
45 a person from keeping such ammunition at his dwelling, premises
46 or other land owned or possessed by him, or from carrying such
47 ammunition from the place of purchase to said dwelling or land, nor
48 shall subsection f. (1) be construed to prevent any licensed retail or

1 wholesale firearms dealer from possessing such ammunition at its
2 licensed premises, provided that the seller of any such ammunition
3 shall maintain a record of the name, age and place of residence of
4 any purchaser who is not a licensed dealer, together with the date of
5 sale and quantity of ammunition sold.

6 b. Nothing in subsection f.(1) shall be construed to prevent a
7 designated employee or designated licensed agent for a nuclear
8 power plant under the license of the Nuclear Regulatory
9 Commission from possessing hollow nose ammunition while in the
10 actual performance of his official duties, if the federal licensee
11 certifies that the designated employee or designated licensed agent
12 is assigned to perform site protection, guard, armed response or
13 armed escort duties and is appropriately trained and qualified, as
14 prescribed by federal regulation, to perform those duties.

15 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
16 shall be construed to prevent any licensed retail or wholesale
17 firearms dealer from possessing that ammunition or large capacity
18 ammunition magazine at its licensed premises for sale or disposition
19 to another licensed dealer, the Armed Forces of the United States or
20 the National Guard, or to a law enforcement agency, provided that
21 the seller maintains a record of any sale or disposition to a law
22 enforcement agency. The record shall include the name of the
23 purchasing agency, together with written authorization of the chief
24 of police or highest ranking official of the agency, the name and
25 rank of the purchasing law enforcement officer, if applicable, and
26 the date, time and amount of ammunition sold or otherwise
27 disposed. A copy of this record shall be forwarded by the seller to
28 the Superintendent of the Division of State Police within 48 hours
29 of the sale or disposition.

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

33 (5) Nothing in subsection c. of this section shall be construed to
34 apply to any person who is specifically identified in a special deer
35 management permit issued by the Division of Fish and Wildlife to
36 utilize a firearm silencer as part of an alternative deer control
37 method implemented in accordance with a special deer management
38 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
39 while the person is in the actual performance of the permitted
40 alternative deer control method and while going to and from the
41 place where the permitted alternative deer control method is being
42 utilized. This exception shall not, however, otherwise apply to any
43 person to authorize the purchase or possession of a firearm silencer.

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

46 i. Nothing in subsection e. of this section shall be construed to
47 prevent any guard in the employ of a private security company, who
48 is licensed to carry a firearm, from the possession of a nightstick

1 when in the actual performance of his official duties, provided that
2 he has satisfactorily completed a training course approved by the
3 Police Training Commission in the use of a nightstick.

4 j. Any person who knowingly has in his possession a large
5 capacity ammunition magazine is guilty of a crime of the fourth
6 degree unless the person has registered:

7 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
8 (C.2C:58-12) and the magazine is maintained and used in
9 connection with participation in competitive shooting matches
10 sanctioned by the Director of Civilian Marksmanship of the United
11 States Department of the Army **[.]**; or

12 (2) a firearm with a fixed magazine capacity² or detachable
13 magazine² capable of holding up to 15 rounds pursuant to section 7
14 of P.L. , c. (C.) (pending before the Legislature as this
15 bill).

16 k. Handcuffs. Any person who knowingly has in his
17 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
18 under circumstances not manifestly appropriate for such lawful uses
19 as handcuffs may have, is guilty of a disorderly persons offense. A
20 law enforcement officer shall confiscate handcuffs possessed in
21 violation of the law.

22 l. Bump stock or trigger crank. Any person who knowingly
23 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
24 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
25 regardless of whether the person is in possession of a firearm, is
26 guilty of a crime of the third degree.

27 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
28 provision of law, a conviction arising out of this subsection shall
29 not merge with a conviction for possessing an assault firearm in
30 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
31 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
32 shall be imposed upon each conviction. Notwithstanding the
33 provisions of N.J.S.2C:44-5 or any other provisions of law, the
34 sentence imposed pursuant to this subsection shall be served
35 consecutively to that imposed for unlawfully possessing an assault
36 firearm in violation of subsection f. of N.J.S.2C:39-5.¹
37 (cf: P.L.2017, c.323, s.2)

38
39 ¹**[2.] 3.**¹ (New section) Notwithstanding the provisions of
40 subsection j. of N.J.S.2C:39-3, a retired law enforcement officer
41 who is authorized to possess and carry a handgun pursuant to
42 subsection l. of N.J.S.2C:39-6 may possess and carry a large
43 capacity ammunition magazine which is capable of holding up to 15
44 rounds of ammunition that can be fed continuously and directly into
45 a semi-automatic handgun.

1 ¹【3. (New section) Notwithstanding the provisions of
2 N.J.S.2C:39-6, a law enforcement officer may possess and carry
3 while on duty a large capacity ammunition magazine and possess
4 and carry while off duty a large capacity ammunition magazine
5 which is capable of holding up to 15 rounds of ammunition that can
6 be fed continuously and directly into a semi-automatic firearm.】¹

7
8 ¹4. (New section) The provisions of P.L. _____, c. (C. _____)
9 (pending before the Legislature as this bill) shall not apply to the
10 possession of a large capacity ammunition magazine solely used as
11 a prop for a motion picture, television, or video production,
12 provided the large capacity ammunition magazine has been
13 reconfigured to fire blank ammunition and remains under the
14 control of a federal firearms license holder.¹

15
16 ¹【4.】 ¹5. (New section) ¹【Any】 Except as provided in section
17 7 of P.L. _____, c. (C. _____) (pending before the Legislature as this
18 bill),¹ a person who legally owns a semi-automatic rifle with a fixed
19 magazine capacity exceeding 10 rounds or a large capacity
20 ammunition magazine as defined under subsection y. of
21 N.J.S.2C:39-1 which is capable of holding more than 10 rounds of
22 ammunition on the effective date of P.L. _____, c. (C. _____) (pending
23 before the Legislature as this bill) may retain possession of that rifle
24 or magazine for a period not to exceed 180 days ¹【from】 after¹ the
25 effective date of this act. During this time period, the owner of the
26 semi-automatic rifle or magazine shall:

27 a. Transfer the semi-automatic rifle or magazine to any person
28 or firm lawfully entitled to own or possess that firearm or
29 magazine;

30 b. Render the semi-automatic rifle or magazine inoperable ¹or
31 permanently modify a large capacity ammunition magazine to
32 accept 10 rounds or less¹; or

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

35
36 ¹【5.】 ¹6. N.J.S.2C:39-12 is amended to read as follows:

37 2C:39-12. No person shall be convicted of an offense under this
38 chapter for possessing any firearms, weapons, destructive devices,
39 large capacity ammunition magazines, silencers or explosives, if
40 after giving written notice of his intention to do so, including the
41 proposed date and time of surrender, he voluntarily surrendered the
42 weapon, device, instrument or substance in question to the
43 superintendent or to the chief of police in the municipality in which
44 he resides, provided that the required notice is received by the
45 superintendent or chief of police before any charges have been
46 made or complaints filed against such person for the unlawful

1 possession of the weapon, device, instrument or substance in
2 question and before any investigation has been commenced by any
3 law enforcement agency concerning the unlawful possession.
4 Nothing in this section shall be construed as granting immunity
5 from prosecution for any crime or offense except that of the
6 unlawful possession of such weapons, devices, instruments or
7 substances surrendered as herein provided.

8 (cf: N.J.S.2C:39-12)

9
10 ¹7. (New section) a. A person who legally owns a firearm
11 ²with a fixed magazine capacity holding up to 15 rounds which is
12 incapable of being modified to accommodate 10 or less rounds and
13 was purchased on or as set forth in paragraph (1) or (2) of this
14 subsection² prior to the effective date of P.L. _____, c. (C. _____)
15 (pending before the Legislature as this bill) shall register that
16 firearm within one year from the effective date²[this act]:

17 (1) a firearm with a fixed magazine capacity holding up to 15
18 rounds which is incapable of being modified to accommodate 10 or
19 less rounds; or

20 (2) a firearm which only accepts a detachable magazine with a
21 capacity of up to 15 rounds which is incapable of being modified to
22 accommodate 10 or less rounds².

23 ²b.² In order to register the firearm ²pursuant to subsection a. of
24 this section², the owner shall:

25 (1) complete a registration statement, in the form to be
26 prescribed by the Superintendent of the State Police; ³and³

27 (2) ³[pay a registration fee of \$50 per firearm; and

28 (3)]³ produce for inspection a valid firearms purchaser
29 identification card, permit to carry a handgun, or permit to purchase
30 a handgun.

31 ²[b.] c.² The information provided in the registration
32 statement established pursuant to subsection ²[a.] b.² of this section
33 shall include, but shall not be limited to: the name and address of
34 the registrant; the number or numbers on the registrant's firearms
35 purchaser identification card, permit to carry a handgun, or permit
36 to purchase a handgun; and the make, model, and serial number of
37 the firearm being registered. Each registration statement shall be
38 signed by the registrant, and the signature shall constitute a
39 representation of the accuracy of the information contained in the
40 registration statement.

41 ²[c.] d.² An applicant shall register the firearm in the law
42 enforcement agency of the municipality in which the applicant
43 resides or, if the municipality does not have a municipal law
44 enforcement agency, any State Police station.

45 ²[d.] e.² Within 60 days of the effective date of P.L. _____,
46 c. (C. _____) (pending before the Legislature as this bill), the

1 superintendent shall prepare the form of registration statement as
2 described in subsection ²[b.] c.² of this section and shall provide a
3 suitable supply of statements to each organized full-time municipal
4 police department and each State Police station.

5 ²[e.] f.² One copy of the completed registration statement shall
6 be returned to the registrant, a second copy shall be sent to the
7 ²[Superintendent] superintendent², and, if the registration takes
8 place at a municipal police department, a third copy shall be
9 retained by that municipal police department.

10 ²[f.] g.² The heir or estate of an owner of a firearm which has
11 been registered pursuant to this section shall within 90 days after
12 the owner's death dispose of that firearm in accordance with section
13 5 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as
14 this bill)^{1 2 2}

15

16 ¹[6.] 8.¹ This act shall take effect immediately.