

ASSEMBLY, No. 4449

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

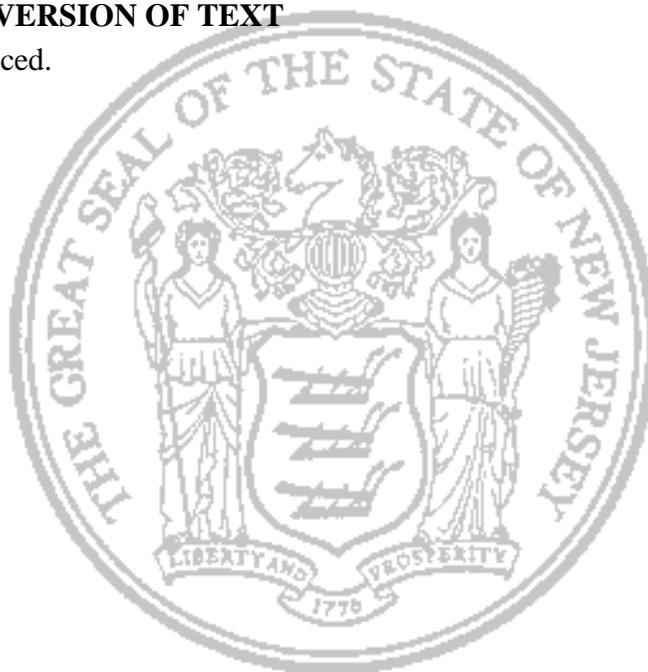
Assemblywoman Pinkin and Senator Ruiz

SYNOPSIS

Establishes crime of soliciting transfer of firearm by disqualified person.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning firearms and amending N.J.S.2C:39-10.

2

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

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

7 2C:39-10. Violation of the regulatory provisions relating to
8 firearms; false representation in applications.

9 a. (1) Except as otherwise provided in paragraph (2) and
10 paragraph (4) of this subsection, any person who knowingly violates
11 the regulatory provisions relating to manufacturing or wholesaling
12 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,
13 permits to purchase certain firearms N.J.S.2C:58-3, permits to carry
14 certain firearms N.J.S.2C:58-4, licenses to procure machine guns or
15 assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition
16 N.J.S.2C:58-10, except acts which are punishable under section
17 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the
18 fourth degree.

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

22 (3) If, upon review, a law enforcement agency determines that a
23 licensed dealer has sold, transferred, assigned, or otherwise
24 disposed of an inordinate number of firearms and that licensed
25 dealer knew, or should have known, that the firearms would be used
26 in the commission of a crime or would be transferred to a person in
27 order for the firearms to be used for an unlawful purpose, that
28 dealer's license shall, after a hearing, be permanently revoked.

29 (4) A licensed dealer who sells or transfers a firearm to a person
30 knowing that person intends to sell, transfer, assign, or otherwise
31 dispose of that firearm to a person who is disqualified from
32 possessing a firearm under State or federal law is guilty of a crime
33 of the second degree. Notwithstanding any other provisions of law
34 to the contrary, the sentence imposed for a conviction under this
35 subsection shall include a mandatory minimum term of
36 imprisonment of 18 months, during which the defendant shall be
37 ineligible for parole; provided however, if the firearm was used in
38 the commission of a crime, the sentence imposed under this
39 subsection shall include a mandatory minimum term of
40 imprisonment of three years, during which the defendant shall be
41 ineligible for parole. Further, a person convicted under this
42 subsection shall be permanently disqualified from holding a retail
43 license under N.J.S.2C:58-2.

44 (5) A person who is disqualified from possessing a firearm
45 under State or federal law who knowingly solicits, persuades,

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 encourages, or entices a licensed dealer or other person to sell, give,
2 transfer, or assign a firearm to the disqualified person under
3 circumstances which the disqualified person knows would violate
4 State or federal law is guilty of a crime of the third degree.
5 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
6 conviction under this subsection shall not merge with a conviction
7 for any other criminal offense and the court shall impose separate
8 sentences upon a violation of this subsection and any other criminal
9 offense.

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

14 c. Any person who gives or causes to be given any false
15 information, or signs a fictitious name or address, in applying for a
16 firearms purchaser identification card, a permit to purchase a
17 handgun, a permit to carry a handgun, a permit to possess a machine
18 gun, a permit to possess an assault firearm, or in completing the
19 certificate or any other instrument required by law in purchasing or
20 otherwise acquiring delivery of any rifle, shotgun, handgun,
21 machine gun, or assault firearm or any other firearm, is guilty of a
22 crime of the third degree.

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

28 e. Any person who knowingly sells, gives, transfers, assigns or
29 otherwise disposes of a firearm to a person who is under the age of
30 18 years, except as permitted in section 14 of P.L.1979, c.179
31 (C.2C:58-6.1), is guilty of a crime of the second degree.
32 Notwithstanding any other provision of law to the contrary, the
33 sentence imposed for a conviction under this subsection shall
34 include a mandatory minimum five-year term of imprisonment,
35 during which the defendant shall be ineligible for parole.

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

43 g. Any person who knowingly gives or causes to be given any
44 false information or knowingly engages in any other fraudulent
45 conduct in applying for an exemption to purchase more than one
46 handgun in a 30-day period in violation of the provisions of section
47 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
48 third degree. The presumption of nonimprisonment set forth in

1 N.J.S.2C:44-1 shall not apply to persons convicted under the
2 provisions of this subsection.

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

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill prohibits a person who is disqualified from possessing a
11 firearm from knowingly soliciting, persuading, encouraging, or
12 enticing a licensed dealer or other person to sell, give, transfer, or
13 assign a firearm to the disqualified person under circumstances that
14 would violate State or federal law. Under the bill, the disqualified
15 person would be guilty of a crime of the third degree, which is
16 punishable by a three-to-five year term of incarceration, a fine of up
17 to \$15,000, or both. The penalty established by the bill would not
18 merge with any other penalty under current law.