

ASSEMBLY, No. 5454

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning purchase and possession of certain weapons
2 and ammunition and amending various parts of the statutory law.

3

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

6

7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
8 as follows:

9 6. Certain Persons Not to Have Weapons or Ammunition.

10 a. Except as provided in subsection b. of this section, any
11 person, having been convicted in this State or elsewhere of the
12 crime, or an attempt or conspiracy to commit the crime, of
13 aggravated assault, arson, burglary, escape, extortion, homicide,
14 kidnapping, robbery, aggravated sexual assault, sexual assault, bias
15 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of
16 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in
17 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering
18 in violation of N.J.S.2C:41-2, terroristic threats in violation of
19 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of
20 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in
21 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,
22 unlawful possession of an assault firearm in violation of subsection
23 f. of N.J.S.2C:39-5, or endangering the welfare of a child pursuant
24 to N.J.S.2C:24-4, whether or not armed with or having in [his] the
25 person's possession any weapon enumerated in subsection r. of
26 N.J.S.2C:39-1, or any person convicted of a crime, or an attempt or
27 conspiracy to commit a crime, pursuant to the provisions of
28 N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who
29 has ever been committed for a mental disorder to any hospital,
30 mental institution or sanitarium unless [he] the person possesses a
31 certificate of a medical doctor or psychiatrist licensed to practice in
32 New Jersey or other satisfactory proof that [he] the person is no
33 longer suffering from a mental disorder which interferes with or
34 handicaps [him] the person in the handling of a firearm, or any
35 person who has been convicted of [other than a disorderly persons
36 or petty disorderly persons offense] an offense, or an attempt or
37 conspiracy to commit an offense, for the unlawful use, possession
38 or sale of a controlled dangerous substance as defined in
39 N.J.S.2C:35-2, other than a disorderly persons or petty disorderly
40 persons offense, who purchases, owns, possesses or controls any of
41 the [said] specified weapons or any ammunition as defined in
42 section 2 of P.L.2018, c.35 (C.2C:58-21) is guilty of a crime of the
43 fourth degree.

44 b. (1) A person having been convicted in this State or
45 elsewhere of the crime, or an attempt or conspiracy to commit the

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 crime, of aggravated assault, arson, burglary, escape, extortion,
2 homicide, kidnapping, robbery, aggravated sexual assault, sexual
3 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking
4 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang
5 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-
6 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in
7 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in
8 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of
9 a handgun in violation of paragraph (1) of subsection b. of
10 N.J.S.2C:39-5, unlawful possession of an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5, endangering the welfare
12 of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992,
13 c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to
14 commit a crime, involving domestic violence as defined in section 3
15 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or
16 having in **【his】** the person's possession a weapon enumerated in
17 subsection r. of N.J.S.2C:39-1, or a person having been convicted of
18 a crime, or an attempt or conspiracy to commit a crime, pursuant to
19 the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive;
20 section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11;
21 N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases,
22 owns, possesses or controls a firearm is guilty of a crime of the
23 second degree and upon conviction thereof, the person shall be
24 sentenced to a term of imprisonment by the court. The term of
25 imprisonment shall include the imposition of a minimum term,
26 which shall be fixed at five years, during which the defendant shall
27 be ineligible for parole. If the defendant is sentenced to an
28 extended term of imprisonment pursuant to N.J.S.2C:43-7, the
29 extended term of imprisonment shall include the imposition of a
30 minimum term, which shall be fixed at, or between, one-third and
31 one-half of the sentence imposed by the court or five years,
32 whichever is greater, during which the defendant shall be ineligible
33 for parole.

34 (2) A person having been convicted in this State or elsewhere of
35 a disorderly persons offense involving domestic violence, whether
36 or not armed with or having in **【his】** the person's possession a
37 weapon enumerated in subsection r. of N.J.S.2C:39-1, who
38 purchases, owns, possesses or controls a firearm or ammunition is
39 guilty of a crime of the third degree.

40 (3) A person whose firearm is seized pursuant to the "Prevention
41 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
42 seq.) and whose firearm has not been returned, or who is subject to
43 a court order prohibiting the possession of firearms issued pursuant
44 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,
45 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or
46 controls a firearm or ammunition is guilty of a crime of the third
47 degree, except that the provisions of this paragraph shall not apply
48 to any law enforcement officer while actually on duty, or to any
49 member of the Armed Forces of the United States or member of the

1 National Guard while actually on duty or traveling to or from an
2 authorized place of duty.

3 (4) A person who is subject to a court order prohibiting the
4 custody, control, ownership, purchase, possession, or receipt of a
5 firearm or ammunition issued pursuant to the "Extreme Risk
6 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)
7 who purchases, acquires, owns, possesses, or controls a firearm or
8 ammunition is guilty of a crime of the third degree.

9 c. Whenever any person shall have been convicted in another
10 state, territory, commonwealth or other jurisdiction of the United
11 States, or any country in the world, in a court of competent
12 jurisdiction, of a crime, or an attempt or conspiracy to commit a
13 crime, which in **【said】** the other jurisdiction or country is
14 comparable to one of the crimes enumerated in subsection a. or b.
15 of this section, then that person shall be subject to the provisions of
16 this section.

17 (cf: P.L.2018, c.34, s.13)

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 armor piercing ammunition. (1) Any person,
40 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, Firearms, and Explosives, who knowingly has in
48 his possession any armor piercing ammunition, as defined in
49 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth

1 degree. For purposes of this section, a collector may possess not
2 more than three examples of each distinctive variation of the
3 ammunition described above. A distinctive variation includes a
4 different head stamp, composition, design, or color.

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

13 (b) Nothing in subsection j. of this section shall apply to a law
14 enforcement officer who possesses and carries while off-duty a
15 large capacity ammunition magazine capable of holding not more
16 than 17 rounds of ammunition that can be fed continuously and
17 directly into a semi-automatic firearm.

18 (c) Notwithstanding subparagraph (b) of this paragraph,
19 subsection j. of this section shall not apply to a law enforcement
20 officer who possesses and carries while off-duty a large capacity
21 ammunition magazine capable of holding more than 17 rounds of
22 ammunition that can be fed continuously and directly into a semi-
23 automatic firearm provided the large capacity ammunition magazine
24 is used with a service firearm issued to the officer by the officer's
25 employer for use in the officer's official duties.

26 (d) Nothing in subsection h. of this section shall apply to any
27 law enforcement officer who is exempted from the provisions of
28 that subsection by the Attorney General. Nothing in this section
29 shall apply to the possession of any weapon or device by a law
30 enforcement officer who has confiscated, seized or otherwise taken
31 possession of said weapon or device as evidence of the commission
32 of a crime or because he believed it to be possessed illegally by the
33 person from whom it was taken, provided that said law enforcement
34 officer promptly notifies his superiors of his possession of such
35 prohibited weapon or device.

36 (2) (a) Nothing in paragraph (1) of subsection f. [(1)] of this
37 section shall be construed to prevent a person from keeping such
38 ammunition at his dwelling, premises or other land owned or
39 possessed by him, or from carrying such ammunition from the place
40 of purchase to said dwelling or land, nor shall paragraph (1) of
41 subsection f. [(1)] of this section be construed to prevent any
42 licensed retail or wholesale firearms dealer from possessing such
43 ammunition at its licensed premises, provided that the seller of any
44 such ammunition shall maintain a record of the name, age and place
45 of residence of any purchaser who is not a licensed dealer, together
46 with the date of sale and quantity of ammunition sold.

47 (b) Nothing in paragraph (1) of subsection f. [(1)] of this
48 section shall be construed to prevent a designated employee or

1 designated licensed agent for a nuclear power plant under the
2 license of the Nuclear Regulatory Commission from possessing
3 hollow nose ammunition while in the actual performance of his
4 official duties, if the federal licensee certifies that the designated
5 employee or designated licensed agent is assigned to perform site
6 protection, guard, armed response or armed escort duties and is
7 appropriately trained and qualified, as prescribed by federal
8 regulation, to perform those duties.

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

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

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

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

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

46 j. Any person who knowingly has in his possession a large
47 capacity ammunition magazine is guilty of a crime of the fourth
48 degree unless the person has registered: (1) an assault firearm
49 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the

1 magazine is maintained and used in connection with participation in
2 competitive shooting matches sanctioned by the Director of Civilian
3 Marksmanship of the United States Department of the Army; or

4 (2) a firearm with a fixed magazine capacity or detachable
5 magazine capable of holding up to 15 rounds pursuant to section 7
6 of P.L.2018, c.39 (C.2C:39-20).

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

13 l. Bump stock or trigger crank. Any person who knowingly
14 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
15 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
16 regardless of whether the person is in possession of a firearm, is
17 guilty of a crime of the third degree.

18 m. Covert or undetectable firearms. Any person who
19 knowingly possesses any covert firearm as defined in subsection hh.
20 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
21 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
22 that is designed or modified to allow the firearm to be fired while so
23 enclosed and that disguises or obscures the shape of the firearm
24 such that it does not resemble a handgun, rifle, shotgun, or machine
25 gun is guilty of a crime of the third degree.

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

36 n. Firearms without a serial number. Any person who
37 knowingly possesses a firearm manufactured or otherwise
38 assembled using a firearm frame or firearm receiver as defined in
39 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
40 number registered with a federally licensed manufacturer including,
41 but not limited to, a firearm manufactured or otherwise assembled
42 from parts purchased or otherwise obtained in violation of
43 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
44 degree.

45 (cf: P.L.2018, c.161, s.1)

46

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

48 2C:39-9. Manufacture, Transport, Disposition and Defacement
49 of Weapons and Dangerous Instruments and Appliances.

- 1 a. Machine guns. Any person who manufactures, causes to be
2 manufactured, transports, ships, sells or disposes of any machine
3 gun without being registered or licensed to do so as provided in
4 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
5 crime of the third degree.
- 6 b. Sawed-off shotguns. Any person who manufactures, causes
7 to be manufactured, transports, ships, sells or disposes of any
8 sawed-off shotgun is guilty of a crime of the third degree.
- 9 c. Firearm silencers. Any person who manufactures, causes to
10 be manufactured, transports, ships, sells or disposes of any firearm
11 silencer is guilty of a crime of the fourth degree.
- 12 d. Weapons. Any person who manufactures, causes to be
13 manufactured, transports, ships, sells or disposes of any weapon,
14 including gravity knives, switchblade knives, ballistic knives,
15 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
16 sandclubs, slingshots, cesti or similar leather bands studded with
17 metal filings, or, except as otherwise provided in subsection i. of
18 this section, in the case of firearms if he is not licensed or registered
19 to do so as provided in chapter 58 of Title 2C of the New Jersey
20 Statutes, is guilty of a crime of the fourth degree. Any person who
21 manufactures, causes to be manufactured, transports, ships, sells or
22 disposes of any weapon or other device which projects, releases or
23 emits tear gas or other substances intended to produce temporary
24 physical discomfort or permanent injury through being vaporized or
25 otherwise dispensed in the air, which is intended to be used for any
26 purpose other than for authorized military or law enforcement
27 purposes by duly authorized military or law enforcement personnel
28 or the device is for the purpose of personal self-defense, is pocket-
29 sized and contains not more than three-quarters of an ounce of
30 chemical substance not ordinarily capable of lethal use or of
31 inflicting serious bodily injury, or other than to be used by any
32 person permitted to possess such weapon or device under the
33 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
34 use by financial and other business institutions as part of an
35 integrated security system, placed at fixed locations, for the
36 protection of money and property, by the duly authorized personnel
37 of those institutions, is guilty of a crime of the fourth degree.
- 38 e. Defaced firearms. Any person who defaces any firearm is
39 guilty of a crime of the third degree. Any person who knowingly
40 buys, receives, disposes of or conceals a defaced firearm, except an
41 antique firearm or an antique handgun, is guilty of a crime of the
42 fourth degree.
- 43 f. (1) Any person who manufactures, causes to be
44 manufactured, transports, ships, sell, or disposes of any armor
45 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
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, is guilty of a crime of the
49 fourth degree.

1 (2) Nothing in this subsection shall be construed to prevent a
2 licensed collector of ammunition as defined in paragraph (2) of
3 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
4 in paragraph (1) of this subsection from (a) any licensed retail or
5 wholesale firearms dealer's place of business to the collector's
6 dwelling, premises, or other land owned or possessed by him, or (b)
7 to or from the collector's dwelling, premises or other land owned or
8 possessed by him to any gun show for the purposes of display, sale,
9 trade, or transfer between collectors, or (c) to or from the collector's
10 dwelling, premises or other land owned or possessed by him to any
11 rifle or pistol club organized in accordance with the rules prescribed
12 by the National Board for the Promotion of Rifle Practice; provided
13 that the club has filed a copy of its charter with the superintendent
14 of the State Police and annually submits a list of its members to the
15 superintendent, and provided further that the ammunition being
16 transported shall be carried not loaded in any firearm and contained
17 in a closed and fastened case, gun box, or locked in the trunk of the
18 automobile in which it is being transported, and the course of travel
19 shall include only such deviations as are reasonably necessary under
20 the circumstances.

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

25 h. Large capacity ammunition magazines. Any person who
26 manufactures, causes to be manufactured, transports, ships, sells or
27 disposes of a large capacity ammunition magazine which is
28 intended to be used for any purpose other than for authorized
29 military or law enforcement purposes by duly authorized military or
30 law enforcement personnel is guilty of a crime of the fourth degree.

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

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

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

46 (2) for shooting competitions sponsored by a licensed dealer,
47 law enforcement agency, legally recognized military organization,
48 or a rifle or pistol club which has filed a copy of its charter with the

1 superintendent in accordance with the provisions of section 1 of
2 P.L.1992, c.74 (C.2C:58-3.1); or

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

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

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

14 k. Purchasing firearm parts to manufacture a firearm without a
15 serial number. In addition to any other criminal penalties provided
16 under law, a person who, with the purpose to manufacture or
17 otherwise assemble a firearm and without being registered or
18 licensed do so as provided in chapter 58 of Title 2C of the New
19 Jersey Statutes, purchases or otherwise obtains separately or as part
20 of a kit a firearm frame or firearm receiver which is not imprinted
21 with a serial number registered with a federally licensed
22 manufacturer or any combination of parts from which a firearm
23 without a serial number may be readily manufactured or otherwise
24 assembled, but which does not have the capacity to function as a
25 firearm unless manufactured or otherwise assembled is guilty of a
26 crime of the third degree. Notwithstanding the provisions of
27 N.J.S.2C:1-8 or any other law, a conviction under this subsection
28 shall not merge with a conviction for any other criminal offense and
29 the court shall impose separate sentences upon a violation of this
30 subsection and any other criminal offense.

31 As used in this subsection, "firearm frame or firearm receiver"
32 means the part of a firearm that provides housing for the firearm's
33 internal components, such as the hammer, bolt or breechblock,
34 action, and firing mechanism, and includes without limitation any
35 object or part which is not a firearm frame or receiver in finished
36 form but is designed or intended to be used for that purpose and
37 which may readily be made into a firearm frame or receiver through
38 milling or other means.

39 1. Manufacturing or facilitating the manufacture of a firearm
40 using a three-dimensional printer. In addition to any other criminal
41 penalties provided under law it is a third degree crime for:

42 (1) a person who is not registered or licensed to do so as a
43 manufacturer as provided in chapter 58 of Title 2C of the New
44 Jersey Statutes, to use a three-dimensional printer or similar device
45 to manufacture or produce a firearm, firearm receiver, magazine, or
46 firearm component; or

47 (2) a person to distribute by any means, including the Internet,
48 to a person in New Jersey who is not registered or licensed as a
49 manufacturer as provided in chapter 58 of Title 2C of the New

1 Jersey Statutes, digital instructions in the form of computer-aided
2 design files or other code or instructions stored and displayed in
3 electronic format as a digital model that may be used to program a
4 three-dimensional printer to manufacture or produce a firearm,
5 firearm receiver, magazine, or firearm component.

6 As used in this subsection: "three-dimensional printer" means a
7 computer or computer-driven machine or device capable of
8 producing a three-dimensional object from a digital model; and
9 "distribute" means to sell, or to manufacture, give, provide, lend,
10 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
11 display, share, advertise, offer, or make available via the Internet or
12 by any other means, whether for pecuniary gain or not, and includes
13 an agreement or attempt to distribute.

14 m. Covert or undetectable firearms. Any person who
15 manufactures, causes to be manufactured, transports, ships, sells or
16 disposes of any covert firearm as defined in subsection hh. of
17 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
18 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

19 n. Transporting a manufactured firearm without a serial
20 number. In addition to any other criminal penalties provided under
21 law, a person who transports, ships, sells, or disposes of a firearm
22 manufactured or otherwise assembled using a firearm frame or
23 firearm receiver as defined in subsection k. of this section which is
24 not imprinted with a serial number registered with a federally
25 licensed manufacturer, including but not limited to a firearm
26 manufactured or otherwise assembled from parts purchased or
27 otherwise obtained in violation of subsection k. of this section, is
28 guilty of a crime of the third degree.

29 (cf: P.L.2018, c.138, s.3)

30

31 4. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 Current law provides that it is a crime of the fourth degree for a
37 person to purchase, own, possess, or control a weapon if the person
38 has ever been committed for a mental disorder to any hospital,
39 mental institution or sanitarium, except under certain
40 circumstances, or has been previously convicted of any of the
41 following crimes: aggravated assault, arson, burglary, escape,
42 extortion, homicide, kidnapping, robbery, aggravated sexual assault,
43 sexual assault, bias intimidation, endangering the welfare of a child,
44 certain crimes related to the unlawful possession of weapons, or
45 certain crimes related to controlled dangerous substances. The bill
46 adds to that list of crimes carjacking; gang criminality;
47 racketeering; terroristic threats; and unlawful possession of a
48 machine gun, handgun, or an assault firearm. The bill provides that
49 a person convicted of attempt or conspiracy to commit any of these

1 crimes is prohibited from possessing a weapon or ammunition. The
2 bill also makes it a crime of the fourth degree for such persons to
3 purchase, own, possess, or control firearm ammunition.

4 It currently is a crime of the second degree for a person to
5 purchase, own, possess, or control a firearm if that person has been
6 convicted of any of the following crimes: aggravated assault, arson;
7 burglary, escape, extortion, homicide, kidnapping, robbery,
8 aggravated sexual assault, sexual assault, bias intimidation,
9 endangering the welfare of a child, stalking, a crime involving
10 domestic violence, certain crimes related to unlawful possession of
11 weapons, and certain crimes related to controlled dangerous
12 substances. The bill adds to that list of crimes carjacking; gang
13 criminality; racketeering; terroristic threats; and unlawful
14 possession of a machine gun, handgun, or an assault firearm. The
15 bill also provides that a person convicted of attempt or conspiracy
16 to commit any of these crimes is prohibited from possessing a
17 firearm.

18 Currently, the criminal prohibition established under section 6 of
19 P.L.1971 c.179 (C.2C:39-7) applies to persons convicted of certain
20 crimes listed in the statute, but does not specify that it includes
21 attempts or conspiracies to commit those crimes. In order to ensure
22 that such offenses trigger application of this section, the bill
23 specifically includes these offenses. The bill makes this provision
24 of the Criminal Code consistent with many other provisions,
25 including section 2 of P.L.1997, c.117 (C.2C:43-7.2), the “No Early
26 Release Act,” which applies to substantive offenses, as well as to
27 conspiracies and attempts to commit such offenses.

28 The bill also establishes a third degree crime of transporting,
29 shipping, selling, disposing of, or possessing a firearm which is not
30 imprinted with a serial number registered with a federally licensed
31 manufacturer, which includes a firearm unlawfully manufactured or
32 assembled from parts purchased or obtained in violation of
33 subsection k. of N.J.S.2C:39-9. Under current law, it is a crime for
34 a person who is not a registered firearm manufacturer to purchase or
35 otherwise obtain firearm parts with the purpose to manufacture or
36 otherwise assemble a firearm with a firearm frame which is not
37 imprinted with a serial number. This bill establishes a crime of
38 transferring or possessing a firearm manufactured or otherwise
39 assembled from such parts, as well as transferring or possessing any
40 other firearm that is not imprinted with a serial number.