

# SENATE, No. 102

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Gopal and Greenstein**

**SYNOPSIS**

Reduces maximum capacity of ammunition magazines to 10 rounds.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/27/2018)**

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

2

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

5

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

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

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

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

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

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

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

47 m. "Rifle" means any firearm designed to be fired from the  
48 shoulder and using the energy of the explosive in a fixed metallic

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

- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding **[15]** 10 rounds. "Assault firearm" shall not include a
- 45 semi-automatic rifle which has an attached tubular device and
- 46 which is capable of operating only with .22 caliber rimfire
- 47 ammunition.

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

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

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

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

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

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

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

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

1 model of a handgun shall be deemed to be a "personalized handgun"  
2 unless the Attorney General has determined, through testing or  
3 other reasonable means, that the handgun meets any reliability  
4 standards that the manufacturer may require for its commercially  
5 available handguns that are not personalized or, if the manufacturer  
6 has no such reliability standards, the handgun meets the reliability  
7 standards generally used in the industry for commercially available  
8 handguns.

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

10

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

18

19 3. (New section) Notwithstanding the provisions of N.J.S.2C:39-  
20 6, a law enforcement officer may possess and carry while on duty a  
21 large capacity ammunition magazine and possess and carry while  
22 off duty a large capacity ammunition magazine which is capable of  
23 holding up to 15 rounds of ammunition that can be fed continuously  
24 and directly into a semi-automatic firearm.

25

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

35 a. Transfer the semi-automatic rifle or magazine to any person  
36 or firm lawfully entitled to own or possess that firearm or  
37 magazine;

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

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

41

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

43 2C:39-12. No person shall be convicted of an offense under this  
44 chapter for possessing any firearms, weapons, destructive devices,  
45 large capacity ammunition magazines, silencers or explosives, if  
46 after giving written notice of his intention to do so, including the  
47 proposed date and time of surrender, he voluntarily surrendered the  
48 weapon, device, instrument or substance in question to the

1 superintendent or to the chief of police in the municipality in which  
2 he resides, provided that the required notice is received by the  
3 superintendent or chief of police before any charges have been  
4 made or complaints filed against such person for the unlawful  
5 possession of the weapon, device, instrument or substance in  
6 question and before any investigation has been commenced by any  
7 law enforcement agency concerning the unlawful possession.  
8 Nothing in this section shall be construed as granting immunity  
9 from prosecution for any crime or offense except that of the  
10 unlawful possession of such weapons, devices, instruments or  
11 substances surrendered as herein provided.

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

13

14 6. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill bans firearm magazines that hold more than 10 rounds of  
20 ammunition. Magazines capable of holding up to 15 rounds of  
21 ammunition currently are legal in New Jersey.

22 Specifically, the bill revises the definition of a “large capacity  
23 ammunition magazine” to reduce the allowable rounds of ammunition  
24 from 15 to 10. The bill also designates a semi-automatic rifle with a  
25 fixed magazine capacity exceeding 10 rounds as a prohibited assault  
26 firearm.

27 The bill exempts law enforcement officers from the bill’s 10 round  
28 limit on ammunition magazines by authorizing them to possess and  
29 carry while on duty a large capacity ammunition magazine and possess  
30 and carry while off duty a large capacity ammunition magazine which  
31 is capable of holding up to 15 rounds of ammunition. The bill also  
32 permits retired police officers authorized to possess and carry a  
33 handgun in this State to continue to possess and carry a magazine  
34 capable of holding up to 15 rounds.

35 The bill exempts from the 10 round limitation those semi-  
36 automatic rifles which have an attached tubular magazine and which  
37 are capable of operating only with .22 caliber rimfire ammunition.  
38 This exemption would permit the sale and possession of a popular  
39 beginner gun, the Marlin Model 60, often referred to as the “Boy Scout  
40 gun.” These firearms are low caliber and the attached tubular  
41 magazine cannot be quickly reloaded.

42 The bill’s provisions are effective immediately, but allow for a 180-  
43 day grace period to transfer, render inoperable, or voluntarily  
44 surrender a semi-automatic rifle or magazine that will be unlawful  
45 under the bill.