

SENATE, No. 112

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

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SYNOPSIS

Requires newly manufactured handguns to be micro-stamped; establishes handgun database.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain handguns, supplementing Title 2C of
2 the New Jersey Statutes and amending N.J.S.2C:39-10.

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

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7 1. (New section) a. A person licensed or registered as a
8 manufacturer, wholesale dealer of firearms, retail dealer of
9 firearms, or an agent or employee of a wholesale or retail dealer of
10 firearms shall not transport into this State, sell, expose for sale,
11 possess with the intent of selling, assign or otherwise transfer any
12 handgun manufactured following the effective date of this act
13 unless the handgun is designed and equipped with a microscopic
14 array of characters that identify the make, model, and serial number
15 of the handgun. The characters shall be etched or imprinted onto
16 the internal working parts of the handgun to ensure the characters
17 are imprinted on the cartridge case when the handgun is fired.

18 b. A person licensed as retail dealer of firearms shall notify the
19 superintendent of each sale of a handgun designed and equipped
20 with a microscopic array of characters in accordance with this
21 section. The information provided by the retail dealer shall include,
22 but not be limited to: the name and address of the purchaser or
23 assignee; date and place of the sale; and make, model,
24 manufacturer's number, and caliber of the handgun. The
25 Superintendent of State Police shall establish and maintain a
26 database of the information received pursuant to this subsection
27 which shall be accessible by each law enforcement agency in this
28 State.

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

31 a. (1) Except as otherwise provided in paragraph (2) and
32 paragraph (4) of this subsection, any person who knowingly violates
33 the regulatory provisions relating to manufacturing or wholesaling
34 of firearms pursuant to N.J.S.2C:58-1, retailing of firearms pursuant
35 to N.J.S.2C:58-2 and section 1 of P.L. _____, c. _____ (C. _____) (pending
36 before the Legislature as this bill), permits to purchase certain
37 firearms pursuant to N.J.S.2C:58-3, permits to carry certain
38 firearms pursuant to N.J.S.2C:58-4, licenses to procure machine
39 guns or assault firearms pursuant to N.J.S.2C:58-5, or incendiary or
40 tracer ammunition pursuant to N.J.S.2C:58-10, except acts which
41 are punishable under **[section]** N.J.S.2C:58-5 or **[section]**
42 N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

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

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

8 (4) A licensed dealer who sells or transfers a firearm to a person
9 knowing that person intends to sell, transfer, assign, or otherwise
10 dispose of that firearm to a person who is disqualified from
11 possessing a firearm under State or federal law is guilty of a crime
12 of the second degree. Notwithstanding any other provisions of law
13 to the contrary, the sentence imposed for a conviction under this
14 subsection shall include a mandatory minimum term of
15 imprisonment of 18 months, during which the defendant shall be
16 ineligible for parole; provided however, if the firearm was used in
17 the commission of a crime, the sentence imposed under this
18 subsection shall include a mandatory minimum term of
19 imprisonment of three years, during which the defendant shall be
20 ineligible for parole. Further, a person convicted under this
21 subsection shall be permanently disqualified from holding a retail
22 license under N.J.S.2C:58-2.

23 b. Any person who knowingly violates the regulatory
24 provisions relating to notifying the authorities of possessing certain
25 items of explosives pursuant to N.J.S.2C:58-7, or of certain wounds
26 pursuant to N.J.S.2C:58-8 is a disorderly person.

27 c. Any person who gives or causes to be given any false
28 information, or signs a fictitious name or address, in applying for a
29 firearms purchaser identification card, a permit to purchase a
30 handgun, a permit to carry a handgun, a permit to possess a machine
31 gun, a permit to possess an assault firearm, or in completing the
32 certificate or any other instrument required by law in purchasing or
33 otherwise acquiring delivery of any rifle, shotgun, handgun,
34 machine gun, or assault firearm or any other firearm, is guilty of a
35 crime of the third degree.

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

41 e. Any person who knowingly sells, gives, transfers, assigns or
42 otherwise disposes of a firearm to a person who is under the age of
43 18 years, except as permitted in section 14 of P.L.1979, c.179
44 (C.2C:58-6.1), is guilty of a crime of the second degree.
45 Notwithstanding any other provision of law to the contrary, the
46 sentence imposed for a conviction under this subsection shall
47 include a mandatory minimum five-year term of imprisonment,
48 during which the defendant shall be ineligible for parole.

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

8 g. Any person who knowingly gives or causes to be given any
9 false information or knowingly engages in any other fraudulent
10 conduct in applying for an exemption to purchase more than one
11 handgun in a 30-day period in violation of the provisions of section
12 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
13 third degree. The presumption of nonimprisonment set forth in
14 N.J.S.2C:44-1 shall not apply to persons convicted under the
15 provisions of this subsection.

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

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18 3. This act shall take effect on the first day of the 13th month
19 following enactment, but the superintendent may take any
20 anticipatory administrative action in advance thereof as shall be
21 necessary for the implementation of this act.

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STATEMENT

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26 This bill requires all newly manufactured handguns sold in this
27 State by licensed retail firearms dealers to be micro-stamped.

28 Micro-stamping is a laser technology that can engrave or etch
29 microscopic identifying characters or letters on small objects.
30 These characters or letters would be engraved onto the internal
31 working parts of the handgun to ensure the characters are imprinted
32 on each cartridge case when the handgun is fired. The array of
33 characters on the cartridge may then be utilized by law enforcement
34 to identify the make, model, and serial number of the handgun.

35 The bill requires licensed retail firearms dealers to report their
36 handgun sales to the State Police. The bill directs the
37 Superintendent of State Police to establish and maintain this
38 information in a database which would be accessible by each law
39 enforcement agency in the State.

40 A licensed retail firearms dealer who sells or transfers a handgun
41 that is not micro-stamped would be guilty of a crime of the fourth
42 degree, which is punishable by a prison term of up to 18 months, a
43 fine of up to \$10,000, or both.