

# SENATE, No. 2245

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 8, 2018

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Gopal**

**SYNOPSIS**

Prohibits possession of ammunition capable of penetrating body armor.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/13/2018)**

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-  
2 3.

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his  
10 possession any destructive device is guilty of a crime of the third  
11 degree.

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

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

18 d. Defaced firearms. Any person who knowingly has in his  
19 possession any firearm which has been defaced, except an antique  
20 firearm or an antique handgun, is guilty of a crime of the fourth  
21 degree.

22 e. Certain weapons. Any person who knowingly has in his  
23 possession any gravity knife, switchblade knife, dagger, dirk,  
24 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus,  
25 or similar leather band studded with metal filings or razor blades  
26 imbedded in wood, ballistic knife, without any explainable lawful  
27 purpose, is guilty of a crime of the fourth degree.

28 f. Dum-dum or body armor penetrating bullets. (1) Any  
29 person, other than a law enforcement officer or persons engaged in  
30 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
31 knowingly has in his possession any hollow nose or dum-dum  
32 bullet, or (2) any person, other than a collector of firearms or  
33 ammunition as curios or relics as defined in **【Title 18, United States**  
34 **Code, section 921 (a) (13)】** 18 U.S.C. s.921 (a)(13) and has in his  
35 possession a valid Collector of Curios and Relics License issued by  
36 the Bureau of Alcohol, Tobacco **【and】** Firearms**【,】** and Explosives  
37 who knowingly has in his possession any body armor breaching or  
38 penetrating ammunition, which means: (a) ammunition primarily  
39 designed for use in a handgun, and (b) which is comprised of a  
40 bullet whose core or jacket, if the jacket is thicker than .025 of an  
41 inch, is made of tungsten carbide, or hard bronze, or other material  
42 which is harder than a rating of 72 or greater on the Rockwell B.  
43 Hardness Scale, and (c) is therefore capable of breaching or  
44 penetrating body armor, or (3) any person, other than a law

**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 enforcement officer, who knowingly has in his possession handgun  
2 ammunition which has a full metal jacket and an ogive with a steel  
3 penetrator tip followed by an aluminum core and is therefore  
4 capable of breaching or penetrating body armor is guilty of a crime  
5 of the fourth degree. For purposes of **【this section】** paragraph (2)  
6 of this subsection, a collector may possess not more than three  
7 examples of each distinctive variation of the ammunition described  
8 above. A distinctive variation includes a different head stamp,  
9 composition, design, or color.

10 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.,  
11 or k. of this section shall apply to any member of the Armed Forces  
12 of the United States or the National Guard, or except as otherwise  
13 provided, to any law enforcement officer while actually on duty or  
14 traveling to or from an authorized place of duty, provided that his  
15 possession of the prohibited weapon or device has been duly  
16 authorized under the applicable laws, regulations or military or law  
17 enforcement orders. Nothing in subsection h. of this section shall  
18 apply to any law enforcement officer who is exempted from the  
19 provisions of that subsection by the Attorney General. Nothing in  
20 this section shall apply to the possession of any weapon or device  
21 by a law enforcement officer who has confiscated, seized or  
22 otherwise taken possession of **【said】** the weapon or device as  
23 evidence of the commission of a crime or because he believed it to  
24 be possessed illegally by the person from whom it was taken,  
25 provided that **【said】** the law enforcement officer promptly notifies  
26 his superiors of his possession of **【such】** the prohibited weapon or  
27 device.

28 (2) a. Nothing in paragraph (1) of subsection f. **【(1)】** shall be  
29 construed to prevent a person from keeping **【such】** that ammunition  
30 at his dwelling, premises or other land owned or possessed by him,  
31 or from carrying **【such】** that ammunition from the place of  
32 purchase to **【said】** that dwelling or land, nor shall paragraph (1) of  
33 subsection f. **【(1)】** be construed to prevent any licensed retail or  
34 wholesale firearms dealer from possessing **【such】** that ammunition  
35 at its licensed premises, provided that the seller of **【any such】** that  
36 ammunition shall maintain a record of the name, age, and place of  
37 residence of any purchaser who is not a licensed dealer, together  
38 with the date of sale and quantity of ammunition sold.

39 b. Nothing in paragraph (1) of subsection f. **【(1)】** shall be  
40 construed to prevent a designated employee or designated licensed  
41 agent for a nuclear power plant under the license of the Nuclear  
42 Regulatory Commission from possessing hollow nose ammunition  
43 while in the actual performance of his official duties, if the federal  
44 licensee certifies that the designated employee or designated  
45 licensed agent is assigned to perform site protection, guard, armed  
46 response, or armed escort duties and is appropriately trained and  
47 qualified, as prescribed by federal regulation, to perform those

1 duties.

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

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

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

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

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

39 j. Any person who knowingly has in his possession a large  
40 capacity ammunition magazine is guilty of a crime of the fourth  
41 degree unless the person has registered an assault firearm pursuant  
42 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is  
43 maintained and used in connection with participation in competitive  
44 shooting matches sanctioned by the Director of Civilian  
45 Marksmanship of the United States Department of the Army.

46 k. Handcuffs. Any person who knowingly has in his  
47 possession handcuffs as defined in section 2 of P.L.1991, c.437  
48 (C.2C:39-9.2), under circumstances not manifestly appropriate for

1 **[such]** lawful uses as handcuffs may have, is guilty of a disorderly  
2 persons offense. A law enforcement officer shall confiscate  
3 handcuffs possessed in violation of the law.

4 1. Bump stock or trigger crank. Any person who knowingly  
5 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
6 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
7 regardless of whether the person is in possession of a firearm, is  
8 guilty of a crime of the third degree.

9 Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
10 provision of law, a conviction arising out of this subsection shall  
11 not merge with a conviction for possessing an assault firearm in  
12 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in  
13 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence  
14 shall be imposed upon each conviction. Notwithstanding the  
15 provisions of N.J.S.2C:44-5 or any other provisions of law, the  
16 sentence imposed pursuant to this subsection shall be served  
17 consecutively to that imposed for unlawfully possessing an assault  
18 firearm in violation of subsection f. of N.J.S.2C:39-5.

19 (cf: P.L.2017, c.323, s.2)

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21 2. This act shall take effect immediately.

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#### STATEMENT

25

26 This bill makes it a fourth degree crime to possess a new  
27 generation of handgun ammunition which poses a special threat to the  
28 law enforcement community as it has the capacity to breach or  
29 penetrate body armor.

30 Under current federal and State law, the possession of hollow nose  
31 or dum-dum bullets is prohibited, as is the possession of bullets which  
32 are Teflon-coated or which have specially hardened metal jackets or  
33 cores.

34 Police officers have encountered a new and highly destructive  
35 bullet. The SS190AP ammunition for the Five-seven Tactical handgun  
36 is uniquely designed. It is a full metal jacketed bullet, but utilizes two  
37 metal inserts. The tip of the bullet has a steel penetrator which is  
38 followed by an aluminum core. The weight relationship between the  
39 two metals causes the bullet to tumble in soft body tissue, resulting in  
40 massive and, in many instances, deadly wounds.

41 In addition to the substantial body trauma these bullets can cause,  
42 they are a special threat to the law enforcement community because  
43 when the SS190AP bullet is fired from the Five-seven handgun, it can  
44 penetrate 48 layers of Kevlar, the protective material used to make  
45 many types of body armor.

46 This bill prohibits individuals, other than law enforcement officers  
47 or other statutorily exempted parties, such as members of the Armed  
48 Forces of the United States and licensed dealers who sell these types of

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1 ammunition to the military or law enforcement agencies, from legally  
2 possessing ammunition designed and constructed like the SS190AP  
3 bullet that can penetrate body armor.

4 A person who violates this provision is guilty of a fourth degree  
5 crime, which is punishable by imprisonment of up to 18 months, a fine  
6 of up to \$10,000, or both.