

**SENATE, No. 2465**

---

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

---

INTRODUCED APRIL 12, 2018

**Sponsored by:**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Establishes crime of purchasing components to unlawfully manufacture untraceable firearms.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning untraceable firearms and amending  
2 N.J.S.2C:39-9.

3

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

6

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

8 2C:39-9. Manufacture, Transport, Disposition and Defacement of  
9 Weapons and Dangerous Instruments and Appliances. a. Machine  
10 guns. Any person who manufactures, causes to be manufactured,  
11 transports, ships, sells or disposes of any machine gun without  
12 being registered or licensed to do so as provided in chapter 58 is  
13 guilty of a crime of the third degree.

14 b. Sawed-off shotguns. Any person who manufactures, causes  
15 to be manufactured, transports, ships, sells or disposes of any  
16 sawed-off shotgun is guilty of a crime of the third degree.

17 c. Firearm silencers. Any person who manufactures, causes to  
18 be manufactured, transports, ships, sells or disposes of any firearm  
19 silencer is guilty of a crime of the fourth degree.

20 d. Weapons. Any person who manufactures, causes to be  
21 manufactured, transports, ships, sells or disposes of any weapon,  
22 including gravity knives, switchblade knives, ballistic knives,  
23 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
24 sandclubs, slingshots, cesti or similar leather bands studded with  
25 metal filings, or, except as otherwise provided in subsection i. of  
26 this section, in the case of firearms if he is not licensed or registered  
27 to do so as provided in chapter 58, is guilty of a crime of the fourth  
28 degree. Any person who manufactures, causes to be manufactured,  
29 transports, ships, sells or disposes of any weapon or other device  
30 which projects, releases or emits tear gas or other substances  
31 intended to produce temporary physical discomfort or permanent  
32 injury through being vaporized or otherwise dispensed in the air,  
33 which is intended to be used for any purpose other than for  
34 authorized military or law enforcement purposes by duly authorized  
35 military or law enforcement personnel or the device is for the  
36 purpose of personal self-defense, is pocket-sized and contains not  
37 more than three-quarters of an ounce of chemical substance not  
38 ordinarily capable of lethal use or of inflicting serious bodily injury,  
39 or other than to be used by any person permitted to possess such  
40 weapon or device under the provisions of subsection d. of  
41 N.J.S.2C:39-5, which is intended for use by financial and other  
42 business institutions as part of an integrated security system, placed  
43 at fixed locations, for the protection of money and property, by the  
44 duly authorized personnel of those institutions, is guilty of a crime  
45 of the fourth degree.

**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 e. Defaced firearms. Any person who defaces any firearm is  
2 guilty of a crime of the third degree. Any person who knowingly  
3 buys, receives, disposes of or conceals a defaced firearm, except an  
4 antique firearm or an antique handgun, is guilty of a crime of the  
5 fourth degree.

6 f. (1) Any person who manufactures, causes to be  
7 manufactured, transports, ships, sells, or disposes of any bullet,  
8 which is primarily designed for use in a handgun, and which is  
9 comprised of a bullet whose core or jacket, if the jacket is thicker  
10 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
11 other material which is harder than a rating of 72 or greater on the  
12 Rockwell B. Hardness Scale, and is therefore capable of breaching  
13 or penetrating body armor and which is intended to be used for any  
14 purpose other than for authorized military or law enforcement  
15 purposes by duly authorized military or law enforcement personnel,  
16 is guilty of a crime of the fourth degree.

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

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

41 h. Large capacity ammunition magazines. Any person who  
42 manufactures, causes to be manufactured, transports, ships, sells or  
43 disposes of a large capacity ammunition magazine which is  
44 intended to be used for any purpose other than for authorized  
45 military or law enforcement purposes by duly authorized military or  
46 law enforcement personnel is guilty of a crime of the fourth degree.

47 i. Transporting firearms into this State for an unlawful sale or  
48 transfer. Any person who knowingly transports, ships or otherwise

1 brings into this State any firearm for the purpose of unlawfully  
2 selling, transferring, giving, assigning or otherwise disposing of that  
3 firearm to another individual is guilty of a crime of the second  
4 degree. Any motor vehicle used by a person to transport, ship, or  
5 otherwise bring a firearm into this State for unlawful sale or transfer  
6 shall be subject to forfeiture in accordance with the provisions of  
7 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
8 shall not apply to innocent owners, nor shall it affect the rights of a  
9 holder of a valid lien.

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

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

14 (2) for shooting competitions sponsored by a licensed dealer,  
15 law enforcement agency, legally recognized military organization,  
16 or a rifle or pistol club which has filed a copy of its charter with the  
17 superintendent in accordance with the provisions of section 1 of  
18 P.L.1992, c.74 (C.2C:58-3.1); or

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

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

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

30 k. Purchasing firearm parts to manufacture untraceable firearm.  
31 In addition to any other penalty imposed under current law, a  
32 person who purchases separately or as a kit any combination of parts  
33 from which a firearm may be readily assembled with the purpose to  
34 manufacture an untraceable firearm is guilty of a crime of the third  
35 degree. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
36 law, a conviction under this subsection shall not merge with a  
37 conviction for any other criminal offense and the court shall impose  
38 separate sentences upon a violation of this subsection and any other  
39 criminal offense.

40 As used in this subsection, "untraceable firearm" means an  
41 unlawfully manufactured firearm for which the sale or distribution  
42 chain from a licensed retailer to the point of its first retail sale cannot  
43 be traced by law enforcement officials.

44 (cf: P.L.2017, c.323, s.3)

45

46 2. This act shall take effect immediately.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

This bill establishes a criminal penalty of purchasing firearm parts to illegally manufacture an untraceable firearm, also known as a “ghost gun.” Under current law, a person who manufactures a handgun, rifle, or shotgun without being licensed to do so is guilty of a fourth degree crime. The manufacture of a machine gun, sawed off shotgun, or assault firearm is a crime of the third degree.

This bill establishes a separate third degree crime of purchasing separately or as a kit any combination of parts from which an untraceable firearm may be readily assembled. The bill defines untraceable firearm as an unlawfully manufactured firearm for which the sale or distribution chain from a licensed retailer to the point of its first retail sale cannot be traced by law enforcement officials. A violation of the bill’s provisions is not to merge with any other criminal conviction and a court is to impose separate sentences for a violation of the bill’s provisions and any other criminal offense.

A crime of the third degree is punishable by a three-to-five year term of incarceration, a fine of up to \$15,000, or both.