

[Third Reprint]

SENATE, No. 2465

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED APRIL 12, 2018

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SYNOPSIS

Establishes crimes of purchasing firearm parts to unlawfully manufacture firearms without a serial number, manufacturing or possessing covert or undetectable firearms, and manufacturing or facilitating the manufacture of firearms using a three-dimensional printer.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 27, 2018.

(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning ¹**[untraceable]**¹ firearms and amending
2 ²**[N.J.S.2C:39-9]** various parts of the statutory law².

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

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

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

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

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

22 c. "Destructive device" means any device, instrument or object
23 designed to explode or produce uncontrolled combustion, including (1)
24 any explosive or incendiary bomb, mine or grenade; (2) any rocket
25 having a propellant charge of more than four ounces or any missile
26 having an explosive or incendiary charge of more than one-quarter of
27 an ounce; (3) any weapon capable of firing a projectile of a caliber
28 greater than 60 caliber, except a shotgun or shotgun ammunition
29 generally recognized as suitable for sporting purposes; (4) any
30 Molotov cocktail or other device consisting of a breakable container
31 containing flammable liquid and having a wick or similar device
32 capable of being ignited. The term does not include any device
33 manufactured for the purpose of illumination, distress signaling, line-
34 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 is
39 commonly used or is possessed for the purpose of producing an
40 explosion and which contains any oxidizing and combustible materials
41 or other ingredients in such proportions, quantities or packing that an
42 ignition by fire, by friction, by concussion or by detonation of any part
43 of the compound or mixture may cause such a sudden generation of

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted April 16, 2018.

²Assembly AJU committee amendments adopted September 17, 2018.

³Assembly floor amendments adopted September 27, 2018.

1 highly heated gases that the resultant gaseous pressures are capable of
2 producing destructive effects on contiguous objects. The term shall not
3 include small arms ammunition, or explosives in the form prescribed
4 by the official United States Pharmacopoeia.

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

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

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

25 i. "Machine gun" means any firearm, mechanism or instrument
26 not requiring that the trigger be pressed for each shot and having a
27 reservoir, belt or other means of storing and carrying ammunition
28 which can be loaded into the firearm, mechanism or instrument and
29 fired therefrom. A machine gun also shall include, without limitation,
30 any firearm with a trigger crank attached.

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

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

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

48 m. "Rifle" means any firearm designed to be fired from the
49 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 single
2 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 shell
5 to fire through a smooth bore either a number of ball shots or a single
6 projectile for each pull of the trigger, or any firearm designed to be
7 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 inches in
11 length measured from the breech to the muzzle, or any firearm made
12 from a rifle or a shotgun, whether by alteration, or otherwise, if such
13 firearm as modified has an overall length of less than 26 inches.

14 p. "Switchblade knife" means any knife or similar device which
15 has a blade which opens automatically by hand pressure applied to a
16 button, spring or other device in the handle of the knife.

17 q. "Superintendent" means the Superintendent of the State Police.

18 r. "Weapon" means anything readily capable of lethal use or of
19 inflicting serious bodily injury. The term includes, but is not limited
20 to, all (1) firearms, even though not loaded or lacking a clip or other
21 component to render them immediately operable; (2) components
22 which can be readily assembled into a weapon; (3) gravity knives,
23 switchblade knives, daggers, dirks, stilettos, or other dangerous knives,
24 billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots,
25 cesti or similar leather bands studded with metal filings or razor blades
26 imbedded in wood; and (4) stun guns; and any weapon or other device
27 which projects, releases, or emits tear gas or any other substance
28 intended to produce temporary physical discomfort or permanent
29 injury through being vaporized or otherwise dispensed in the air.

30 s. "Wholesale dealer" means any person, except a manufacturer,
31 who sells, transfers, or assigns firearms, or parts of firearms, to
32 persons who are reasonably understood not to be the ultimate
33 consumers, and includes persons who receive finished parts of
34 firearms and assemble them into completed or partially completed
35 firearms, in furtherance of such purpose, except that it shall not
36 include those persons dealing exclusively in grips, stocks and other
37 nonmetal parts of firearms.

38 t. "Stun gun" means any weapon or other device which emits an
39 electrical charge or current intended to temporarily or permanently
40 disable a person.

41 u. "Ballistic knife" means any weapon or other device capable of
42 lethal use and which can propel a knife blade.

43 v. "Imitation firearm" means an object or device reasonably
44 capable of being mistaken for a firearm.

45 w. "Assault firearm" means:

46 (1) The following firearms:

47 Algimec AGM1 type

48 Any shotgun with a revolving cylinder such as the "Street
49 Sweeper" or "Striker 12"

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

- 1 x. "Semi-automatic" means a firearm which fires a single
2 projectile for each single pull of the trigger and is self-reloading or
3 automatically chambers a round, cartridge, or bullet.
- 4 y. "Large capacity ammunition magazine" means a box, drum,
5 tube or other container which is capable of holding more than 10
6 rounds of ammunition to be fed continuously and directly therefrom
7 into a semi-automatic firearm. The term shall not include an attached
8 tubular device which is capable of holding only .22 caliber rimfire
9 ammunition.
- 10 z. "Pistol grip" means a well-defined handle, similar to that found
11 on a handgun, that protrudes conspicuously beneath the action of the
12 weapon, and which permits the shotgun to be held and fired with one
13 hand.
- 14 aa. "Antique handgun" means a handgun manufactured before
15 1898, or a replica thereof, which is recognized as being historical in
16 nature or of historical significance and either (1) utilizes a match,
17 friction, flint, or percussion ignition, or which utilizes a pin-fire
18 cartridge in which the pin is part of the cartridge or (2) does not fire
19 fixed ammunition or for which cartridge ammunition is not
20 commercially available.
- 21 bb. "Trigger lock" means a commercially available device
22 approved by the Superintendent of State Police which is operated with
23 a key or combination lock that prevents a firearm from being
24 discharged while the device is attached to the firearm. It may include,
25 but need not be limited to, devices that obstruct the barrel or cylinder
26 of the firearm, as well as devices that immobilize the trigger.
- 27 cc. "Trigger locking device" means a device that, if installed on a
28 firearm and secured by means of a key or mechanically, electronically
29 or electromechanically operated combination lock, prevents the
30 firearm from being discharged without first deactivating or removing
31 the device by means of a key or mechanically, electronically or
32 electromechanically operated combination lock.
- 33 dd. "Personalized handgun" means a handgun which incorporates
34 within its design, and as part of its original manufacture, technology
35 which automatically limits its operational use and which cannot be
36 readily deactivated, so that it may only be fired by an authorized or
37 recognized user. The technology limiting the handgun's operational
38 use may include, but not be limited to: radio frequency tagging, touch
39 memory, remote control, fingerprint, magnetic encoding and other
40 automatic user identification systems utilizing biometric, mechanical
41 or electronic systems. No make or model of a handgun shall be
42 deemed to be a "personalized handgun" unless the Attorney General
43 has determined, through testing or other reasonable means, that the
44 handgun meets any reliability standards that the manufacturer may
45 require for its commercially available handguns that are not
46 personalized or, if the manufacturer has no such reliability standards,
47 the handgun meets the reliability standards generally used in the
48 industry for commercially available handguns.

1 ee. "Bump stock" means any device or instrument for a firearm
2 that increases the rate of fire achievable with the firearm by using
3 energy from the recoil of the firearm to generate a reciprocating action
4 that facilitates repeated activation of the trigger.

5 ff. "Trigger crank" means any device or instrument to be attached
6 to a firearm that repeatedly activates the trigger of the firearm through
7 the use of a lever or other part that is turned in a circular motion;
8 provided, however, the term shall not include any weapon initially
9 designed and manufactured to fire through the use of a crank or lever.

10 gg. "Armor piercing ammunition" means: (1) a projectile or
11 projectile core which may be used in a handgun and is constructed
12 entirely, excluding the presence of traces of other substances, from one
13 or a combination of tungsten alloys, steel, iron, brass, bronze,
14 beryllium copper, or depleted uranium; or (2) a full jacketed projectile
15 larger than .22 caliber designed and intended for use in a handgun and
16 whose jacket has a weight of more than 25 percent of the total weight
17 of the projectile. "Armor piercing ammunition" shall not include
18 shotgun shot required by federal or State environmental or game
19 regulations for hunting purposes, a frangible projectile designed for
20 target shooting, a projectile which the United States Attorney General
21 finds is primarily intended to be used for sporting purposes, or any
22 other projectile or projectile core which the United States Attorney
23 General finds is intended to be used for industrial purposes, including
24 a charge used in an oil gas well perforating device.

25 hh. "Covert firearm" means any firearm that is constructed in a
26 shape or configuration such that it does not resemble a handgun, rifle,
27 shotgun, or machine gun including, but not limited to, a firearm that
28 resembles a key-chain, pen, cigarette lighter, cigarette package,
29 cellphone, smart phone, wallet, or cane.

30 ii. "Undetectable firearm" means a firearm³ [constructed entirely
31 of non-metal substances, or a firearm that does not include at least one
32 major component, such as the barrel, slide, cylinder, frame or receiver
33 of the firearm, that is made entirely of metal such that,] that: (1) after
34 removal of all parts other than major components, is not as detectable
35 as the Security Exemplar, by walk-through metal detectors calibrated
36 and operated to detect the Security Exemplar; or (2) includes a major
37 component which,³ if the firearm were subjected to inspection by the
38 types of detection devices commonly used at airports for security
39 screening, ³[it]³ would not generate an image that accurately depicts
40 the shape of the component.² ³"Undetectable firearm" shall not be
41 construed to include a firearm subject to the provisions of paragraphs
42 (3) through (6) of subsection (p) of 18 U.S.C. s.922.

43 jj. "Major component" means the slide or cylinder or the frame or
44 receiver of a firearm and, in the case of a rifle or shotgun, also includes
45 the barrel.

46 kk. "Security Exemplar" means the Security Exemplar fabricated
47 in accordance with subparagraph (C) of paragraph (2) of subsection (p)
48 of 18 U.S.C. s.922.³

49 (cf: P.L.2018, c.39, s.1)

- 1 ²2. N.J.S.2C:39-3 is amended to read as follows:
2 2C:39-3. Prohibited Weapons and Devices.
3 a. Destructive devices. Any person who knowingly has in his
4 possession any destructive device is guilty of a crime of the third
5 degree.
6 b. Sawed-off shotguns. Any person who knowingly has in his
7 possession any sawed-off shotgun is guilty of a crime of the third
8 degree.
9 c. Silencers. Any person who knowingly has in his possession
10 any firearm silencer is guilty of a crime of the fourth degree.
11 d. Defaced firearms. Any person who knowingly has in his
12 possession any firearm which has been defaced, except an antique
13 firearm or an antique handgun, is guilty of a crime of the fourth
14 degree.
15 e. Certain weapons. Any person who knowingly has in his
16 possession any gravity knife, switchblade knife, dagger, dirk,
17 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
18 or similar leather band studded with metal filings or razor blades
19 imbedded in wood, ballistic knife, without any explainable lawful
20 purpose, is guilty of a crime of the fourth degree.
21 f. Dum-dum or armor piercing ammunition. (1) Any person,
22 other than a law enforcement officer or persons engaged in
23 activities pursuant to subsection f. of N.J.S.2C:39-6, who
24 knowingly has in his possession any hollow nose or dum-dum
25 bullet, or (2) any person, other than a collector of firearms or
26 ammunition as curios or relics as defined in Title 18, United States
27 Code, section 921 (a) (13) and has in his possession a valid
28 Collector of Curios and Relics License issued by the Bureau of
29 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
30 his possession any armor piercing ammunition as defined in
31 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth
32 degree. For purposes of this section, a collector may possess not
33 more than three examples of each distinctive variation of the
34 ammunition described above. A distinctive variation includes a
35 different head stamp, composition, design, or color.
36 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
37 or k. of this section shall apply to any member of the Armed Forces
38 of the United States or the National Guard, or except as otherwise
39 provided, to any law enforcement officer while actually on duty or
40 traveling to or from an authorized place of duty, provided that his
41 possession of the prohibited weapon or device has been duly
42 authorized under the applicable laws, regulations or military or law
43 enforcement orders.
44 Nothing in subsection h. of this section shall apply to any law
45 enforcement officer who is exempted from the provisions of that
46 subsection by the Attorney General. Nothing in this section shall
47 apply to the possession of any weapon or device by a law
48 enforcement officer who has confiscated, seized or otherwise taken
49 possession of said weapon or device as evidence of the commission

1 of a crime or because he believed it to be possessed illegally by the
2 person from whom it was taken, provided that said law enforcement
3 officer promptly notifies his superiors of his possession of such
4 prohibited weapon or device.

5 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
6 pers from keeping such ammunition at his dwelling, premises or
7 other land owned or possessed by him, or from carrying such
8 ammunition from the place of purchase to said dwelling or land, nor
9 shall subsection f. (1) be construed to prevent any licensed retail or
10 wholesale firearms dealer from possessing such ammunition at its
11 licensed premises, provided that the seller of any such ammunition
12 shall maintain a record of the name, age and place of residence of
13 any purchaser who is not a licensed dealer, together with the date of
14 sale and quantity of ammunition sold.

15 b. Nothing in subsection f.(1) shall be construed to prevent a
16 designated employee or designated licensed agent for a nuclear
17 power plant under the license of the Nuclear Regulatory
18 Commission from possessing hollow nose ammunition while in the
19 actual performance of his official duties, if the federal licensee
20 certifies that the designated employee or designated licensed agent
21 is assigned to perform site protection, guard, armed response or
22 armed escort duties and is appropriately trained and qualified, as
23 prescribed by federal regulation, to perform those duties.

24 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
25 shall be construed to prevent any licensed retail or wholesale
26 firearms dealer from possessing that ammunition or large capacity
27 ammunition magazine at its licensed premises for sale or disposition
28 to another licensed dealer, the Armed Forces of the United States or
29 the National Guard, or to a law enforcement agency, provided that
30 the seller maintains a record of any sale or disposition to a law
31 enforcement agency. The record shall include the name of the
32 purchasing agency, together with written authorization of the chief
33 of police or highest ranking official of the agency, the name and
34 rank of the purchasing law enforcement officer, if applicable, and
35 the date, time and amount of ammunition sold or otherwise
36 disposed. A copy of this record shall be forwarded by the seller to
37 the Superintendent of the Division of State Police within 48 hours
38 of the sale or disposition.

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

42 (5) Nothing in subsection c. of this section shall be construed to
43 apply to any person who is specifically identified in a special deer
44 management permit issued by the Division of Fish and Wildlife to
45 utilize a firearm silencer as part of an alternative deer control
46 method implemented in accordance with a special deer management
47 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
48 while the person is in the actual performance of the permitted
49 alternative deer control method and while going to and from the

1 place where the permitted alternative deer control method is being
2 utilized. This exception shall not, however, otherwise apply to any
3 person to authorize the purchase or possession of a firearm silencer.

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

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

12 j. Any person who knowingly has in his possession a large
13 capacity ammunition magazine is guilty of a crime of the fourth
14 degree unless the person has registered: (1) an assault firearm
15 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the
16 magazine is maintained and used in connection with participation in
17 competitive shooting matches sanctioned by the Director of Civilian
18 Marksmanship of the United States Department of the Army ; or

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

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

28 l. Bump stock or trigger crank. Any person who knowingly
29 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
30 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
31 regardless of whether the person is in possession of a firearm, is
32 guilty of a crime of the third degree.

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

43 m. Covert or undetectable firearms. Any person who
44 knowingly possesses any covert firearm as defined in subsection hh.
45 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
46 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
47 that is designed or modified to allow the firearm to be fired while so
48 enclosed and that disguises or obscures the shape of the firearm

1 such that it does not resemble a handgun, rifle, shotgun, or machine
2 gun is guilty a crime of the third degree.²

3 (cf: P.L.2018, c.39, s.2).

4

5 ²[1.] 3.² N.J.S.2C:39-9 is amended to read as follows:

6 2C:39-9. Manufacture, Transport, Disposition and Defacement
7 of Weapons and Dangerous Instruments and Appliances. a.
8 Machine guns. Any person who manufactures, causes to be
9 manufactured, transports, ships, sells or disposes of any machine
10 gun without being registered or licensed to do so as provided in
11 chapter 58 ²of Title 2C of the New Jersey Statutes² is guilty of a
12 crime of the third degree.

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

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

19 d. Weapons. Any person who manufactures, causes to be
20 manufactured, transports, ships, sells or disposes of any weapon,
21 including gravity knives, switchblade knives, ballistic knives,
22 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
23 sandclubs, slingshots, cesti or similar leather bands studded with
24 metal filings, or, except as otherwise provided in subsection i. of
25 this section, in the case of firearms if he is not licensed or registered
26 to do so as provided in chapter 58 ²of Title 2C of the New Jersey
27 Statutes², is guilty of a crime of the fourth degree. Any person who
28 manufactures, causes to be manufactured, transports, ships, sells or
29 disposes of any weapon or other device which projects, releases or
30 emits tear gas or other substances intended to produce temporary
31 physical discomfort or permanent injury through being vaporized or
32 otherwise dispensed in the air, which is intended to be used for any
33 purpose other than for authorized military or law enforcement
34 purposes by duly authorized military or law enforcement personnel
35 or the device is for the purpose of personal self-defense, is pocket-
36 sized and contains not more than three-quarters of an ounce of
37 chemical substance not ordinarily capable of lethal use or of
38 inflicting serious bodily injury, or other than to be used by any
39 person permitted to possess such weapon or device under the
40 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
41 use by financial and other business institutions as part of an
42 integrated security system, placed at fixed locations, for the
43 protection of money and property, by the duly authorized personnel
44 of those institutions, is guilty of a crime of the fourth degree.

45 e. Defaced firearms. Any person who defaces any firearm is
46 guilty of a crime of the third degree. Any person who knowingly
47 buys, receives, disposes of or conceals a defaced firearm, except an

1 antique firearm or an antique handgun, is guilty of a crime of the
2 fourth degree.

3 f. (1) Any person who manufactures, causes to be
4 manufactured, transports, ships, sell, or disposes of any ²[bullet,
5 which is primarily designed for use in a handgun, and which is
6 comprised of a bullet whose core or jacket, if the jacket is thicker
7 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
8 other material which is harder than a rating of 72 or greater on the
9 Rockwell B. Hardness Scale, and is therefore capable of breaching
10 or penetrating body armor and] armor piercing ammunition as
11 defined in subsection gg. of N.J.S.2C:39-1² which is intended to be
12 used for any purpose other than for authorized military or law
13 enforcement purposes by duly authorized military or law
14 enforcement personnel, is guilty of a crime of the fourth degree.

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

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

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

45 i. Transporting firearms into this State for an unlawful sale or
46 transfer. Any person who knowingly transports, ships or otherwise
47 brings into this State any firearm for the purpose of unlawfully
48 selling, transferring, giving, assigning or otherwise disposing of that
49 firearm to another individual is guilty of a crime of the second

1 degree. Any motor vehicle used by a person to transport, ship, or
2 otherwise bring a firearm into this State for unlawful sale or transfer
3 shall be subject to forfeiture in accordance with the provisions of
4 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
5 shall not apply to innocent owners, nor shall it affect the rights of a
6 holder of a valid lien.

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

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

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

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

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

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

27 k. Purchasing firearm parts to manufacture ¹["untraceable"] a¹
28 firearm ¹without a serial number¹. In addition to any other
29 ¹["penalty imposed"] criminal penalties provided¹ under ¹["current"]¹
30 law, a person who ¹, with the purpose to manufacture ²or otherwise
31 assemble² a firearm and without being registered or licensed do so
32 as provided in chapter 58 of Title 2C of the New Jersey Statutes,¹
33 purchases ¹or otherwise obtains¹ separately or as ¹part of¹ a kit ¹a
34 firearm frame or firearm receiver which is not imprinted with a
35 serial number registered with a federally licensed manufacturer or¹
36 any combination of parts from which a firearm ¹without a serial
37 number¹ may be readily ¹["assembled with the purpose to
38 manufacture an untraceable firearm"] manufactured ²or otherwise
39 assembled², but which does not have the capacity to function as a
40 firearm unless manufactured¹ ²or otherwise assembled² is guilty of
41 a crime of the third degree. Notwithstanding the provisions of
42 N.J.S.2C:1-8 or any other law, a conviction under this subsection
43 shall not merge with a conviction for any other criminal offense and
44 the court shall impose separate sentences upon a violation of this
45 subsection and any other criminal offense.

46 As used in this subsection, ¹["untraceable firearm"] means an
47 unlawfully manufactured firearm for which the sale or distribution

1 chain from a licensed retailer to the point of its first retail sale
2 cannot be traced by law enforcement officials] “firearm frame or
3 firearm receiver” means the part of a firearm that provides housing
4 for the firearm’s internal components, such as the hammer, bolt or
5 breechblock, action, and firing mechanism^{1 2}, and includes without
6 limitation any object or part which is not a firearm frame or receiver
7 in finished form but is designed or intended to be used for that
8 purpose and which may readily be made into a firearm frame or
9 receiver through milling or other means².

10 ²1. Manufacturing or facilitating the manufacture of a firearm
11 using a three-dimensional printer. In addition to any other criminal
12 penalties provided under law it is a third degree crime for:

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

18 (2) a person to distribute by any means, including the Internet,
19 to a person in New Jersey who is not registered or licensed as a
20 manufacturer as provided in chapter 58 of Title 2C of the New
21 Jersey Statutes, digital instructions in the form of computer-aided
22 design files or other code or instructions stored and displayed in
23 electronic format as a digital model that may be used to program a
24 three-dimensional printer to manufacture or produce a firearm,
25 firearm receiver, magazine, or firearm component.

26 As used in this subsection: “three-dimensional printer” means a
27 computer or computer-driven machine or device capable of
28 producing a three-dimensional object from a digital model; and
29 “distribute” means to sell, or to manufacture, give, provide, lend,
30 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
31 display, share, advertise, offer, or make available via the Internet or
32 by any other means, whether for pecuniary gain or not, and includes
33 an agreement or attempt to distribute.

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

39 (cf: P.L.2018, c.38, s.3)

40
41 ²[2.] 4.² This act shall take effect immediately.