

SENATE, No. 2846

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JULY 23, 2018

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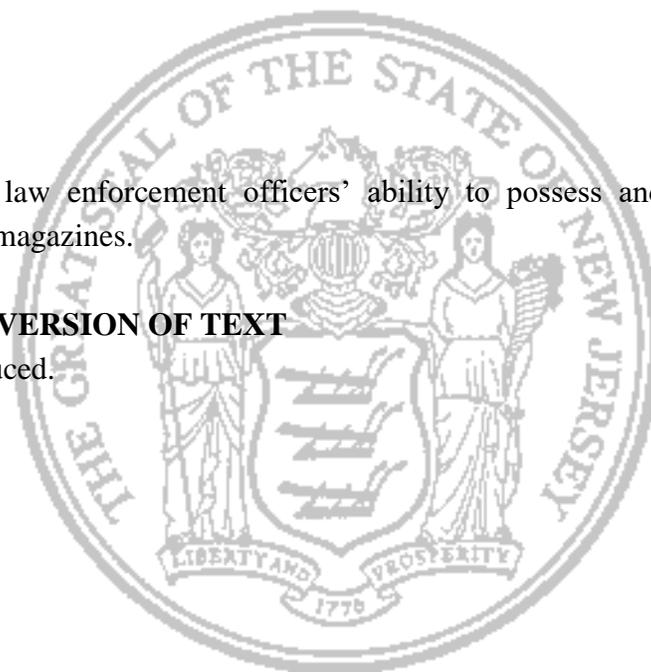
Assemblymen Johnson and Bramnick

SYNOPSIS

Concerns law enforcement officers' ability to possess and carry certain ammunition magazines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

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

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:39-3 is amended to read as follows:

7 2C:39-3. Prohibited Weapons and Devices.

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

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

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

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

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

26 f. Dum-dum or armor piercing ammunition. (1) Any person,
27 other than a law enforcement officer or persons engaged in
28 activities pursuant to subsection f. of N.J.S.2C:39-6, who
29 knowingly has in his possession any hollow nose or dum-dum
30 bullet, or (2) any person, other than a collector of firearms or
31 ammunition as curios or relics as defined in Title 18, United States
32 Code, section 921 (a) (13) and has in his possession a valid
33 Collector of Curios and Relics License issued by the Bureau of
34 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
35 his possession any armor piercing ammunition as defined in
36 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth
37 degree. For purposes of this section, a collector may possess not
38 more than three examples of each distinctive variation of the
39 ammunition described above. A distinctive variation includes a
40 different head stamp, composition, design, or color.

41 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,
42 j. or k. of this section shall apply to any member of the Armed
43 Forces of the United States or the National Guard, or except as
44 otherwise provided, to any law enforcement officer while actually
45 on duty or traveling to or from an authorized place of duty,

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 provided that his possession of the prohibited weapon or device has
2 been duly authorized under the applicable laws, regulations or
3 military or law enforcement orders.

4 (b) Nothing in subsection j. of this section shall apply to a law
5 enforcement officer who possesses and carries while off-duty a
6 large capacity ammunition magazine capable of holding not more
7 than 17 rounds of ammunition that can be fed continuously and
8 directly into a semi-automatic firearm.

9 (c) Notwithstanding subparagraph (b) of this paragraph,
10 subsection j. of this section shall not apply to a law enforcement
11 officer who possesses and carries while off-duty a large capacity
12 ammunition magazine capable of holding more than 17 rounds of
13 ammunition that can be fed continuously and directly into a semi-
14 automatic firearm provided the large capacity ammunition magazine
15 is used with a service firearm issued to the officer by the officer's
16 employer for use in the officer's official duties.

17 (d) Nothing in subsection h. of this section shall apply to any
18 law enforcement officer who is exempted from the provisions of
19 that subsection by the Attorney General. Nothing in this section
20 shall apply to the possession of any weapon or device by a law
21 enforcement officer who has confiscated, seized or otherwise taken
22 possession of said weapon or device as evidence of the commission
23 of a crime or because he believed it to be possessed illegally by the
24 person from whom it was taken, provided that said law enforcement
25 officer promptly notifies his superiors of his possession of such
26 prohibited weapon or device.

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

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

46 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
47 shall be construed to prevent any licensed retail or wholesale
48 firearms dealer from possessing that ammunition or large capacity

1 ammunition magazine at its licensed premises for sale or disposition
2 to another licensed dealer, the Armed Forces of the United States or
3 the National Guard, or to a law enforcement agency, provided that
4 the seller maintains a record of any sale or disposition to a law
5 enforcement agency. The record shall include the name of the
6 purchasing agency, together with written authorization of the chief
7 of police or highest ranking official of the agency, the name and
8 rank of the purchasing law enforcement officer, if applicable, and
9 the date, time and amount of ammunition sold or otherwise
10 disposed. A copy of this record shall be forwarded by the seller to
11 the Superintendent of the Division of State Police within 48 hours
12 of the sale or disposition.

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

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

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

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

35 j. Any person who knowingly has in his possession a large
36 capacity ammunition magazine is guilty of a crime of the fourth
37 degree unless the person has registered:

38 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
39 (C.2C:58-12) and the magazine is maintained and used in
40 connection with participation in competitive shooting matches
41 sanctioned by the Director of Civilian Marksmanship of the United
42 States Department of the Army ; or

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

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

1 as handcuffs may have, is guilty of a disorderly persons offense. A
2 law enforcement officer shall confiscate handcuffs possessed in
3 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.2018, c.39, s.2)

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21 2. This act shall take effect immediately.

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STATEMENT

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26 Under N.J.S.2C:39-1, a large capacity ammunition magazine is
27 defined as a box, drum, tube or other container which is capable of
28 holding more than 10 rounds of ammunition. A law enforcement
29 officer is permitted to carry a large capacity ammunition magazine
30 while actually on duty or traveling to or from an authorized place of
31 duty.

32 This bill allows a law enforcement officer to possess and carry
33 while off-duty a large capacity ammunition magazine capable of
34 holding 17 rounds of ammunition or less. In addition, the bill
35 allows an off-duty law enforcement officer to possess and carry a
36 large capacity ammunition magazine capable of holding more than
37 17 rounds, provided it is used with the officer's service firearm
38 issued by the officer's employer.