

ASSEMBLY, No. 563

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman ROBERT AUTH
District 39 (Bergen and Passaic)

SYNOPSIS

Authorizes manufacture and sale of firearm silencers and sawed-off shotguns to law enforcement and members of Armed Forces and National Guard.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning firearm silencers and sawed-off shotguns and
2 amending various parts of the statutory law.

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:39-3 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 possession
16 any firearm silencer is guilty of a crime of the fourth degree.

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

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

27 f. Dum-dum or body armor penetrating bullets. (1) Any
28 person, other than a law enforcement officer or persons engaged in
29 activities pursuant to subsection f. of N.J.S.2C:39-6, who
30 knowingly has in his possession any hollow nose or dum-dum
31 bullet, or (2) any person, other than a collector of firearms or
32 ammunition as curios or relics as defined in Title 18, United States
33 Code, section 921 (a) (13) and has in his possession a valid
34 Collector of Curios and Relics License issued by the Bureau of
35 Alcohol, Tobacco and Firearms, who knowingly has in his
36 possession any body armor breaching or penetrating ammunition,
37 which means: (a) ammunition primarily designed for use in a
38 handgun, and (b) which is comprised of a bullet whose core or
39 jacket, if the jacket is thicker than .025 of an inch, is made of
40 tungsten carbide, or hard bronze, or other material which is harder
41 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
42 and (c) is therefore capable of breaching or penetrating body armor,
43 is guilty of a crime of the fourth degree. For purposes of this
44 section, a collector may possess not more than three examples of
45 each distinctive variation of the ammunition described above. A

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 distinctive variation includes a different head stamp, composition,
2 design, or color.

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

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

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

39 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
40 shall be construed to prevent any licensed retail or wholesale
41 firearms dealer from possessing that ammunition or large capacity
42 ammunition magazine at its licensed premises for sale or disposition
43 to another licensed dealer, the Armed Forces of the United States or
44 the National Guard, or to a law enforcement agency, provided that
45 the seller maintains a record of any sale or disposition to a law
46 enforcement agency. The record shall include the name of the
47 purchasing agency, together with written authorization of the chief
48 of police or highest ranking official of the agency, the name and

1 rank of the purchasing law enforcement officer, if applicable, and
2 the date, time and amount of ammunition sold or otherwise
3 disposed. A copy of this record shall be forwarded by the seller to
4 the Superintendent of the Division of State Police within 48 hours
5 of the sale or disposition.

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

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

20 (6) Nothing in subsection b. or c. of this section shall be
21 construed to apply to a manufacturer or wholesale dealer of firearm
22 silencers and sawed-off shotguns who is registered in accordance
23 with N.J.S.2C:58-1, or a retail dealer of firearm silencers and
24 sawed-off shotguns who is licensed in accordance with
25 N.J.S.2C:58-2.

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

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

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

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

47 l. Bump stock or trigger crank. Any person who knowingly
48 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-

1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1, regardless of whether the person is in possession of a firearm, is guilty of a crime of the third degree.

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

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

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

2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances.

a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun without being registered or licensed to do so as provided in chapter 58 of Title 2C of the New Jersey Statutes is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer without being registered or licensed to do so as provided in chapter 58 of Title 2C of the New Jersey Statutes is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon, including gravity knives, switchblade knives, ballistic knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings, or, except as otherwise provided in subsection i. of this section, in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, of Title 2C of the New Jersey Statutes is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel

1 or the device is for the purpose of personal self-defense, is pocket-
2 sized and contains not more than three-quarters of an ounce of
3 chemical substance not ordinarily capable of lethal use or of
4 inflicting serious bodily injury, or other than to be used by any
5 person permitted to possess such weapon or device under the
6 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
7 use by financial and other business institutions as part of an
8 integrated security system, placed at fixed locations, for the
9 protection of money and property, by the duly authorized personnel
10 of those institutions, is guilty of a crime of the fourth degree.

11 e. Defaced firearms. Any person who defaces any firearm is
12 guilty of a crime of the third degree. Any person who knowingly
13 buys, receives, disposes of or conceals a defaced firearm, except an
14 antique firearm or an antique handgun, is guilty of a crime of the
15 fourth degree.

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

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

47 g. Assault firearms. Any person who manufactures, causes to
48 be manufactured, transports, ships, sells or disposes of an assault

1 firearm without being registered or licensed to do so pursuant to
2 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

3 h. Large capacity ammunition magazines. Any person who
4 manufactures, causes to be manufactured, transports, ships, sells or
5 disposes of a large capacity ammunition magazine which is
6 intended to be used for any purpose other than for authorized
7 military or law enforcement purposes by duly authorized military or
8 law enforcement personnel is guilty of a crime of the fourth degree.

9 i. Transporting firearms into this State for an unlawful sale or
10 transfer. Any person who knowingly transports, ships or otherwise
11 brings into this State any firearm for the purpose of unlawfully
12 selling, transferring, giving, assigning or otherwise disposing of that
13 firearm to another individual is guilty of a crime of the second
14 degree. Any motor vehicle used by a person to transport, ship, or
15 otherwise bring a firearm into this State for unlawful sale or transfer
16 shall be subject to forfeiture in accordance with the provisions of
17 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
18 shall not apply to innocent owners, nor shall it affect the rights of a
19 holder of a valid lien.

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

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

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

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

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

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

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

41

42 3. N.J.S.2C:58-1 is amended to read as follows:

43 2C:58-1. Registration of manufacturers and wholesale dealers
44 of firearms

45 a. Registration. Every manufacturer and wholesale dealer of
46 firearms shall register with the superintendent as provided in this
47 section. No person shall engage in the business of, or act as a
48 manufacturer or wholesale dealer of firearms, or manufacture or sell

1 at wholesale any firearm, firearm silencer, or sawed-off shotgun
2 until he has so registered.

3 Applications for registration shall be made on such forms as
4 shall be prescribed by the superintendent, and the applicant shall
5 furnish such information and other particulars as may be prescribed
6 by law or by any rules or regulations promulgated by the
7 superintendent. Each application for registration or renewal shall
8 be accompanied by a fee of \$150.00.

9 The superintendent shall prescribe standards and qualifications
10 for the registration of manufacturers and wholesalers of firearms,
11 for the protection of the public safety, health and welfare. He shall
12 refuse to register any applicant for registration unless he is satisfied
13 that the applicant can be permitted to engage in business as a
14 manufacturer or wholesale dealer of firearms without any danger to
15 the public safety, health or welfare.

16 A manufacturer or wholesale dealer of firearms registered
17 pursuant to this section shall be authorized to manufacture and sell
18 at wholesale firearm silencers and sawed-off shotguns, provided the
19 manufacture or sale is limited to firearm silencers and sawed-off
20 shotguns to be used exclusively by members of the Armed Forces of
21 the United States or the National Guard for use in the performance
22 of their official duties, or law enforcement officers in this State in
23 accordance with applicable rules and regulations.

24 The superintendent shall issue a certificate of registration to
25 every person registered under this section, and such certificate shall
26 be valid for a period of 3 years from the date of issuance.

27 b. Wholesale dealer's agent. Every registered wholesale
28 dealer of firearms shall cause each of his agents or employees
29 actively engaged in the purchase or sale of firearms, firearms
30 silencers, and sawed-off shotguns to be licensed with the
31 superintendent as a wholesale dealer's agent. Applications for
32 agents' licenses shall be submitted on such forms as shall be
33 prescribed by the superintendent, and shall be signed by the
34 registered wholesale dealer and by the agent. Each application shall
35 be accompanied by a fee of \$5.00, and each license shall be valid
36 for so long as the agent or employee remains in the employ of the
37 wholesale dealer and the wholesale dealer remains validly
38 registered under this section. The superintendent shall prescribe
39 standards and qualifications for licensed wholesale dealers' agents,
40 for the protection of the public safety, health and welfare.

41 c. Revocation of certificate of registration or license. The
42 superintendent may, after reasonable notice to all affected parties
43 and a hearing if requested, revoke any certificate of registration or
44 agent's license if he finds that the registered or licensed person is no
45 longer engaged in the business of manufacturing or wholesaling
46 firearms in this State **【or】**, that he can no longer be permitted to
47 carry on such business without endangering the public safety,
48 health, or welfare, or that the registered or licensed person has

1 engaged in the manufacture and wholesale of firearm silencers and
2 sawed-off shotguns for use other than by members of the Armed
3 Forces of the United States or the National Guard for use in the
4 performance of their official duties, or law enforcement officers in
5 this State in accordance with applicable rules and regulations. A
6 certificate or license may be canceled at any time at the request of
7 the registered or licensed person.

8 d. Appeals. Any person aggrieved by the refusal of the
9 superintendent to register him as a manufacturer or wholesale dealer
10 or a wholesale dealer's agent, or by revocation of his certificate or
11 license, may appeal to the Appellate Division of the Superior Court.

12 e. Records of sales. Every manufacturer and wholesale dealer
13 shall keep a detailed record of each firearm, firearm silencer, or
14 sawed-off shotgun sold by him. The record shall include the date of
15 sale, the name and address of the purchaser, a description of each
16 firearm and the serial number thereof. The records shall be
17 available for inspection at all reasonable times by any law
18 enforcement officer.

19 (cf: N.J.S.2C:58-1)

20
21 4. N.J.S.2C:58-2 is amended to read as follows:

22 2C:58-2. a. Licensing of retail dealers and their employees.
23 No retail dealer of firearms nor any employee of a retail dealer shall
24 sell or expose for sale, or possess with the intent of selling, any
25 firearm, firearm silencer, or sawed-off shotgun unless licensed to do
26 so as hereinafter provided. The superintendent shall prescribe
27 standards and qualifications:

28 (1) for retail dealers of firearms and their employees for the
29 protection of the public safety, health and welfare; and

30 (2) for retail dealers of firearm silencers and sawed-off shotguns
31 and their employees provided the firearm silencers and sawed-off
32 shotguns are sold, exposed for sale, or possessed with the intent to
33 sell exclusively to members of the Armed Forces of the United
34 States or the National Guard for use in the performance of their
35 official duties, or law enforcement officers in this State in
36 accordance with applicable rules and regulations.

37 Applications shall be made in the form prescribed by the
38 superintendent, accompanied by a fee of \$50 payable to the
39 superintendent, and shall be made to a judge of the Superior Court
40 in the county where the applicant maintains his place of business.
41 The judge shall grant a license to an applicant if he finds that the
42 applicant meets the standards and qualifications established by the
43 superintendent and that the applicant can be permitted to engage in
44 business; as a retail dealer of firearms or employee thereof without
45 any danger to the public safety, health and welfare. Each license
46 shall be valid for a period of three years from the date of issuance,
47 and shall authorize the holder to sell firearms at retail in a specified
48 municipality.

1 In addition, every retail dealer shall pay a fee of \$5 for each
2 employee actively engaged in the sale or purchase of firearms. The
3 superintendent shall issue a license for each employee for whom
4 said fee has been paid, which license shall be valid for so long as
5 the employee remains in the employ of said retail dealer.

6 No license shall be granted to any retail dealer under the age of
7 21 years or to any employee of a retail dealer under the age of 18 or
8 to any person who could not qualify to obtain a permit to purchase a
9 handgun or a firearms purchaser identification card, or to any
10 corporation, partnership or other business organization in which the
11 actual or equitable controlling interest is held or possessed by such
12 an ineligible person.

13 All licenses shall be granted subject to the following conditions,
14 for breach of any of which the license shall be subject to revocation
15 on the application of any law enforcement officer and after notice
16 and hearing by the issuing court:

17 (1) The business shall be carried on only in the building or
18 buildings designated in the license, provided that repairs may be
19 made by the dealer or his employees outside of such premises.

20 (2) The license or a copy certified by the issuing authority shall
21 be displayed at all times in a conspicuous place on the business
22 premises where it can be easily read.

23 (3) No firearm or imitation thereof shall be placed in any
24 window or in any other part of the premises where it can be readily
25 seen from the outside.

26 (4) No rifle or shotgun, except antique rifles or shotguns, shall
27 be delivered to any person unless such person possesses and
28 exhibits a valid firearms purchaser identification card and furnishes
29 the seller, on the form prescribed by the superintendent, a
30 certification signed by him setting forth his name, permanent
31 address, firearms purchaser identification card number and such
32 other information as the superintendent may by rule or regulation
33 require. The certification shall be retained by the dealer and shall
34 be made available for inspection by any law enforcement officer at
35 any reasonable time.

36 (5) No handgun shall be delivered to any person unless:

37 (a) Such person possesses and exhibits a valid permit to
38 purchase a firearm and at least seven days have elapsed since the
39 date of application for the permit;

40 (b) The person is personally known to the seller or presents
41 evidence of his identity;

42 (c) The handgun is unloaded and securely wrapped;

43 (d) Except as otherwise provided in subparagraph (e) of this
44 paragraph, the handgun is accompanied by a trigger lock or a locked
45 case, gun box, container or other secure facility; provided, however,
46 this provision shall not apply to antique handguns. The exemption
47 afforded under this subparagraph for antique handguns shall be
48 narrowly construed, limited solely to the requirements set forth

1 herein and shall not be deemed to afford or authorize any other
2 exemption from the regulatory provisions governing firearms set
3 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
4 Statutes; and

5 (e) On and after the first day of the sixth month following the
6 date on which the list of personalized handguns is prepared and
7 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
8 the handgun is identified as a personalized handgun and included on
9 that list or is an antique handgun. The provisions of subparagraph
10 (d) of this section shall not apply to the delivery of a personalized
11 handgun.

12 (6) The dealer shall keep a true record of every handgun sold,
13 given or otherwise delivered or disposed of, in accordance with the
14 provisions of subsections b. through e. of this section and the record
15 shall note whether a trigger lock, locked case, gun box, container or
16 other secure facility was delivered along with the handgun.

17 (7) A dealer shall not knowingly deliver more than one handgun
18 to any person within any 30-day period. This limitation shall not
19 apply to:

20 (a) a federal, State, or local law enforcement officer or agency
21 purchasing handguns for use by officers in the actual performance
22 of their law enforcement duties;

23 (b) a collector of handguns as curios or relics as defined in Title
24 18, United States Code, section 921 (a) (13) who has in his
25 possession a valid Collector of Curios and Relics License issued by
26 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

27 (c) transfers of handguns among licensed retail dealers,
28 registered wholesale dealers and registered manufacturers;

29 (d) any transaction where the person has purchased a handgun
30 from a licensed retail dealer and has returned that handgun to the
31 dealer in exchange for another handgun within 30 days of the
32 original transaction, provided the retail dealer reports the exchange
33 transaction to the superintendent; or

34 (e) any transaction where the superintendent issues an
35 exemption from the prohibition in this subsection pursuant to the
36 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

37 (8) A firearm silencer or sawed-off shotgun shall not be
38 delivered to any person other than to a member of the Armed Forces
39 of the United States or the National Guard for use in the
40 performance of official duties, or a law enforcement officer in this
41 State in accordance with applicable rules and regulations.

42 b. Records. (1) Every person engaged in the retail business
43 of selling, leasing or otherwise transferring a handgun, as a retail
44 dealer or otherwise, shall keep a register in which shall be entered
45 the time of the sale, lease or other transfer, the date thereof, the
46 name, age, date of birth, complexion, occupation, residence and a
47 physical description including distinguishing physical

1 characteristics, if any, of the purchaser, lessee or transferee, the
2 name and permanent home address of the person making the sale,
3 lease or transfer, the place of the transaction, and the make, model,
4 manufacturer's number, caliber and other marks of identification on
5 such handgun and such other information as the superintendent
6 shall deem necessary for the proper enforcement of this chapter.
7 The register shall be retained by the dealer and shall be made
8 available at all reasonable hours for inspection by any law
9 enforcement officer.

10 (2) Every person licensed to engage in the retail business of
11 selling, leasing, or otherwise transferring a firearm silencer or
12 sawed-off shotgun shall keep a register in which shall be entered
13 information on the purchaser, lessee, or transferee, the time of the
14 sale, lease or other transfer, the date of the transfer, and any other
15 information the superintendent deems necessary for the proper
16 enforcement of this chapter. The register shall be retained by the
17 dealer and shall be made available at all reasonable hours for
18 inspection by any law enforcement officer.

19 c. Forms of register. The superintendent shall prepare the
20 form of the register as described in subsection b. of this section and
21 furnish the same in triplicate to each person licensed to be engaged
22 in the business of selling, leasing or otherwise transferring firearms,
23 firearm silencers, and sawed-off shotguns.

24 d. Signatures in register. The purchaser, lessee or transferee of
25 any handgun, firearm silencer, and sawed-off shotgun shall sign,
26 and the dealer shall require him to sign his name to the register, in
27 triplicate, and the person making the sale, lease or transfer shall
28 affix his name, in triplicate, as a witness to the signature. The
29 signatures shall constitute a representation of the accuracy of the
30 information contained in the register.

31 e. Copies of register entries; delivery to chief of police or
32 county clerk. Within five days of the date of the sale, assignment or
33 transfer of a handgun, the dealer shall deliver or mail by certified
34 mail, return receipt requested, legible copies of the register forms to
35 the office of the chief of police of the municipality in which the
36 purchaser resides, or to the office of the captain of the precinct of
37 the municipality in which the purchaser resides, and to the
38 superintendent. If hand delivered a receipt shall be given to the
39 dealer therefor.

40 Within five days of the date of the sale, assignment, or transfer
41 of a firearm silencer or sawed-off shotgun, the dealer shall deliver
42 or mail by certified mail, return receipt requested, legible copies of
43 the register forms to the the superintendent. If hand delivered, a
44 receipt shall be given to the dealer therefor.

45 Where a sale, assignment or transfer is made to a purchaser who
46 resides in a municipality having no chief of police, the dealer shall,
47 within five days of the transaction, mail a duplicate copy of the

1 register sheet to the clerk of the county within which the purchaser
2 resides.

3 (cf: P.L.2009, c.186, s.1)
4

5 5. This act shall take effect on the first day of the fourth month
6 next following enactment.
7

8

9

STATEMENT

10

11 This bill authorizes the manufacture and sale of firearm silencers
12 and sawed-off shotguns to law enforcement officers and members
13 of the Armed Forces and National Guard.

14 Under current law, any person who knowingly possesses a
15 sawed-off shotgun is guilty of a crime of the third degree. A person
16 who knowingly possesses a firearm silencer is guilty of a crime of
17 the fourth degree. A crime of the third degree is punishable by a
18 term of imprisonment of three to five years, a fine of up to \$15,000
19 or both. A crime of the fourth degree is punishable by a term of
20 imprisonment of up to 18 months, a fine of up to \$10,000, or both.

21 The bill authorizes registered manufacturers, wholesale dealers,
22 and licensed retail dealers of firearms to manufacture and sell
23 firearm silencers and sawed-off shotguns, and authorizes them to
24 lawfully possess firearm silencers and sawed-off shotguns. Under
25 the bill, these manufacturers and dealers are authorized to
26 manufacture and sell these firearm silencers and sawed-off shotguns
27 provided they are manufactured, sold, exposed for sale, or
28 possessed with the intent to sell only to members of the Armed
29 Forces of the United States or the National Guard for use in the
30 performance of their official duties, or to law enforcement officers
31 in this State in accordance with applicable rules and regulations.