

ASSEMBLY, No. 4089

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Clarifies that law enforcement officers employed by educational institutions may possess firearms on campus.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning law enforcement and amending N.J.S.2C:39-5.

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

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6 1. N.J.S.2C:39-5 is amended to read as follows:

7 2C:39-5. Unlawful possession of weapons. a. Machine guns.
8 Any person who knowingly has in his possession a machine gun or
9 any instrument or device adaptable for use as a machine gun,
10 without being licensed to do so as provided in N.J.S.2C:58-5, is
11 guilty of a crime of the second degree.

12 b. Handguns. (1) Any person who knowingly has in his
13 possession any handgun, including any antique handgun, without
14 first having obtained a permit to carry the same as provided in
15 N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the
16 handgun is in the nature of an air gun, spring gun or pistol or other
17 weapon of a similar nature in which the propelling force is a spring,
18 elastic band, carbon dioxide, compressed or other gas or vapor, air
19 or compressed air, or is ignited by compressed air, and ejecting a
20 bullet or missile smaller than three-eighths of an inch in diameter,
21 with sufficient force to injure a person it is a crime of the third
22 degree.

23 c. Rifles and shotguns. (1) Any person who knowingly has in
24 his possession any rifle or shotgun without having first obtained a
25 firearms purchaser identification card in accordance with the
26 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

27 (2) Unless otherwise permitted by law, any person who
28 knowingly has in his possession any loaded rifle or shotgun is
29 guilty of a crime of the third degree.

30 d. Other weapons. Any person who knowingly has in his
31 possession any other weapon under circumstances not manifestly
32 appropriate for such lawful uses as it may have is guilty of a crime
33 of the fourth degree.

34 e. Firearms or other weapons in educational institutions.

35 (1) Any person who knowingly has in his possession any
36 firearm in or upon any part of the buildings or grounds of any
37 school, college, university or other educational institution, without
38 the written authorization of the governing officer of the institution,
39 is guilty of a crime of the third degree, irrespective of whether he
40 possesses a valid permit to carry the firearm or a valid firearms
41 purchaser identification card.

42 The provisions of this paragraph shall not prohibit a law
43 enforcement officer who is employed by a school, college,
44 university or other educational institution from possessing a firearm
45 in or upon any part of the buildings or grounds of the

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 school, college, university or other educational institution in the
2 course of the officer's employment or traveling to or from the
3 officer's place of employment.

4 As used in this paragraph, "law enforcement officer" means a
5 person empowered to act as an officer for the detection,
6 apprehension, arrest, and conviction of offenders against the law
7 and who has successfully completed a firearms training course
8 administered by the Police Training Commission.

9 (2) Any person who knowingly possesses any weapon
10 enumerated in paragraphs (3) and (4) of subsection r. of
11 N.J.S.2C:39-1 or any components which can readily be assembled
12 into a firearm or other weapon enumerated in subsection r. of
13 N.J.S.2C:39-1 or any other weapon under circumstances not
14 manifestly appropriate for such lawful use as it may have, while in
15 or upon any part of the buildings or grounds of any school, college,
16 university or other educational institution without the written
17 authorization of the governing officer of the institution is guilty of a
18 crime of the fourth degree.

19 (3) Any person who knowingly has in his possession any
20 imitation firearm in or upon any part of the buildings or grounds of
21 any school, college, university or other educational institution,
22 without the written authorization of the governing officer of the
23 institution, or while on any school bus is a disorderly person,
24 irrespective of whether he possesses a valid permit to carry a
25 firearm or a valid firearms purchaser identification card.

26 f. Assault firearms. Any person who knowingly has in his
27 possession an assault firearm is guilty of a crime of the second
28 degree except if the assault firearm is licensed pursuant to
29 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
30 (C.2C:58-12); or rendered inoperable pursuant to section 12 of
31 P.L.1990, c.32 (C.2C:58-13).

32 g. (1) The temporary possession of a handgun, rifle or shotgun
33 by a person receiving, possessing, carrying or using the handgun,
34 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74
35 (C.2C:58-3.1) shall not be considered unlawful possession under
36 the provisions of subsection b. or c. of this section.

37 (2) The temporary possession of a firearm by a person receiving,
38 possessing, carrying or using the firearm under the provisions of
39 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered
40 unlawful possession under the provisions of this section.

41 h. A person who is convicted of a crime under subsection a., b.,
42 f. or j. of this section shall be ineligible for participation in any
43 program of intensive supervision; provided, however, that this
44 provision shall not apply to a crime under subsection b. involving
45 only a handgun which is in the nature of an air gun, spring gun or
46 pistol or other weapon of a similar nature in which the propelling
47 force is a spring, elastic band, carbon dioxide, compressed or other
48 gas or vapor, air or compressed air, or is ignited by compressed air,

1 and ejecting a bullet or missile smaller than three-eighths of an inch
2 in diameter, with sufficient force to injure a person.

3 i. A person convicted of violating subsection a., b. or f. of this
4 section shall be sentenced by the court to a term of imprisonment,
5 which shall include the imposition of a minimum term during which
6 the defendant shall be ineligible for parole, if the court finds that
7 the aggravating circumstance set forth in paragraph (5) of
8 subsection a. of N.J.S.2C:44-1 applies. The minimum term of
9 parole ineligibility shall be fixed at five years. The sentencing
10 court shall make a finding on the record as to whether the
11 aggravating circumstance set forth in paragraph (5) of subsection a.
12 of N.J.S.2C:44-1 applies, and the court shall presume that there is a
13 substantial likelihood that the defendant is involved in organized
14 criminal activity if there is a substantial likelihood that the
15 defendant is a member of an organization or group that engages in
16 criminal activity. The prosecution at the sentencing hearing shall
17 have the initial burden of producing evidence or information
18 concerning the defendant's membership in such an organization or
19 group.

20 j. A violation of subsection a., b., c. or f. of this section by a
21 person who has a prior conviction of any of the crimes enumerated
22 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a
23 first degree crime.

24 (cf: P.L.2013, c.113, s.1)

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26 2. This act shall take effect immediately.
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29 STATEMENT
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31 This bill clarifies that campus law enforcement officers are
32 permitted to carry a firearm in or upon any part of the buildings or
33 grounds of a school, college, university or other educational
34 institution in the course of the officer's employment or traveling to
35 or from the officer's place of employment.

36 The bill defines "law enforcement officer" as a person
37 empowered to act as an officer for the detection, apprehension,
38 arrest, and conviction of offenders against the law and who has
39 successfully completed a firearms training course administered by
40 the Police Training Commission.