

ASSEMBLY, No. 5724

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes firearm database and requires newly manufactured firearms to be micro-stamped.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the regulation of firearms, supplementing Title
2 2C of the New Jersey Statutes and amending N.J.S.2C:39-10.

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

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7 1. (New section) a. A person licensed or registered as a
8 manufacturer, wholesale dealer of firearms, retail dealer of
9 firearms, or an agent or employee of a wholesale or retail dealer of
10 firearms shall not transport into this State, sell, expose for sale,
11 possess with the intent of selling, assign or otherwise transfer any
12 handgun manufactured following the effective date of this act
13 unless the handgun is designed and equipped with a microscopic
14 array of characters that identify the make, model, and serial number
15 of the handgun.

16 The characters shall be etched or imprinted onto the internal
17 working parts of the handgun to ensure the characters are imprinted
18 on the cartridge case when the handgun is fired.

19 b. A person licensed as retail dealer of firearms shall notify the
20 Superintendent of State Police of each sale of a handgun designed
21 and equipped with a microscopic array of characters in accordance
22 with this section. The information provided by the retail dealer
23 shall include, but not be limited to: the name and address of the
24 purchaser or assignee; date and place of the sale; and make, model,
25 manufacturer's number, and caliber of the handgun.

26 The superintendent shall establish and maintain a database of the
27 information received pursuant to this subsection which shall be
28 accessible by each law enforcement agency in this State.

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30 2. N.J.S.2C:39-10 is amended to read as follows:

31 2C:39-10. Violation of the regulatory provisions relating to
32 firearms; false representation in applications.

33 a. (1) Except as otherwise provided in paragraph (2) and
34 paragraph (4) of this subsection, any person who knowingly violates
35 the regulatory provisions relating to manufacturing or wholesaling
36 of firearms pursuant to N.J.S.2C:58-1, retailing of firearms pursuant
37 to N.J.S.2C:58-2 and section 1 of P.L. _____, c. _____ (C. _____) (pending
38 before the Legislature as this bill), N.J.S.2C:58-2, permits to
39 purchase certain firearms pursuant to N.J.S.2C:58-3, permits to
40 carry certain firearms pursuant to N.J.S.2C:58-4, licenses to procure
41 machine guns or assault firearms pursuant to N.J.S.2C:58-5, or
42 incendiary or tracer ammunition pursuant to N.J.S.2C:58-10, except
43 acts which are punishable under **[section]** N.J.S.2C:58-5 or
44 **[section]** N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 (2) A licensed dealer who knowingly violates the provisions of
2 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
3 is a disorderly person.

4 (3) If, upon review, a law enforcement agency determines that a
5 licensed dealer has sold, transferred, assigned, or otherwise
6 disposed of an inordinate number of firearms and that licensed
7 dealer knew, or should have known, that the firearms would be used
8 in the commission of a crime or would be transferred to a person in
9 order for the firearms to be used for an unlawful purpose, that
10 dealer's license shall, after a hearing, be permanently revoked.

11 (4) A licensed dealer who sells or transfers a firearm to a person
12 knowing that person intends to sell, transfer, assign, or otherwise
13 dispose of that firearm to a person who is disqualified from
14 possessing a firearm under State or federal law is guilty of a crime
15 of the second degree. Notwithstanding any other provisions of law
16 to the contrary, the sentence imposed for a conviction under this
17 subsection shall include a mandatory minimum term of
18 imprisonment of 18 months, during which the defendant shall be
19 ineligible for parole; provided however, if the firearm was used in
20 the commission of a crime, the sentence imposed under this
21 subsection shall include a mandatory minimum term of
22 imprisonment of three years, during which the defendant shall be
23 ineligible for parole. Further, a person convicted under this
24 subsection shall be permanently disqualified from holding a retail
25 license under N.J.S.2C:58-2.

26 (5) A person who is disqualified from possessing a firearm
27 under State or federal law who knowingly solicits, persuades,
28 encourages, or entices a licensed dealer or other person to sell, give,
29 transfer, or assign a firearm to the disqualified person under
30 circumstances which the disqualified person knows would violate
31 State or federal law is guilty of a crime of the third degree.
32 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
33 conviction under this subsection shall not merge with a conviction
34 for any other criminal offense and the court shall impose separate
35 sentences upon a violation of this subsection and any other criminal
36 offense.

37 b. Any person who knowingly violates the regulatory
38 provisions relating to notifying the authorities of possessing certain
39 items of explosives pursuant to N.J.S.2C:58-7, or of certain wounds
40 pursuant to N.J.S.2C:58-8 is a disorderly person.

41 c. Any person who gives or causes to be given any false
42 information, or signs a fictitious name or address, in applying for a
43 firearms purchaser identification card, a permit to purchase a
44 handgun, a permit to carry a handgun, a permit to possess a machine
45 gun, a permit to possess an assault firearm, or in completing the
46 certificate or any other instrument required by law in purchasing or
47 otherwise acquiring delivery of any rifle, shotgun, handgun,

1 machine gun, or assault firearm or any other firearm, is guilty of a
2 crime of the third degree.

3 d. Any person who gives or causes to be given any false
4 information in registering an assault firearm pursuant to section 11
5 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
6 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
7 c.32 (C.2C:58-13) commits a crime of the fourth degree.

8 e. Any person who knowingly sells, gives, transfers, assigns or
9 otherwise disposes of a firearm to a person who is under the age of
10 18 years, except as permitted in section 14 of P.L.1979, c.179
11 (C.2C:58-6.1), is guilty of a crime of the second degree.
12 Notwithstanding any other provision of law to the contrary, the
13 sentence imposed for a conviction under this subsection shall
14 include a mandatory minimum five-year term of imprisonment,
15 during which the defendant shall be ineligible for parole.

16 f. Unless the recipient is authorized to possess the handgun in
17 connection with the performance of official duties under the
18 provisions of N.J.S.2C:39-6, any person who knowingly sells,
19 gives, transfers, assigns or otherwise disposes of a handgun to a
20 person who is under the age of 21 years, except as permitted in
21 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
22 the third degree.

23 g. Any person who knowingly gives or causes to be given any
24 false information or knowingly engages in any other fraudulent
25 conduct in applying for an exemption to purchase more than one
26 handgun in a 30-day period in violation of the provisions of section
27 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
28 third degree. The presumption of nonimprisonment set forth in
29 N.J.S.2C:44-1 shall not apply to persons convicted under the
30 provisions of this subsection.

31 (cf: P.L.2019, c.166, s.1)

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33 3. This act shall take effect on the first day of the seventh
34 month following enactment, but the superintendent may take any
35 anticipatory administrative action in advance thereof as shall be
36 necessary for the implementation of this act.

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STATEMENT

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41 This bill requires all newly manufactured handguns sold in this
42 State by licensed retail firearms dealers to be micro-stamped.

43 Micro-stamping is a laser technology that can engrave or etch
44 microscopic identifying characters or letters on small objects.
45 These characters or letters would be engraved onto the internal
46 working parts of the handgun to ensure the characters are imprinted
47 on each cartridge case when the handgun is fired. The array of

1 characters on the cartridge may then be utilized by law enforcement
2 to identify the make, model, and serial number of the handgun.

3 The bill requires licensed retail firearms dealers to report micro-
4 stamped handgun sales to the State Police. The bill directs the
5 Superintendent of State Police to establish and maintain this
6 information in a database which would be accessible by each law
7 enforcement agency in the State.

8 A licensed retail firearms dealer who sells or transfers a handgun
9 that is not micro-stamped would be guilty of a crime of the fourth
10 degree, which is punishable by a prison term of up to 18 months, a
11 fine of up to \$10,000, or both.