

ASSEMBLY, No. 5787

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

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District 6 (Burlington and Camden)

Co-Sponsored by:

**Assemblywoman Chaparro, Assemblyman Moriarty, Assemblywomen
Vainieri Huttle and Jasey**

SYNOPSIS

Requires newly manufactured semi-automatic handguns to be micro-stamped; establishes handgun database.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT concerning certain handguns, supplementing Title 2C of
2 the New Jersey Statutes, and amending N.J.S.2C:39-9 and
3 N.J.S.2C:39-10.

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

7
8 1. (New section) a. A person licensed or registered as a
9 manufacturer, wholesale dealer of firearms, retail dealer of
10 firearms, or an agent or employee of a manufacturer, wholesale, or
11 retail dealer of firearms acting in the course of the person's
12 employment shall not transport into this State, sell, expose for sale,
13 possess with the intent of selling, assign or otherwise transfer any
14 new semi-automatic handgun manufactured following the effective
15 date of this act unless the semi-automatic handgun is designed and
16 equipped with microstamping technology that imprints an alpha-
17 numeric or geometric code on the cartridge case when the semi-
18 automatic handgun is fired that identifies the make, model, and
19 serial number of the handgun.

20 b. A person licensed as a retail dealer of firearms shall notify
21 the Superintendent of State Police of each sale of a semi-automatic
22 handgun designed and equipped with microstamping technology
23 that will imprint an alpha-numeric or geometric code in accordance
24 with this section. The information provided by the retail dealer shall
25 include, but not be limited to the: name and address of the
26 purchaser or assignee; date and place of the sale; and make, model,
27 manufacturer's number, the alpha-numeric or geometric code that
28 the semi-automatic handgun imprints, and the caliber of the semi-
29 automatic handgun.

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

33

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

35 2C:39-9. Manufacture, Transport, Disposition and Defacement
36 of Weapons and Dangerous Instruments and Appliances.

37 a. Machine guns. Any person who manufactures, causes to be
38 manufactured, transports, ships, sells or disposes of any machine
39 gun without being registered or licensed to do so as provided in
40 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
41 crime of the third degree.

42 b. Sawed-off shotguns. Any person who manufactures, causes
43 to be manufactured, transports, ships, sells or disposes of any
44 sawed-off shotgun is guilty of a crime of the third 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 c. Firearm silencers. Any person who manufactures, causes to
2 be manufactured, transports, ships, sells or disposes of any firearm
3 silencer is guilty of a crime of the fourth degree.

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

30 e. Defaced firearms. (1) Any person who defaces any firearm
31 is guilty of a crime of the third degree. Any person who knowingly
32 buys, receives, disposes of or conceals a defaced firearm, except an
33 antique firearm or an antique handgun, is guilty of a crime of the
34 fourth degree.

35 (2) Any person who knowingly defaces or removes the
36 microstamping mechanism of a semi-automatic handgun required
37 pursuant to section 1 of P.L. , c. (C.) (pending before the
38 Legislature as this bill) for the purpose of altering the appearance of
39 its alpha-numeric or geometric code is guilty of a crime of the third
40 degree. A person who purchases, buys, receives, disposes of, or
41 conceals a semi-automatic handgun with the knowledge that the
42 microstamping mechanism has been defaced or removed is guilty of
43 a crime of the fourth degree

44 For the purposes of this paragraph, defacing or removing a
45 microstamping mechanism shall not include replacing the firing pin
46 of a semi-automatic handgun when the pin is damaged or in need of
47 replacement for the safe use of the handgun or otherwise replacing
48 the firing pin for a legitimate sporting purpose.

1 f. (1) Any person who manufactures, causes to be
2 manufactured, transports, ships, sell, or disposes of any armor
3 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
4 which is intended to be used for any purpose other than for
5 authorized military or law enforcement purposes by duly authorized
6 military or law enforcement personnel, is guilty of a crime of the
7 fourth degree.

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

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

32 h. Large capacity ammunition magazines. Any person who
33 manufactures, causes to be manufactured, transports, ships, sells or
34 disposes of a large capacity ammunition magazine which is
35 intended to be used for any purpose other than for authorized
36 military or law enforcement purposes by duly authorized military or
37 law enforcement personnel is guilty of a crime of the fourth degree.

38 i. Transporting firearms into this State for an unlawful sale or
39 transfer. Any person who knowingly transports, ships or otherwise
40 brings into this State any firearm for the purpose of unlawfully
41 selling, transferring, giving, assigning or otherwise disposing of that
42 firearm to another individual is guilty of a crime of the second
43 degree. Any motor vehicle used by a person to transport, ship, or
44 otherwise bring a firearm into this State for unlawful sale or transfer
45 shall be subject to forfeiture in accordance with the provisions of
46 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
47 shall not apply to innocent owners, nor shall it affect the rights of a
48 holder of a valid lien.

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

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

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

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

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

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

21 k. Purchasing firearm parts to manufacture a firearm without a
22 serial number. In addition to any other criminal penalties provided
23 under law, a person who, with the purpose to manufacture or
24 otherwise assemble a firearm and without being registered or
25 licensed do so as provided in chapter 58 of Title 2C of the New
26 Jersey Statutes, purchases or otherwise obtains separately or as part
27 of a kit a firearm frame or firearm receiver which is not imprinted
28 with a serial number registered with a federally licensed
29 manufacturer or any combination of parts from which a firearm
30 without a serial number may be readily manufactured or otherwise
31 assembled, but which does not have the capacity to function as a
32 firearm unless manufactured or otherwise assembled is guilty of a
33 crime of the third degree. Notwithstanding the provisions of
34 N.J.S.2C:1-8 or any other law, a conviction under this subsection
35 shall not merge with a conviction for any other criminal offense and
36 the court shall impose separate sentences upon a violation of this
37 subsection and any other criminal offense.

38 As used in this subsection, "firearm frame or firearm receiver"
39 means the part of a firearm that provides housing for the firearm's
40 internal components, such as the hammer, bolt or breechblock,
41 action, and firing mechanism, and includes without limitation any
42 object or part which is not a firearm frame or receiver in finished
43 form but is designed or intended to be used for that purpose and
44 which may readily be made into a firearm frame or receiver through
45 milling or other means.

46 l. Manufacturing or facilitating the manufacture of a firearm
47 using a three-dimensional printer. In addition to any other criminal
48 penalties provided under law it is a third degree crime for:

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

6 (2) a person to distribute by any means, including the Internet,
7 to a person in New Jersey who is not registered or licensed as a
8 manufacturer as provided in chapter 58 of Title 2C of the New
9 Jersey Statutes, digital instructions in the form of computer-aided
10 design files or other code or instructions stored and displayed in
11 electronic format as a digital model that may be used to program a
12 three-dimensional printer to manufacture or produce a firearm,
13 firearm receiver, magazine, or firearm component.

14 As used in this subsection: "three-dimensional printer" means a
15 computer or computer-driven machine or device capable of
16 producing a three-dimensional object from a digital model; and
17 "distribute" means to sell, or to manufacture, give, provide, lend,
18 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
19 display, share, advertise, offer, or make available via the Internet or
20 by any other means, whether for pecuniary gain or not, and includes
21 an agreement or attempt to distribute.

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

27 n. Transporting a manufactured firearm without a serial
28 number. In addition to any other criminal penalties provided under
29 law, a person who transports, ships, sells, or disposes of a firearm
30 manufactured or otherwise assembled using a firearm frame or
31 firearm receiver as defined in subsection k. of this section which is
32 not imprinted with a serial number registered with a federally
33 licensed manufacturer, including but not limited to a firearm
34 manufactured or otherwise assembled from parts purchased or
35 otherwise obtained in violation of subsection k. of this section, is
36 guilty of a crime of the third degree.

37 (cf: P.L.2019, c.165, s.3)

38

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

40 2C:39-10 a. (1) Except as otherwise provided in paragraph (2)
41 and paragraph (4) of this subsection, any person who knowingly
42 violates the regulatory provisions relating to manufacturing or
43 wholesaling of firearms pursuant to N.J.S.2C:58-1, retailing of
44 firearms pursuant to N.J.S.2C:58-2 and section 1 of P.L. _____,
45 c. (C. _____) (pending before the Legislature as this bill), permits to
46 purchase certain firearms pursuant to N.J.S.2C:58-3, permits to
47 carry certain firearms pursuant to N.J.S.2C:58-4, licenses to procure
48 machine guns or assault firearms pursuant to N.J.S.2C:58-5, or

1 incendiary or tracer ammunition pursuant to N.J.S.2C:58-10, except
2 acts which are punishable under **【section】** N.J.S.2C:58-5 or
3 **【section】** N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

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

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

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

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

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

44 c. Any person who gives or causes to be given any false
45 information, or signs a fictitious name or address, in applying for a
46 firearms purchaser identification card, a permit to purchase a
47 handgun, a permit to carry a handgun, a permit to possess a machine
48 gun, a permit to possess an assault firearm, or in completing the

1 certificate or any other instrument required by law in purchasing or
2 otherwise acquiring delivery of any rifle, shotgun, handgun,
3 machine gun, or assault firearm or any other firearm, is guilty of a
4 crime of the third degree.

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

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

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

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

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

34
35 4. This act shall take effect on the first day of the 25th month
36 following enactment, but the superintendent may take any
37 anticipatory administrative action in advance thereof as shall be
38 necessary for the implementation of this act.

41 STATEMENT

42
43 This bill requires all newly manufactured semi-automatic
44 handguns sold in this State by licensed retail firearms dealers to be
45 micro-stamped.

46 Micro-stamping is a laser technology that can engrave or etch
47 microscopic identifying characters or letters on small objects.
48 These characters or letters would be engraved onto the internal

1 working parts of the semi-automatic handgun to ensure that an
2 alpha-numeric or geometric code is imprinted on the cartridge case
3 when the semi-automatic handgun is fired. The alpha-numeric or
4 geometric code would identify the make, model, and serial number
5 of the semi-automatic handgun. The array of characters on the
6 cartridge may then be utilized by law enforcement to identify the
7 make, model, and serial number of the handgun.

8 The bill requires licensed retail firearms dealers to report their
9 handgun sales to the State Police. The bill directs the
10 Superintendent of State Police to establish and maintain this
11 information in a database which would be accessible by each law
12 enforcement agency in the State.

13 A licensed retail firearms dealer who sells or transfers a handgun
14 that is not micro-stamped would be guilty of a crime of the fourth
15 degree. In addition, it would be a third degree crime to deface or
16 remove the microstamping mechanism of a semi-automatic handgun
17 for the purpose of altering the appearance of its alpha-numeric or
18 geometric code. A person who purchases, buys, receives, disposes
19 of or conceals a semi-automatic handgun with the knowledge that
20 the microstamping mechanism has been defaced or removed would
21 be guilty of a crime of the fourth degree. A crime of the third
22 degree is punishable by a term of imprisonment of three to five
23 years; a fine of up to \$15,000; or both. A crime of the fourth degree
24 is punishable by a term of imprisonment for not more than 18
25 months; a fine of up to \$10,000; or both.