

SENATE, No. 98

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Strengthens State's assault weapons ban.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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:39-1 is amended to read as follows:

7 2C:39-1. Definitions. The following definitions apply to this
8 chapter and to chapter 58:

9 a. "Antique firearm" means any rifle or shotgun and "antique
10 cannon" means a destructive device defined in paragraph (3) of
11 subsection c. of this section, if the rifle, shotgun or destructive
12 device, as the case may be, is incapable of being fired or
13 discharged, or which does not fire fixed ammunition, regardless of
14 date of manufacture, or was manufactured before 1898 for which
15 cartridge ammunition is not commercially available, and is
16 possessed as a curiosity or ornament or for its historical
17 significance or value.

18 b. "Deface" means to remove, deface, cover, alter or destroy
19 the name of the maker, model designation, manufacturer's serial
20 number or any other distinguishing identification mark or number
21 on any firearm.

22 c. "Destructive device" means any device, instrument or object
23 designed to explode or produce uncontrolled combustion, including
24 (1) any explosive or incendiary bomb, mine or grenade; (2) any
25 rocket having a propellant charge of more than four ounces or any
26 missile having an explosive or incendiary charge of more than one-
27 quarter of an ounce; (3) any weapon capable of firing a projectile of
28 a caliber greater than 60 caliber, except a shotgun or shotgun
29 ammunition generally recognized as suitable for sporting purposes;
30 (4) any Molotov cocktail or other device consisting of a breakable
31 container containing flammable liquid and having a wick or similar
32 device capable of being ignited. The term does not include any
33 device manufactured for the purpose of illumination, distress
34 signaling, line-throwing, safety or similar purposes.

35 d. "Dispose of" means to give, give away, lease, loan, keep for
36 sale, offer, offer for sale, sell, transfer, or otherwise transfer
37 possession.

38 e. "Explosive" means any chemical compound or mixture that
39 is commonly used or is possessed for the purpose of producing an
40 explosion and which contains any oxidizing and combustible
41 materials or other ingredients in such proportions, quantities or
42 packing that an ignition by fire, by friction, by concussion or by
43 detonation of any part of the compound or mixture may cause such
44 a sudden generation of highly heated gases that the resultant
45 gaseous pressures are capable of producing destructive effects on

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 contiguous objects. The term shall not include small arms
2 ammunition, or explosives in the form prescribed by the official
3 United States Pharmacopoeia.

4 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
5 automatic or semi-automatic rifle, or any gun, device or instrument
6 in the nature of a weapon from which may be fired or ejected any
7 solid projectable ball, slug, pellet, missile or bullet, or any gas,
8 vapor or other noxious thing, by means of a cartridge or shell or by
9 the action of an explosive or the igniting of flammable or explosive
10 substances. It shall also include, without limitation, any firearm
11 which is in the nature of an air gun, spring gun or pistol or other
12 weapon of a similar nature in which the propelling force is a spring,
13 elastic band, carbon dioxide, compressed or other gas or vapor, air
14 or compressed air, or is ignited by compressed air, and ejecting a
15 bullet or missile smaller than three-eighths of an inch in diameter,
16 with sufficient force to injure a person.

17 g. "Firearm silencer" means any instrument, attachment,
18 weapon or appliance for causing the firing of any gun, revolver,
19 pistol or other firearm to be silent, or intended to lessen or muffle
20 the noise of the firing of any gun, revolver, pistol or other firearm.

21 h. "Gravity knife" means any knife which has a blade which is
22 released from the handle or sheath thereof by the force of gravity or
23 the application of centrifugal force.

24 **[I.]** i. "Machine gun" means any firearm, mechanism or
25 instrument not requiring that the trigger be pressed for each shot
26 and having a reservoir, belt or other means of storing and carrying
27 ammunition which can be loaded into the firearm, mechanism or
28 instrument and fired therefrom.

29 j. "Manufacturer" means any person who receives or obtains
30 raw materials or parts and processes them into firearms or finished
31 parts of firearms, except a person who exclusively processes grips,
32 stocks and other nonmetal parts of firearms. The term does not
33 include a person who repairs existing firearms or receives new and
34 used raw materials or parts solely for the repair of existing firearms.

35 k. "Handgun" means any pistol, revolver or other firearm
36 originally designed or manufactured to be fired by the use of a
37 single hand.

38 l. "Retail dealer" means any person including a gunsmith,
39 except a manufacturer or a wholesale dealer, who sells, transfers or
40 assigns for a fee or profit any firearm or parts of firearms or
41 ammunition which he has purchased or obtained with the intention,
42 or for the purpose, of reselling or reassigning to persons who are
43 reasonably understood to be the ultimate consumers, and includes
44 any person who is engaged in the business of repairing firearms or
45 who sells any firearm to satisfy a debt secured by the pledge of a
46 firearm.

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

1 cartridge to fire a single projectile through a rifled bore for each
2 single pull of the trigger.

3 n. "Shotgun" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed shotgun
5 shell to fire through a smooth bore either a number of ball shots or a
6 single projectile for each pull of the trigger, or any firearm designed
7 to be fired from the shoulder which does not fire fixed ammunition.

8 o. "Sawed-off shotgun" means any shotgun having a barrel or
9 barrels of less than 18 inches in length measured from the breech to
10 the muzzle, or a rifle having a barrel or barrels of less than 16
11 inches in length measured from the breech to the muzzle, or any
12 firearm made from a rifle or a shotgun, whether by alteration, or
13 otherwise, if such firearm as modified has an overall length of less
14 than 26 inches.

15 p. "Switchblade knife" means any knife or similar device
16 which has a blade which opens automatically by hand pressure
17 applied to a button, spring or other device in the handle of the knife.

18 q. "Superintendent" means the Superintendent of the State
19 Police.

20 r. "Weapon" means anything readily capable of lethal use or of
21 inflicting serious bodily injury. The term includes, but is not
22 limited to, all (1) firearms, even though not loaded or lacking a clip
23 or other component to render them immediately operable; (2)
24 components which can be readily assembled into a weapon; (3)
25 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
26 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
27 sandclubs, slingshots, cesti or similar leather bands studded with
28 metal filings or razor blades imbedded in wood; and (4) stun guns;
29 and any weapon or other device which projects, releases, or emits
30 tear gas or any other substance intended to produce temporary
31 physical discomfort or permanent injury through being vaporized or
32 otherwise dispensed in the air.

33 s. "Wholesale dealer" means any person, except a
34 manufacturer, who sells, transfers, or assigns firearms, or parts of
35 firearms, to persons who are reasonably understood not to be the
36 ultimate consumers, and includes persons who receive finished
37 parts of firearms and assemble them into completed or partially
38 completed firearms, in furtherance of such purpose, except that it
39 shall not include those persons dealing exclusively in grips, stocks
40 and other nonmetal parts of firearms.

41 t. "Stun gun" means any weapon or other device which emits
42 an electrical charge or current intended to temporarily or
43 permanently disable a person.

44 u. "Ballistic knife" means any weapon or other device capable
45 of lethal use and which can propel a knife blade.

46 v. "Imitation firearm" means an object or device reasonably
47 capable of being mistaken for a firearm.

48 w. "Assault firearm" means:

- 1 (1) The following firearms:
2 Algimec AGM1 type
3 Any shotgun with a revolving cylinder such as the "Street
4 Sweeper" or "Striker 12"
5 Armalite AR-180 type
6 Australian Automatic Arms SAR
7 Avtomat Kalashnikov type semi-automatic firearms
8 Beretta AR-70 and BM59 semi-automatic firearms
9 Bushmaster Assault Rifle
10 Calico M-900 Assault carbine and M-900
11 CETME G3
12 Chartered Industries of Singapore SR-88 type
13 Colt AR-15 and CAR-15 series
14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
15 Demro TAC-1 carbine type
16 Encom MP-9 and MP-45 carbine types
17 FAMAS MAS223 types
18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
19 Franchi SPAS 12 and LAW 12 shotguns
20 G3SA type
21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
22 Intratec TEC 9 and 22 semi-automatic firearms
23 M1 carbine type
24 M14S type
25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
26 PJK M-68 carbine type
27 Plainfield Machine Company Carbine
28 Ruger K-Mini-14/5F and Mini-14/5RF
29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
30 SKS with detachable magazine type
31 Spectre Auto carbine type
32 Springfield Armory BM59 and SAR-48 type
33 Sterling MK-6, MK-7 and SAR types
34 Steyr A.U.G. semi-automatic firearms
35 USAS 12 semi-automatic type shotgun
36 Uzi type semi-automatic firearms
37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
40 substantially identical to any of the firearms listed above, and
41 including, but not limited to:
42 (a) a semiautomatic rifle that has an ability to accept a
43 detachable magazine and has at least one of the following
44 characteristics:
45 (i) a folding or telescoping stock;
46 (ii) a pistol grip that protrudes conspicuously beneath the action
47 of the weapon;
48 (iii) a thumbhole stock;

1 (iv) a second handgrip or a protruding grip that can be held by
2 the non-trigger hand;

3 (v) a bayonet mount;

4 (vi) a flash suppressor, muzzle break, muzzle compensator, or
5 threaded barrel designed to accommodate a flash suppressor,
6 muzzle break, or muzzle compensator; or

7 (vii) a grenade launcher; or

8 (b) a semiautomatic shotgun that has at least one of the
9 following characteristics:

10 (i) a folding or telescoping stock;

11 (ii) a thumbhole stock;

12 (iii) a second handgrip or a protruding grip that can be held by
13 the non-trigger hand;

14 (iv) a fixed magazine capacity in excess of six rounds;

15 (v) an ability to accept a detachable magazine; or

16 (c) a semiautomatic pistol that has an ability to accept a
17 detachable magazine and has at least one of the following
18 characteristics:

19 (i) a folding or telescoping stock;

20 (ii) a thumbhole stock;

21 (iii) a second handgrip or a protruding grip that can be held by
22 the non-trigger hand;

23 (iv) capacity to accept an ammunition magazine that attaches to
24 the pistol outside of the pistol grip;

25 (v) a threaded barrel capable of accepting a barrel extender,
26 flash suppressor, forward handgrip, or silencer;

27 (vi) a shroud that is attached to, or partially or completely
28 encircles, the barrel and that permits the shooter to hold the firearm
29 with the non-trigger hand without being burned;

30 (vii) a manufactured weight of fifty ounces or more when the
31 pistol is unloaded; or

32 (viii) a semiautomatic version of an automatic rifle, shotgun or
33 firearm.

34 (3) A semi-automatic shotgun with either a magazine capacity
35 exceeding six rounds, a pistol grip, or a folding stock.

36 (4) A semi-automatic rifle with a fixed magazine capacity
37 exceeding 15 rounds.

38 (5) A part or combination of parts designed or intended to
39 convert a firearm into an assault firearm, or any combination of
40 parts from which an assault firearm may be readily assembled if
41 those parts are in the possession or under the control of the same
42 person.

43 x. "Semi-automatic" means a firearm which fires a single
44 projectile for each single pull of the trigger and is self-reloading or
45 automatically chambers a round, cartridge, or bullet.

46 y. "Large capacity ammunition magazine" means a box, drum,
47 tube or other container which is capable of holding more than 15

1 rounds of ammunition to be fed continuously and directly therefrom
2 into a semi-automatic firearm.

3 z. "Pistol grip" means a well-defined handle, similar to that
4 found on a handgun, that protrudes conspicuously beneath the
5 action of the weapon, and which permits the shotgun to be held and
6 fired with one hand.

7 aa. "Antique handgun" means a handgun manufactured before
8 1898, or a replica thereof, which is recognized as being historical in
9 nature or of historical significance and either (1) utilizes a match,
10 friction, flint, or percussion ignition, or which utilizes a pin-fire
11 cartridge in which the pin is part of the cartridge or (2) does not fire
12 fixed ammunition or for which cartridge ammunition is not
13 commercially available.

14 bb. "Trigger lock" means a commercially available device
15 approved by the Superintendent of State Police which is operated
16 with a key or combination lock that prevents a firearm from being
17 discharged while the device is attached to the firearm. It may
18 include, but need not be limited to, devices that obstruct the barrel
19 or cylinder of the firearm, as well as devices that immobilize the
20 trigger.

21 cc. "Trigger locking device" means a device that, if installed on
22 a firearm and secured by means of a key or mechanically,
23 electronically or electromechanically operated combination lock,
24 prevents the firearm from being discharged without first
25 deactivating or removing the device by means of a key or
26 mechanically, electronically or electromechanically operated
27 combination lock.

28 dd. "Personalized handgun" means a handgun which
29 incorporates within its design, and as part of its original
30 manufacture, technology which automatically limits its operational
31 use and which cannot be readily deactivated, so that it may only be
32 fired by an authorized or recognized user. The technology limiting
33 the handgun's operational use may include, but not be limited to:
34 radio frequency tagging, touch memory, remote control, fingerprint,
35 magnetic encoding and other automatic user identification systems
36 utilizing biometric, mechanical or electronic systems. No make or
37 model of a handgun shall be deemed to be a "personalized handgun"
38 unless the Attorney General has determined, through testing or
39 other reasonable means, that the handgun meets any reliability
40 standards that the manufacturer may require for its commercially
41 available handguns that are not personalized or, if the manufacturer
42 has no such reliability standards, the handgun meets the reliability
43 standards generally used in the industry for commercially available
44 handguns.

45 (cf: P.L.2002, c.130, s.5)

46

47 2. This act shall take effect immediately.

1 STATEMENT

2
3 This bill would strengthen the State’s current assault weapons
4 ban by revising the definition of an assault weapon to include:
5 rifles with detachable magazines and one military style feature;
6 semi-automatic shotguns with one military style feature; and semi-
7 automatic pistols with one military style feature.

8 The current definition of an assault weapon sets forth a list of
9 prohibited firearms and specifically includes any firearm that is
10 “substantially identical” to any of the enumerated firearms. Under
11 State regulations, a semi-automatic firearm is to be considered
12 substantially identical to an enumerated firearm if it meets certain
13 criteria. This bill codifies these regulations while expanding the
14 number of firearms that would be considered assault weapons by
15 adding criteria and reducing the number of criteria that must be met
16 from two to one. For example, under current regulations, a semi-
17 automatic rifle that has the ability to accept a detachable magazine
18 and has at least two listed criteria would be considered an assault
19 weapon. These criteria include: a folding telescoping stock, a
20 pistol grip that protrudes conspicuously beneath the action of the
21 weapon; a flash suppressor or threaded barrel designed to
22 accommodate a flash suppressor; and a grenade launcher. Under
23 the bill, additional criteria are added including a thumbhole stock
24 and a second handgrip or a protruding grip that can be held by the
25 non-trigger hand. The bill also requires that only one criteria be
26 met, rather than the currently required two.