

SENATE, No. 747

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Expands definition of assault firearm.

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. "Machine gun" means any firearm, mechanism or instrument
25 not requiring that the trigger be pressed for each shot and having a
26 reservoir, belt or other means of storing and carrying ammunition
27 which can be loaded into the firearm, mechanism or instrument and
28 fired therefrom. A machine gun also shall include, without
29 limitation, any firearm with a trigger crank attached.

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

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

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

- 1 m. "Rifle" means any firearm designed to be fired from the
2 shoulder and using the energy of the explosive in a fixed metallic
3 cartridge to fire a single projectile through a rifled bore for each
4 single pull of the trigger.
- 5 n. "Shotgun" means any firearm designed to be fired from the
6 shoulder and using the energy of the explosive in a fixed shotgun
7 shell to fire through a smooth bore either a number of ball shots or a
8 single projectile for each pull of the trigger, or any firearm designed
9 to be fired from the shoulder which does not fire fixed ammunition.
- 10 o. "Sawed-off shotgun" means any shotgun having a barrel or
11 barrels of less than 18 inches in length measured from the breech to
12 the muzzle, or a rifle having a barrel or barrels of less than 16
13 inches in length measured from the breech to the muzzle, or any
14 firearm made from a rifle or a shotgun, whether by alteration, or
15 otherwise, if such firearm as modified has an overall length of less
16 than 26 inches.
- 17 p. "Switchblade knife" means any knife or similar device
18 which has a blade which opens automatically by hand pressure
19 applied to a button, spring or other device in the handle of the knife.
- 20 q. "Superintendent" means the Superintendent of the State
21 Police.
- 22 r. "Weapon" means anything readily capable of lethal use or of
23 inflicting serious bodily injury. The term includes, but is not
24 limited to, all (1) firearms, even though not loaded or lacking a clip
25 or other component to render them immediately operable; (2)
26 components which can be readily assembled into a weapon; (3)
27 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
28 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
29 sandclubs, slingshots, cesti or similar leather bands studded with
30 metal filings or razor blades imbedded in wood; and (4) stun guns;
31 and any weapon or other device which projects, releases, or emits
32 tear gas or any other substance intended to produce temporary
33 physical discomfort or permanent injury through being vaporized or
34 otherwise dispensed in the air.
- 35 s. "Wholesale dealer" means any person, except a
36 manufacturer, who sells, transfers, or assigns firearms, or parts of
37 firearms, to persons who are reasonably understood not to be the
38 ultimate consumers, and includes persons who receive finished
39 parts of firearms and assemble them into completed or partially
40 completed firearms, in furtherance of such purpose, except that it
41 shall not include those persons dealing exclusively in grips, stocks
42 and other nonmetal parts of firearms.
- 43 t. "Stun gun" means any weapon or other device which emits
44 an electrical charge or current intended to temporarily or
45 permanently disable a person.
- 46 u. "Ballistic knife" means any weapon or other device capable
47 of lethal use and which can propel a knife blade.

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

- 1 (i) a pistol grip that protrudes conspicuously beneath the action
2 of the weapon;
3 (ii) a thumbhole stock;
4 (iii) a folding or telescoping stock;
5 (iv) a grenade launcher or flare launcher;
6 (v) a flash suppressor or threaded barrel designed to
7 accommodate a flash suppressor; or
8 (vi) a second handgrip or a protruding grip that can be held by
9 the non-trigger hand; or
10 (b) a semiautomatic pistol that has an ability to accept a
11 detachable magazine and has at least one of the following
12 characteristics:
13 (i) a threaded barrel capable of accepting a flash suppressor,
14 forward handgrip, or silencer;
15 (ii) a second handgrip or a protruding grip that can be held by
16 the non-trigger hand;
17 (iii) a shroud that is attached to, or partially or completely
18 encircles, the barrel and that permits the shooter to hold the firearm
19 with the non-trigger hand without being burned, except a slide that
20 encloses the barrel;
21 (iv) the capacity to accept an ammunition magazine that attaches
22 to the pistol outside of the pistol grip;
23 (c) a semiautomatic shotgun that includes any of the following
24 characteristics:
25 (i) a fixed magazine capacity exceeding six rounds;
26 (ii) an ability to accept a detachable magazine; or
27 (iii) a pistol grip that protrudes conspicuously beneath the action
28 of the weapon, a thumbhole stock, or a vertical handgrip, in
29 combination with a folding or telescoping stock.
30 (3) A **【semi-automatic】** shotgun with **【either a magazine**
31 **capacity exceeding six rounds, a pistol grip, or a folding stock】** a
32 revolving cylinder.
33 (4) A semi-automatic, centerfire rifle with a fixed magazine
34 capacity exceeding **【15】** 10 rounds or that has an overall length of
35 less than 30 inches.
36 (5) A part or combination of parts designed or intended to
37 convert a firearm into an assault firearm, or any combination of
38 parts from which an assault firearm may be readily assembled if
39 those parts are in the possession or under the control of the same
40 person.
41 (6) A firearm with a bump stock attached.
42 (7) A semi-automatic pistol with a fixed magazine capacity
43 exceeding 10 rounds.
44 x. "Semi-automatic" means a firearm which fires a single
45 projectile for each single pull of the trigger and is self-reloading or
46 automatically chambers a round, cartridge, or bullet.
47 y. "Large capacity ammunition magazine" means a box, drum,
48 tube or other container which is capable of holding more than **【15】**

1 10 rounds of ammunition to be fed continuously and directly
2 therefrom 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 ee. "Bump stock" means any device or instrument for a firearm
46 that increases the rate of fire achievable with the firearm by using
47 energy from the recoil of the firearm to generate a reciprocating
48 action that facilitates repeated activation of the trigger.

1 ff. "Trigger crank" means any device or instrument to be
2 attached to a firearm that repeatedly activates the trigger of the
3 firearm through the use of a lever or other part that is turned in a
4 circular motion; provided, however, the term shall not include any
5 weapon initially designed and manufactured to fire through the use
6 of a crank or lever.

7 (cf: P.L.2017, c.323, s.1)

8
9 2. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill expands the State's current definition of an "assault
15 firearm" by revising the definition of an assault weapon to include:

- 16 1. Semi-automatic centerfire rifles with detachable magazines
17 and one military style feature;
18 2. Semi-automatic centerfire rifles with fixed magazine
19 capacity that exceed 10 rounds;
20 3. Semi-automatic shotguns with detachable magazines;
21 4. Semi-automatic shotguns with a combination of military
22 style features;
23 5. Any shotguns with a revolving cylinder;
24 6. Semi-automatic pistols with one military style feature; and
25 7. Semi-automatic pistols with a fixed magazine capacity that
26 exceeds 10 rounds.

27 The current definition of an assault weapon sets forth a list of
28 prohibited firearms by make, model and type, and also includes any
29 firearm that is "substantially identical" to any of the enumerated
30 firearms. Attorney General guidelines set forth criteria to determine
31 whether a firearm is substantially identical.

32 This bill expands and codifies those criteria to include more
33 features. Additionally, under the current regulations a firearm will
34 be considered "substantially identical" if it has a detachable
35 magazine and at least two other features, such as a flash suppressor
36 and a folding or telescoping stock. This bill reduces the number of
37 criteria that are to be met from two to one for the firearm to be
38 considered an assault firearm.

39 The provisions of this bill would make the definition of an
40 assault firearm substantially similar to the California law enacted on
41 July 1, 2016.