

SENATE, No. 1635

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Authorizes certain security officers to carry large capacity ammunition magazine capable of holding 15 or less rounds of ammunition.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning security officers carrying certain weapons and
2 amending N.J.S.2C:39-3.

3

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

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession
16 any firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk,
23 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
24 or similar leather band studded with metal filings or razor blades
25 imbedded in wood, ballistic knife, without any explainable lawful
26 purpose, is guilty of a crime of the fourth degree.

27 f. Dum-dum or armor piercing ammunition. (1) Any person,
28 other than a law enforcement officer or persons engaged in
29 activities pursuant to subsection f. of N.J.S.2C:39-6, who
30 knowingly has in his possession any hollow nose or dum-dum
31 bullet, or (2) any person, other than a collector of firearms or
32 ammunition as curios or relics as defined in Title 18, United States
33 Code, section 921 (a) (13) and has in his possession a valid
34 Collector of Curios and Relics License issued by the Bureau of
35 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
36 his possession any armor piercing ammunition, as defined in
37 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
38 degree. For purposes of this section, a collector may possess not
39 more than three examples of each distinctive variation of the
40 ammunition described above. A distinctive variation includes a
41 different head stamp, composition, design, or color.

42 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,
43 j. or k. of this section shall apply to any member of the Armed
44 Forces of the United States or the National Guard, or except as
45 otherwise provided, to any law enforcement officer while actually

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 on duty or traveling to or from an authorized place of duty,
2 provided that his possession of the prohibited weapon or device has
3 been duly authorized under the applicable laws, regulations or
4 military or law enforcement orders.

5 (b) Nothing in subsection j. of this section shall apply to a law
6 enforcement officer who possesses and carries while off-duty a
7 large capacity ammunition magazine capable of holding not more
8 than 17 rounds of ammunition that can be fed continuously and
9 directly into a semi-automatic firearm.

10 (c) Notwithstanding subparagraph (b) of this paragraph,
11 subsection j. of this section shall not apply to a law enforcement
12 officer who possesses and carries while off-duty a large capacity
13 ammunition magazine capable of holding more than 17 rounds of
14 ammunition that can be fed continuously and directly into a semi-
15 automatic firearm provided the large capacity ammunition magazine
16 is used with a service firearm issued to the officer by the officer's
17 employer for use in the officer's official duties.

18 (d) Nothing in subsection h. of this section shall apply to any
19 law enforcement officer who is exempted from the provisions of
20 that subsection by the Attorney General. Nothing in this section
21 shall apply to the possession of any weapon or device by a law
22 enforcement officer who has confiscated, seized or otherwise taken
23 possession of said weapon or device as evidence of the commission
24 of a crime or because he believed it to be possessed illegally by the
25 person from whom it was taken, provided that said law enforcement
26 officer promptly notifies his superiors of his possession of such
27 prohibited weapon or device.

28 (e) Nothing in subsection j. of this section shall prohibit a
29 SORA Level 2 Armed Security Officer registered pursuant to the
30 provisions of the "Security Officer Registration Act," P.L.2004,
31 c.134 (C.45:19A-1 et seq.), who holds a permit to carry a firearm
32 issued pursuant to the provisions of N.J.S.2C:58-3 authorizing the
33 officer to possess and carry a firearm while on-duty, from
34 possessing and carrying a large capacity ammunition magazine
35 capable of holding not more than 15 rounds of ammunition that can
36 be fed continuously and directly into a semi-automatic firearm.

37 (2) (a) Nothing in paragraph (1) of subsection f. of this section
38 shall be construed to prevent a person from keeping such
39 ammunition at his dwelling, premises or other land owned or
40 possessed by him, or from carrying such ammunition from the place
41 of purchase to said dwelling or land, nor shall paragraph (1) of
42 subsection f. of this section be construed to prevent any licensed
43 retail or wholesale firearms dealer from possessing such
44 ammunition at its licensed premises, provided that the seller of any
45 such ammunition shall maintain a record of the name, age and place
46 of residence of any purchaser who is not a licensed dealer, together
47 with the date of sale and quantity of ammunition sold.

1 (b) Nothing in paragraph (1) of subsection f. of this section shall
2 be construed to prevent a designated employee or designated
3 licensed agent for a nuclear power plant under the license of the
4 Nuclear Regulatory Commission from possessing hollow nose
5 ammunition while in the actual performance of his official duties, if
6 the federal licensee certifies that the designated employee or
7 designated licensed agent is assigned to perform site protection,
8 guard, armed response or armed escort duties and is appropriately
9 trained and qualified, as prescribed by federal regulation, to
10 perform those duties.

11 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
12 of this section shall be construed to prevent any licensed retail or
13 wholesale firearms dealer from possessing that ammunition or large
14 capacity ammunition magazine at its licensed premises for sale or
15 disposition to another licensed dealer, the Armed Forces of the
16 United States or the National Guard, or to a law enforcement
17 agency, provided that the seller maintains a record of any sale or
18 disposition to a law enforcement agency. The record shall include
19 the name of the purchasing agency, together with written
20 authorization of the chief of police or highest ranking official of the
21 agency, the name and rank of the purchasing law enforcement
22 officer, if applicable, and the date, time and amount of ammunition
23 sold or otherwise disposed. A copy of this record shall be forwarded
24 by the seller to the Superintendent of the Division of State Police
25 within 48 hours of the sale or disposition.

26 (4) Nothing in subsection a. of this section shall be construed to
27 apply to antique cannons as exempted in subsection d. of
28 N.J.S.2C:39-6.

29 (5) Nothing in subsection c. of this section shall be construed to
30 apply to any person who is specifically identified in a special deer
31 management permit issued by the Division of Fish and Wildlife to
32 utilize a firearm silencer as part of an alternative deer control
33 method implemented in accordance with a special deer management
34 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
35 while the person is in the actual performance of the permitted
36 alternative deer control method and while going to and from the
37 place where the permitted alternative deer control method is being
38 utilized. This exception shall not, however, otherwise apply to any
39 person to authorize the purchase or possession of a firearm silencer.

40 h. Stun guns. Any person who knowingly has in his possession
41 any stun gun is guilty of a crime of the fourth degree.

42 i. Nothing in subsection e. of this section shall be construed to
43 prevent any guard in the employ of a private security company, who
44 is licensed to carry a firearm, from the possession of a nightstick
45 when in the actual performance of his official duties, provided that
46 he has satisfactorily completed a training course approved by the
47 Police Training Commission in the use of a nightstick.

1 j. Any person who knowingly has in his possession a large
2 capacity ammunition magazine is guilty of a crime of the fourth
3 degree unless the person has registered:

4 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
5 (C.2C:58-12) and the magazine is maintained and used in
6 connection with participation in competitive shooting matches
7 sanctioned by the Director of Civilian Marksmanship of the United
8 States Department of the Army; or

9 (2) a firearm with a fixed magazine capacity or detachable
10 magazine capable of holding up to 15 rounds pursuant to section 7
11 of P.L.2018, c.39 (C.2C:39-20).

12 k. Handcuffs. Any person who knowingly has in his possession
13 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
14 circumstances not manifestly appropriate for such lawful uses as
15 handcuffs may have, is guilty of a disorderly persons offense. A
16 law enforcement officer shall confiscate handcuffs possessed in
17 violation of the law.

18 l. Bump stock or trigger crank. Any person who knowingly
19 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
20 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
21 regardless of whether the person is in possession of a firearm, is
22 guilty of a crime of the third degree.

23 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
24 provision of law, a conviction arising out of this subsection shall
25 not merge with a conviction for possessing an assault firearm in
26 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
27 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
28 shall be imposed upon each conviction. Notwithstanding the
29 provisions of N.J.S.2C:44-5 or any other provisions of law, the
30 sentence imposed pursuant to this subsection shall be served
31 consecutively to that imposed for unlawfully possessing an assault
32 firearm in violation of subsection f. of N.J.S.2C:39-5.

33 m. Covert or undetectable firearms. Any person who
34 knowingly possesses any covert firearm as defined in subsection hh.
35 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
36 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
37 that is designed or modified to allow the firearm to be fired while so
38 enclosed and that disguises or obscures the shape of the firearm
39 such that it does not resemble a handgun, rifle, shotgun, or machine
40 gun is guilty of a crime of the third degree.

41 n. Firearms without a serial number. Any person who
42 knowingly possesses a firearm manufactured or otherwise
43 assembled using a firearm frame or firearm receiver as defined in
44 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
45 number registered with a federally licensed manufacturer including,
46 but not limited to, a firearm manufactured or otherwise assembled
47 from parts purchased or otherwise obtained in violation of

1 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
2 degree.

3 (cf: P.L.2019, c.165, s.2)

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5 2. This act shall take effect immediately.

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STATEMENT

9

10 This bill authorizes SORA Level 2 armed security officers to
11 carry a large capacity ammunition magazine that holds up to 15
12 rounds of ammunition.

13 Current law generally prohibits the possession of large capacity
14 magazines. A large capacity ammunition magazine is defined as “a
15 box, drum, tube or other container which is capable of holding more
16 than 10 rounds of ammunition to be fed continuously and directly
17 therefrom into a semi-automatic firearm.” The prohibition on large
18 capacity magazines does not apply to members of the Armed Forces
19 or on-duty law enforcement officers. Further, off-duty law
20 enforcement officers are authorized to carry a large capacity
21 magazine of up to 17 rounds and may exceed the 17 round limit if
22 they are using their service weapon for official duties.

23 This bill specifically authorizes SORA Level 2 Armed Security
24 Officers to carry a large capacity ammunition magazine capable of
25 holding not more than 15 rounds of ammunition that can be fed
26 continuously and directly into a semi-automatic firearm. Security
27 officers licensed to carry a firearm who are employed with a private
28 security firm or work as in-house security officers are required to
29 register with the State Police under the State’s Security Officer
30 Registration Act (SORA). Armed security officers are regulated as
31 “Level 2” security officers.

32 Armed security officers play a vital role in protecting this State’s
33 citizens in both private and public venues, including soft targets
34 such as schools and places of worship. Often serving as first
35 responders and working in conjunction with law enforcement
36 officers, it is essential that these officers have enhanced fire-power
37 to match that of the active shooters they encounter.