

SENATE, No. 2004

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
Senator JOSEPH A. LAGANA
District 38 (Bergen and Passaic)

SYNOPSIS

Establishes criminal penalties for sale and possession of binary firearm triggers.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain firearm components and amending
2 various sections of statutory law.

3

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

6

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

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

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

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

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

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

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

**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 gaseous pressures are capable of producing destructive effects on
2 contiguous objects. The term shall not include small arms
3 ammunition, or explosives in the form prescribed by the official
4 United States Pharmacopoeia.

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

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

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

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

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

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

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

1 who sells any firearm to satisfy a debt secured by the pledge of a
2 firearm.

3 m. "Rifle" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed metallic
5 cartridge to fire a single projectile through a rifled bore for each
6 single pull of the trigger.

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

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

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

22 q. "Superintendent" means the Superintendent of the State
23 Police.

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

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

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

- 1 u. "Ballistic knife" means any weapon or other device capable
2 of lethal use and which can propel a knife blade.
- 3 v. "Imitation firearm" means an object or device reasonably
4 capable of being mistaken for a firearm.
- 5 w. "Assault firearm" means:
- 6 (1) The following firearms:
- 7 Algimec AGM1 type
- 8 Any shotgun with a revolving cylinder such as the "Street
9 Sweeper" or "Striker 12"
- 10 Armalite AR-180 type
- 11 Australian Automatic Arms SAR
- 12 Avtomat Kalashnikov type semi-automatic firearms
- 13 Beretta AR-70 and BM59 semi-automatic firearms
- 14 Bushmaster Assault Rifle
- 15 Calico M-900 Assault carbine and M-900
- 16 CETME G3
- 17 Chartered Industries of Singapore SR-88 type
- 18 Colt AR-15 and CAR-15 series
- 19 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 20 Demro TAC-1 carbine type
- 21 Encom MP-9 and MP-45 carbine types
- 22 FAMAS MAS223 types
- 23 FN-FAL, FN-LAR, or FN-FNC type semi-automatic
24 firearms
- 25 Franchi SPAS 12 and LAW 12 shotguns
- 26 G3SA type
- 27 Galil type Heckler and Koch HK91, HK93, HK94, MP5,
28 PSG-1
- 29 Intratec TEC 9 and 22 semi-automatic firearms
- 30 M1 carbine type
- 31 M14S type
- 32 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 33 PJK M-68 carbine type
- 34 Plainfield Machine Company Carbine
- 35 Ruger K-Mini-14/5F and Mini-14/5RF
- 36 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 37 SKS with detachable magazine type
- 38 Spectre Auto carbine type
- 39 Springfield Armory BM59 and SAR-48 type
- 40 Sterling MK-6, MK-7 and SAR types
- 41 Steyr A.U.G. semi-automatic firearms
- 42 USAS 12 semi-automatic type shotgun
- 43 Uzi type semi-automatic firearms
- 44 Valmet M62, M71S, M76, or M78 type semi-automatic
45 firearms
- 46 Weaver Arm Nighthawk.
- 47 (2) Any firearm manufactured under any designation which is
48 substantially identical to any of the firearms listed above.

- 1 (3) A semi-automatic shotgun with either a magazine capacity
2 exceeding six rounds, a pistol grip, or a folding stock.
- 3 (4) A semi-automatic rifle with a fixed magazine capacity
4 exceeding 10 rounds. "Assault firearm" shall not include a semi-
5 automatic rifle which has an attached tubular device and which is
6 capable of operating only with .22 caliber rimfire ammunition.
- 7 (5) A part or combination of parts designed or intended to
8 convert a firearm into an assault firearm, or any combination of
9 parts from which an assault firearm may be readily assembled if
10 those parts are in the possession or under the control of the same
11 person.
- 12 (6) A firearm with a bump stock attached.
- 13 x. "Semi-automatic" means a firearm which fires a single
14 projectile for each single pull of the trigger and is self-reloading or
15 automatically chambers a round, cartridge, or bullet.
- 16 y. "Large capacity ammunition magazine" means a box, drum,
17 tube or other container which is capable of holding more than 10
18 rounds of ammunition to be fed continuously and directly therefrom
19 into a semi-automatic firearm. The term shall not include an
20 attached tubular device which is capable of holding only .22 caliber
21 rimfire ammunition.
- 22 z. "Pistol grip" means a well-defined handle, similar to that
23 found on a handgun, that protrudes conspicuously beneath the
24 action of the weapon, and which permits the shotgun to be held and
25 fired with one hand.
- 26 aa. "Antique handgun" means a handgun manufactured before
27 1898, or a replica thereof, which is recognized as being historical in
28 nature or of historical significance and either (1) utilizes a match,
29 friction, flint, or percussion ignition, or which utilizes a pin-fire
30 cartridge in which the pin is part of the cartridge or (2) does not fire
31 fixed ammunition or for which cartridge ammunition is not
32 commercially available.
- 33 bb. "Trigger lock" means a commercially available device
34 approved by the Superintendent of State Police which is operated
35 with a key or combination lock that prevents a firearm from being
36 discharged while the device is attached to the firearm. It may
37 include, but need not be limited to, devices that obstruct the barrel
38 or cylinder of the firearm, as well as devices that immobilize the
39 trigger.
- 40 cc. "Trigger locking device" means a device that, if installed on
41 a firearm and secured by means of a key or mechanically,
42 electronically or electromechanically operated combination lock,
43 prevents the firearm from being discharged without first
44 deactivating or removing the device by means of a key or
45 mechanically, electronically or electromechanically operated
46 combination lock.
- 47 dd. "Personalized handgun" means a handgun which
48 incorporates within its design a permanent programmable feature as

1 part of its manufacture that cannot be deactivated and renders the
2 personalized handgun reasonably resistant to being fired except
3 when activated by the lawful owner or other authorized user. No
4 make or model of a handgun shall be deemed to be a "personalized
5 handgun" unless the Personalized Handgun Authorization
6 Commission established pursuant to section 1 of P.L.2019, c.164
7 (C.2C:58-2.7) has determined in accordance with section 2 of
8 P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets
9 the performance standards and qualifying criteria established
10 pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

11 ee. "Bump stock" means any device or instrument for a firearm
12 that increases the rate of fire achievable with the firearm by using
13 energy from the recoil of the firearm to generate a reciprocating
14 action that facilitates repeated activation of the trigger.

15 ff. "Trigger crank" means any device or instrument to be
16 attached to a firearm that repeatedly activates the trigger of the
17 firearm through the use of a lever or other part that is turned in a
18 circular motion; provided, however, the term shall not include any
19 weapon initially designed and manufactured to fire through the use
20 of a crank or lever.

21 gg. "Armor piercing ammunition" means: (1) a projectile or
22 projectile core which may be used in a handgun and is constructed
23 entirely, excluding the presence of traces of other substances, from
24 one or a combination of tungsten alloys, steel, iron, brass, bronze,
25 beryllium copper, or depleted uranium; or (2) a full jacketed
26 projectile larger than .22 caliber designed and intended for use in a
27 handgun and whose jacket has a weight of more than 25 percent of
28 the total weight of the projectile. "Armor piercing ammunition"
29 shall not include shotgun shot required by federal or State
30 environmental or game regulations for hunting purposes, a frangible
31 projectile designed for target shooting, a projectile which the United
32 States Attorney General finds is primarily intended to be used for
33 sporting purposes, or any other projectile or projectile core which
34 the United States Attorney General finds is intended to be used for
35 industrial purposes, including a charge used in an oil gas well
36 perforating device.

37 hh. "Covert firearm" means any firearm that is constructed in a
38 shape or configuration such that it does not resemble a handgun,
39 rifle, shotgun, or machine gun including, but not limited to, a
40 firearm that resembles a key-chain, pen, cigarette lighter, cigarette
41 package, cellphone, smart phone, wallet, or cane.

42 ii. "Undetectable firearm" means a firearm that: (1) after
43 removal of all parts other than major components, is not as
44 detectable as the Security Exemplar, by walk-through metal
45 detectors calibrated and operated to detect the Security Exemplar;
46 or (2) includes a major component which, if the firearm were
47 subjected to inspection by the types of detection devices commonly
48 used at airports for security screening, would not generate an image

1 that accurately depicts the shape of the component. "Undetectable
2 firearm" shall not be construed to include a firearm subject to the
3 provisions of paragraphs (3) through (6) of subsection (p) of 18
4 U.S.C. s.922.

5 jj. "Major component" means the slide or cylinder or the frame
6 or receiver of a firearm and, in the case of a rifle or shotgun, also
7 includes the barrel.

8 kk. "Security Exemplar" means the Security Exemplar fabricated
9 in accordance with subparagraph (C) of paragraph (2) of subsection
10 (p) of 18 U.S.C. s.922.

11 ll. "Authorized user" means the lawful owner of a personalized
12 handgun or a person to whom the owner has given consent to use
13 the personalized handgun.

14 mm. "Binary trigger" means a trigger affixed to a semiautomatic
15 firearm and designed to fire a single projectile upon the pull of the
16 trigger and another projectile upon the release of the trigger.

17 (cf: P.L.2019, c.164, s.6)

18
19 2. N.J.S.2C:39-3 is amended to read as follows:

20 2C:39-3. Prohibited Weapons and Devices.

21 a. Destructive devices. Any person who knowingly has in his
22 possession any destructive device is guilty of a crime of the third
23 degree.

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

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

29 d. Defaced firearms. Any person who knowingly has in his
30 possession any firearm which has been defaced, except an antique
31 firearm or an antique handgun, is guilty of a crime of the fourth
32 degree.

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

39 f. Dum-dum or armor piercing ammunition. (1) Any person,
40 other than a law enforcement officer or persons engaged in
41 activities pursuant to subsection f. of N.J.S.2C:39-6, who
42 knowingly has in his possession any hollow nose or dum-dum
43 bullet, or (2) any person, other than a collector of firearms or
44 ammunition as curios or relics as defined in Title 18, United States
45 Code, section 921 (a) (13) and has in his possession a valid
46 Collector of Curios and Relics License issued by the Bureau of
47 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
48 his possession any armor piercing ammunition, as defined in

1 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
2 degree. For purposes of this section, a collector may possess not
3 more than three examples of each distinctive variation of the
4 ammunition described above. A distinctive variation includes a
5 different head stamp, composition, design, or color.

6 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,
7 j. or k. of this section shall apply to any member of the Armed
8 Forces of the United States or the National Guard, or except as
9 otherwise provided, to any law enforcement officer while actually
10 on duty or traveling to or from an authorized place of duty,
11 provided that his possession of the prohibited weapon or device has
12 been duly authorized under the applicable laws, regulations or
13 military or law enforcement orders.

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

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

27 (d) Nothing in subsection h. of this section shall apply to any
28 law enforcement officer who is exempted from the provisions of
29 that subsection by the Attorney General. Nothing in this section
30 shall apply to the possession of any weapon or device by a law
31 enforcement officer who has confiscated, seized or otherwise taken
32 possession of said weapon or device as evidence of the commission
33 of a crime or because he believed it to be possessed illegally by the
34 person from whom it was taken, provided that said law enforcement
35 officer promptly notifies his superiors of his possession of such
36 prohibited weapon or device.

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, or binary trigger. Any
19 person who knowingly possesses a bump stock **【as defined in**
20 **subsection ee. of N.J.S.2C:39-1 or a】** , trigger crank, or binary
21 trigger as defined in **【subsection】 subsections ee., ff., or mm. of**
22 **N.J.S.2C:39-1**, regardless of whether the person is in possession of
23 a firearm, is guilty of a crime of the third degree.
- 24 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
25 provision of law, a conviction arising out of this subsection shall
26 not merge with a conviction for possessing an assault firearm in
27 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
28 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
29 shall be imposed upon each conviction. Notwithstanding the
30 provisions of N.J.S.2C:44-5 or any other provisions of law, the
31 sentence imposed pursuant to this subsection shall be served
32 consecutively to that imposed for unlawfully possessing an assault
33 firearm in violation of subsection f. of N.J.S.2C:39-5.
- 34 m. Covert or undetectable firearms. Any person who
35 knowingly possesses any covert firearm as defined in subsection hh.
36 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
37 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
38 that is designed or modified to allow the firearm to be fired while so
39 enclosed and that disguises or obscures the shape of the firearm
40 such that it does not resemble a handgun, rifle, shotgun, or machine
41 gun is guilty of a crime of the third degree.
- 42 n. Firearms without a serial number. Any person who
43 knowingly possesses a firearm manufactured or otherwise
44 assembled using a firearm frame or firearm receiver as defined in
45 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
46 number registered with a federally licensed manufacturer including,
47 but not limited to, a firearm manufactured or otherwise assembled
48 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)

4

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

6 2C:39-9. Manufacture, Transport, Disposition and Defacement
7 of Weapons and Dangerous Instruments and Appliances.

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

13 b. Sawed-off shotguns. Any person who manufactures, causes
14 to be manufactured, transports, ships, sells or disposes of any
15 sawed-off shotgun is guilty of a crime of the third degree.

16 c. Firearm silencers. Any person who manufactures, causes to
17 be manufactured, transports, ships, sells or disposes of any firearm
18 silencer is guilty of a crime of the fourth degree.

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

45 e. Defaced firearms. Any person who defaces any firearm is
46 guilty of a crime of the third degree. Any person who knowingly
47 buys, receives, disposes of or conceals a defaced firearm, except an

1 antique firearm or an antique handgun, is guilty of a crime of the
2 fourth degree.

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

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

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

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

40 i. Transporting firearms into this State for an unlawful sale or
41 transfer. Any person who knowingly transports, ships or otherwise
42 brings into this State any firearm for the purpose of unlawfully
43 selling, transferring, giving, assigning or otherwise disposing of that
44 firearm to another individual is guilty of a crime of the second
45 degree. Any motor vehicle used by a person to transport, ship, or
46 otherwise bring a firearm into this State for unlawful sale or transfer
47 shall be subject to forfeiture in accordance with the provisions of
48 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision

1 shall not apply to innocent owners, nor shall it affect the rights of a
2 holder of a valid lien.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41
42 4. Section 4 of P.L.2017, c.323 (C.2C:58-14.1) is amended to
43 read as follows:

44 4. a. **【No】** (1) A licensed manufacturer, wholesale dealer of
45 firearms, or retail dealer of firearms in possession of a bump stock
46 **【as defined in subsection ee. of N.J.S.2C:39-1】** or **【a】** trigger crank
47 as defined in **【subsection】** subsections ee. or ff. of N.J.S.2C:39-1
48 on the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) who

1 voluntarily surrenders the bump stock or trigger crank in
2 accordance with the provisions of N.J.S.2C:39-12 or otherwise
3 lawfully disposes of the bump stock or trigger crank within 30 days
4 of the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) shall
5 not be convicted of an offense for possession of a bump stock or
6 trigger crank under subsection l. of N.J.S.2C:39-3 or unlawful
7 manufacture, transport, shipment, sale, or disposition of a bump
8 stock or trigger crank under subsection j. of N.J.S.2C:39-9.

9 (2) A licensed manufacturer, wholesale dealer of firearms, or
10 retail dealer of firearms in possession of a binary trigger as defined
11 in subsection ll. of N.J.S.2C:39-1 on the effective date of P.L. , c.
12 (pending before the Legislature as this bill) who voluntarily
13 surrenders the binary trigger in accordance with the provisions of
14 N.J.S.2C:39-12 or otherwise lawfully disposes of the binary trigger
15 within 30 days of the effective date of P.L. , c. (pending before
16 the Legislature as this bill) shall not be convicted of an offense for
17 possession of a binary trigger under subsection l. of N.J.S.2C:39-3
18 or unlawful manufacture, transport, shipment, sale, or disposition of
19 a binary trigger under subsection j. of N.J.S.2C:39-9.

20 b. (1) Except as otherwise provided in subsection a. of this
21 section with respect to licensed manufacturers, wholesale dealers of
22 firearms, and retail dealers of firearms, **[no]** a person in possession
23 of a bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a
24 trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the
25 effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) who
26 voluntarily surrenders the bump stock or trigger crank in
27 accordance with the provisions of N.J.S.2C:39-12 or otherwise
28 lawfully disposes of the bump stock or trigger crank within 90 days
29 of the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) shall
30 not be convicted of an offense for possession of a bump stock or
31 trigger crank under subsection l. of N.J.S.2C:39-3.

32 (2) Except as otherwise provided in subsection a. of this section
33 with respect to licensed manufacturers, wholesale dealers of
34 firearms, and retail dealers of firearms, a person in possession a
35 binary trigger as defined in subsection ll. of N.J.S.2C:39-1 on the
36 effective date of P.L. , c. (pending before the Legislature as this
37 bill) who voluntarily surrenders the binary trigger in accordance
38 with the provisions of N.J.S.2C:39-12 or otherwise lawfully
39 disposes of the binary trigger within 90 days of the effective date of
40 of P.L. , c. (pending before the Legislature as this bill) shall not
41 be convicted of an offense for possession of a binary trigger under
42 subsection l. of N.J.S.2C:39-3.

43 (cf: P.L.2017, c.323, s.4)

44
45 5. This act shall take effect immediately.

STATEMENT

This bill establishes a crime of possessing or selling a binary trigger. A “binary trigger” is a device affixed to a semiautomatic firearm that is designed to fire one round upon the pull of the trigger and another round upon the release of the trigger.

The bill also clarifies that a firearm affixed with a binary trigger constitutes a machine gun. Under current law, possession of a machine gun is a crime of the second degree, which is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. The bill also makes it a third degree crime to possess a binary trigger, regardless of whether the person is in possession of a firearm, and provides that the penalty for possessing a binary trigger is to run consecutively with the penalty for possessing an assault firearm or machine gun.

The bill also establishes a third degree crime of manufacturing, transporting, shipping, selling, or disposing of a binary trigger. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill allows individuals to voluntarily surrender any binary trigger in their possession to a law enforcement agency within 90 days of the bill’s effective date. Licensed manufacturers, wholesale dealers, and retailers have 30 days to voluntarily surrender their binary triggers. The bill is to take effect immediately upon enactment.

This bill is consistent with current law prohibiting the sale and possession of bump stocks and trigger cranks, which are similar devices that enable a person to fire a semiautomatic firearm at a greater rate of speed than originally intended by the firearm’s manufacturer.