

[First Reprint]

ASSEMBLY, No. 2602

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

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District 31 (Hudson)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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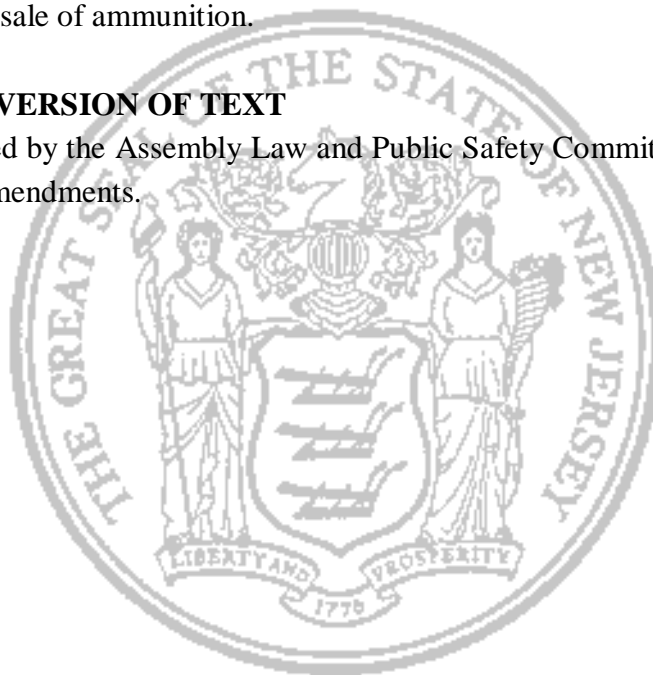
Assemblymen Epps, Gusciora, Vas, Green and Stack

SYNOPSIS

Regulates sale of ammunition.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on May 18, 2006, with amendments.



(Sponsorship Updated As Of: 5/23/2006)

1 AN ACT concerning firearms ¹~~and~~,¹ supplementing chapter 58 of
2 Title 2C of the New Jersey Statutes ¹~~and amending P.L.1992,~~
3 c.74 and P.L.1979, c.179¹.

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

7
8 1. ¹~~It shall be a crime of the fourth degree for any person to:~~¹

9 a. ¹~~Sell~~ No person shall sell¹, give, transfer, assign or
10 otherwise dispose of ¹~~any~~ , or receive, purchase, or otherwise
11 acquire¹ ammunition ¹~~to a person who is not the holder of and~~
12 cannot display ¹~~unless the purchaser, assignee, donee, receiver or~~
13 holder is licensed as a dealer under this chapter or is the holder of
14 and possesses¹ a valid firearms purchaser identification card, a
15 certified copy of a permit to purchase a handgun, a valid permit to
16 carry a handgun ¹~~,~~ ¹~~or~~ a valid New Jersey hunting license ¹~~or~~
17 valid documentation identifying the purchaser as a federal, State or
18 local law enforcement officer authorized to possess a firearm; and

19 b. Purchase, receive, acquire or possess ammunition unless the
20 person is the holder of and can display a valid firearms purchaser
21 identification card, a certified copy of a permit to purchase a
22 handgun, a valid permit to carry a handgun, a valid New Jersey
23 hunting license or valid documentation identifying the purchaser as
24 a federal, State or local law enforcement officer authorized to
25 possess a firearm] and first exhibits such card or permit to the
26 seller, donor, transferor or assignor.

27 c. No person shall sell, give, transfer, assign or otherwise
28 dispose of ammunition to a person who is under 18 years of age.

29 d. The provisions of this section shall not apply to a collector of
30 firearms or ammunition as curios or relics as defined in 18 U.S.C.
31 §921(a)(13) who possess a valid Collector of Curios and Relics
32 license issued by the Bureau of Alcohol, Tobacco, Firearms and
33 Explosives who purchases, receives, acquires, possesses, or
34 transfers ammunition which is recognized as being historical in
35 nature or of historical significance.

36 e. A person who violates this section shall be guilty of a crime
37 of the fourth degree, except that nothing contained herein shall be
38 construed to prohibit the sale, transfer, assignment or disposition of
39 ammunition to or the purchase, receipt or acceptance of ammunition
40 by a law enforcement agency or law enforcement official for law
41 enforcement purposes¹.

42 (cf: P.L.2000, c.145, s.4)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted May 18, 2006.

1 2. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read
2 as follows:

3 a. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
4 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
5 concerning the transfer or disposition of 'ammunition or' firearms,
6 the legal owner, or a dealer licensed under N.J.S. 2C:58-2, may
7 'transfer ammunition or' temporarily transfer a handgun, rifle or
8 shotgun to another person who is 18 years of age or older, whether
9 or not the person receiving the 'ammunition or' firearm holds a
10 firearms purchaser identification card or a permit to carry a
11 handgun. The person to whom 'the ammunition is transferred or to
12 whom' a handgun, rifle or shotgun is temporarily transferred by the
13 legal owner of the firearm or a licensed dealer may receive, possess,
14 carry and use that 'ammunition,' handgun, rifle or shotgun, if the
15 transfer is made upon a firing range operated by a licensed dealer,
16 by a law enforcement agency, a legally recognized military
17 organization or a rifle or pistol club which has filed a copy of its
18 charter with the superintendent and annually submits to the
19 superintendent a list of its members and if the 'ammunition or'
20 firearm is received, possessed, carried and used for the sole purpose
21 of target practice, trap or skeet shooting, or competition upon that
22 firing range or instruction and training at any location.

23 A transfer under this subsection shall be for not more than eight
24 consecutive hours in any 24-hour period and may be made for a set
25 fee or an hourly charge.

26 The firearm shall be handled and used by the person to whom it
27 is temporarily transferred only in the actual presence or under the
28 direct supervision of the legal owner of the firearm, the dealer who
29 transferred the firearm or any other person competent to supervise
30 the handling and use of firearms and authorized to act for that
31 purpose by the legal owner or licensed dealer. The legal owner of
32 the firearm or the licensed dealer shall be on the premises or the
33 property of the firing range during the entire time that the firearm is
34 in the possession of the person to whom it is temporarily
35 transferred.

36 The term "legal owner" as used in this subsection means a
37 natural person and does not include an organization, commercial
38 enterprise, or a licensed manufacturer, wholesaler or dealer of
39 firearms.

40 b. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.
41 2C:58-2, N.J.S. 2C:58-3 or any other statute to the contrary
42 concerning the transfer and disposition of 'ammunition or'
43 firearms, a legal owner of a shotgun or a rifle may 'transfer
44 ammunition or' temporarily transfer that firearm to another person
45 who is 18 years of age or older, whether or not the person receiving
46 the firearm holds a firearms purchaser identification card. The
47 person to whom 'the ammunition is transferred or to whom' a

1 shotgun or rifle is temporarily transferred by the legal owner may
2 receive, possess, carry and use that 'ammunition,' shotgun or rifle
3 in the woods or fields or upon the waters of this State for the
4 purposes of hunting if the transfer is made in the woods or fields or
5 upon the waters of this State, the shotgun or rifle is legal and
6 appropriate for hunting and the person to whom the firearm is
7 temporarily transferred possesses a valid license to hunt with a
8 firearm, and a valid rifle permit if the firearm is a rifle, obtained in
9 accordance with the provisions of chapter 3 of Title 23 of the
10 Revised Statutes.

11 The transfer of a firearm under this subsection shall be for not
12 more than eight consecutive hours in any 24-hour period and no fee
13 shall be charged for the transfer.

14 The legal owner of the firearm which is temporarily transferred
15 shall remain in the actual presence or in the vicinity of the person to
16 whom it was transferred during the entire time that the firearm is in
17 that person's possession.

18 The term "legal owner" as used in this subsection means a
19 natural person and does not include an organization, commercial
20 enterprise, or a licensed manufacturer, wholesaler or dealer of
21 firearms.

22 c. No 'ammunition or' firearm shall be temporarily transferred
23 or received under the provisions of subsections a. or b. of this
24 section for the purposes described in section 1 of P.L. 1983, c. 229
25 (C. 2C:39-14).

26 d. An owner or dealer shall not transfer a firearm to any person
27 pursuant to the provisions of this section if the owner or dealer
28 knows the person does not meet the qualifications set forth in
29 subsection c. of N.J.S. 2C:58-3 for obtaining or holding a firearms
30 purchaser identification card or a handgun purchase permit. A
31 person shall not receive, possess, carry or use a firearm pursuant to
32 the provisions of this section if the person knows he does not meet
33 the qualifications set forth in subsection c. of N.J.S. 2C:58-3 for
34 obtaining or holding a firearms purchaser identification card or a
35 handgun purchase permit.

36 (cf: P.L.2000, c.145, s.4)

37

38 3. Section 1 of P.L.1992, c.74 (C.2C:58-3.2) is amended to read
39 as follows:

40 a. Notwithstanding the provisions of N.J.S.2C:39-9,
41 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a
42 person who is certified as an instructor in the use, handling and
43 maintenance of firearms by the Police Training Commission, the
44 Division of Fish, Game and Wildlife and the State Park Service in
45 the Department of Environmental Protection, the Director of
46 Civilian Marksmanship of the United States Department of the
47 Army or by a recognized rifle or pistol association that certifies
48 instructors may transfer 'ammunition or' a firearm temporarily in

1 accordance with the terms of this section to a person participating in
2 a training course for the use, handling and maintenance of firearms
3 by the Police Training Commission, the Division of Fish, Game and
4 Wildlife, the Director of Civilian Marksmanship or by a recognized
5 rifle or pistol association that certifies instructors. The person to
6 whom 'the ammunition or' a firearm is transferred by a certified
7 instructor in accordance with the terms of this section may receive,
8 possess, carry and use the 'ammunition or' firearm temporarily
9 during the sessions of the course for the purpose of training and
10 participating in the course.

11 b. A transfer of 'ammunition or' a firearm under this section
12 may be made only if:

13 (1) the transfer is made upon a firearms range or, if the firearm
14 is unloaded, in an area designated and appropriate for the training;

15 (2) the transfer is made during the sessions of the firearms
16 course for the sole purpose of participating in the course;

17 (3) the transfer is made for not more than eight consecutive
18 hours in any 24-hour period; and

19 (4) the transferred firearm 'or ammunition' is used and handled
20 only in the actual presence and under the direct supervision of the
21 instructor.

22 c. The transfer permitted by this section may be made whether
23 or not the person participating in the course holds a firearms
24 license, firearms purchaser identification card or a handgun
25 purchase permit. However, an instructor shall not knowingly
26 transfer a firearm under the terms of this section to a person who
27 does not meet the qualifications set forth in subsection c. of
28 N.J.S.2C:58-3 for obtaining or holding a firearms purchaser
29 identification card or a handgun purchase permit, and a person who
30 knows that he does not meet such qualifications shall not receive
31 the transferred firearm under the terms of this section.

32 d. No 'ammunition or' firearm shall be transferred or received
33 under the provisions of this section for purposes described in
34 section 1 of P.L.1983, c.229 (C.2C:39-14).

35 (cf: P.L.1997, c.375, s.1)

36

37 4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
38 read as follows:

39 a. No person under the age of 18 years shall purchase, barter or
40 otherwise acquire a firearm 'or ammunition' and no person under
41 the age of 21 years shall purchase, barter or otherwise acquire a
42 handgun, unless the person is authorized to possess the handgun in
43 connection with the performance of official duties under the
44 provisions of N.J.S. 2C:39-6.

45 b. No person under the age of 18 years shall possess, carry, fire
46 or use a firearm 'or ammunition' except as provided under
47 paragraphs (1), (2), (3) and (4) of this subsection; and, unless

1 authorized in connection with the performance of official duties
2 under the provisions of N.J.S. 2C:39-6, no person under the age of
3 21 years shall possess, carry, fire or use a handgun except under the
4 following circumstances:

5 (1) In the actual presence or under the direct supervision of his
6 father, mother or guardian, or some other person who holds a permit
7 to carry a handgun or a firearms purchaser identification card, as the
8 case may be; or

9 (2) For the purpose of military drill under the auspices of a
10 legally recognized military organization and under competent
11 supervision; or

12 (3) For the purpose of competition or target practice in and upon
13 a firing range approved by the governing body of the municipality
14 in which the range is located or the National Rifle Association and
15 which is under competent supervision at the time of such
16 supervision or target practice or instruction and training at any
17 location; or

18 (4) For the purpose of hunting during the regularly designated
19 hunting season, provided that he possesses a valid hunting license
20 and has successfully completed a hunter's safety course taught by a
21 qualified instructor or conservation officer and possesses a
22 certificate indicating the successful completion of such a course.

23 c. A person who violates this section shall be guilty of a crime
24 of the fourth degree. For purposes of this section the fact that the
25 act would not constitute a crime if committed by an adult shall not
26 be deemed to prohibit or require waiver of family court jurisdiction
27 pursuant to N.J.S. 2C:4-11 or to preclude a finding of delinquency
28 under the "New Jersey Code of Juvenile Justice," P.L. 1982, c. 77
29 (C.2A:4A-20 et seq.), P.L. 1982, c. 79 (C. 2A:4A-60 et seq.), P.L.
30 1982, c. 80 (C.2A:4A-76 et seq.) and P.L. 1982, c. 81 (C. 2A:4A-70
31 et seq.).

32 (cf: P.L. 2000, c.145, s.3)

33

34 ¹[2.] 5.¹ This act shall take effect on the first day of the third
35 month following enactment.