

[First Reprint]

SENATE, No. 2470

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Regulates sale of ammunition.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety and Veterans' Affairs Committee on December 17, 2007, with amendments.



1 AN ACT concerning firearms, supplementing chapter 58 of Title 2C
 2 of the New Jersey Statutes, and amending P.L.1992, c.74,
 3 P.L.1997, c.375 and P.L.1979, c.179.

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

7
 8 1. a. ¹As used in this act, “handgun ammunition” means
 9 ammunition specifically designed to be used only in a handgun.
 10 “Handgun ammunition” shall not include blank ammunition, air gun
 11 pellets, flare gun ammunition, nail gun ammunition, paint ball
 12 ammunition, or any non-fixed ammunition.

13 b.¹ No person shall sell, give, transfer, assign or otherwise
 14 dispose of, or receive, purchase, or otherwise acquire ‘handgun’¹
 15 ammunition unless the purchaser, assignee, donee, receiver or
 16 holder is licensed as a ‘manufacturer, wholesaler, or’¹ dealer under
 17 this chapter or is the holder of and possesses a valid firearms
 18 purchaser identification card, a ‘[certified] valid’¹ copy of a permit
 19 to purchase a handgun, ‘or’¹ a valid permit to carry a handgun ‘[or
 20 a valid New Jersey hunting license]’¹ and first exhibits such card or
 21 permit to the seller, donor, transferor or assignor.

22 c. No person shall sell, give, transfer, assign or otherwise
 23 dispose of ‘handgun’¹ ammunition to a person who is under ‘[18]
 24 21’¹ years of age.

25 d. The provisions of this section shall not apply to a collector of
 26 firearms or ammunition as curios or relics ‘[as defined in 18 U.S.C.
 27 §921(a)(13) who possess a valid Collector of Curios and Relics
 28 license issued by the Bureau of Alcohol, Tobacco, Firearms and
 29 Explosives]’¹ who purchases, receives, acquires, possesses, or
 30 transfers ‘handgun’¹ ammunition which is recognized as being
 31 historical in nature or of historical significance.

32 e. A person who violates this section shall be guilty of a crime
 33 of the fourth degree, except that nothing contained herein shall be
 34 construed to prohibit the sale, transfer, assignment or disposition of
 35 ‘handgun’¹ ammunition to or the purchase, receipt or acceptance of
 36 ammunition by a law enforcement agency or law enforcement
 37 official for law enforcement purposes.

38 ¹f. Nothing in this section shall be construed to prohibit the
 39 transfer of ammunition for use in a lawfully transferred firearm in
 40 accordance with the provisions of section 1 of P.L.1992, c.74
 41 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2) or section
 42 14 of P.L.1979, c.179 (C.2C:58-6.1).’¹

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:

¹Senate SLP committee amendments adopted December 17, 2007.

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

3 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,
4 N.J.S.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,
41 N.J.S.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 firearms, a
43 legal owner of a shotgun or a rifle may transfer ammunition or
44 temporarily transfer that firearm to another person who is 18 years
45 of age or older, whether or not the person receiving the firearm
46 holds a firearms purchaser identification card. The person to whom
47 the ammunition is transferred or to whom a shotgun or rifle is
48 temporarily transferred by the legal owner may receive, possess,

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

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

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

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

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

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

34 (cf: P.L.2000, c.145, s.4)]¹

35

36 ¹[3. Section 1 of P.L.1997, c.375 (C.2C:58-3.2) is amended to
37 read as follows:

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

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

9 b. A transfer of ammunition or a firearm under this section may
10 be made only if:

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

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

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

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

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

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

33 (cf: P.L.1997, c.375, s.1)]¹

34

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

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

43 b. No person under the age of 18 years shall possess, carry, fire
44 or use a firearm or ammunition except as provided under paragraphs
45 (1), (2), (3) and (4) of this subsection; and, unless authorized in
46 connection with the performance of official duties under the
47 provisions of N.J.S.2C:39-6, no person under the age of 21 years

1 shall possess, carry, fire or use a handgun except under the
2 following circumstances:

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

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

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

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

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

30 (cf: P.L.2000, c.145, s.3)]¹

31

32 ¹[5.] 2.¹ This act shall take effect on the first day of the third
33 month following enactment.