

SENATE, No. 993

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 27, 2014

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2014)

1 AN ACT concerning 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:

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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.] i.** "Machine gun" means any firearm, mechanism or
25 instrument not requiring that the trigger be pressed for each shot
26 and having a reservoir, belt or other means of storing and carrying
27 ammunition which can be loaded into the firearm, mechanism or
28 instrument and fired therefrom.

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

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

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

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

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

- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding **[15]** 10 rounds.
- 45 (5) A part or combination of parts designed or intended to
- 46 convert a firearm into an assault firearm, or any combination of
- 47 parts from which an assault firearm may be readily assembled if

1 those parts are in the possession or under the control of the same
2 person.

3 x. "Semi-automatic" means a firearm which fires a single
4 projectile for each single pull of the trigger and is self-reloading or
5 automatically chambers a round, cartridge, or bullet.

6 y. "Large capacity ammunition magazine" means a box, drum,
7 tube or other container which is capable of holding more than **[15]**
8 10 rounds of ammunition to be fed continuously and directly
9 therefrom into a semi-automatic firearm.

10 z. "Pistol grip" means a well-defined handle, similar to that
11 found on a handgun, that protrudes conspicuously beneath the
12 action of the weapon, and which permits the shotgun to be held and
13 fired with one hand.

14 aa. "Antique handgun" means a handgun manufactured before
15 1898, or a replica thereof, which is recognized as being historical in
16 nature or of historical significance and either (1) utilizes a match,
17 friction, flint, or percussion ignition, or which utilizes a pin-fire
18 cartridge in which the pin is part of the cartridge or (2) does not fire
19 fixed ammunition or for which cartridge ammunition is not
20 commercially available.

21 bb. "Trigger lock" means a commercially available device
22 approved by the Superintendent of State Police which is operated
23 with a key or combination lock that prevents a firearm from being
24 discharged while the device is attached to the firearm. It may
25 include, but need not be limited to, devices that obstruct the barrel
26 or cylinder of the firearm, as well as devices that immobilize the
27 trigger.

28 cc. "Trigger locking device" means a device that, if installed on
29 a firearm and secured by means of a key or mechanically,
30 electronically or electromechanically operated combination lock,
31 prevents the firearm from being discharged without first
32 deactivating or removing the device by means of a key or
33 mechanically, electronically or electromechanically operated
34 combination lock.

35 dd. "Personalized handgun" means a handgun which
36 incorporates within its design, and as part of its original
37 manufacture, technology which automatically limits its operational
38 use and which cannot be readily deactivated, so that it may only be
39 fired by an authorized or recognized user. The technology limiting
40 the handgun's operational use may include, but not be limited to:
41 radio frequency tagging, touch memory, remote control, fingerprint,
42 magnetic encoding and other automatic user identification systems
43 utilizing biometric, mechanical or electronic systems. No make or
44 model of a handgun shall be deemed to be a "personalized handgun"
45 unless the Attorney General has determined, through testing or
46 other reasonable means, that the handgun meets any reliability
47 standards that the manufacturer may require for its commercially
48 available handguns that are not personalized or, if the manufacturer

1 has no such reliability standards, the handgun meets the reliability
2 standards generally used in the industry for commercially available
3 handguns.

4 (cf: P.L.2002, c.130, s.5)

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6 2. This act shall take effect on the first day of the third month
7 following enactment.

8

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10 STATEMENT

11

12 This bill revises the definition of “large capacity ammunition
13 magazine.”

14 Under current law, magazines capable of holding a maximum of
15 15 rounds of ammunition are legal in New Jersey. This bill would
16 reduce the lawful maximum capacity of ammunitions magazines in
17 New Jersey to 10 rounds.

18 This legislation is a response to the recent horrific tragedy in
19 Arizona where the assailant utilized a large capacity ammunition
20 magazine in a shooting that resulted in the deaths of six people and
21 injuries to 13 others, including Arizona Congresswoman Gabrielle
22 Giffords.