

[Second Reprint]

**SENATE, No. 2470**

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**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

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INTRODUCED JANUARY 9, 2007

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

**SYNOPSIS**

Regulates sale of ammunition.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 3, 2008.



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

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

7  
8 1. a. 'As 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.<sup>1</sup> No person shall sell, give, transfer, assign or otherwise  
14 dispose of, or receive, purchase, or otherwise acquire 'handgun'  
15 ammunition unless the purchaser, assignee, donee, receiver or  
16 holder is licensed as a 'manufacturer, wholesaler, or' dealer under  
17 this chapter or is the holder of and possesses a valid firearms  
18 purchaser identification card, a '[certified] valid' copy of a permit  
19 to purchase a handgun, 'or' a valid permit to carry a handgun '[or  
20 a valid New Jersey hunting license]' 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' ammunition to a person who is under '[18]  
24 21' 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]' who purchases, receives, acquires, possesses, or  
30 transfers 'handgun' 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' 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 'f. 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).'<sup>1</sup>

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:

<sup>1</sup>Senate SLP committee amendments adopted December 17, 2007.

<sup>2</sup>Senate floor amendments adopted January 3, 2008.

1       <sup>2</sup>g. Nothing in this section shall be construed to prohibit the sale  
2 of a de minimis amount of handgun ammunition at a firearms range  
3 operated by a licensed dealer; a law enforcement agency; a legally  
4 recognized military organization; or a rifle or pistol club which has  
5 filed a copy of its charter with the superintendent for immediate use  
6 at that range.<sup>2</sup>

7

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

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

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

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

43       The term "legal owner" as used in this subsection means a  
44 natural person and does not include an organization, commercial  
45 enterprise, or a licensed manufacturer, wholesaler or dealer of  
46 firearms.

47       b. Notwithstanding the provisions of N.J.S.2C:39-9,  
48 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary

1 concerning the transfer and disposition of ammunition or firearms, a  
2 legal owner of a shotgun or a rifle may transfer ammunition or  
3 temporarily transfer that firearm to another person who is 18 years  
4 of age or older, whether or not the person receiving the firearm  
5 holds a firearms purchaser identification card. The person to whom  
6 the ammunition is transferred or to whom a shotgun or rifle is  
7 temporarily transferred by the legal owner may receive, possess,  
8 carry and use that ammunition, shotgun or rifle in the woods or  
9 fields or upon the waters of this State for the purposes of hunting if  
10 the transfer is made in the woods or fields or upon the waters of this  
11 State, the shotgun or rifle is legal and appropriate for hunting and  
12 the person to whom the firearm is temporarily transferred possesses  
13 a valid license to hunt with a firearm, and a valid rifle permit if the  
14 firearm is a rifle, obtained in accordance with the provisions of  
15 chapter 3 of Title 23 of the Revised Statutes.

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

19 The legal owner of the firearm which is temporarily transferred  
20 shall remain in the actual presence or in the vicinity of the person to  
21 whom it was transferred during the entire time that the firearm is in  
22 that person's possession.

23 The term "legal owner" as used in this subsection means a  
24 natural person and does not include an organization, commercial  
25 enterprise, or a licensed manufacturer, wholesaler or dealer of  
26 firearms.

27 c. No ammunition or firearm shall be temporarily transferred or  
28 received under the provisions of subsections a. or b. of this section  
29 for the purposes described in section 1 of P.L.1983, c.229 (C.2C:39-  
30 14).

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

41 (cf: P.L.2000, c.145, s.4)]<sup>1</sup>

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43 <sup>1</sup>[3. Section 1 of P.L.1997, c.375 (C.2C:58-3.2) is amended to  
44 read as follows:

45 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,  
46 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a  
47 person who is certified as an instructor in the use, handling and  
48 maintenance of firearms by the Police Training Commission, the

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

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

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

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

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

24 (4) the transferred firearm or ammunition is used and handled  
25 only in the actual presence and under the direct supervision of the  
26 instructor.

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

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

40 (cf: P.L.1997, c.375, s.1)]<sup>1</sup>

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42 <sup>1</sup>[4. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to  
43 read as follows:

44 14. a. No person under the age of 18 years shall purchase, barter  
45 or otherwise acquire a firearm or ammunition and no person under  
46 the age of 21 years shall purchase, barter or otherwise acquire a  
47 handgun, unless the person is authorized to possess the handgun in

1 connection with the performance of official duties under the  
2 provisions of N.J.S.2C:39-6.

3 b. No person under the age of 18 years shall possess, carry, fire  
4 or use a firearm or ammunition except as provided under paragraphs  
5 (1), (2), (3) and (4) of this subsection; and, unless authorized in  
6 connection with the performance of official duties under the  
7 provisions of N.J.S.2C:39-6, no person under the age of 21 years  
8 shall possess, carry, fire or use a handgun except under the  
9 following circumstances:

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

14 (2) For the purpose of military drill under the auspices of a  
15 legally recognized military organization and under competent  
16 supervision; or

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

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

28 c. A person who violates this section shall be guilty of a crime  
29 of the fourth degree. For purposes of this section the fact that the  
30 act would not constitute a crime if committed by an adult shall not  
31 be deemed to prohibit or require waiver of family court jurisdiction  
32 pursuant to N.J.S. 2C:4-11 or to preclude a finding of delinquency  
33 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77  
34 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),  
35 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-  
36 70 et seq.).

37 (cf: P.L.2000, c.145, s.3)]<sup>1</sup>

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39 <sup>1</sup>[5.] 2.<sup>1</sup> This act shall take effect on the first day of the third  
40 month following enactment.