SYNOPSIS
   Establishes the reckless discharge of a firearm as a crime of the fourth degree.

CURRENT VERSION OF TEXT
   As introduced.
AN ACT concerning certain discharges of a firearm and
supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

1. A person who recklessly discharges a firearm unlawfully or
without a lawful purpose commits a crime of the fourth degree.
If the evidence so warrants, nothing in this section shall be
deemed to preclude an indictment and conviction for another related
offense.
Notwithstanding the provisions of N.J.S.2C:1-8, or any other
provisions of law, a conviction arising under this section shall not
merge with any other related conviction and a separate sentence
shall be imposed upon each such conviction.
Notwithstanding the provisions of N.J.S.2C:44-5 or any other
provisions of law, when the court imposes multiple sentences of
imprisonment for more than one offense, those sentences shall run
consecutively.

2. This act shall take effect immediately.

STATEMENT

This bill makes it a crime of the fourth degree to recklessly
discharge a firearm unlawfully or for an unlawful purpose. Fourth
degree crimes are punishable by imprisonment for a term of up to
18 months, a fine of up to $10,000, or both.

Individuals who fire guns into the air to celebrate often fail to
realize that after the bullet reaches its apex, it falls back to the earth
with almost the same velocity as when it left the barrel of the
firearm. In some instances, these “falling” bullets strike
unsuspecting individuals far from the point of the discharge,
causing serious injury and in some cases death.

Since the discharge of a firearm is not necessarily illegal, the bill
identifies two factors that would elevate certain discharges to an
offense:

(1) The reckless discharge was unlawful. “Unlawful” in this
context refers to discharges that occur in places where firing a gun
is prohibited. For example, under R.S.40:48-1 municipalities have
the authority to adopt ordinances prohibiting the discharging of
firearms within their borders. Discharging a firearm in such a
locale would establish the action as an offense under the bill.
Under New Jersey law, an individual acts recklessly when he
consciously disregards a substantial and unjustifiable risk that exists
or will result from his conduct. Such disregard involves a gross
deviation from the standard of conduct that a reasonable person
would observe in the actor's situation.

(2) The reckless discharge was for an unlawful purpose. "For an unlawful purpose" refers to unauthorized discharges. For example, licensed hunters and trap, skeet, and target shooters may legally discharge firearms. Similarly, law enforcement officers and military personnel may legally discharge firearms in the performance of their official duties and for training purposes. There are a significant number of "lawful purposes" under which a firearm may be discharged in New Jersey. This bill specifies that if the discharge was not for one of those lawful purposes, it qualifies as an offense.

In addition, the bill specifies that a conviction for a violation of its provisions does not preclude an indictment and conviction for an offense under a different section of law, and further, that any such subsequent conviction shall not be merged with the original conviction.

Finally, the bill provides that in those instances where the court imposes multiple sentences of imprisonment for more than one offense, those sentences shall run consecutively.