

[Second Reprint]

**ASSEMBLY, No. 2006**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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**SYNOPSIS**

Reduces maximum capacity of ammunition magazines to 10 rounds;  
exempts firearms with .22 caliber tubular magazines from 10 round limitation.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on May 5,  
2014, with amendments.

**(Sponsorship Updated As Of: 5/13/2014)**

1 AN ACT concerning firearms and amending N.J.S.2C:39-1 and  
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. N.J.S.2C:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this  
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique  
11 cannon" means a destructive device defined in paragraph (3) of  
12 subsection c. of this section, if the rifle, shotgun or destructive  
13 device, as the case may be, is incapable of being fired or  
14 discharged, or which does not fire fixed ammunition, regardless of  
15 date of manufacture, or was manufactured before 1898 for which  
16 cartridge ammunition is not commercially available, and is  
17 possessed as a curiosity or ornament or for its historical  
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy  
20 the name of the maker, model designation, manufacturer's serial  
21 number or any other distinguishing identification mark or number  
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object  
24 designed to explode or produce uncontrolled combustion, including  
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
26 rocket having a propellant charge of more than four ounces or any  
27 missile having an explosive or incendiary charge of more than one-  
28 quarter of an ounce; (3) any weapon capable of firing a projectile of  
29 a caliber greater than 60 caliber, except a shotgun or shotgun  
30 ammunition generally recognized as suitable for sporting purposes;  
31 (4) any Molotov cocktail or other device consisting of a breakable  
32 container containing flammable liquid and having a wick or similar  
33 device capable of being ignited. The term does not include any  
34 device manufactured for the purpose of illumination, distress  
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for  
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
38 possession.

39 e. "Explosive" means any chemical compound or mixture that  
40 is commonly used or is possessed for the purpose of producing an  
41 explosion and which contains any oxidizing and combustible  
42 materials or other ingredients in such proportions, quantities or  
43 packing that an ignition by fire, by friction, by concussion or by  
44 detonation of any part of the compound or mixture may cause such

**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>Assembly ALP committee amendments adopted March 13, 2014.

<sup>2</sup>Senate SLP committee amendments adopted May 5, 2014.

1 a sudden generation of highly heated gases that the resultant  
2 gaseous pressures are capable of producing destructive effects on  
3 contiguous objects. The term shall not include small arms  
4 ammunition, or explosives in the form prescribed by the official  
5 United States Pharmacopoeia.

6 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
7 automatic or semi-automatic rifle, or any gun, device or instrument  
8 in the nature of a weapon from which may be fired or ejected any  
9 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
10 vapor or other noxious thing, by means of a cartridge or shell or by  
11 the action of an explosive or the igniting of flammable or explosive  
12 substances. It shall also include, without limitation, any firearm  
13 which is in the nature of an air gun, spring gun or pistol or other  
14 weapon of a similar nature in which the propelling force is a spring,  
15 elastic band, carbon dioxide, compressed or other gas or vapor, air  
16 or compressed air, or is ignited by compressed air, and ejecting a  
17 bullet or missile smaller than three-eighths of an inch in diameter,  
18 with sufficient force to injure a person.

19 g. "Firearm silencer" means any instrument, attachment,  
20 weapon or appliance for causing the firing of any gun, revolver,  
21 pistol or other firearm to be silent, or intended to lessen or muffle  
22 the noise of the firing of any gun, revolver, pistol or other firearm.

23 h. "Gravity knife" means any knife which has a blade which is  
24 released from the handle or sheath thereof by the force of gravity or  
25 the application of centrifugal force.

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

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

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

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

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

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

1 (4) A semi-automatic rifle with a fixed magazine capacity  
2 exceeding ~~15~~ 10 rounds. <sup>1</sup>“Assault firearm” shall not include a  
3 semi-automatic rifle <sup>2</sup>~~with~~ which has<sup>2</sup> an attached tubular device  
4 <sup>2</sup>~~designed to accept 15 rounds,~~ and <sup>2</sup>which is<sup>2</sup> capable of  
5 operating only with .22 caliber rimfire ammunition.<sup>1</sup>

6 (5) A part or combination of parts designed or intended to  
7 convert a firearm into an assault firearm, or any combination of  
8 parts from which an assault firearm may be readily assembled if  
9 those parts are in the possession or under the control of the same  
10 person.

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

14 y. "Large capacity ammunition magazine" means a box, drum,  
15 tube or other container which is capable of holding more than ~~15~~  
16 10 rounds of ammunition to be fed continuously and directly  
17 therefrom into a semi-automatic firearm. <sup>1</sup>The term shall not  
18 include an attached tubular device <sup>2</sup>~~designed to accept 15 rounds,~~  
19 and which is<sup>2</sup> capable of <sup>2</sup>~~operating only with~~ holding only<sup>2</sup> .22  
20 caliber rimfire ammunition.<sup>1</sup>

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

25 aa. "Antique handgun" means a handgun manufactured before  
26 1898, or a replica thereof, which is recognized as being historical in  
27 nature or of historical significance and either (1) utilizes a match,  
28 friction, flint, or percussion ignition, or which utilizes a pin-fire  
29 cartridge in which the pin is part of the cartridge or (2) does not fire  
30 fixed ammunition or for which cartridge ammunition is not  
31 commercially available.

32 bb. "Trigger lock" means a commercially available device  
33 approved by the Superintendent of State Police which is operated  
34 with a key or combination lock that prevents a firearm from being  
35 discharged while the device is attached to the firearm. It may  
36 include, but need not be limited to, devices that obstruct the barrel  
37 or cylinder of the firearm, as well as devices that immobilize the  
38 trigger.

39 cc. "Trigger locking device" means a device that, if installed on  
40 a firearm and secured by means of a key or mechanically,  
41 electronically or electromechanically operated combination lock,  
42 prevents the firearm from being discharged without first  
43 deactivating or removing the device by means of a key or  
44 mechanically, electronically or electromechanically operated  
45 combination lock.

46 dd. "Personalized handgun" means a handgun which  
47 incorporates within its design, and as part of its original

1 manufacture, technology which automatically limits its operational  
2 use and which cannot be readily deactivated, so that it may only be  
3 fired by an authorized or recognized user. The technology limiting  
4 the handgun's operational use may include, but not be limited to:  
5 radio frequency tagging, touch memory, remote control, fingerprint,  
6 magnetic encoding and other automatic user identification systems  
7 utilizing biometric, mechanical or electronic systems. No make or  
8 model of a handgun shall be deemed to be a "personalized handgun"  
9 unless the Attorney General has determined, through testing or  
10 other reasonable means, that the handgun meets any reliability  
11 standards that the manufacturer may require for its commercially  
12 available handguns that are not personalized or, if the manufacturer  
13 has no such reliability standards, the handgun meets the reliability  
14 standards generally used in the industry for commercially available  
15 handguns.

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

17

18 2. (New section) Notwithstanding the provisions of subsection  
19 j. of N.J.S.2C:39-3, a retired law enforcement officer who is  
20 authorized to possess and carry a handgun pursuant to subsection l.  
21 of N.J.S.2C:39-6 may possess and carry a large capacity  
22 ammunition magazine which is capable of holding up to 15 rounds  
23 of ammunition that can be fed continuously and directly into a  
24 semi-automatic handgun.

25

26 <sup>23.</sup> (New section) Notwithstanding the provisions of  
27 N.J.S.2C:39-6, a law enforcement officer may possess and carry  
28 while on duty a large capacity ammunition magazine and possess  
29 and carry while off duty a large capacity ammunition magazine  
30 which is capable of holding up to 15 rounds of ammunition that can  
31 be fed continuously and directly into a semi-automatic firearm.<sup>2</sup>

32

33 <sup>24.</sup> (New section) Any person who legally owns a semi-  
34 automatic rifle with a fixed magazine capacity exceeding 10 rounds  
35 or a large capacity ammunition magazine as defined under  
36 subsection y. of N.J.S.2C:39-1 which is capable of holding more  
37 than 10 rounds of ammunition on the effective date of P.L. \_\_\_\_\_,  
38 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill) may  
39 retain possession of that rifle or magazine for a period not to exceed  
40 180 days from the effective date of this act. During this time  
41 period, the owner of the semi-automatic rifle or magazine shall:

42 a. Transfer the semi-automatic rifle or magazine to any person  
43 or firm lawfully entitled to own or possess that firearm or  
44 magazine;

45 b. Render the semi-automatic rifle or magazine inoperable; or

46 c. Voluntarily surrender the semi-automatic rifle or magazine  
47 pursuant to the provisions of N.J.S.2C:39-12.<sup>2</sup>

1       <sup>2</sup>5. N.J.S.2C:39-12 is amended to read as follows:

2       2C:39-12. No person shall be convicted of an offense under this  
3 chapter for possessing any firearms, weapons, destructive devices,  
4 large capacity ammunition magazines, silencers or explosives, if  
5 after giving written notice of his intention to do so, including the  
6 proposed date and time of surrender, he voluntarily surrendered the  
7 weapon, device, instrument or substance in question to the  
8 superintendent or to the chief of police in the municipality in which  
9 he resides, provided that the required notice is received by the  
10 superintendent or chief of police before any charges have been  
11 made or complaints filed against such person for the unlawful  
12 possession of the weapon, device, instrument or substance in  
13 question and before any investigation has been commenced by any  
14 law enforcement agency concerning the unlawful possession.  
15 Nothing in this section shall be construed as granting immunity  
16 from prosecution for any crime or offense except that of the  
17 unlawful possession of such weapons, devices, instruments or  
18 substances surrendered as herein provided.<sup>2</sup>

19 (cf: N.J.S.2C:39-12)

20

21       <sup>2</sup>[3] 6<sup>2</sup>. This act shall take effect <sup>2</sup>[on the first day of the third  
22 month following enactment] immediately<sup>2</sup>.