

# ASSEMBLY, No. 655

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

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**District 27 (Essex and Morris)**

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**District 20 (Union)**

**SYNOPSIS**

Reduces lawful maximum capacity of certain ammunition magazines in New Jersey.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning large capacity ammunition magazines and  
2 amending N.J.S.2C:39-1.

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  
45 a sudden generation of highly heated gases that the resultant

**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 gaseous pressures are capable of producing destructive effects on  
2 contiguous objects. The term shall not include small arms  
3 ammunition, or explosives in the form prescribed by the official  
4 United States Pharmacopoeia.

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

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

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

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

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

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

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

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

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

- 1 (5) A part or combination of parts designed or intended to  
2 convert a firearm into an assault firearm, or any combination of  
3 parts from which an assault firearm may be readily assembled if  
4 those parts are in the possession or under the control of the same  
5 person.
- 6 x. "Semi-automatic" means a firearm which fires a single  
7 projectile for each single pull of the trigger and is self-reloading or  
8 automatically chambers a round, cartridge, or bullet.
- 9 y. "Large capacity ammunition magazine" means a box, drum,  
10 tube or other container which is capable of holding more than **[15]**  
11 5 rounds of ammunition to be fed continuously and directly  
12 therefrom into a semi-automatic firearm.
- 13 z. "Pistol grip" means a well-defined handle, similar to that  
14 found on a handgun, that protrudes conspicuously beneath the  
15 action of the weapon, and which permits the shotgun to be held and  
16 fired with one hand.
- 17 aa. "Antique handgun" means a handgun manufactured before  
18 1898, or a replica thereof, which is recognized as being historical in  
19 nature or of historical significance and either (1) utilizes a match,  
20 friction, flint, or percussion ignition, or which utilizes a pin-fire  
21 cartridge in which the pin is part of the cartridge or (2) does not fire  
22 fixed ammunition or for which cartridge ammunition is not  
23 commercially available.
- 24 bb. "Trigger lock" means a commercially available device  
25 approved by the Superintendent of State Police which is operated  
26 with a key or combination lock that prevents a firearm from being  
27 discharged while the device is attached to the firearm. It may  
28 include, but need not be limited to, devices that obstruct the barrel  
29 or cylinder of the firearm, as well as devices that immobilize the  
30 trigger.
- 31 cc. "Trigger locking device" means a device that, if installed on  
32 a firearm and secured by means of a key or mechanically,  
33 electronically or electromechanically operated combination lock,  
34 prevents the firearm from being discharged without first  
35 deactivating or removing the device by means of a key or  
36 mechanically, electronically or electromechanically operated  
37 combination lock.
- 38 dd. "Personalized handgun" means a handgun which  
39 incorporates within its design, and as part of its original  
40 manufacture, technology which automatically limits its operational  
41 use and which cannot be readily deactivated, so that it may only be  
42 fired by an authorized or recognized user. The technology limiting  
43 the handgun's operational use may include, but not be limited to:  
44 radio frequency tagging, touch memory, remote control, fingerprint,  
45 magnetic encoding and other automatic user identification systems  
46 utilizing biometric, mechanical or electronic systems. No make or  
47 model of a handgun shall be deemed to be a "personalized handgun"  
48 unless the Attorney General has determined, through testing or

1 other reasonable means, that the handgun meets any reliability  
2 standards that the manufacturer may require for its commercially  
3 available handguns that are not personalized or, if the manufacturer  
4 has no such reliability standards, the handgun meets the reliability  
5 standards generally used in the industry for commercially available  
6 handguns.

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

8

9 2. This act shall take effect immediately.

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### STATEMENT

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14 This bill revises the definition of “large capacity ammunition  
15 magazine” to reduce the number of rounds of ammunition a legal  
16 magazine may hold in this State.

17 Under current law, it is unlawful to own or possess an  
18 ammunition magazine that is capable of holding more than 15  
19 rounds of ammunition.

20 This bill would reduce the maximum capacity of a legal  
21 ammunition magazine in New Jersey to five rounds.