The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2759.

This Assembly Committee Substitute adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree. Currently, under N.J.S.2C:39-3, “body armor breaching or penetrating ammunition” is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The committee substitute revises the definition of “armor piercing ammunition” to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. Under the committee substitute, the definition of “armor piercing ammunition,” would not include a shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

A person in possession of armor piercing ammunition would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than $10,000; imprisonment for a term of not more than 18 months; or both.

FISCAL IMPACT:

The Office of Legislative Services anticipates that State, county, and municipal government law enforcement agencies, prosecutor’s
offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders.

The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by the bill. The OLS lacks sufficient information to quantify the bill’s fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession of body armor penetrating handgun ammunition following enactment.