

[Second Reprint]

ASSEMBLY, No. 2761

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

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SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on April 16, 2018, with amendments.

(Sponsorship Updated As Of: 3/27/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1¹,
2 N.J.S.2C:39-3, and N.J.S.2C:39-12,¹ and supplementing chapter
3 39 of Title 2C of the New Jersey Statutes.

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

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

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

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

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

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

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

40 e. "Explosive" means any chemical compound or mixture that
41 is commonly used or is possessed for the purpose of producing an
42 explosion and which contains any oxidizing and combustible
43 materials or other ingredients in such proportions, quantities or
44 packing that an ignition by fire, by friction, by concussion or by
45 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:

¹Assembly AAP committee amendments adopted March 22, 2018.

²Senate SLP committee amendments adopted April 16, 2018.

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
47 who sells any firearm to satisfy a debt secured by the pledge of a
48 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.
- 48 v. "Imitation firearm" means an object or device reasonably
49 capable of being mistaken for a firearm.

- 1 w. "Assault firearm" means:
- 2 (1) The following firearms:
- 3 Algimec AGM1 type
- 4 Any shotgun with a revolving cylinder such as the "Street
- 5 Sweeper" or "Striker 12"
- 6 Armalite AR-180 type
- 7 Australian Automatic Arms SAR
- 8 Avtomat Kalashnikov type semi-automatic firearms
- 9 Beretta AR-70 and BM59 semi-automatic firearms
- 10 Bushmaster Assault Rifle
- 11 Calico M-900 Assault carbine and M-900
- 12 CETME G3
- 13 Chartered Industries of Singapore SR-88 type
- 14 Colt AR-15 and CAR-15 series
- 15 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 16 Demro TAC-1 carbine type
- 17 Encom MP-9 and MP-45 carbine types
- 18 FAMAS MAS223 types
- 19 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 20 Franchi SPAS 12 and LAW 12 shotguns
- 21 G3SA type
- 22 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 23 Intratec TEC 9 and 22 semi-automatic firearms
- 24 M1 carbine type
- 25 M14S type
- 26 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 27 PJK M-68 carbine type
- 28 Plainfield Machine Company Carbine
- 29 Ruger K-Mini-14/5F and Mini-14/5RF
- 30 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 31 SKS with detachable magazine type
- 32 Spectre Auto carbine type
- 33 Springfield Armory BM59 and SAR-48 type
- 34 Sterling MK-6, MK-7 and SAR types
- 35 Steyr A.U.G. semi-automatic firearms
- 36 USAS 12 semi-automatic type shotgun
- 37 Uzi type semi-automatic firearms
- 38 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 39 Weaver Arm Nighthawk.
- 40 (2) Any firearm manufactured under any designation which is
- 41 substantially identical to any of the firearms listed above.
- 42 (3) A semi-automatic shotgun with either a magazine capacity
- 43 exceeding six rounds, a pistol grip, or a folding stock.
- 44 (4) A semi-automatic rifle with a fixed magazine capacity
- 45 exceeding **[15]** 10 rounds. "Assault firearm" shall not include a
- 46 semi-automatic rifle which has an attached tubular device and which
- 47 is capable of operating only with .22 caliber rimfire ammunition.
- 48 (5) A part or combination of parts designed or intended to
- 49 convert a firearm into an assault firearm, or any combination of

1 parts from which an assault firearm may be readily assembled if
2 those parts are in the possession or under the control of the same
3 person.

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

7 y. "Large capacity ammunition magazine" means a box, drum,
8 tube or other container which is capable of holding more than **[15]**
9 10 rounds of ammunition to be fed continuously and directly
10 therefrom into a semi-automatic firearm. The term shall not include
11 an attached tubular device which is capable of holding only .22
12 caliber rimfire ammunition.

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
49 other reasonable means, that the handgun meets any reliability

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

6 (cf: P.L.2002, c.130, s.5)]¹

7

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

9 Definitions. The following definitions apply to this chapter and
10 to chapter 58:

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

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

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

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

40 e. "Explosive" means any chemical compound or mixture that
41 is commonly used or is possessed for the purpose of producing an
42 explosion and which contains any oxidizing and combustible
43 materials or other ingredients in such proportions, quantities or
44 packing that an ignition by fire, by friction, by concussion or by
45 detonation of any part of the compound or mixture may cause such
46 a sudden generation of highly heated gases that the resultant
47 gaseous pressures are capable of producing destructive effects on
48 contiguous objects. The term shall not include small arms

1 ammunition, or explosives in the form prescribed by the official
2 United States Pharmacopoeia.

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

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

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

23 i. "Machine gun" means any firearm, mechanism or instrument
24 not requiring that the trigger be pressed for each shot and having a
25 reservoir, belt or other means of storing and carrying ammunition
26 which can be loaded into the firearm, mechanism or instrument and
27 fired therefrom. A machine gun also shall include, without
28 limitation, any firearm with a trigger crank attached.

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

35 k. "Handgun" means any pistol, revolver or other firearm
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37 single hand.

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

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

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

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- 2 Any shotgun with a revolving cylinder such as the "Street
- 3 Sweeper" or "Striker 12"
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- 5 Australian Automatic Arms SAR
- 6 Avtomat Kalashnikov type semi-automatic firearms
- 7 Beretta AR-70 and BM59 semi-automatic firearms
- 8 Bushmaster Assault Rifle
- 9 Calico M-900 Assault carbine and M-900
- 10 CETME G3
- 11 Chartered Industries of Singapore SR-88 type
- 12 Colt AR-15 and CAR-15 series
- 13 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 14 Demro TAC-1 carbine type
- 15 Encom MP-9 and MP-45 carbine types
- 16 FAMAS MAS223 types
- 17 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 18 Franchi SPAS 12 and LAW 12 shotguns
- 19 G3SA type
- 20 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 21 Intratec TEC 9 and 22 semi-automatic firearms
- 22 M1 carbine type
- 23 M14S type
- 24 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 25 PJK M-68 carbine type
- 26 Plainfield Machine Company Carbine
- 27 Ruger K-Mini-14/5F and Mini-14/5RF
- 28 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 29 SKS with detachable magazine type
- 30 Spectre Auto carbine type
- 31 Springfield Armory BM59 and SAR-48 type
- 32 Sterling MK-6, MK-7 and SAR types
- 33 Steyr A.U.G. semi-automatic firearms
- 34 USAS 12 semi-automatic type shotgun
- 35 Uzi type semi-automatic firearms
- 36 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 37 Weaver Arm Nighthawk.
- 38 (2) Any firearm manufactured under any designation which is
- 39 substantially identical to any of the firearms listed above.
- 40 (3) A semi-automatic shotgun with either a magazine capacity
- 41 exceeding six rounds, a pistol grip, or a folding stock.
- 42 (4) A semi-automatic rifle with a fixed magazine capacity
- 43 exceeding **[15]** 10 rounds. "Assault firearm" shall not include a
- 44 semi-automatic rifle which has an attached tubular device and which
- 45 is capable of operating only with .22 caliber rimfire ammunition.
- 46 (5) A part or combination of parts designed or intended to
- 47 convert a firearm into an assault firearm, or any combination of
- 48 parts from which an assault firearm may be readily assembled if

- 1 those parts are in the possession or under the control of the same
2 person.
- 3 (6) A firearm with a bump stock attached.
- 4 x. "Semi-automatic" means a firearm which fires a single
5 projectile for each single pull of the trigger and is self-reloading or
6 automatically chambers a round, cartridge, or bullet.
- 7 y. "Large capacity ammunition magazine" means a box, drum,
8 tube or other container which is capable of holding more than **[15]**
9 10 rounds of ammunition to be fed continuously and directly
10 therefrom into a semi-automatic firearm. The term shall not include
11 an attached tubular device which is capable of holding only .22
12 caliber rimfire ammunition.
- 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
49 other reasonable means, that the handgun meets any reliability

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

6 ee. "Bump stock" means any device or instrument for a firearm
7 that increases the rate of fire achievable with the firearm by using
8 energy from the recoil of the firearm to generate a reciprocating
9 action that facilitates repeated activation of the trigger.

10 ff. "Trigger crank" means any device or instrument to be
11 attached to a firearm that repeatedly activates the trigger of the
12 firearm through the use of a lever or other part that is turned in a
13 circular motion; provided, however, the term shall not include any
14 weapon initially designed and manufactured to fire through the use
15 of a crank or lever.¹

16 (cf: P.L.2017, c.323, s.1)

17

18 ¹2. N.J.S.2C:39-3 is amended to read as follows:

19 2C:39-3. Prohibited Weapons and Devices.

20 a. Destructive devices. Any person who knowingly has in his
21 possession any destructive device is guilty of a crime of the third
22 degree.

23 b. Sawed-off shotguns. Any person who knowingly has in his
24 possession any sawed-off shotgun is guilty of a crime of the third
25 degree.

26 c. Silencers. Any person who knowingly has in his possession
27 any firearm silencer is guilty of a crime of the fourth degree.

28 d. Defaced firearms. Any person who knowingly has in his
29 possession any firearm which has been defaced, except an antique
30 firearm or an antique handgun, is guilty of a crime of the fourth
31 degree.

32 e. Certain weapons. Any person who knowingly has in his
33 possession any gravity knife, switchblade knife, dagger, dirk,
34 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
35 or similar leather band studded with metal filings or razor blades
36 imbedded in wood, ballistic knife, without any explainable lawful
37 purpose, is guilty of a crime of the fourth degree.

38 f. Dum-dum or body armor penetrating bullets. (1) Any
39 person, other than a law enforcement officer or persons engaged in
40 activities pursuant to subsection f. of N.J.S.2C:39-6, who
41 knowingly has in his possession any hollow nose or dum-dum
42 bullet, or (2) any person, other than a collector of firearms or
43 ammunition as curios or relics as defined in Title 18, United States
44 Code, section 921 (a) (13) and has in his possession a valid
45 Collector of Curios and Relics License issued by the Bureau of
46 Alcohol, Tobacco and Firearms, who knowingly has in his
47 possession any body armor breaching or penetrating ammunition,
48 which means: (a) ammunition primarily designed for use in a
49 handgun, and (b) which is comprised of a bullet whose core or

1 jacket, if the jacket is thicker than .025 of an inch, is made of
2 tungsten carbide, or hard bronze, or other material which is harder
3 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
4 and (c) is therefore capable of breaching or penetrating body armor,
5 is guilty of a crime of the fourth degree. For purposes of this
6 section, a collector may possess not more than three examples of
7 each distinctive variation of the ammunition described above. A
8 distinctive variation includes a different head stamp, composition,
9 design, or color.

10 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
11 or k. of this section shall apply to any member of the Armed Forces
12 of the United States or the National Guard, or except as otherwise
13 provided, to any law enforcement officer while actually on duty or
14 traveling to or from an authorized place of duty, provided that his
15 possession of the prohibited weapon or device has been duly
16 authorized under the applicable laws, regulations or military or law
17 enforcement orders.

18 Nothing in subsection h. of this section shall apply to any law
19 enforcement officer who is exempted from the provisions of that
20 subsection by the Attorney General. Nothing in this section shall
21 apply to the possession of any weapon or device by a law
22 enforcement officer who has confiscated, seized or otherwise taken
23 possession of said weapon or device as evidence of the commission
24 of a crime or because he believed it to be possessed illegally by the
25 person from whom it was taken, provided that said law enforcement
26 officer promptly notifies his superiors of his possession of such
27 prohibited weapon or device.

28 (2) a. Nothing in subsection f. (1) shall be construed to prevent
29 a person from keeping such ammunition at his dwelling, premises
30 or other land owned or possessed by him, or from carrying such
31 ammunition from the place of purchase to said dwelling or land, nor
32 shall subsection f. (1) be construed to prevent any licensed retail or
33 wholesale firearms dealer from possessing such ammunition at its
34 licensed premises, provided that the seller of any such ammunition
35 shall maintain a record of the name, age and place of residence of
36 any purchaser who is not a licensed dealer, together with the date of
37 sale and quantity of ammunition sold.

38 b. Nothing in subsection f.(1) shall be construed to prevent a
39 designated employee or designated licensed agent for a nuclear
40 power plant under the license of the Nuclear Regulatory
41 Commission from possessing hollow nose ammunition while in the
42 actual performance of his official duties, if the federal licensee
43 certifies that the designated employee or designated licensed agent
44 is assigned to perform site protection, guard, armed response or
45 armed escort duties and is appropriately trained and qualified, as
46 prescribed by federal regulation, to perform those duties.

47 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
48 shall be construed to prevent any licensed retail or wholesale
49 firearms dealer from possessing that ammunition or large capacity

1 ammunition magazine at its licensed premises for sale or disposition
2 to another licensed dealer, the Armed Forces of the United States or
3 the National Guard, or to a law enforcement agency, provided that
4 the seller maintains a record of any sale or disposition to a law
5 enforcement agency. The record shall include the name of the
6 purchasing agency, together with written authorization of the chief
7 of police or highest ranking official of the agency, the name and
8 rank of the purchasing law enforcement officer, if applicable, and
9 the date, time and amount of ammunition sold or otherwise
10 disposed. A copy of this record shall be forwarded by the seller to
11 the Superintendent of the Division of State Police within 48 hours
12 of the sale or disposition.

13 (4) Nothing in subsection a. of this section shall be construed to
14 apply to antique cannons as exempted in subsection d. of
15 N.J.S.2C:39-6.

16 (5) Nothing in subsection c. of this section shall be construed to
17 apply to any person who is specifically identified in a special deer
18 management permit issued by the Division of Fish and Wildlife to
19 utilize a firearm silencer as part of an alternative deer control
20 method implemented in accordance with a special deer management
21 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
22 while the person is in the actual performance of the permitted
23 alternative deer control method and while going to and from the
24 place where the permitted alternative deer control method is being
25 utilized. This exception shall not, however, otherwise apply to any
26 person to authorize the purchase or possession of a firearm silencer.

27 h. Stun guns. Any person who knowingly has in his possession
28 any stun gun is guilty of a crime of the fourth degree.

29 i. Nothing in subsection e. of this section shall be construed to
30 prevent any guard in the employ of a private security company, who
31 is licensed to carry a firearm, from the possession of a nightstick
32 when in the actual performance of his official duties, provided that
33 he has satisfactorily completed a training course approved by the
34 Police Training Commission in the use of a nightstick.

35 j. Any person who knowingly has in his possession a large
36 capacity ammunition magazine is guilty of a crime of the fourth
37 degree unless the person has registered:

38 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
39 (C.2C:58-12) and the magazine is maintained and used in
40 connection with participation in competitive shooting matches
41 sanctioned by the Director of Civilian Marksmanship of the United
42 States Department of the Army **[.]** ; or

43 (2) a firearm with a fixed magazine capacity ²or detachable
44 magazine² capable of holding up to 15 rounds pursuant to section 7
45 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

47 k. Handcuffs. Any person who knowingly has in his
48 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
49 under circumstances not manifestly appropriate for such lawful uses

1 as handcuffs may have, is guilty of a disorderly persons offense. A
 2 law enforcement officer shall confiscate handcuffs possessed in
 3 violation of the law.

4 1. Bump stock or trigger crank. Any person who knowingly
 5 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
 6 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
 7 regardless of whether the person is in possession of a firearm, is
 8 guilty of a crime of the third degree.

9 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
 10 provision of law, a conviction arising out of this subsection shall
 11 not merge with a conviction for possessing an assault firearm in
 12 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
 13 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
 14 shall be imposed upon each conviction. Notwithstanding the
 15 provisions of N.J.S.2C:44-5 or any other provisions of law, the
 16 sentence imposed pursuant to this subsection shall be served
 17 consecutively to that imposed for unlawfully possessing an assault
 18 firearm in violation of subsection f. of N.J.S.2C:39-5.¹

19 (cf: P.L.2017, c.323, s.2)

20

21 ¹**[2.] 3.**¹ (New section) Notwithstanding the provisions of
 22 subsection j. of N.J.S.2C:39-3, a retired law enforcement officer
 23 who is authorized to possess and carry a handgun pursuant to
 24 subsection l. of N.J.S.2C:39-6 may possess and carry a large
 25 capacity ammunition magazine which is capable of holding up to 15
 26 rounds of ammunition that can be fed continuously and directly into
 27 a semi-automatic handgun.

28

29 ¹**[3.** (New section) Notwithstanding the provisions of
 30 N.J.S.2C:39-6, a law enforcement officer may possess and carry
 31 while on duty a large capacity ammunition magazine and possess
 32 and carry while off duty a large capacity ammunition magazine
 33 which is capable of holding up to 15 rounds of ammunition that can
 34 be fed continuously and directly into a semi-automatic firearm.]¹

35

36 ¹4. (New section) The provisions of P.L. , c. (C.)
 37 (pending before the Legislature as this bill) shall not apply to the
 38 possession of a large capacity ammunition magazine solely used as
 39 a prop for a motion picture, television, or video production,
 40 provided the large capacity ammunition magazine has been
 41 reconfigured to fire blank ammunition and remains under the
 42 control of a federal firearms license holder.¹

43

44 ¹**[4.] 5.**¹ (New section) ¹**[Any]** Except as provided in section
 45 7 of P.L. , c. (C.) (pending before the Legislature as this
 46 bill),¹ a person who legally owns a semi-automatic rifle with a fixed
 47 magazine capacity exceeding 10 rounds or a large capacity
 48 ammunition magazine as defined under subsection y. of

1 N.J.S.2C:39-1 which is capable of holding more than 10 rounds of
 2 ammunition on the effective date of P.L. , c. (C.) (pending
 3 before the Legislature as this bill) may retain possession of that rifle
 4 or magazine for a period not to exceed 180 days ¹~~from~~ after¹ the
 5 effective date of this act. During this time period, the owner of the
 6 semi-automatic rifle or magazine shall:

7 a. Transfer the semi-automatic rifle or magazine to any person
 8 or firm lawfully entitled to own or possess that firearm or
 9 magazine;

10 b. Render the semi-automatic rifle or magazine inoperable ¹or
 11 permanently modify a large capacity ammunition magazine to
 12 accept 10 rounds or less¹; or

13 c. Voluntarily surrender the semi-automatic rifle or magazine
 14 pursuant to the provisions of N.J.S.2C:39-12.

15

16 ¹**[5.]** 6.¹ N.J.S.2C:39-12 is amended to read as follows:

17 2C:39-12. No person shall be convicted of an offense under this
 18 chapter for possessing any firearms, weapons, destructive devices,
 19 large capacity ammunition magazines, silencers or explosives, if
 20 after giving written notice of his intention to do so, including the
 21 proposed date and time of surrender, he voluntarily surrendered the
 22 weapon, device, instrument or substance in question to the
 23 superintendent or to the chief of police in the municipality in which
 24 he resides, provided that the required notice is received by the
 25 superintendent or chief of police before any charges have been
 26 made or complaints filed against such person for the unlawful
 27 possession of the weapon, device, instrument or substance in
 28 question and before any investigation has been commenced by any
 29 law enforcement agency concerning the unlawful possession.
 30 Nothing in this section shall be construed as granting immunity
 31 from prosecution for any crime or offense except that of the
 32 unlawful possession of such weapons, devices, instruments or
 33 substances surrendered as herein provided.
 34 (cf: N.J.S.2C:39-12)

35

36 ¹7. (New section) a. A person who legally owns a firearm
 37 ²with a fixed magazine capacity holding up to 15 rounds which is
 38 incapable of being modified to accommodate 10 or less rounds and
 39 was purchased on or ²as set forth in paragraph (1) or (2) of this
 40 subsection² prior to the effective date of P.L. , c. (C.)
 41 (pending before the Legislature as this bill) shall register that
 42 firearm within one year from the effective date²[this act]:

43 (1) a firearm with a fixed magazine capacity holding up to 15
 44 rounds which is incapable of being modified to accommodate 10 or
 45 less rounds; or

46 (2) a firearm which only accepts a detachable magazine with a
 47 capacity of up to 15 rounds which is incapable of being modified to
 48 accommodate 10 or less rounds² .

1 ²b.² In order to register the firearm ²pursuant to subsection a. of
2 this section², the owner shall:

3 (1) complete a registration statement, in the form to be
4 prescribed by the Superintendent of the State Police;

5 (2) pay a registration fee of \$50 per firearm; and

6 (3) produce for inspection a valid firearms purchaser
7 identification card, permit to carry a handgun, or permit to purchase
8 a handgun.

9 ²[b.] c.² The information provided in the registration
10 statement established pursuant to subsection ²[a.] b.² of this section
11 shall include, but shall not be limited to: the name and address of
12 the registrant; the number or numbers on the registrant's firearms
13 purchaser identification card, permit to carry a handgun, or permit
14 to purchase a handgun; and the make, model, and serial number of
15 the firearm being registered. Each registration statement shall be
16 signed by the registrant, and the signature shall constitute a
17 representation of the accuracy of the information contained in the
18 registration statement.

19 ²[c.] d.² An applicant shall register the firearm in the law
20 enforcement agency of the municipality in which the applicant
21 resides or, if the municipality does not have a municipal law
22 enforcement agency, any State Police station.

23 ²[d.] e.² Within 60 days of the effective date of P.L. _____, c.
24 (C. _____) (pending before the Legislature as this bill), the
25 superintendent shall prepare the form of registration statement as
26 described in subsection ²[b.] c.² of this section and shall provide a
27 suitable supply of statements to each organized full-time municipal
28 police department and each State Police station.

29 ²[e.] f.² One copy of the completed registration statement shall
30 be returned to the registrant, a second copy shall be sent to the
31 ²[Superintendent] superintendent², and, if the registration takes
32 place at a municipal police department, a third copy shall be
33 retained by that municipal police department.

34 ²[f.] g.² The heir or estate of an owner of a firearm which has
35 been registered pursuant to this section shall within 90 days after
36 the owner's death dispose of that firearm in accordance with section
37 5 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
38 bill)^{1 2 2}

39

40 ¹[6.] 8.¹ This act shall take effect immediately.