

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2761

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 22, 2018

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2761, with committee amendments.

As amended and reported by the committee, Assembly Bill No. 2761 bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the amended bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The amended bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the amended bill, a person who legally owns a firearm with a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds and was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to complete a registration statement, pay a \$50 fee, and produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant's firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The amended bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the amended bill exempts from the 10 round limitation those semi-automatic rifles which have an attached tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession of a popular beginner gun, the Marlin Model 60,

often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The amended bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The amended bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) allow a person who legally owned a firearm with a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds and was purchased on or prior to the bill’s effective date to retain possession of the firearm provided it is registered with a law enforcement agency;

2) remove from the bill a provision regarding a law enforcement officer’s ability to possess and carry a large capacity magazine while on and off duty;

3) exempt large-capacity magazines under the control of a federal firearms license holder that have been reconfigured to fire blank ammunition for motion pictures, television, or video productions;

4) clarify that a person may permanently modify a large capacity ammunition magazine to accept 10 rounds or less; and

5) make a technical correction to update a provision of the bill to reflect the changes made pursuant to P.L.2017, c.323.

FISCAL IMPACT:

The OLS estimates the bill may increase State revenues and expenditures by indeterminate amounts, and may also cause local revenues and expenditures to increase by indeterminate amounts.

The bill requires legal owners of firearms with fixed magazine capacities of up to 15 rounds, which cannot be modified to accommodate fewer rounds, to register those firearms with either the State Police Superintendent or the municipal law enforcement agency within one year, and to pay a registration fee of \$50 per firearm. This

may result in additional State and local revenue of indeterminate amounts.

In revising the definition of semi-automatic rifles considered to be an assault firearm as those with a fixed magazine capacity exceeding 10 rather than 15 rounds, the bill makes possession of such weapons, if unlicensed or unregistered, a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of such magazines, if unregistered, a crime of the fourth degree. Conviction of such a crime entails penalties of up to \$10,000, but there is no presumption of incarceration. Accordingly, the bill may cause State revenues from fine collections to increase by indeterminate amounts, and may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities.