

[First Reprint]

ASSEMBLY, No. 3129

STATE OF NEW JERSEY
218th LEGISLATURE

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**Assemblyman Holley, Assemblywoman Swain, Assemblymen Tully,
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SYNOPSIS

Establishes crimes of purchasing firearm parts to unlawfully manufacture firearms without a serial number, manufacturing or possessing covert or undetectable firearms, and manufacturing or facilitating the manufacture of firearms using a three-dimensional printer.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on September 17, 2018, with amendments.

(Sponsorship Updated As Of: 9/28/2018)

1 AN ACT concerning ¹**[untraceable]**¹ firearms and amending
2 ¹**[N.J.S.2C:39-9]** various parts of the statutory law¹.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹1. 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted September 17, 2018.

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. A machine gun also shall include, without
30 limitation, any firearm with a trigger crank attached.

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, stiletos, 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 10 rounds. "Assault firearm" shall not include a semi-

1 automatic rifle which has an attached tubular device and which is
2 capable of operating only with .22 caliber rimfire ammunition.

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

8 (6) A firearm with a bump stock attached.

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

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

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

22 aa. "Antique handgun" means a handgun manufactured before
23 1898, or a replica thereof, which is recognized as being historical in
24 nature or of historical significance and either (1) utilizes a match,
25 friction, flint, or percussion ignition, or which utilizes a pin-fire
26 cartridge in which the pin is part of the cartridge or (2) does not fire
27 fixed ammunition or for which cartridge ammunition is not
28 commercially available.

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

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

43 dd. "Personalized handgun" means a handgun which
44 incorporates within its design, and as part of its original
45 manufacture, technology which automatically limits its operational
46 use and which cannot be readily deactivated, so that it may only be
47 fired by an authorized or recognized user. The technology limiting
48 the handgun's operational use may include, but not be limited to:

1 radio frequency tagging, touch memory, remote control, fingerprint,
2 magnetic encoding and other automatic user identification systems
3 utilizing biometric, mechanical or electronic systems. No make or
4 model of a handgun shall be deemed to be a "personalized handgun"
5 unless the Attorney General has determined, through testing or
6 other reasonable means, that the handgun meets any reliability
7 standards that the manufacturer may require for its commercially
8 available handguns that are not personalized or, if the manufacturer
9 has no such reliability standards, the handgun meets the reliability
10 standards generally used in the industry for commercially available
11 handguns.

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

16 ff. "Trigger crank" means any device or instrument to be
17 attached to a firearm that repeatedly activates the trigger of the
18 firearm through the use of a lever or other part that is turned in a
19 circular motion; provided, however, the term shall not include any
20 weapon initially designed and manufactured to fire through the use
21 of a crank or lever.

22 gg. "Armor piercing ammunition" means: (1) a projectile or
23 projectile core which may be used in a handgun and is constructed
24 entirely, excluding the presence of traces of other substances, from
25 one or a combination of tungsten alloys, steel, iron, brass, bronze,
26 beryllium copper, or depleted uranium; or (2) a full jacketed
27 projectile larger than .22 caliber designed and intended for use in a
28 handgun and whose jacket has a weight of more than 25 percent of
29 the total weight of the projectile. "Armor piercing ammunition"
30 shall not include shotgun shot required by federal or State
31 environmental or game regulations for hunting purposes, a frangible
32 projectile designed for target shooting, a projectile which the United
33 States Attorney General finds is primarily intended to be used for
34 sporting purposes, or any other projectile or projectile core which
35 the United States Attorney General finds is intended to be used for
36 industrial purposes, including a charge used in an oil gas well
37 perforating device.

38 hh. "Covert firearm" means any firearm that is constructed in a
39 shape or configuration such that it does not resemble a handgun,
40 rifle, shotgun, or machine gun including, but not limited to, a
41 firearm that resembles a key-chain, pen, cigarette lighter, cigarette
42 package, cellphone, smart phone, wallet, or cane.

43 ii. "Undetectable firearm" means a firearm constructed entirely
44 of non-metal substances, or a firearm that does not include at least
45 one major component, such as the barrel, slide, cylinder, frame or
46 receiver of the firearm, that is made entirely of metal such that, if
47 the firearm were subjected to inspection by the types of detection
48 devices commonly used at airports for security screening, it would

1 not generate an image that accurately depicts the shape of the
2 component.¹

3 (cf: P.L.2018, c.39, s.1)

4

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

6 2C:39-3. Prohibited Weapons and Devices.

7 a. Destructive devices. Any person who knowingly has in his
8 possession any destructive device is guilty of a crime of the third
9 degree.

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

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

15 d. Defaced firearms. Any person who knowingly has in his
16 possession any firearm which has been defaced, except an antique
17 firearm or an antique handgun, is guilty of a crime of the fourth
18 degree.

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

25 f. Dum-dum or armor piercing ammunition. (1) Any person,
26 other than a law enforcement officer or persons engaged in
27 activities pursuant to subsection f. of N.J.S.2C:39-6, who
28 knowingly has in his possession any hollow nose or dum-dum
29 bullet, or (2) any person, other than a collector of firearms or
30 ammunition as curios or relics as defined in Title 18, United States
31 Code, section 921 (a) (13) and has in his possession a valid
32 Collector of Curios and Relics License issued by the Bureau of
33 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
34 his possession any armor piercing ammunition as defined in
35 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth
36 degree. For purposes of this section, a collector may possess not
37 more than three examples of each distinctive variation of the
38 ammunition described above. A distinctive variation includes a
39 different head stamp, composition, design, or color.

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

1 Nothing in subsection h. of this section shall apply to any law
2 enforcement officer who is exempted from the provisions of that
3 subsection by the Attorney General. Nothing in this section shall
4 apply to the possession of any weapon or device by a law
5 enforcement officer who has confiscated, seized or otherwise taken
6 possession of said weapon or device as evidence of the commission
7 of a crime or because he believed it to be possessed illegally by the
8 person from whom it was taken, provided that said law enforcement
9 officer promptly notifies his superiors of his possession of such
10 prohibited weapon or device.

11 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
12 person from keeping such ammunition at his dwelling, premises or
13 other land owned or possessed by him, or from carrying such
14 ammunition from the place of purchase to said dwelling or land, nor
15 shall subsection f. (1) be construed to prevent any licensed retail or
16 wholesale firearms dealer from possessing such ammunition at its
17 licensed premises, provided that the seller of any such ammunition
18 shall maintain a record of the name, age and place of residence of
19 any purchaser who is not a licensed dealer, together with the date of
20 sale and quantity of ammunition sold.

21 b. Nothing in subsection f.(1) shall be construed to prevent a
22 designated employee or designated licensed agent for a nuclear
23 power plant under the license of the Nuclear Regulatory
24 Commission from possessing hollow nose ammunition while in the
25 actual performance of his official duties, if the federal licensee
26 certifies that the designated employee or designated licensed agent
27 is assigned to perform site protection, guard, armed response or
28 armed escort duties and is appropriately trained and qualified, as
29 prescribed by federal regulation, to perform those duties.

30 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
31 shall be construed to prevent any licensed retail or wholesale
32 firearms dealer from possessing that ammunition or large capacity
33 ammunition magazine at its licensed premises for sale or disposition
34 to another licensed dealer, the Armed Forces of the United States or
35 the National Guard, or to a law enforcement agency, provided that
36 the seller maintains a record of any sale or disposition to a law
37 enforcement agency. The record shall include the name of the
38 purchasing agency, together with written authorization of the chief
39 of police or highest ranking official of the agency, the name and
40 rank of the purchasing law enforcement officer, if applicable, and
41 the date, time and amount of ammunition sold or otherwise
42 disposed. A copy of this record shall be forwarded by the seller to
43 the Superintendent of the Division of State Police within 48 hours
44 of the sale or disposition.

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

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

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

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

20 j. Any person who knowingly has in his possession a large
21 capacity ammunition magazine is guilty of a crime of the fourth
22 degree unless the person has registered: (1) an assault firearm
23 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the
24 magazine is maintained and used in connection with participation in
25 competitive shooting matches sanctioned by the Director of Civilian
26 Marksmanship of the United States Department of the Army ; or

27 (2) a firearm with a fixed magazine capacity or detachable
28 magazine capable of holding up to 15 rounds pursuant to section 7
29 of P.L.2018, c.39 (C.2C:39-20).

30 k. Handcuffs. Any person who knowingly has in his
31 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
32 under circumstances not manifestly appropriate for such lawful uses
33 as handcuffs may have, is guilty of a disorderly persons offense. A
34 law enforcement officer shall confiscate handcuffs possessed in
35 violation of the law.

36 l. Bump stock or trigger crank. Any person who knowingly
37 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
38 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
39 regardless of whether the person is in possession of a firearm, is
40 guilty of a crime of the third degree.

41 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
42 provision of law, a conviction arising out of this subsection shall
43 not merge with a conviction for possessing an assault firearm in
44 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
45 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
46 shall be imposed upon each conviction. Notwithstanding the
47 provisions of N.J.S.2C:44-5 or any other provisions of law, the
48 sentence imposed pursuant to this subsection shall be served

1 consecutively to that imposed for unlawfully possessing an assault
2 firearm in violation of subsection f. of N.J.S.2C:39-5.
3 m. Covert or undetectable firearms. Any person who
4 knowingly possesses any covert firearm as defined in subsection hh.
5 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
6 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
7 that is designed or modified to allow the firearm to be fired while so
8 enclosed and that disguises or obscures the shape of the firearm
9 such that it does not resemble a handgun, rifle, shotgun, or machine
10 gun is guilty a crime of the third degree.¹
11 (cf: P.L.2018, c.39, s.2).

12
13 **¹[1.] 3.**¹ N.J.S.2C:39-9 is amended to read as follows:
14 2C:39-9. Manufacture, Transport, Disposition and Defacement
15 of Weapons and Dangerous Instruments and Appliances. a. Machine
16 guns. Any person who manufactures, causes to be manufactured,
17 transports, ships, sells or disposes of any machine gun without
18 being registered or licensed to do so as provided in chapter 58 ¹of
19 Title 2C of the New Jersey Statutes¹ is guilty of a crime of the third
20 degree.

21 b. Sawed-off shotguns. Any person who manufactures, causes
22 to be manufactured, transports, ships, sells or disposes of any
23 sawed-off shotgun is guilty of a crime of the third degree.

24 c. Firearm silencers. Any person who manufactures, causes to
25 be manufactured, transports, ships, sells or disposes of any firearm
26 silencer is guilty of a crime of the fourth degree.

27 d. Weapons. Any person who manufactures, causes to be
28 manufactured, transports, ships, sells or disposes of any weapon,
29 including gravity knives, switchblade knives, ballistic knives,
30 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
31 sandclubs, slingshots, cesti or similar leather bands studded with
32 metal filings, or, except as otherwise provided in subsection i. of
33 this section, in the case of firearms if he is not licensed or registered
34 to do so as provided in chapter 58 ¹of Title 2C of the New Jersey
35 Statutes¹, is guilty of a crime of the fourth degree. Any person
36 who manufactures, causes to be manufactured, transports, ships,
37 sells or disposes of any weapon or other device which projects,
38 releases or emits tear gas or other substances intended to produce
39 temporary physical discomfort or permanent injury through being
40 vaporized or otherwise dispensed in the air, which is intended to be
41 used for any purpose other than for authorized military or law
42 enforcement purposes by duly authorized military or law
43 enforcement personnel or the device is for the purpose of personal
44 self-defense, is pocket-sized and contains not more than three-
45 quarters of an ounce of chemical substance not ordinarily capable of
46 lethal use or of inflicting serious bodily injury, or other than to be
47 used by any person permitted to possess such weapon or device

1 under the provisions of subsection d. of N.J.S.2C:39-5, which is
2 intended for use by financial and other business institutions as part
3 of an integrated security system, placed at fixed locations, for the
4 protection of money and property, by the duly authorized personnel
5 of those institutions, is guilty of a crime of the fourth degree.

6 e. Defaced firearms. Any person who defaces any firearm is
7 guilty of a crime of the third degree. Any person who knowingly
8 buys, receives, disposes of or conceals a defaced firearm, except an
9 antique firearm or an antique handgun, is guilty of a crime of the
10 fourth degree.

11 f. (1) Any person who manufactures, causes to be
12 manufactured, transports, ships, sells, or disposes of any ¹bullet,
13 which is primarily designed for use in a handgun, and which is
14 comprised of a bullet whose core or jacket, if the jacket is thicker
15 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
16 other material which is harder than a rating of 72 or greater on the
17 Rockwell B. Hardness Scale, and is therefore capable of breaching
18 or penetrating body armor and armor piercing ammunition as
19 defined in subsection gg. of N.J.S.2C:39-1¹ which is intended to be
20 used for any purpose other than for authorized military or law
21 enforcement purposes by duly authorized military or law
22 enforcement personnel, is guilty of a crime of the fourth degree.

23 (2) Nothing in this subsection shall be construed to prevent a
24 licensed collector of ammunition as defined in paragraph (2) of
25 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
26 in paragraph (1) of this subsection from (a) any licensed retail or
27 wholesale firearms dealer's place of business to the collector's
28 dwelling, premises, or other land owned or possessed by him, or (b)
29 to or from the collector's dwelling, premises or other land owned or
30 possessed by him to any gun show for the purposes of display, sale,
31 trade, or transfer between collectors, or (c) to or from the collector's
32 dwelling, premises or other land owned or possessed by him to any
33 rifle or pistol club organized in accordance with the rules prescribed
34 by the National Board for the Promotion of Rifle Practice; provided
35 that the club has filed a copy of its charter with the superintendent
36 of the State Police and annually submits a list of its members to the
37 superintendent, and provided further that the ammunition being
38 transported shall be carried not loaded in any firearm and contained
39 in a closed and fastened case, gun box, or locked in the trunk of the
40 automobile in which it is being transported, and the course of travel
41 shall include only such deviations as are reasonably necessary under
42 the circumstances.

43 g. Assault firearms. Any person who manufactures, causes to
44 be manufactured, transports, ships, sells or disposes of an assault
45 firearm without being registered or licensed to do so pursuant to
46 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

1 h. Large capacity ammunition magazines. Any person who
2 manufactures, causes to be manufactured, transports, ships, sells or
3 disposes of a large capacity ammunition magazine which is
4 intended to be used for any purpose other than for authorized
5 military or law enforcement purposes by duly authorized military or
6 law enforcement personnel is guilty of a crime of the fourth degree.

7 i. Transporting firearms into this State for an unlawful sale or
8 transfer. Any person who knowingly transports, ships or otherwise
9 brings into this State any firearm for the purpose of unlawfully
10 selling, transferring, giving, assigning or otherwise disposing of that
11 firearm to another individual is guilty of a crime of the second
12 degree. Any motor vehicle used by a person to transport, ship, or
13 otherwise bring a firearm into this State for unlawful sale or transfer
14 shall be subject to forfeiture in accordance with the provisions of
15 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
16 shall not apply to innocent owners, nor shall it affect the rights of a
17 holder of a valid lien.

18 The temporary transfer of a firearm shall not constitute a
19 violation of this subsection if that firearm is transferred:

20 (1) while hunting or target shooting in accordance with the
21 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

22 (2) for shooting competitions sponsored by a licensed dealer,
23 law enforcement agency, legally recognized military organization,
24 or a rifle or pistol club which has filed a copy of its charter with the
25 superintendent in accordance with the provisions of section 1 of
26 P.L.1992, c.74 (C.2C:58-3.1); or

27 (3) for participation in a training course conducted by a certified
28 instructor in accordance with the provisions of section 1 of
29 P.L.1997, c.375 (C.2C:58-3.2).

30 The transfer of any firearm that uses air or carbon dioxide to
31 expel a projectile; or the transfer of an antique firearm shall not
32 constitute a violation of this subsection.

33 j. Any person who manufactures, causes to be manufactured,
34 transports, ships, sells, or disposes of a bump stock as defined in
35 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
36 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
37 degree.

38 k. Purchasing firearm parts to manufacture [untraceable] a
39 firearm without a serial number . In addition to any other
40 [penalty imposed] criminal penalties provided under [current]
41 law, a person who , with the purpose to manufacture or otherwise
42 assemble a firearm and without being registered or licensed do so as
43 provided in chapter 58 of Title 2C of the New Jersey Statutes,
44 purchases or otherwise obtains separately or as part of a kit a
45 firearm frame or firearm receiver which is not imprinted with a
46 serial number registered with a federally licensed manufacturer or
47 any combination of parts from which a firearm without a serial

1 number¹ may be readily ¹[assembled with the purpose to
2 manufacture an untraceable firearm] manufactured or otherwise
3 assembled, but which does not have the capacity to function as a
4 firearm unless manufactured or otherwise assembled¹ is guilty of a
5 crime of the third degree. Notwithstanding the provisions of
6 N.J.S.2C:1-8 or any other law, a conviction under this subsection
7 shall not merge with a conviction for any other criminal offense and
8 the court shall impose separate sentences upon a violation of this
9 subsection and any other criminal offense.

10 As used in this subsection, ¹["untraceable firearm" means an
11 unlawfully manufactured firearm for which the sale or distribution
12 chain from a licensed retailer to the point of its first retail sale
13 cannot be traced by law enforcement officials] "firearm frame or
14 firearm receiver" means the part of a firearm that provides housing
15 for the firearm's internal components, such as the hammer, bolt or
16 breechblock, action, and firing mechanism, and includes without
17 limitation any object or part which is not a firearm frame or receiver
18 in finished form but is designed or intended to be used for that
19 purpose and which may readily be made into a firearm frame or
20 receiver through milling or other means¹.

21 ¹1. Manufacturing or facilitating the manufacture of a firearm
22 using a three-dimensional printer. In addition to any other criminal
23 penalties provided under law it is a third degree crime for:

24 (1) a person who is not registered or licensed to do so as a
25 manufacturer as provided in chapter 58 of Title 2C of the New
26 Jersey Statutes, to use a three-dimensional printer or similar device
27 to manufacture or produce a firearm, firearm receiver, magazine, or
28 firearm component; or

29 (2) a person to distribute by any means, including the Internet,
30 to a person in New Jersey who is not registered or licensed as a
31 manufacturer as provided in chapter 58 of Title 2C of the New
32 Jersey Statutes, digital instructions in the form of computer-aided
33 design files or other code or instructions stored and displayed in
34 electronic format as a digital model that may be used to program a
35 three-dimensional printer to manufacture or produce a firearm,
36 firearm receiver, magazine, or firearm component.

37 As used in this subsection: "three-dimensional printer" means a
38 computer or computer-driven machine or device capable of
39 producing a three-dimensional object from a digital model; and
40 "distribute" means to sell, or to manufacture, give, provide, lend,
41 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
42 display, share, advertise, offer, or make available via the Internet or
43 by any other means, whether for pecuniary gain or not, and includes
44 an agreement or attempt to distribute.

45 m. Covert or undetectable firearms. Any person who
46 manufactures, causes to be manufactured, transports, ships, sells or
47 disposes of any covert firearm as defined in subsection hh. of

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1 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
2 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.¹
3 (cf: P.L.2018, c.38, s.3)

4

5 ¹~~[2.]~~ 4.¹ This act shall take effect immediately.