

[Second Reprint]

**ASSEMBLY, No. 3129**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblyman Holley, Assemblywoman Swain, Assemblymen Tully, Greenwald, Assemblywomen Murphy, Reynolds-Jackson, Jasey, Assemblyman Giblin, Assemblywoman Pinkin, Assemblyman Johnson, Assemblywoman Downey and Assemblyman Houghtaling**

**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 amended by the General Assembly on September 27, 2018.

**(Sponsorship Updated As Of: 10/30/2018)**

A3129 [2R] EUSTACE, MORIARTY

2

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

3

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

6

7 <sup>1</sup>1. N.J.S.2C:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this  
9 chapter and to chapter 58:

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

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

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

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

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

**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:**

<sup>1</sup>Assembly AJU committee amendments adopted September 17, 2018.

<sup>2</sup>Assembly floor amendments adopted September 27, 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. "Machine gun" means any firearm, mechanism or instrument  
27 not requiring that the trigger be pressed for each shot and having a  
28 reservoir, belt or other means of storing and carrying ammunition  
29 which can be loaded into the firearm, mechanism or instrument and  
30 fired therefrom. A machine gun also shall include, without  
31 limitation, any firearm with a trigger crank attached.

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

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

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

1 who sells any firearm to satisfy a debt secured by the pledge of a  
2 firearm.

3 m. "Rifle" means any firearm designed to be fired from the  
4 shoulder and using the energy of the explosive in a fixed metallic  
5 cartridge to fire a single projectile through a rifled bore for each  
6 single pull of the trigger.

7 n. "Shotgun" means any firearm designed to be fired from the  
8 shoulder and using the energy of the explosive in a fixed shotgun  
9 shell to fire through a smooth bore either a number of ball shots or a  
10 single projectile for each pull of the trigger, or any firearm designed  
11 to be fired from the shoulder which does not fire fixed ammunition.

12 o. "Sawed-off shotgun" means any shotgun having a barrel or  
13 barrels of less than 18 inches in length measured from the breech to  
14 the muzzle, or a rifle having a barrel or barrels of less than 16  
15 inches in length measured from the breech to the muzzle, or any  
16 firearm made from a rifle or a shotgun, whether by alteration, or  
17 otherwise, if such firearm as modified has an overall length of less  
18 than 26 inches.

19 p. "Switchblade knife" means any knife or similar device  
20 which has a blade which opens automatically by hand pressure  
21 applied to a button, spring or other device in the handle of the knife.

22 q. "Superintendent" means the Superintendent of the State  
23 Police.

24 r. "Weapon" means anything readily capable of lethal use or of  
25 inflicting serious bodily injury. The term includes, but is not  
26 limited to, all (1) firearms, even though not loaded or lacking a clip  
27 or other component to render them immediately operable; (2)  
28 components which can be readily assembled into a weapon; (3)  
29 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
30 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
31 sandclubs, slingshots, cesti or similar leather bands studded with  
32 metal filings or razor blades imbedded in wood; and (4) stun guns;  
33 and any weapon or other device which projects, releases, or emits  
34 tear gas or any other substance intended to produce temporary  
35 physical discomfort or permanent injury through being vaporized or  
36 otherwise dispensed in the air.

37 s. "Wholesale dealer" means any person, except a  
38 manufacturer, who sells, transfers, or assigns firearms, or parts of  
39 firearms, to persons who are reasonably understood not to be the  
40 ultimate consumers, and includes persons who receive finished  
41 parts of firearms and assemble them into completed or partially  
42 completed firearms, in furtherance of such purpose, except that it  
43 shall not include those persons dealing exclusively in grips, stocks  
44 and other nonmetal parts of firearms.

45 t. "Stun gun" means any weapon or other device which emits  
46 an electrical charge or current intended to temporarily or  
47 permanently disable a person.

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

1 (4) A semi-automatic rifle with a fixed magazine capacity  
2 exceeding 10 rounds. "Assault firearm" shall not include a semi-  
3 automatic rifle which has an attached tubular device and which is  
4 capable of operating only with .22 caliber rimfire ammunition.

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

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

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

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

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

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

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

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

45 dd. "Personalized handgun" means a handgun which  
46 incorporates within its design, and as part of its original  
47 manufacture, technology which automatically limits its operational  
48 use and which cannot be readily deactivated, so that it may only be

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

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

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

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

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

45 ii. "Undetectable firearm" means a firearm <sup>2</sup>constructed  
46 entirely of non-metal substances, or a firearm that does not include  
47 at least one major component, such as the barrel, slide, cylinder,  
48 frame or receiver of the firearm, that is made entirely of metal such

1 that,] that: (1) after removal of all parts other than major  
2 components, is not as detectable as the Security Exemplar, by walk-  
3 through metal detectors calibrated and operated to detect the  
4 Security Exemplar; or (2) includes a major component which,<sup>2</sup> if  
5 the firearm were subjected to inspection by the types of detection  
6 devices commonly used at airports for security screening, <sup>2</sup>[it]<sup>2</sup>  
7 would not generate an image that accurately depicts the shape of the  
8 component.<sup>1</sup> <sup>2</sup>“Undetectable firearm” shall not be construed to  
9 include a firearm subject to the provisions of paragraphs (3) through  
10 (6) of subsection (p) of 18 U.S.C. s.922.

11 jj. “Major component” means the slide or cylinder or the frame  
12 or receiver of a firearm and, in the case of a rifle or shotgun, also  
13 includes the barrel.

14 kk “Security Exemplar” means the Security Exemplar fabricated  
15 in accordance with subparagraph (C) of paragraph (2) of subsection  
16 (p) of 18 U.S.C. s.922.<sup>2</sup>

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

18

19 <sup>1</sup>2. N.J.S.2C:39-3 is amended to read as follows:

20 2C:39-3. Prohibited Weapons and Devices.

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

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

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

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

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

39 f. Dum-dum or armor piercing ammunition. (1) Any person,  
40 other than a law enforcement officer or persons engaged in  
41 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
42 knowingly has in his possession any hollow nose or dum-dum  
43 bullet, or (2) any person, other than a collector of firearms or  
44 ammunition as curios or relics as defined in Title 18, United States  
45 Code, section 921 (a) (13) and has in his possession a valid  
46 Collector of Curios and Relics License issued by the Bureau of  
47 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in



1 his possession any armor piercing ammunition as defined in  
2 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth  
3 degree. For purposes of this section, a collector may possess not  
4 more than three examples of each distinctive variation of the  
5 ammunition described above. A distinctive variation includes a  
6 different head stamp, composition, design, or color.

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

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

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

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

44 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
45 shall be construed to prevent any licensed retail or wholesale  
46 firearms dealer from possessing that ammunition or large capacity  
47 ammunition magazine at its licensed premises for sale or disposition  
48 to another licensed dealer, the Armed Forces of the United States or

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

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

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

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

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

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

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

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

1       l. Bump stock or trigger crank. Any person who knowingly  
2 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
3 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
4 regardless of whether the person is in possession of a firearm, is  
5 guilty of a crime of the third degree.

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

16       m. Covert or undetectable firearms. Any person who  
17 knowingly possesses any covert firearm as defined in subsection hh.  
18 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection  
19 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering  
20 that is designed or modified to allow the firearm to be fired while so  
21 enclosed and that disguises or obscures the shape of the firearm  
22 such that it does not resemble a handgun, rifle, shotgun, or machine  
23 gun is guilty a crime of the third degree.<sup>1</sup>

24 (cf: P.L.2018, c.39, s.2).

25

26       <sup>1</sup>[1.] 3.<sup>1</sup> N.J.S.2C:39-9 is amended to read as follows:

27       2C:39-9. Manufacture, Transport, Disposition and Defacement  
28 of Weapons and Dangerous Instruments and Appliances. a. Machine  
29 guns. Any person who manufactures, causes to be manufactured,  
30 transports, ships, sells or disposes of any machine gun without  
31 being registered or licensed to do so as provided in chapter 58 <sup>1</sup>of  
32 Title 2C of the New Jersey Statutes<sup>1</sup> is guilty of a crime of the third  
33 degree.

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

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

40       d. Weapons. Any person who manufactures, causes to be  
41 manufactured, transports, ships, sells or disposes of any weapon,  
42 including gravity knives, switchblade knives, ballistic knives,  
43 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
44 sandclubs, slingshots, cesti or similar leather bands studded with  
45 metal filings, or, except as otherwise provided in subsection i. of  
46 this section, in the case of firearms if he is not licensed or registered  
47 to do so as provided in chapter 58 <sup>1</sup>of Title 2C of the New Jersey

1 Statutes<sup>1</sup> , is guilty of a crime of the fourth degree. Any person  
2 who manufactures, causes to be manufactured, transports, ships,  
3 sells or disposes of any weapon or other device which projects,  
4 releases or emits tear gas or other substances intended to produce  
5 temporary physical discomfort or permanent injury through being  
6 vaporized or otherwise dispensed in the air, which is intended to be  
7 used for any purpose other than for authorized military or law  
8 enforcement purposes by duly authorized military or law  
9 enforcement personnel or the device is for the purpose of personal  
10 self-defense, is pocket-sized and contains not more than three-  
11 quarters of an ounce of chemical substance not ordinarily capable of  
12 lethal use or of inflicting serious bodily injury, or other than to be  
13 used by any person permitted to possess such weapon or device  
14 under the provisions of subsection d. of N.J.S.2C:39-5, which is  
15 intended for use by financial and other business institutions as part  
16 of an integrated security system, placed at fixed locations, for the  
17 protection of money and property, by the duly authorized personnel  
18 of those institutions, is guilty of a crime of the fourth degree.

19 e. Defaced firearms. Any person who defaces any firearm is  
20 guilty of a crime of the third degree. Any person who knowingly  
21 buys, receives, disposes of or conceals a defaced firearm, except an  
22 antique firearm or an antique handgun, is guilty of a crime of the  
23 fourth degree.

24 f. (1) Any person who manufactures, causes to be  
25 manufactured, transports, ships, sells, or disposes of any <sup>1</sup>bullet,  
26 which is primarily designed for use in a handgun, and which is  
27 comprised of a bullet whose core or jacket, if the jacket is thicker  
28 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
29 other material which is harder than a rating of 72 or greater on the  
30 Rockwell B. Hardness Scale, and is therefore capable of breaching  
31 or penetrating body armor and armor piercing ammunition as  
32 defined in subsection gg. of N.J.S.2C:39-1<sup>1</sup> which is intended to be  
33 used for any purpose other than for authorized military or law  
34 enforcement purposes by duly authorized military or law  
35 enforcement personnel, is guilty of a crime of the fourth degree.

36 (2) Nothing in this subsection shall be construed to prevent a  
37 licensed collector of ammunition as defined in paragraph (2) of  
38 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
39 in paragraph (1) of this subsection from (a) any licensed retail or  
40 wholesale firearms dealer's place of business to the collector's  
41 dwelling, premises, or other land owned or possessed by him, or (b)  
42 to or from the collector's dwelling, premises or other land owned or  
43 possessed by him to any gun show for the purposes of display, sale,  
44 trade, or transfer between collectors, or (c) to or from the collector's  
45 dwelling, premises or other land owned or possessed by him to any  
46 rifle or pistol club organized in accordance with the rules prescribed  
47 by the National Board for the Promotion of Rifle Practice; provided

1 that the club has filed a copy of its charter with the superintendent  
2 of the State Police and annually submits a list of its members to the  
3 superintendent, and provided further that the ammunition being  
4 transported shall be carried not loaded in any firearm and contained  
5 in a closed and fastened case, gun box, or locked in the trunk of the  
6 automobile in which it is being transported, and the course of travel  
7 shall include only such deviations as are reasonably necessary under  
8 the circumstances.

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

13 h. Large capacity ammunition magazines. Any person who  
14 manufactures, causes to be manufactured, transports, ships, sells or  
15 disposes of a large capacity ammunition magazine which is  
16 intended to be used for any purpose other than for authorized  
17 military or law enforcement purposes by duly authorized military or  
18 law enforcement personnel is guilty of a crime of the fourth degree.

19 i. Transporting firearms into this State for an unlawful sale or  
20 transfer. Any person who knowingly transports, ships or otherwise  
21 brings into this State any firearm for the purpose of unlawfully  
22 selling, transferring, giving, assigning or otherwise disposing of that  
23 firearm to another individual is guilty of a crime of the second  
24 degree. Any motor vehicle used by a person to transport, ship, or  
25 otherwise bring a firearm into this State for unlawful sale or transfer  
26 shall be subject to forfeiture in accordance with the provisions of  
27 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
28 shall not apply to innocent owners, nor shall it affect the rights of a  
29 holder of a valid lien.

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

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

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

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

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

45 j. <sup>1</sup>Any person who manufactures, causes to be manufactured,  
46 transports, ships, sells, or disposes of a bump stock as defined in  
47 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in

1 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third  
2 degree.

3 k.<sup>1</sup> Purchasing firearm parts to manufacture <sup>1</sup>["untraceable"] a<sup>1</sup>  
4 firearm <sup>1</sup>without a serial number<sup>1</sup> . In addition to any other  
5 <sup>1</sup>["penalty imposed"] criminal penalties provided<sup>1</sup> under <sup>1</sup>["current"]<sup>1</sup>  
6 law, a person who <sup>1</sup>, with the purpose to manufacture or otherwise  
7 assemble a firearm and without being registered or licensed do so as  
8 provided in chapter 58 of Title 2C of the New Jersey Statutes,<sup>1</sup>  
9 purchases <sup>1</sup>or otherwise obtains<sup>1</sup> separately or as <sup>1</sup>part of<sup>1</sup> a kit <sup>1</sup>a  
10 firearm frame or firearm receiver which is not imprinted with a  
11 serial number registered with a federally licensed manufacturer or<sup>1</sup>  
12 any combination of parts from which a firearm <sup>1</sup>without a serial  
13 number<sup>1</sup> may be readily <sup>1</sup>["assembled with the purpose to  
14 manufacture an untraceable firearm"] manufactured or otherwise  
15 assembled, but which does not have the capacity to function as a  
16 firearm unless manufactured or otherwise assembled<sup>1</sup> is guilty of a  
17 crime of the third degree. Notwithstanding the provisions of  
18 N.J.S.2C:1-8 or any other law, a conviction under this subsection  
19 shall not merge with a conviction for any other criminal offense and  
20 the court shall impose separate sentences upon a violation of this  
21 subsection and any other criminal offense.

22 As used in this subsection, <sup>1</sup>["untraceable firearm" means an  
23 unlawfully manufactured firearm for which the sale or distribution  
24 chain from a licensed retailer to the point of its first retail sale  
25 cannot be traced by law enforcement officials] "firearm frame or  
26 firearm receiver" means the part of a firearm that provides housing  
27 for the firearm's internal components, such as the hammer, bolt or  
28 breechblock, action, and firing mechanism, and includes without  
29 limitation any object or part which is not a firearm frame or receiver  
30 in finished form but is designed or intended to be used for that  
31 purpose and which may readily be made into a firearm frame or  
32 receiver through milling or other means<sup>1</sup>.

33 <sup>1</sup>1. Manufacturing or facilitating the manufacture of a firearm  
34 using a three-dimensional printer. In addition to any other criminal  
35 penalties provided under law it is a third degree crime for:

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

41 (2) a person to distribute by any means, including the Internet,  
42 to a person in New Jersey who is not registered or licensed as a  
43 manufacturer as provided in chapter 58 of Title 2C of the New  
44 Jersey Statutes, digital instructions in the form of computer-aided  
45 design files or other code or instructions stored and displayed in  
46 electronic format as a digital model that may be used to program a

1 three-dimensional printer to manufacture or produce a firearm,  
2 firearm receiver, magazine, or firearm component.

3 As used in this subsection: “three-dimensional printer” means a  
4 computer or computer-driven machine or device capable of  
5 producing a three-dimensional object from a digital model; and  
6 “distribute” means to sell, or to manufacture, give, provide, lend,  
7 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
8 display, share, advertise, offer, or make available via the Internet or  
9 by any other means, whether for pecuniary gain or not, and includes  
10 an agreement or attempt to distribute.

11 m. Covert or undetectable firearms. Any person who  
12 manufactures, causes to be manufactured, transports, ships, sells or  
13 disposes of any covert firearm as defined in subsection hh. of  
14 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection  
15 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.<sup>1</sup>

16 (cf: P.L.2018, c.38, s.3)

17

18 <sup>1</sup>**[2.]** 4.<sup>1</sup> This act shall take effect immediately.