

ASSEMBLY, No. 2162

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Chaparro

SYNOPSIS

Establishes “MarcAnthony’s Law;” criminalizes use of defaced or stolen firearm to injure a police officer; enhances penalties for defacing a firearm.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a crime involving the use of defaced and
 2 stolen firearms in certain cases, to be known as “MarcAnthony’s
 3 Law,” supplementing chapter 12 of Title 2C of the New Jersey
 4 Statutes, and amending N.J.S.2C:39-1, N.J.S.2C:39-3, and
 5 N.J.S.2C:39-9.

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

9
 10 1. (New section) a. The use of a stolen or defaced firearm to
 11 cause serious bodily injury to a law enforcement officer is a crime
 12 of the first degree.

13 b. The use of a stolen or defaced firearm to cause bodily injury
 14 to a law enforcement officer is a crime of the second degree.

15 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
 16 provisions of law, a conviction arising under this section shall not
 17 merge with a conviction for any other offense that the defendant
 18 intended to commit or facilitate when the defendant violated the
 19 provisions of this section.

20
 21 2. N.J.S.2C:39-1 is amended to read as follows:
 22 2C:39-1. Definitions. The following definitions apply to this
 23 chapter and to chapter 58:

24 a. "Antique firearm" means any rifle or shotgun and "antique
 25 cannon" means a destructive device defined in paragraph (3) of
 26 subsection c. of this section, if the rifle, shotgun or destructive
 27 device, as the case may be, is incapable of being fired or
 28 discharged, or which does not fire fixed ammunition, regardless of
 29 date of manufacture, or was manufactured before 1898 for which
 30 cartridge ammunition is not commercially available, and is
 31 possessed as a curiosity or ornament or for its historical
 32 significance or value.

33 b. "Deface" means to remove, deface, cover, alter or destroy
 34 the name of the maker, model designation, manufacturer's serial
 35 number or any other distinguishing identification mark or number
 36 on any firearm. For the purposes of this subsection, a firearm shall
 37 not be deemed defaced if it is refinished, rusted, or damaged from
 38 ordinary wear and tear and the firearm has not been used in the
 39 commission of a crime.

40 c. "Destructive device" means any device, instrument or object
 41 designed to explode or produce uncontrolled combustion, including
 42 (1) any explosive or incendiary bomb, mine or grenade; (2) any
 43 rocket having a propellant charge of more than four ounces or any
 44 missile having an explosive or incendiary charge of more than one-
 45 quarter of an ounce; (3) any weapon capable of firing a projectile of

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.

1 a caliber greater than 60 caliber, except a shotgun or shotgun
2 ammunition generally recognized as suitable for sporting purposes;
3 (4) any Molotov cocktail or other device consisting of a breakable
4 container containing flammable liquid and having a wick or similar
5 device capable of being ignited. The term does not include any
6 device manufactured for the purpose of illumination, distress
7 signaling, line-throwing, safety or similar purposes.

8 d. "Dispose of" means to give, give away, lease, loan, keep for
9 sale, offer, offer for sale, sell, transfer, or otherwise transfer
10 possession.

11 e. "Explosive" means any chemical compound or mixture that
12 is commonly used or is possessed for the purpose of producing an
13 explosion and which contains any oxidizing and combustible
14 materials or other ingredients in such proportions, quantities or
15 packing that an ignition by fire, by friction, by concussion or by
16 detonation of any part of the compound or mixture may cause such
17 a sudden generation of highly heated gases that the resultant
18 gaseous pressures are capable of producing destructive effects on
19 contiguous objects. The term shall not include small arms
20 ammunition, or explosives in the form prescribed by the official
21 United States Pharmacopoeia.

22 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
23 automatic or semi-automatic rifle, or any gun, device or instrument
24 in the nature of a weapon from which may be fired or ejected any
25 solid projectable ball, slug, pellet, missile or bullet, or any gas,
26 vapor or other noxious thing, by means of a cartridge or shell or by
27 the action of an explosive or the igniting of flammable or explosive
28 substances. It shall also include, without limitation, any firearm
29 which is in the nature of an air gun, spring gun or pistol or other
30 weapon of a similar nature in which the propelling force is a spring,
31 elastic band, carbon dioxide, compressed or other gas or vapor, air
32 or compressed air, or is ignited by compressed air, and ejecting a
33 bullet or missile smaller than three-eighths of an inch in diameter,
34 with sufficient force to injure a person.

35 g. "Firearm silencer" means any instrument, attachment,
36 weapon or appliance for causing the firing of any gun, revolver,
37 pistol or other firearm to be silent, or intended to lessen or muffle
38 the noise of the firing of any gun, revolver, pistol or other firearm.

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

42 i. "Machine gun" means any firearm, mechanism or instrument
43 not requiring that the trigger be pressed for each shot and having a
44 reservoir, belt or other means of storing and carrying ammunition
45 which can be loaded into the firearm, mechanism or instrument and
46 fired therefrom.

47 j. "Manufacturer" means any person who receives or obtains
48 raw materials or parts and processes them into firearms or finished

1 parts of firearms, except a person who exclusively processes grips,
2 stocks and other nonmetal parts of firearms. The term does not
3 include a person who repairs existing firearms or receives new and
4 used raw materials or parts solely for the repair of existing firearms.

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

8 l. "Retail dealer" means any person including a gunsmith,
9 except a manufacturer or a wholesale dealer, who sells, transfers or
10 assigns for a fee or profit any firearm or parts of firearms or
11 ammunition which he has purchased or obtained with the intention,
12 or for the purpose, of reselling or reassigning to persons who are
13 reasonably understood to be the ultimate consumers, and includes
14 any person who is engaged in the business of repairing firearms or
15 who sells any firearm to satisfy a debt secured by the pledge of a
16 firearm.

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

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

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

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

36 q. "Superintendent" means the Superintendent of the State
37 Police.

38 r. "Weapon" means anything readily capable of lethal use or of
39 inflicting serious bodily injury. The term includes, but is not
40 limited to, all (1) firearms, even though not loaded or lacking a clip
41 or other component to render them immediately operable; (2)
42 components which can be readily assembled into a weapon; (3)
43 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
44 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
45 sandclubs, slingshots, cesti or similar leather bands studded with
46 metal filings or razor blades imbedded in wood; and (4) stun guns;
47 and any weapon or other device which projects, releases, or emits
48 tear gas or any other substance intended to produce temporary

1 physical discomfort or permanent injury through being vaporized or
2 otherwise dispensed in the air.

3 s. "Wholesale dealer" means any person, except a
4 manufacturer, who sells, transfers, or assigns firearms, or parts of
5 firearms, to persons who are reasonably understood not to be the
6 ultimate consumers, and includes persons who receive finished
7 parts of firearms and assemble them into completed or partially
8 completed firearms, in furtherance of such purpose, except that it
9 shall not include those persons dealing exclusively in grips, stocks
10 and other nonmetal parts of firearms.

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

14 u. "Ballistic knife" means any weapon or other device capable
15 of lethal use and which can propel a knife blade.

16 v. "Imitation firearm" means an object or device reasonably
17 capable of being mistaken for a firearm.

18 w. "Assault firearm" means:

19 (1) The following firearms:

20 Algimec AGM1 type

21 Any shotgun with a revolving cylinder such as the "Street
22 Sweeper" or "Striker 12"

23 Armalite AR-180 type

24 Australian Automatic Arms SAR

25 Avtomat Kalashnikov type semi-automatic firearms

26 Beretta AR-70 and BM59 semi-automatic firearms

27 Bushmaster Assault Rifle

28 Calico M-900 Assault carbine and M-900

29 CETME G3

30 Chartered Industries of Singapore SR-88 type

31 Colt AR-15 and CAR-15 series

32 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

33 Demro TAC-1 carbine type

34 Encom MP-9 and MP-45 carbine types

35 FAMAS MAS223 types

36 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

37 Franchi SPAS 12 and LAW 12 shotguns

38 G3SA type

39 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

40 Intratec TEC 9 and 22 semi-automatic firearms

41 M1 carbine type

42 M14S type

43 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

44 PJK M-68 carbine type

45 Plainfield Machine Company Carbine

46 Ruger K-Mini-14/5F and Mini-14/5RF

47 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

48 SKS with detachable magazine type

- 1 Spectre Auto carbine type
- 2 Springfield Armory BM59 and SAR-48 type
- 3 Sterling MK-6, MK-7 and SAR types
- 4 Steyr A.U.G. semi-automatic firearms
- 5 USAS 12 semi-automatic type shotgun
- 6 Uzi type semi-automatic firearms
- 7 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 8 Weaver Arm Nighthawk.
- 9 (2) Any firearm manufactured under any designation which is
- 10 substantially identical to any of the firearms listed above.
- 11 (3) A semi-automatic shotgun with either a magazine capacity
- 12 exceeding six rounds, a pistol grip, or a folding stock.
- 13 (4) A semi-automatic rifle with a fixed magazine capacity
- 14 exceeding 15 rounds.
- 15 (5) A part or combination of parts designed or intended to
- 16 convert a firearm into an assault firearm, or any combination of
- 17 parts from which an assault firearm may be readily assembled if
- 18 those parts are in the possession or under the control of the same
- 19 person.
- 20 x. "Semi-automatic" means a firearm which fires a single
- 21 projectile for each single pull of the trigger and is self-reloading or
- 22 automatically chambers a round, cartridge, or bullet.
- 23 y. "Large capacity ammunition magazine" means a box, drum,
- 24 tube or other container which is capable of holding more than 15
- 25 rounds of ammunition to be fed continuously and directly therefrom
- 26 into a semi-automatic firearm.
- 27 z. "Pistol grip" means a well-defined handle, similar to that
- 28 found on a handgun, that protrudes conspicuously beneath the
- 29 action of the weapon, and which permits the shotgun to be held and
- 30 fired with one hand.
- 31 aa. "Antique handgun" means a handgun manufactured before
- 32 1898, or a replica thereof, which is recognized as being historical in
- 33 nature or of historical significance and either (1) utilizes a match,
- 34 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 35 cartridge in which the pin is part of the cartridge or (2) does not fire
- 36 fixed ammunition or for which cartridge ammunition is not
- 37 commercially available.
- 38 bb. "Trigger lock" means a commercially available device
- 39 approved by the Superintendent of State Police which is operated
- 40 with a key or combination lock that prevents a firearm from being
- 41 discharged while the device is attached to the firearm. It may
- 42 include, but need not be limited to, devices that obstruct the barrel
- 43 or cylinder of the firearm, as well as devices that immobilize the
- 44 trigger.
- 45 cc. "Trigger locking device" means a device that, if installed on
- 46 a firearm and secured by means of a key or mechanically,
- 47 electronically or electromechanically operated combination lock,
- 48 prevents the firearm from being discharged without first

1 deactivating or removing the device by means of a key or
2 mechanically, electronically or electromechanically operated
3 combination lock.

4 dd. "Personalized handgun" means a handgun which incorporates
5 within its design, and as part of its original manufacture, technology
6 which automatically limits its operational use and which cannot be
7 readily deactivated, so that it may only be fired by an authorized or
8 recognized user. The technology limiting the handgun's operational
9 use may include, but not be limited to: radio frequency tagging,
10 touch memory, remote control, fingerprint, magnetic encoding and
11 other automatic user identification systems utilizing biometric,
12 mechanical or electronic systems. No make or model of a handgun
13 shall be deemed to be a "personalized handgun" unless the Attorney
14 General has determined, through testing or other reasonable means,
15 that the handgun meets any reliability standards that the
16 manufacturer may require for its commercially available handguns
17 that are not personalized or, if the manufacturer has no such
18 reliability standards, the handgun meets the reliability standards
19 generally used in the industry for commercially available handguns.
20 (cf: P.L.2002, c.130, s.5)

21
22 3. N.J.S.2C:39-3 is amended to read as follows:
23 2C:39-3. Prohibited Weapons and Devices.

24 a. Destructive devices. Any person who knowingly has in his
25 possession any destructive device is guilty of a crime of the third
26 degree.

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

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

32 d. Defaced firearms. Any person who knowingly has in his
33 possession any firearm which has been defaced, except an antique
34 firearm or an antique handgun, is guilty of a crime of the **[fourth]**
35 third degree.

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

42 f. Dum-dum or body armor penetrating bullets. (1) Any
43 person, other than a law enforcement officer or persons engaged in
44 activities pursuant to subsection f. of N.J.S.2C:39-6, who
45 knowingly has in his possession any hollow nose or dum-dum
46 bullet, or (2) any person, other than a collector of firearms or
47 ammunition as curios or relics as defined in Title 18, United States
48 Code, section 921 (a) (13) and has in his possession a valid

1 Collector of Curios and Relics License issued by the Bureau of
2 Alcohol, Tobacco and Firearms, who knowingly has in his
3 possession any body armor breaching or penetrating ammunition,
4 which means: (a) ammunition primarily designed for use in a
5 handgun, and (b) which is comprised of a bullet whose core or
6 jacket, if the jacket is thicker than .025 of an inch, is made of
7 tungsten carbide, or hard bronze, or other material which is harder
8 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
9 and (c) is therefore capable of breaching or penetrating body armor,
10 is guilty of a crime of the fourth degree. For purposes of this
11 section, a collector may possess not more than three examples of
12 each distinctive variation of the ammunition described above. A
13 distinctive variation includes a different head stamp, composition,
14 design, or color.

15 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
16 k. of this section shall apply to any member of the Armed Forces of
17 the United States or the National Guard, or except as otherwise
18 provided, to any law enforcement officer while actually on duty or
19 traveling to or from an authorized place of duty, provided that his
20 possession of the prohibited weapon or device has been duly
21 authorized under the applicable laws, regulations or military or law
22 enforcement orders. Nothing in subsection h. of this section shall
23 apply to any law enforcement officer who is exempted from the
24 provisions of that subsection by the Attorney General. Nothing in
25 this section shall apply to the possession of any weapon or device
26 by a law enforcement officer who has confiscated, seized or
27 otherwise taken possession of said weapon or device as evidence of
28 the commission of a crime or because he believed it to be possessed
29 illegally by the person from whom it was taken, provided that said
30 law enforcement officer promptly notifies his superiors of his
31 possession of such prohibited weapon or device.

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

42 b. Nothing in subsection f. (1) shall be construed to prevent a
43 designated employee or designated licensed agent for a nuclear
44 power plant under the license of the Nuclear Regulatory
45 Commission from possessing hollow nose ammunition while in the
46 actual performance of his official duties, if the federal licensee
47 certifies that the designated employee or designated licensed agent
48 is assigned to perform site protection, guard, armed response or

1 armed escort duties and is appropriately trained and qualified, as
2 prescribed by federal regulation, to perform those duties.

3 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
4 shall be construed to prevent any licensed retail or wholesale
5 firearms dealer from possessing that ammunition or large capacity
6 ammunition magazine at its licensed premises for sale or disposition
7 to another licensed dealer, the Armed Forces of the United States or
8 the National Guard, or to a law enforcement agency, provided that
9 the seller maintains a record of any sale or disposition to a law
10 enforcement agency. The record shall include the name of the
11 purchasing agency, together with written authorization of the chief
12 of police or highest ranking official of the agency, the name and
13 rank of the purchasing law enforcement officer, if applicable, and
14 the date, time and amount of ammunition sold or otherwise
15 disposed. A copy of this record shall be forwarded by the seller to
16 the Superintendent of the Division of State Police within 48 hours
17 of the sale or disposition.

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

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

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

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

40 j. Any person who knowingly has in his possession a large
41 capacity ammunition magazine is guilty of a crime of the fourth
42 degree unless the person has registered an assault firearm pursuant
43 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
44 maintained and used in connection with participation in competitive
45 shooting matches sanctioned by the Director of Civilian
46 Marksmanship of the United States Department of the Army.

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),

1 under circumstances not manifestly appropriate for such lawful uses
2 as handcuffs may have, is guilty of a disorderly persons offense. A
3 law enforcement officer shall confiscate handcuffs possessed in
4 violation of the law.

5 (cf: P.L.2003, c.168, s.1)

6
7 4. N.J.S.2C:39-9 is amended to read as follows:

8 2C:39-9. Manufacture, Transport, Disposition and Defacement of
9 Weapons and Dangerous Instruments and Appliances. a. Machine
10 guns. Any person who manufactures, causes to be manufactured,
11 transports, ships, sells or disposes of any machine gun without
12 being registered or licensed to do so as provided in chapter 58 is
13 guilty of a crime of the third degree.

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

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

20 d. Weapons. Any person who manufactures, causes to be
21 manufactured, transports, ships, sells or disposes of any weapon,
22 including gravity knives, switchblade knives, ballistic knives,
23 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
24 sandclubs, slingshots, cesti or similar leather bands studded with
25 metal filings, or, except as otherwise provided in subsection i. of
26 this section, in the case of firearms if he is not licensed or registered
27 to do so as provided in chapter 58, is guilty of a crime of the fourth
28 degree. Any person who manufactures, causes to be manufactured,
29 transports, ships, sells or disposes of any weapon or other device
30 which projects, releases or emits tear gas or other substances
31 intended to produce temporary physical discomfort or permanent
32 injury through being vaporized or otherwise dispensed in the air,
33 which is intended to be used for any purpose other than for
34 authorized military or law enforcement purposes by duly authorized
35 military or law enforcement personnel or the device is for the
36 purpose of personal self-defense, is pocket-sized and contains not
37 more than three-quarters of an ounce of chemical substance not
38 ordinarily capable of lethal use or of inflicting serious bodily injury,
39 or other than to be used by any person permitted to possess such
40 weapon or device under the provisions of subsection d. of
41 N.J.S.2C:39-5, which is intended for use by financial and other
42 business institutions as part of an integrated security system, placed
43 at fixed locations, for the protection of money and property, by the
44 duly authorized personnel of those institutions, is guilty of a crime
45 of the fourth degree.

46 e. Defaced firearms. Any person who defaces any firearm is
47 guilty of a crime of the **【third】** second degree. Any person who
48 knowingly buys, receives, disposes of or conceals a defaced

1 firearm, except an antique firearm or an antique handgun, is guilty
2 of a crime of the ~~fourth~~ third degree.

3 f. (1) Any person who manufactures, causes to be
4 manufactured, transports, ships, sells, or disposes of any bullet,
5 which is primarily designed for use in a handgun, and which is
6 comprised of a bullet whose core or jacket, if the jacket is thicker
7 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
8 other material which is harder than a rating of 72 or greater on the
9 Rockwell B. Hardness Scale, and is therefore capable of breaching
10 or penetrating body armor and which is intended to be used for any
11 purpose other than for authorized military or law enforcement
12 purposes by duly authorized military or law enforcement personnel,
13 is guilty of a crime of the fourth degree.

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

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

38 h. Large capacity ammunition magazines. Any person who
39 manufactures, causes to be manufactured, transports, ships, sells or
40 disposes of a large capacity ammunition magazine which is
41 intended to be used for any purpose other than for authorized
42 military or law enforcement purposes by duly authorized military or
43 law enforcement personnel is guilty of a crime of the fourth degree.

44 i. Transporting firearms into this State for an unlawful sale or
45 transfer. Any person who knowingly transports, ships or otherwise
46 brings into this State any firearm for the purpose of unlawfully
47 selling, transferring, giving, assigning or otherwise disposing of that
48 firearm to another individual is guilty of a crime of the second

1 degree. Any motor vehicle used by a person to transport, ship, or
2 otherwise bring a firearm into this State for unlawful sale or transfer
3 shall be subject to forfeiture in accordance with the provisions of
4 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
5 shall not apply to innocent owners, nor shall it affect the rights of a
6 holder of a valid lien.

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

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

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

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

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

22 (cf: P.L.2013, c.111, s.1)

23
24 5. This act shall take effect on the first day of the second month
25 following enactment.

26 27 STATEMENT

28
29 This bill makes it a crime to use a defaced or stolen firearm in
30 causing serious bodily injury or bodily injury to a law enforcement
31 officer.

32 This new law, to be known as “MarcAnthony’s Law,” in honor of
33 slain Jersey City Detective MarcAnthony DiNardo, makes it a crime
34 of the first degree to use a defaced or stolen firearm to cause serious
35 bodily injury to a law enforcement officer and a crime of the second
36 degree to use a defaced or stolen firearm to cause bodily injury to a
37 law enforcement officer. The bill specifies that a firearm is deemed
38 not to be defaced if it is refinished, rusted, or damaged from ordinary
39 wear and tear and it has not been used in the commission of a crime.

40 The bill also increases the penalties for defacing a firearm and for
41 acquiring or possessing a defaced firearm. The penalty for defacing a
42 firearm is upgraded from a crime of the third degree to a crime of the
43 second degree, which is punishable by a term of imprisonment of
44 between five and 10 years; a fine of not more than \$150,000; or both.
45 The penalty for acquiring or possessing a defaced firearm is upgraded
46 from a crime of the fourth degree to a crime of the third degree, which
47 is punishable by a term of imprisonment of between three and five
48 years; a fine of not more than \$15,000; or both.