

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2456

STATE OF NEW JERSEY

ADOPTED MARCH 3, 1997

Sponsored by Assemblywoman CRECCO

1 AN ACT concerning certain sales and transfers of firearms to persons
2 under the age of 18 years and supplementing chapter 39 of Title
3 2C of the New Jersey Statutes.

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

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8 1. a. Any person who knowingly sells, gives, transfers, assigns or
9 otherwise disposes of a firearm to a person who is under the age of 18
10 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-
11 6.1), shall be strictly liable for any crime, or attempted crime, in which
12 that firearm is used by that underage person and subject to the
13 penalties prescribed for that crime in the New Jersey Code of Criminal
14 Justice.

15 b. The provisions of N.J.S.2C:2-3 shall not apply in a prosecution
16 under this section. For the purposes of this section, the defendant's act
17 of selling, giving, transferring, assigning or otherwise disposing of the
18 firearm to the person under the age of 18 is the cause of the crime
19 when:

20 (1) The subsequent use of that firearm by the underage person in
21 the commission, or attempted commission, of a crime is an antecedent
22 but for which the crime would not have occurred; and

23 (2) The crime was not:

24 (a) too remote in its occurrence as to have a just bearing on the
25 defendant's liability; or

26 (b) too dependent upon conduct of another person which was
27 unrelated to the use of the firearm by the underage person in the
28 commission, or attempted commission, of the crime as to have a just
29 bearing on the defendant's liability.

30 c. Nothing in this section shall be construed to preclude or limit
31 any prosecution for a crime. Notwithstanding the provisions of
32 N.J.S.2C:1-8 or any other provision of law, a conviction arising under
33 this section shall not merge with a conviction for a violation of
34 subsection c. of N.J.S.2C:39-10.

1 2. This act shall take effect immediately.

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7 Holds seller of a firearm to a minor liable for the crimes subsequently
attempted or committed by the minor with that firearm.