

ASSEMBLY, No. 2526

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblyman GREENWALD

1 AN ACT concerning the possession of weapons in certain cases and
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

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7 1. a. Any person who knowingly has in his possession any weapon
8 while within the common or parking areas of any shopping center is
9 guilty of a crime of the third degree.

10 As used in this section, "shopping center" means a privately owned
11 or operated commercial development having rentable space available
12 for or leased to retail stores and an adjacent parking area to which the
13 public is invited.

14 b. The provisions of subsection a. of this section shall not apply
15 to: (1) a law enforcement officer permitted to carry a weapon under
16 the provisions of N.J.S.2C:39-6; (2) a person permitted to possess a
17 firearm about his place of business under the provisions of subsection
18 e. of N.J.S.2C:39-6; (3) a security guard who possesses a valid permit
19 to carry a handgun under N.J.S.2C:58-4 or is permitted to possess any
20 other weapon under N.J.S.2C:39-6 and has the written authorization
21 of the owner or operator of the shopping center; or (4) an employee
22 of an armored car company who possesses a valid permit to carry a
23 handgun under N.J.S.2C:58-4 or is permitted to possess any other
24 weapon under N.J.S.2C:39-6 while in the actual performance of his
25 duties; and (5) any person who, in conformance with the provisions of
26 subsection i. of N.J.S.2C:39-6, possesses for the purpose of personal
27 self-defense one pocket-sized device which contains and releases not
28 more than three-quarters of an ounce of chemical substance not
29 ordinarily capable of lethal use or of inflicting serious bodily injury,
30 but rather is intended to produce temporary physical discomfort or
31 disability through being vaporized or otherwise dispensed in the air.

32 c. Nothing in this section shall be deemed to preclude, if the
33 evidence so warrants, an indictment and conviction for a violation of
34 N.J.S.2C:39-3 concerning the possession of a prohibited weapon or
35 device; N.J.S.2C:39-4 concerning the possession of a weapon for an
36 unlawful purpose; or N.J.S.2C:39-5 concerning the unlawful
37 possession of a weapon.

1 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
2 provisions of law, a conviction arising under this section shall not
3 merge with a conviction for a violation of N.J.S.2C:39-3, N.J.S.2C:39-
4 4 or N.J.S.2C:39-5.

5 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
6 provisions of law, any such multiple sentences of imprisonment so
7 imposed shall run consecutively.

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9 2. This act shall take effect immediately.

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STATEMENT

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13 This bill establishes the possession of a weapon within or on the
14 common or parking areas of a shopping center as a crime of the third
15 degree. A crime of the third degree is punishable by a fine of not
16 more than \$7,500, imprisonment for a term of three to five years, or
17 both.

18 The prohibition against possessing a weapon on shopping center
19 property does not apply to law enforcement officers, persons who are
20 statutorily permitted to keep or carry a firearm about their place of
21 business, a properly licensed security guard who has the written
22 permission of the owner or operator of the shopping center, or a
23 properly licensed armored car company employee while performing his
24 actual duties.

25 Neither does the bill apply to individuals who legally carry small
26 dispensers of mace, pepper gas or some other similar chemical for
27 personal self-defense.

28 The bill specifically prohibits the merging of convictions. A person
29 convicted of violating the provisions of this bill by possessing a
30 weapon within or on shopping center property also may be convicted,
31 if the evidence so warrants, of possessing a prohibited weapon
32 (N.J.S.2C:39-3); possessing a weapon for an unlawful purpose
33 (N.J.S.2C:39-4); or unlawfully possessing a weapon (N.J.S.2C:39-5).

34 Furthermore, the bill provides that in such cases of multiple
35 convictions the defendant must serve the resulting sentences of
36 imprisonment in a consecutive manner, not concurrently.

37 A weapon is defined in the New Jersey statutes as anything readily
38 capable of lethal use or of inflicting serious bodily injury. The term
39 includes firearms, various types of knives, billies, blackjacks,
40 bludgeons, metal knuckles, sandclubs, cesti or other similar leather
41 bands studded with metal filings or razor blades imbedded in wood,
42 and stun guns.

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46 Establishes crime of possessing a weapon on shopping center property.