

ASSEMBLY, No. 2606

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblyman GREENWALD

1 AN ACT to establish "weapons free" school zones, and amending
2 N.J.S.2C:39-5.

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

8 2C:39-5. Unlawful Possession of Weapons.

9 a. Machine guns. Any person who knowingly has in his possession
10 a machine gun or any instrument or device adaptable for use as a
11 machine gun, without being licensed to do so as provided in
12 N.J.S.2C:58-5, is guilty of a crime of the third degree.

13 b. Handguns. Any person who knowingly has in his possession any
14 handgun, including any antique handgun without first having obtained
15 a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of
16 a crime of the third degree.

17 c. Rifles and shotguns. (1) Any person who knowingly has in his
18 possession any rifle or shotgun without having first obtained a firearms
19 purchaser identification card in accordance with the provisions of
20 N.J.S.2C:58-3, is guilty of a crime of the third degree.

21 (2) Unless otherwise permitted by law, any person who knowingly
22 has in his possession any loaded rifle or shotgun is guilty of a crime of
23 the third degree.

24 d. Other weapons. Any person who knowingly has in his
25 possession any other weapon under circumstances not manifestly
26 appropriate for such lawful uses as it may have is guilty of a crime of
27 the fourth degree.

28 e. Firearms or other weapons in educational institutions.

29 (1) Any person who knowingly has in his possession any firearm in
30 or upon any part of the buildings or grounds of any school, college,
31 university or other educational institution, without the written
32 authorization of the governing officer of the institution, is guilty of a
33 crime of the third degree, irrespective of whether he possesses a valid
34 permit to carry the firearm or a valid firearms purchaser identification

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 card.

2 (2) Any person who knowingly possesses any weapon enumerated
3 in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any
4 components which can readily be assembled into a firearm or other
5 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other
6 weapon under circumstances not manifestly appropriate for such
7 lawful use as it may have, while in or upon any part of the buildings or
8 grounds of any school, college, university or other educational
9 institution without the written authorization of the governing officer
10 of the institution is guilty of a crime of the fourth degree.

11 (3) Any person who knowingly has in his possession any imitation
12 firearm in or upon any part of the buildings or grounds of any school,
13 college, university or other educational institution, without the written
14 authorization of the governing officer of the institution, or while on
15 any school bus is a disorderly person, irrespective of whether he
16 possesses a valid permit to carry a firearm or a valid firearms
17 purchaser identification card.

18 f. Assault firearms. Any person who knowingly has in his
19 possession an assault firearm is guilty of a crime of the third degree
20 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;
21 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or
22 rendered inoperable pursuant to section 12 of P.L.1990, c.32
23 (C.2C:58-13).

24 g. The temporary possession of a handgun, rifle or shotgun by a
25 person receiving, possessing, carrying or using the handgun, rifle, or
26 shotgun under the provisions of section 1 of P.L.1992, c.74
27 (C.2C:58-3.1) shall not be considered unlawful possession under the
28 provisions of subsection b. or c. of this section.

29 h. (1) Any person who (a) knowingly has in his possession any
30 weapon while in or within 1,000 feet from the outermost boundaries
31 of buildings or grounds owned or leased by any school, college,
32 university or other educational institution and used for school
33 purposes and (b) possesses that weapon in violation of any law of this
34 State is guilty of a crime of the third degree.

35 (2) It shall not be a defense to a prosecution for a violation of this
36 subsection that the actor was unaware that the prohibited possession
37 took place while in or upon any part of the buildings of any school,
38 college, university or other educational institution or within 1,000 feet
39 from school property. It shall not be a defense to a prosecution under
40 this subsection that no juveniles or students were present on the school
41 property at the time of the offense or that the school was not in
42 session.

43 (3) In a prosecution under this subsection, a map produced or
44 reproduced by any municipal or county engineer for the purpose of
45 depicting the location and boundaries of the buildings or grounds
46 owned by or leased to any school, school board, college, university or

1 other educational institution and used for school purposes, or within
2 1,000 feet from the outermost boundaries of those buildings or
3 grounds, or a true copy of such a map, shall be admissible upon proper
4 authentication, and shall constitute prima facie evidence of the location
5 and boundaries of those areas, provided that the governing body of the
6 municipality or county has adopted a resolution or ordinance
7 approving the map as the official finding and record of the location and
8 boundaries of those areas. Any map approved pursuant to this section
9 may be changed from time to time by the governing body of the
10 municipality or county. The original of every map approved or revised
11 pursuant to this section, or a true copy thereof, shall be filed with the
12 clerk of the municipality or county, and shall be maintained as an
13 official record of the municipality or county. Nothing in this
14 subsection shall be construed to preclude the prosecution from
15 introducing or relying upon any other evidence or testimony to
16 establish any element of this offense; nor shall this section be
17 construed to preclude the use or admissibility of any map or diagram
18 other than one which has been approved by the governing body of a
19 municipality or county, provided that the map or diagram is otherwise
20 admissible pursuant to the Rules of Evidence.

21 (4) The provisions of this subsection shall not apply any person
22 who, in conformance with the provisions of N.J.S.2C:39-6,
23 N.J.S.2C:58-4 or any other provisions of law, is permitted or
24 authorized to possess a weapon.

25 (5) (a) Nothing in this subsection shall be deemed to preclude, if
26 the evidence so warrants, an indictment and conviction for a violation
27 of N.J.S.2C:39-3 concerning the possession of a prohibited weapon or
28 device; N.J.S.2C:39-4 concerning the possession of a weapon for an
29 unlawful purpose; or the provisions of this section concerning the
30 unlawful possession of a weapon.

31 (b.) Notwithstanding the provisions of N.J.S.2C:1-8 or any other
32 provisions of law, a conviction arising under this subsection shall not
33 merge with a conviction for any other violation of this section or for
34 a violation of N.J.S.2C:39-3 or N.J.S.2C:39-4.

35 (c.) Notwithstanding the provisions of N.J.S.2C:44-5 or any other
36 provisions of law, any such multiple sentences of imprisonment
37 imposed pursuant to subparagraph (b.) of this paragraph shall run
38 consecutively.

39 (cf: P.L.1995, c.389, s.1)

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41 2. This act shall take effect immediately.

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STATEMENT

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46 This bill prohibits the possession of weapons within 1,000 feet of

1 any school, college, university or other educational institution. A
2 person who knowingly violates this prohibition is guilty of a crime of
3 the third degree. A crime of the third degree is punishable by a fine of
4 not more than \$7,500, imprisonment for a term of between three and
5 five years, or both.

6 The provisions of the bill are patterned on New Jersey's "drug free
7 zone" statute. Like that statute, the bill specifies that a person may
8 not use as a defense from prosecution the claim that he was unaware
9 that he was within 1,000 feet of school property.

10 The prohibition against possessing a weapon within a 1,000 feet of
11 school property does not apply to persons legally authorized or
12 permitted to carry or possess weapons under the provisions of
13 N.J.S.2C:39-6, N.J.S.2C:58-4 or any other provisions of law.

14 The bill specifically prohibits the merging of convictions. A person
15 convicted of violating the provisions of this bill by possessing a
16 weapon within 1,000 feet of school property also may be convicted,
17 if the evidence so warrants, of possessing a prohibited weapon
18 (N.J.S.2C:39-3); possessing a weapon for an unlawful purpose
19 (N.J.S.2C:39-4); or unlawfully possessing a weapon (N.J.S.2C:39-5).

20 Furthermore, the bill provides that in such cases of multiple
21 convictions the defendant must serve the resultant sentences of
22 imprisonment in a consecutive manner, not concurrently.

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

29 The prohibitions set forth in this bill are supplemental to the current
30 statutory prohibitions against the possession of any firearm or weapon
31 within or on school property.

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36 Establishes "weapons free" school zones.