

ASSEMBLY, No. 2887

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1997

By Assemblywoman WEINBERG and Assemblyman Zisa

1 AN ACT concerning the sale of handguns, supplementing chapter 58
2 of Title 2C of the New Jersey Statutes and amending N.J.S.2C:39-
3 1.

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

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8 1. (New section) On and after the effective date of this act, no
9 person registered or licensed by the Superintendent of State Police as
10 a manufacturer, a wholesale dealer of firearms, an employee of a
11 wholesale dealer of firearms, a retail dealer of firearms, or an
12 employee of a retail dealer of firearms pursuant to the provisions of
13 N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport into this State, sell,
14 expose for sale, possess with the intent of selling, assign or otherwise
15 transfer any handgun unless that is a personalized handgun, as defined
16 in N.J.S.2C:39-1, and is identified as such on the list prepared and
17 made available by the Superintendent of State Police pursuant to
18 section 2 of this act.

19 A registered or licensed manufacturer or dealer or employee thereof
20 who violates the provisions of this section is guilty of a crime of the
21 fourth degree.

22
23 2. (New section) To effectuate the purposes of section 1 of this
24 act, the superintendent shall prepare and make available to registered
25 and licensed manufacturers and dealers a list of those personalized
26 handguns that may be transported into this State, sold, exposed for
27 sale, possessed with the intent of selling, assigned or otherwise
28 transferred in accordance with the provisions of this act. The
29 superintendent may amend and supplement the list at such times as he
30 deems appropriate. Registered and licensed manufacturers and dealers
31 shall be notified forthwith of any changes in the list. The notice shall
32 be given in a manner prescribed by the superintendent.

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34 3. (New section) The provisions of section 1 of PL. , c. (C.)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (now before the Legislature as this bill) imposing limitations on the
2 transporting, selling and transferring of certain handguns shall not
3 apply to handguns made available for purchase by or the official use
4 of the State and local law enforcement officers of this State; federal
5 law enforcement officers and any other federal officers and employees
6 required to carry firearms in the performance of their official duties;
7 and members of the Armed Forces of the United States or of the
8 National Guard while actually on duty.

9 The transporting, selling, exposing for sale, possessing for sale,
10 assigning or transferring of a handgun exempted under the provisions
11 of this section shall be in accordance the procedures prescribed by the
12 superintendent.

13 A registered or licensed manufacturer or dealer or employee thereof
14 who violates the provisions of this section is guilty of a crime of the
15 fourth degree.

16

17 4. (New section) a. There is established a New Jersey
18 Personalized Handgun Study Commission to study and monitor the
19 implementation of PL. , c. (C.) (now pending before the
20 Legislature as this bill) in order to assess the act's impact on handgun
21 sales and transfers; law enforcement and crime; public safety and
22 handgun accidents; the availability of personalized and non-
23 personalized handguns; and the availability and effectiveness of
24 technology to transform non-personalized handguns into personalized
25 handguns. Upon the conclusion of its study and assessment, the
26 commission shall report its findings, along with any recommendations
27 it may have, to the Governor and the Legislature.

28 b. The commission shall consist of eight members and shall include
29 the Superintendent of State Police, or his designee, who shall serve
30 as the chairman of the commission; the Commissioner of Health or his
31 designee; the president of the New Jersey State Policemen's
32 Benevolent Association; the president of the New Jersey Fraternal
33 Order of Police; the president of the New Jersey Association of Chiefs
34 of Police; and three public members appointed by the Governor, with
35 the advice and consent of the Senate. Of those appointees, one shall
36 be a representative of a handgun manufacturer and two shall be
37 representatives of recognized organizations devoted to reducing
38 firearm violence.

39 The members of the commission shall serve without compensation,
40 but may be reimbursed for necessary expenses incurred in the
41 performance of their duties. Any vacancy in the membership shall be
42 filled in the same manner as the original appointment.

43 c. The commission shall organize as soon as may be practicable
44 after the appointment of its members. The members shall select a
45 secretary, who need not be a member of the commission.

46 d. The commission is entitled to the assistance and service of the

1 employees of any State, county or municipal department, board,
2 bureau, commission or agency as it may require and as may be
3 available to it for its purposes, and to employ stenographic and clerical
4 assistance and incur traveling and other miscellaneous expenses as may
5 be necessary in order to perform its duties, within the limits of funds
6 appropriated or otherwise made available to it for its purposes.

7 e. The commission may meet and hold hearings at the places it
8 designates during the sessions or recesses of the Legislature and shall
9 report its findings and recommendations to the Governor and the
10 Legislature, along with any legislative bills it desires to recommend for
11 adoption by the Legislature, no later than 24 months after the effective
12 date of this act.

13

14 5. N.J.S.2C:39-1 is amended to read as follows:

15 2C:39-1. Definitions. The following definitions apply to this
16 chapter and to chapter 58:

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

25 b. "Deface" means to remove, deface, cover, alter or destroy the
26 name of the maker, model designation, manufacturer's serial number
27 or any other distinguishing identification mark or number on any
28 firearm.

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

42 d. "Dispose of" means to give, give away, lease, loan, keep for
43 sale, offer, offer for sale, sell, transfer, or otherwise transfer
44 possession.

45 e. "Explosive" means any chemical compound or mixture that is
46 commonly used or is possessed for the purpose of producing an

1 explosion and which contains any oxidizing and combustible materials
2 or other ingredients in such proportions, quantities or packing that an
3 ignition by fire, by friction, by concussion or by detonation of any part
4 of the compound or mixture may cause such a sudden generation of
5 highly heated gases that the resultant gaseous pressures are capable of
6 producing destructive effects on contiguous objects. The term shall
7 not include small arms ammunition, or explosives in the form
8 prescribed by the official United States Pharmacopoeia.

9 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
10 automatic or semi-automatic rifle, or any gun, device or instrument in
11 the nature of a weapon from which may be fired or ejected any solid
12 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or
13 other noxious thing, by means of a cartridge or shell or by the action
14 of an explosive or the igniting of flammable or explosive substances.
15 It shall also include, without limitation, any firearm which is in the
16 nature of an air gun, spring gun or pistol or other weapon of a similar
17 nature in which the propelling force is a spring, elastic band, carbon
18 dioxide, compressed or other gas or vapor, air or compressed air, or
19 is ignited by compressed air, and ejecting a bullet or missile smaller
20 than three-eighths of an inch in diameter, with sufficient force to injure
21 a person.

22 g. "Firearm silencer" means any instrument, attachment, weapon
23 or appliance for causing the firing of any gun, revolver, pistol or other
24 firearm to be silent, or intended to lessen or muffle the noise of the
25 firing of any gun, revolver, pistol or other firearm.

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

29 i. "Machine gun" means any firearm, mechanism or instrument not
30 requiring that the trigger be pressed for each shot and having a
31 reservoir, belt or other means of storing and carrying ammunition
32 which can be loaded into the firearm, mechanism or instrument and
33 fired therefrom.

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

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

42 l. "Retail dealer" means any person including a gunsmith, except
43 a manufacturer or a wholesale dealer, who sells, transfers or assigns
44 for a fee or profit any firearm or parts of firearms or ammunition
45 which he has purchased or obtained with the intention, or for the
46 purpose, of reselling or reassigning to persons who are reasonably

1 understood to be the ultimate consumers, and includes any person who
2 is engaged in the business of repairing firearms or who sells any
3 firearm to satisfy a debt secured by the pledge of a firearm.

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

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

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

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

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

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

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

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

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

1 (2) Any firearm manufactured under any designation which is
2 substantially identical to any of the firearms listed above.

3 (3) A semi-automatic shotgun with either a magazine capacity
4 exceeding six rounds, a pistol grip, or a folding stock.

5 (4) A semi-automatic rifle with a fixed magazine capacity
6 exceeding 15 rounds.

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

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

14 y. "Large capacity ammunition magazine" means a box, drum, tube
15 or other container which is capable of holding more than 15 rounds of
16 ammunition to be fed continuously and directly therefrom into a
17 semi-automatic firearm.

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

22 aa. "Personalized handgun" means a handgun which incorporates
23 within its design, and as part of its original manufacture, technology
24 which automatically limits its operational use, and which cannot be
25 readily deactivated, so that it may only be fired by an authorized or
26 recognized user. The technology limiting the handgun's operational
27 use may include, but not be limited to, radio tagging, touch memory,
28 remote control, fingerprint, magnetic encoding, and other automatic
29 user identification systems utilizing biometrics, mechanical and
30 electronic systems.

31 (cf: P.L.1990, c.32, s.1)

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33 6. This act shall take effect on the first day of the 37th month
34 following enactment; provided, however, the Superintendent of State
35 Police may take such anticipatory administrative action in advance as
36 shall be necessary for the implementation of the act; and further
37 provided that section 3 of this act shall expire upon the submission of
38 the commission's final report, as prescribed therein.

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STATEMENT

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43 This bill would impose limits on the types of handguns that may be
44 sold in New Jersey in the future.

45 Under the provisions of the bill, beginning three years from the
46 signing of the bill, it would be illegal for any registered or licensed

1 firearms manufacturer or dealer to transport, sell, expose for sale,
2 possess for sale, assign or transfer any handgun unless that handgun
3 is a personalized handgun. A personalized handgun is a handgun that
4 incorporates within its design, and as part of its original manufacture,
5 technology which limits its operational use so that it can only be fired
6 by an authorized or recognized user. The technology may involve a
7 variety of systems, such as biometric, mechanical or electronic
8 systems, which restrict the operation of the handgun through radio
9 frequency tagging, touch memory, remote control, fingerprint,
10 magnetic encoding or other automatic user identification programs.
11 Manufacturers and dealers and their employees who violate these
12 restrictions are guilty of a crime of the fourth degree. A crime of the
13 fourth degree is punishable by a fine of not more than \$7,500,
14 imprisonment for a term of not more than 18 months, or both.

15 These restrictions would not apply to State, federal and local law
16 enforcement officers, the military and the national guard. Non-
17 personalized handguns may be sold to or made available to these
18 exempted individual persons, but only for official purposes and duties,
19 not personal usage. All such sales are to be conducted in accordance
20 with procedures prescribed by the Superintendent of State Police.

21 Finally, the bill establishes a special eight member study
22 commission, the New Jersey Handgun Study Commission, to study and
23 monitor the bill's impact on handgun sales and transfers; law
24 enforcement and crime; public safety and handgun accidents; the
25 availability of personalized and non-personalized handguns; and the
26 availability and effectiveness of technology to transform non-
27 personalized handguns into personalized handguns.

28 The Superintendent of State Police is to chair the commission. The
29 the other members of the commission are the Commissioner of
30 Health; representatives of law enforcement (the presidents of the
31 New Jersey State Policemen's Benevolent Association, New Jersey
32 Fraternal Order of Police, and the New Jersey Association of Chiefs
33 of Police); firearms manufacturers; and organizations devoted to
34 reducing firearm violence.

35 The commission is to report its findings and recommendations to
36 the Governor and Legislature within 24 months of the effective date
37 of the sales restrictions imposed by this bill.

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Permits sale of only personalized handguns after three years.