

P.L. 1997, CHAPTER 375, *approved January 19, 1998*  
Senate, No. 1236

1 AN ACT permitting the temporary transfer of a firearm for training  
2 purposes, amending N.J.S.2C:39-5 and supplementing Title 2C of  
3 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. (New section) a. Notwithstanding the provisions of  
9 N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to  
10 the contrary, a person who is certified as an instructor in the use,  
11 handling and maintenance of firearms by the Police Training  
12 Commission, the Division of Fish, Game and Wildlife and the State  
13 Park Service in the Department of Environmental Protection, the  
14 Director of Civilian Marksmanship of the United States Department of  
15 the Army or by a recognized rifle or pistol association that certifies  
16 instructors may transfer a firearm temporarily in accordance with the  
17 terms of this section to a person participating in a training course for  
18 the use, handling and maintenance of firearms by the Police Training  
19 Commission, the Division of Fish, Game and Wildlife, the Director of  
20 Civilian Marksmanship or by a recognized rifle or pistol association  
21 that certifies instructors. The person to whom a firearm is transferred  
22 by a certified instructor in accordance with the terms of this section  
23 may receive, possess, carry and use the firearm temporarily during the  
24 sessions of the course for the purpose of training and participating in  
25 the course.

26 b. A transfer of a firearm under this section may be made only if:

27 (1) the transfer is made upon a firearms range or, if the firearm is  
28 unloaded, in an area designated and appropriate for the training;

29 (2) the transfer is made during the sessions of the firearms course  
30 for the sole purpose of participating in the course;

31 (3) the transfer is made for not more than eight consecutive hours  
32 in any 24-hour period; and

33 (4) the transferred firearm is used and handled only in the actual  
34 presence and under the direct supervision of the instructor.

**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 c. The transfer permitted by this section may be made whether or  
2 not the person participating in the course holds a firearms license,  
3 firearms purchaser identification card or a handgun purchase permit.  
4 However, an instructor shall not knowingly transfer a firearm under  
5 the terms of this section to a person who does not meet the  
6 qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining  
7 or holding a firearms purchaser identification card or a handgun  
8 purchase permit, and a person who knows that he does not meet such  
9 qualifications shall not receive the transferred firearm under the terms  
10 of this section.

11 d. No firearm shall be transferred or received under the provisions  
12 of this section for purposes described in section 1 of P.L.1983, c.229  
13 (C.2C:39-14).

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

16 2C:39-5. Unlawful Possession of Weapons.

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

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

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

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

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

36 e. Firearms or other weapons in educational institutions.

37 (1) Any person who knowingly has in his possession any firearm in  
38 or upon any part of the buildings or grounds of any school, college,  
39 university or other educational institution, without the written  
40 authorization of the governing officer of the institution, is guilty of a  
41 crime of the third degree, irrespective of whether he possesses a valid  
42 permit to carry the firearm or a valid firearms purchaser identification  
43 card.

44 (2) Any person who knowingly possesses any weapon enumerated  
45 in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any  
46 components which can readily be assembled into a firearm or other

1 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other  
2 weapon under circumstances not manifestly appropriate for such  
3 lawful use as it may have, while in or upon any part of the buildings or  
4 grounds of any school, college, university or other educational  
5 institution without the written authorization of the governing officer  
6 of the institution is guilty of a crime of the fourth degree.

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

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

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

25 (2) The temporary possession of a firearm by a person receiving,  
26 possessing, carrying or using the firearm under the provisions of  
27 section 1 of P.L. , c. (C. )(now pending before the Legislature  
28 as this bill) shall not be considered unlawful possession under the  
29 provisions of this section.

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

31  
32 3. This act shall take effect immediately.

### 33 34 35 STATEMENT

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37 This bill would permit a firearms instructor certified by the Police  
38 Training Commission; the Division of Fish, Game and Wildlife and the  
39 State Park Service in the Department of Environmental Protection; the  
40 Director of Civilian Marksmanship of the United States Department of  
41 the Army; or a recognized rifle or pistol association that certifies  
42 instructors to transfer temporarily a firearm to a person enrolled in an  
43 approved training course for the use, handling and maintenance of  
44 firearms. The firearm could be transferred to the person by the  
45 instructor during the sessions of the course only for the purposes of  
46 training and participating in the course. The transfers could occur

1 only upon a firing range or, if the firearm is unloaded, in an area  
2 designated and appropriate for training. The transferred firearm could  
3 only be used in the actual presence and under the direct supervision of  
4 the instructor for not more than eight consecutive hours in any  
5 24-hour period.

6 A transfer under this bill may be made to a person whether or not  
7 the person holds a firearms license, firearms purchaser identification  
8 card or a handgun purchase permit; however, a transfer could not be  
9 made to a person who does not meet the qualifications for obtaining  
10 or holding a firearms purchaser identification card or handgun  
11 purchase permit under N.J.S.2C:58-3. The bill also excludes from the  
12 protection of the bill any transfer of a firearm that occurs during  
13 training for an illegal activity.

14 This bill is analogous to a recently enacted law, P.L.1992, c.74  
15 (C.2C:58-3.1), permitting temporary transfers of firearms under  
16 limited circumstances for the purposes of target practice, trap or skeet  
17 shooting, competition or hunting.

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Permits temporary transfer of firearms for training purposes.