

SENATE, No. 352

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators CODEY and ADLER

1 AN ACT concerning certain firearms ammunition, and amending
2 N.J.S.2C:39-3.

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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:39-3 is amended to read as follows:
8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm, is guilty of a crime of the fourth degree.

20 e. Certain weapons. Any person who knowingly has in his
21 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
22 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
23 leather band studded with metal filings or razor blades embedded in
24 wood, ballistic knife, without any explainable lawful purpose, is guilty
25 of a crime of the fourth degree.

26 f. Dum-dum or body armor penetrating bullets. (1) Any person,
27 other than a law enforcement officer or persons engaged in activities
28 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
29 possession any hollow nose or dum-dum bullet, or (2) any person,
30 other than a collector of firearms or ammunition as curios or relics as
31 defined in Title 18, United States Code, section 921 (a) (13) and has
32 in his possession a valid Collector of Curios and Relics License issued

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 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
2 in his possession any body armor breaching or penetrating ammunition,
3 which means: (a) ammunition primarily designed for use in a
4 handgun, and (b) which is comprised of a bullet whose core or jacket,
5 if the jacket is thicker than .025 of an inch, is made of tungsten
6 carbide, or hard bronze, or other material which is harder than a rating
7 of 72 or greater on the Rockwell B. Hardness Scale, and (c) is
8 therefore capable of breaching or penetrating body armor, is guilty of
9 a crime of the fourth degree. For purposes of this [section] paragraph,
10 a collector may possess not more than three examples of each
11 distinctive variation of the ammunition described above. A distinctive
12 variation includes a different head stamp, composition, design, or
13 color.

14 (3) Any person, other than a law enforcement officer, who
15 knowingly has in his possession polymer core ammunition, which
16 means: ammunition (a) primarily designed for use in a handgun, and
17 (b) comprised of a metal jacketed bullet encapsulating a polymer core
18 or containing a polymer nose which is designed and constructed to
19 fragment as it impacts, and (c) which may be formulated or structured
20 to breach or penetrate body armor, is guilty of a crime of the third
21 degree.

22 (4) Any person, other than a law enforcement officer, who
23 knowingly has in his possession ammunition with a nonmetallic or
24 synthetic core, which means: ammunition (a) primarily designed for
25 use in a hand gun, and (b) comprised of a metal jacketed bullet
26 encapsulating a nonmetallic or synthetic core or containing a
27 nonmetallic or synthetic nose which is designed and constructed to
28 fragment as it impacts, and (c) which may be formulated or structured
29 to breach or penetrate body armor, is guilty of a crime of the third
30 degree.

31 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
32 k. of this section shall apply to any member of the Armed Forces of the
33 United States or the National Guard, or except as otherwise provided,
34 to any law enforcement officer while actually on duty or traveling to
35 or from an authorized place of duty, provided that his possession of
36 the prohibited weapon or device has been duly authorized under the
37 applicable laws, regulations or military or law enforcement orders.
38 Nothing in subsection h. of this section shall apply to any law
39 enforcement officer who is exempted from the provisions of that
40 subsection by the Attorney General. Nothing in this section shall apply
41 to the possession of any weapon or device by a law enforcement
42 officer who has confiscated, seized or otherwise taken possession of
43 said weapon or device as evidence of the commission of a crime or
44 because he believed it to be possessed illegally by the person from
45 whom it was taken, provided that said law enforcement officer
46 promptly notifies his superiors of his possession of such prohibited

1 weapon or device.

2 (2) Nothing in subsection f. (1) shall be construed to prevent a
3 person from keeping such ammunition at his dwelling, premises or
4 other land owned or possessed by him, or from carrying such
5 ammunition from the place of purchase to said dwelling or land, nor
6 shall subsection f. (1) be construed to prevent any licensed retail or
7 wholesale firearms dealer from possessing such ammunition at its
8 licensed premises, provided that the seller of any such ammunition
9 shall maintain a record of the name, age and place of residence of any
10 purchaser who is not a licensed dealer, together with the date of sale
11 and quantity of ammunition sold.

12 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
13 shall be construed to prevent any licensed retail or wholesale firearms
14 dealer from possessing that ammunition or large capacity ammunition
15 magazine at its licensed premises for sale or disposition to another
16 licensed dealer, the Armed Forces of the United States or the National
17 Guard, or to a law enforcement agency, provided that the seller
18 maintains a record of any sale or disposition to a law enforcement
19 agency. The record shall include the name of the purchasing agency,
20 together with written authorization of the chief of police or highest
21 ranking official of the agency, the name and rank of the purchasing law
22 enforcement officer, if applicable, and the date, time and amount of
23 ammunition sold or otherwise disposed. A copy of this record shall be
24 forwarded by the seller to the Superintendent of the Division of State
25 Police within 48 hours of the sale or disposition.

26 (4) Nothing in subsection a. of this section shall be construed to
27 apply to antique cannons as exempted in subsection d. of
28 N.J.S.2C:39-6.

29 h. Stun guns. Any person who knowingly has in his possession any
30 stun gun is guilty of a crime of the fourth degree.

31 i. Nothing in subsection e. of this section shall be construed to
32 prevent any guard in the employ of a private security company, who
33 is licensed to carry a firearm, from the possession of a nightstick when
34 in the actual performance of his official duties, provided that he has
35 satisfactorily completed a training course approved by the Police
36 Training Commission in the use of a nightstick.

37 j. Any person who knowingly has in his possession a large capacity
38 ammunition magazine is guilty of a crime of the fourth degree unless
39 the person has registered an assault firearm pursuant to section 11 of
40 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
41 in connection with participation in competitive shooting matches
42 sanctioned by the Director of Civilian Marksmanship of the United
43 States Department of the Army.

44 k. Handcuffs. Any person who knowingly has in his possession
45 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
46 circumstances not manifestly appropriate for such lawful uses as

1 handcuffs may have, is guilty of a disorderly persons offense. A law
2 enforcement officer shall confiscate handcuffs possessed in violation
3 of the law.

4 (cf: P.L.1991, c.437, s.1)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill would make the possession of polymer core bullets a crime
12 of the third degree.

13 Polymer core bullets are a new and highly destructive type of
14 ammunition. Made with carbon-based plastic materials known as
15 polymers, they are designed to disintegrate upon impact, sending
16 thousands of razor-like pieces into the victim's body. The resulting
17 wounds are massive, devastating, and, in most instances, deadly.

18 These bullets can be formulated and constructed with a capacity to
19 breach or penetrate body armor and, as a result, they pose a special
20 threat to the law enforcement community.

21 Because of their polymer composition, these bullets do not appear
22 to be subject to the prohibitions set forth in current State and federal
23 law. Under State and federal law, hollow nose or dum-dum bullets are
24 prohibited, as are bullets which are teflon-coated or which have
25 specially hardened metal jackets or cores.

26 Under the provisions of the bill, law enforcement officers may
27 legally possess these new polymer bullets, but it is important to note
28 that no licensed retail or wholesale dealers would be permitted to sell
29 them. This sales prohibition is more stringent than that currently
30 authorized by the statutes for other types of prohibited ammunition.
31 The law, for example, currently permits licensed retail and wholesale
32 dealers, under very controlled conditions, to sell dum-dum and body
33 armor penetrating bullets to law enforcement agencies, the Armed
34 Forces of the United States, the National Guard, and other licensed
35 dealers.

36 Polymer core bullets are defined in the bill as ammunition which:
37 (1) is primarily designed for use in a handgun, and (2) is comprised of
38 a metal jacketed bullet encapsulating a polymer core or containing a
39 polymer nose which is designed and constructed to fragment as it
40 impacts, and (3) may be formulated and structured to breach or
41 penetrate body armor.

42 Cognizant that future technological and scientific advances might
43 give rise to a new generation of equally dangerous and destructive
44 ammunition which is not comprised of polymers, the bill also extends
45 the prohibition to fragmenting and body armor piercing bullets with

1 cores or noses comprised of other nonmetallic materials or synthetic
2 compounds.

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7 Prohibits possession of certain bullets made with polymers.