

SENATE, No. 883

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senator ZANE

1 AN ACT concerning assault firearms, amending various parts of the  
2 statutory law and supplementing chapter 39 of Title 2C of the New  
3 Jersey Statutes.

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

7  
8 1. N.J.S.2C:39-1 is amended to read as follows:

9 2C:39-1. Definitions. The following definitions apply to this  
10 chapter and to chapter 58:

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

19 b. "Deface" means to remove, deface, cover, alter or destroy the  
20 name of the maker, model designation, manufacturer's serial number  
21 or any other distinguishing identification mark or number on any  
22 firearm.

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

**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 line-throwing, safety or similar purposes.
- 2 d. "Dispose of" means to give, give away, lease, loan, keep for  
3 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
4 possession.
- 5 e. "Explosive" means any chemical compound or mixture that is  
6 commonly used or is possessed for the purpose of producing an  
7 explosion and which contains any oxidizing and combustible materials  
8 or other ingredients in such proportions, quantities or packing that an  
9 ignition by fire, by friction, by concussion or by detonation of any part  
10 of the compound or mixture may cause such a sudden generation of  
11 highly heated gases that the resultant gaseous pressures are capable of  
12 producing destructive effects on contiguous objects. The term shall  
13 not include small arms ammunition, or explosives in the form  
14 prescribed by the official United States Pharmacopoeia.
- 15 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
16 automatic or semi-automatic rifle, or any gun, device or instrument in  
17 the nature of a weapon from which may be fired or ejected any solid  
18 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or  
19 other noxious thing, by means of a cartridge or shell or by the action  
20 of an explosive or the igniting of flammable or explosive substances.  
21 It shall also include, without limitation, any firearm which is in the  
22 nature of an air gun, spring gun or pistol or other weapon of a similar  
23 nature in which the propelling force is a spring, elastic band, carbon  
24 dioxide, compressed or other gas or vapor, air or compressed air, or  
25 is ignited by compressed air, and ejecting a bullet or missile smaller  
26 than three-eighths of an inch in diameter, with sufficient force to injure  
27 a person.
- 28 g. "Firearm silencer" means any instrument, attachment, weapon or  
29 appliance for causing the firing of any gun, revolver, pistol or other  
30 firearm to be silent, or intended to lessen or muffle the noise of the  
31 firing of any gun, revolver, pistol or other firearm.
- 32 h. "Gravity knife" means any knife which has a blade which is  
33 released from the handle or sheath thereof by the force of gravity or  
34 the application of centrifugal force.
- 35 i. "Machine gun" means any firearm, mechanism or instrument not  
36 requiring that the trigger be pressed for each shot and having a  
37 reservoir, belt or other means of storing and carrying ammunition  
38 which can be loaded into the firearm, mechanism or instrument and  
39 fired therefrom.
- 40 j. "Manufacturer" means any person who receives or obtains raw  
41 materials or parts and processes them into firearms or finished parts of  
42 firearms, except a person who exclusively processes grips, stocks and  
43 other nonmetal parts of firearms. The term does not include a person  
44 who repairs existing firearms or receives new and used raw materials  
45 or parts solely for the repair of existing firearms.
- 46 k. "Handgun" means any pistol, revolver or other firearm originally

- 1 designed or manufactured to be fired by the use of a single hand.
- 2 l. "Retail dealer" means any person including a gunsmith, except a  
3 manufacturer or a wholesale dealer, who sells, transfers or assigns for  
4 a fee or profit any firearm or parts of firearms or ammunition which he  
5 has purchased or obtained with the intention, or for the purpose, of  
6 reselling or reassigning to persons who are reasonably understood to  
7 be the ultimate consumers, and includes any person who is engaged in  
8 the business of repairing firearms or who sells any firearm to satisfy a  
9 debt secured by the pledge of a firearm.
- 10 m. "Rifle" means any firearm designed to be fired from the  
11 shoulder and using the energy of the explosive in a fixed metallic  
12 cartridge to fire a single projectile through a rifled bore for each single  
13 pull of the trigger.
- 14 n. "Shotgun" means any firearm designed to be fired from the  
15 shoulder and using the energy of the explosive in a fixed shotgun shell  
16 to fire through a smooth bore either a number of ball shots or a single  
17 projectile for each pull of the trigger, or any firearm designed to be  
18 fired from the shoulder which does not fire fixed ammunition.
- 19 o. "Sawed-off shotgun" means any shotgun having a barrel or  
20 barrels of less than 18 inches in length measured from the breech to  
21 the muzzle, or a rifle having a barrel or barrels of less than 16 inches  
22 in length measured from the breech to the muzzle, or any firearm made  
23 from a rifle or a shotgun, whether by alteration, or otherwise, if such  
24 firearm as modified has an overall length of less than 26 inches.
- 25 p. "Switchblade knife" means any knife or similar device which has  
26 a blade which opens automatically by hand pressure applied to a  
27 button, spring or other device in the handle of the knife.
- 28 q. "Superintendent" means the Superintendent of the State Police.
- 29 r. "Weapon" means anything readily capable of lethal use or of  
30 inflicting serious bodily injury. The term includes, but is not limited  
31 to, all (1) firearms, even though not loaded or lacking a clip or other  
32 component to render them immediately operable; (2) components  
33 which can be readily assembled into a weapon; (3) gravity knives,  
34 switchblade knives, daggers, dirks, stilettos, or other dangerous  
35 knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs,  
36 slingshots, cesti or similar leather bands studded with metal filings or  
37 razor blades imbedded in wood; and (4) stun guns; and any weapon or  
38 other device which projects, releases, or emits tear gas or any other  
39 substance intended to produce temporary physical discomfort or  
40 permanent injury through being vaporized or otherwise dispensed in  
41 the air.
- 42 s. "Wholesale dealer" means any person, except a manufacturer,  
43 who sells, transfers, or assigns firearms, or parts of firearms, to  
44 persons who are reasonably understood not to be the ultimate  
45 consumers, and includes persons who receive finished parts of firearms  
46 and assemble them into completed or partially completed firearms, in

1 furtherance of such purpose, except that it shall not include those  
2 persons dealing exclusively in grips, stocks and other nonmetal parts  
3 of firearms.

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

7 u. "Ballistic knife" means any weapon or other device capable of  
8 lethal use and which can propel a knife blade.

9 v. "Imitation firearm" means an object or device reasonably capable  
10 of being mistaken for a firearm.

11 w. "Assault firearm" means[:

12 (1) The] the following firearms:

13 Algimec AGM1 type

14 Any shotgun with a revolving cylinder such as the "Street Sweeper"  
15 or "Striker 12"

16 Armalite AR-180 type

17 Australian Automatic Arms SAR

18 Avtomat Kalashnikov type semi-automatic firearms

19 Beretta AR-70 and BM59 semi-automatic firearms

20 Bushmaster Assault Rifle

21 Calico M-900 Assault carbine and M-900

22 CETME G3

23 Chartered Industries of Singapore SR-88 type

24 [Colt AR-15 and CAR-15 series]

25 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

26 Demro TAC-1 carbine type

27 Encom MP-9 and MP-45 carbine types

28 FAMAS MAS223 types

29 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

30 Franchi SPAS 12 and LAW 12 shotguns

31 G3SA type

32 Galil type

33 Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

34 Intratec TEC 9 and 22 semi-automatic firearms

35 [M1 carbine type

36 M14S type]

37 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

38 PJK M-68 carbine type

39 Plainfield Machine Company Carbine

40 [Ruger K-Mini-14/5F and Mini-14/5RF]

41 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

42 SKS with detachable magazine type

43 Spectre Auto carbine type

44 Springfield Armory BM59 and SAR-48 type

45 Sterling MK-6, MK-7 and SAR types

46 Steyr A.U.G. semi-automatic firearms

1 USAS 12 semi-automatic type shotgun

2 Uzi type semi-automatic firearms

3 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

4 Weaver Arm Nighthawk

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

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

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

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

15 x. ["Semi-automatic" means a firearm which fires a single projectile  
16 for each single pull of the trigger and is self-reloading or automatically  
17 chambers a round, cartridge, or bullet.] (Deleted by amendment, P.L.  
18  , c. ) (now pending before the Legislature as this bill)

19 y. "Large capacity ammunition magazine" means a box, drum, tube  
20 or other container which is capable of holding more than [15] 20  
21 rounds of ammunition to be fed continuously and directly therefrom  
22 into a semi-automatic firearm. This term shall not include a box,  
23 drum, tube or other container originally manufactured to hold more  
24 than 20 rounds, but which has been altered to hold 20 rounds or less.

25 z. ["Pistol grip" means a well-defined handle, similar to that found  
26 on a handgun, that protrudes conspicuously beneath the action of the  
27 weapon, and which permits the shotgun to be held and fired with one  
28 hand.] (Deleted by amendment, P.L. , c. ) (now pending before the  
29 Legislature as this bill)

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

31

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

33 2C:39-5. Unlawful Possession of Weapons.

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

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

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

46 (2) Unless otherwise permitted by law, any person who knowingly

1 has in his possession any loaded rifle or shotgun is guilty of a crime of  
2 the third degree.

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

7 e. Firearms or other weapons in educational institutions.

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

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

24 (3) Any person who knowingly has in his possession any imitation  
25 firearm in or upon any part of the buildings or grounds of any school,  
26 college, university or other educational institution, without the written  
27 authorization of the governing officer of the institution, or while on  
28 any school bus is a disorderly person, irrespective of whether he  
29 possesses a valid permit to carry a firearm or a valid firearms  
30 purchaser identification card.

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

37 (1) Any person who knowingly has in his possession an assault  
38 firearm without having registered the firearm pursuant to section 11  
39 of P.L.1990, c.32 (C.2C:58-12) or having certified the firearm as  
40 inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) is  
41 guilty of a disorderly persons offense. Any person who knowingly has  
42 in his possession an assault firearm which he is qualified to possess and  
43 which was lawfully acquired after May 31, 1990 pursuant to a  
44 testamentary bequest or the laws of intestacy without having amended  
45 the registration pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12)  
46 or certification pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13)

1 is guilty of a disorderly persons offense.

2 (2) Except as provided in paragraph (1) of this subsection, a  
3 person who knowingly has in his possession an assault firearm without  
4 being licensed to do so as provided in N.J.S.2C:58-12, is guilty of a  
5 crime of the third degree.

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

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

12

13 3. N.J.S.2C:39-10 is amended to read as follows:

14 2C:39-10. Violation of the Regulatory Provisions Relating to  
15 Firearms; False Representation in Applications.

16 a. Any person who knowingly violates the regulatory provisions  
17 relating to manufacturing or wholesaling of firearms (section 2C:58-1),  
18 retailing of firearms (section 2C:58-2), permits to purchase certain  
19 firearms (section 2C:58-3), permits to carry certain firearms (section  
20 2C:58-4), licenses to procure machine guns or assault firearms (section  
21 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10),  
22 except acts which are punishable under section 2C:39-5 or section  
23 2C:39-9, is guilty of a crime of the fourth degree.

24 b. Any person who knowingly violates the regulatory provisions  
25 relating to notifying the authorities of possessing certain items of  
26 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)  
27 is a disorderly person.

28 c. Any person who gives or causes to be given any false  
29 information, or signs a fictitious name or address, in applying for a  
30 firearms purchaser identification card, a permit to purchase a handgun,  
31 a permit to carry a handgun, a permit to possess a machine gun, a  
32 permit to possess an assault firearm, or in completing the certificate or  
33 any other instrument required by law in purchasing or otherwise  
34 acquiring delivery of any rifle, shotgun, handgun, machine gun, or  
35 assault firearm or any other firearm, is guilty of a crime of the third  
36 degree.

37 d. Any person who knowingly gives or causes to be given any false  
38 information in registering an assault firearm pursuant to section 11 of  
39 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm  
40 was rendered inoperable pursuant to section 12 of P.L.1990, c.32  
41 (C.2C:58-13) commits a [crime of the fourth degree] disorderly  
42 persons offense.

43 e. Any person who knowingly sells, gives, transfers, assigns or  
44 otherwise disposes of a firearm to a person who is under the age of 18  
45 years, except as permitted in section 14 of P.L.1979, c.179  
46 (C.2C:58-6.1), is guilty of a crime of the third degree.

1 Notwithstanding any other provision of law to the contrary, the  
2 sentence imposed for a conviction under this subsection shall include  
3 a mandatory minimum three-year term of imprisonment, during which  
4 the defendant shall be ineligible for parole.

5 (cf: P.L. 1993, c.49, s.1)

6

7 4. N.J.S.2C:58-5 is amended to read as follows:

8 2C:58-5. Licenses to Possess and Carry Machine Guns and Assault  
9 Firearms.

10 a. Any person who desires to purchase, possess and carry a  
11 machine gun or purchase and carry an assault firearm in this State may  
12 apply for a license to do so by filing in the Superior Court in the  
13 county in which he resides, or conducts his business if a nonresident,  
14 a written application setting forth in detail his reasons for desiring such  
15 a license. The Superior Court shall refer the application to the county  
16 prosecutor for investigation and recommendation. A copy of the  
17 prosecutor's report, together with a copy of the notice of the hearing  
18 on the application, shall be served upon the superintendent and the  
19 chief police officer of every municipality in which the applicant intends  
20 to carry the machine gun or assault firearm, unless, for good cause  
21 shown, the court orders notice to be given wholly or in part by  
22 publication.

23 b. No license shall be issued to any person who would not qualify  
24 for a permit to carry a handgun under section 2C:58-4, and no license  
25 shall be issued unless the court finds that the public safety and welfare  
26 so require. Any person aggrieved by the decision of the court in  
27 granting or denying an application, including the applicant, the  
28 prosecutor, or any law enforcement officer entitled to notice under  
29 subsection a. who appeared in opposition to the application, may  
30 appeal said decision in accordance with law and the rules governing  
31 the courts of this State.

32 c. Upon the issuance of any license under this section, true copies  
33 of such license shall be filed with the superintendent and the chief  
34 police officer of the municipality where the licensee resides or has his  
35 place of business.

36 d. In issuing any license under this section, the court shall attach  
37 thereto such conditions and limitations as it deems to be in the public  
38 interest. Unless otherwise provided by court order at the time of  
39 issuance, each license shall expire one year from the date of issuance,  
40 and may be renewed in the same manner and under the same  
41 conditions as apply to original applications.

42 e. Any license may be revoked by the Superior Court, after a  
43 hearing upon notice to the holder thereof, if the court finds that the  
44 holder is no longer qualified for the issuance of such a license or that  
45 revocation is necessary for the public safety and welfare. Any citizen  
46 may apply to the court for revocation of a license issued under this

1 section.

2 f. A filing fee of [~~\$75.00~~] \$10.00 shall be required for each  
3 application filed pursuant to the provisions of this section. [Of this  
4 filing fee, \$25.00 shall be forwarded to the State Treasury for deposit  
5 in the account used by the Violent Crimes Compensation Board in  
6 satisfying claims and for related administrative costs pursuant to the  
7 provisions of the "Criminal Injuries Compensation Act of 1971,"  
8 P.L.1971, c.317 (C.52:4B-1 et seq).]

9 g. Any license granted pursuant to the provisions of this section  
10 shall expire two years from the date of issuance and may be renewed  
11 in the same manner and under the same conditions as apply to original  
12 applications. [If the holder of a license dies, the holder's heirs or  
13 estate shall have 90 days to dispose of that firearm as provided in  
14 section 12 of P.L.1990, c.32 (C.2C:58-13).]

15 h. [If an assault firearm licensed pursuant to the provisions of this  
16 section is used in the commission of a crime, the holder of the license  
17 for that assault firearm shall be civilly liable for any damages resulting  
18 from that crime. The liability imposed by this subsection shall not  
19 apply if the assault firearm used in the commission of the crime was  
20 stolen and the license holder reported the theft of the firearm to law  
21 enforcement authorities within 24 hours of the license holder's  
22 knowledge of the theft.] (~~Deleted by amendment, P.L. , c. ) (now~~  
23 pending before the Legislature as this bill)

24 i. Nothing in P.L.1990, c.32 (C.2C:58-12 et al.) shall be construed  
25 to abridge any exemptions provided under N.J.S.2C:39-6.  
26 (cf: P.L.1990, c.32, s.9)

27

28 5. Section 11 of P.L.1990, c.32 (C.2C:58-12) is amended to read  
29 as follows:

30 11. a. [Within 90 days of the effective date of P.L.1990, c.32  
31 (C.2C:58-12 et al.), the Attorney General shall promulgate a list by  
32 trade name of any assault firearm which the Attorney General  
33 determines is an assault firearm which is used for legitimate  
34 target-shooting purposes. This list shall include, but need not be  
35 limited to, the Colt AR-15 and any other assault firearm used in  
36 competitive shooting matches sanctioned by the Director of Civilian  
37 Marksmanship of the United States Department of the Army.]  
38 (~~Deleted by amendment, P.L. , c. ) (now pending before the~~  
39 Legislature as this bill)

40 b. The owner of an assault firearm purchased on or before [May 1,  
41 1990 which is on the list of assault firearms determined by the  
42 Attorney General to be legitimate for target-shooting purposes] May  
43 31, 1990 shall have [one year] 18 months from the effective date of  
44 P.L.1990, c.32 (C.2C:58-12 et al.) to register that firearm. An owner  
45 of any assault firearm who, as a resident of a state other than this  
46 State, lawfully acquired and possessed an assault firearm under the

1 laws of that other state shall register that firearm within 30 days of  
2 becoming a resident of this State. The owner shall be permitted to  
3 retain possession of the firearm for the period of 30 days after  
4 becoming a resident of this State. The firearm may be registered  
5 regardless of the date of its acquisition.

6 In order to register an assault firearm, the owner shall:

7 (1) Complete an assault firearm registration statement, in the form  
8 to be prescribed by the Superintendent of the State Police;

9 (2) Pay a registration fee of ~~[\$50.00]~~ \$5.00 per each assault  
10 firearm; and

11 (3) Produce for inspection a valid firearms purchaser identification  
12 card, a valid permit to carry handguns, or a copy of the permit to  
13 purchase a handgun which was used to purchase the assault firearm  
14 which is being registered[; and

15 (4) Submit valid proof that the person is a member of a rifle or  
16 pistol club in existence prior to the effective date of P.L.1990, c.32  
17 (C.2C:58-12 et al.)].

18 [Membership in a rifle or pistol club shall not be considered valid  
19 unless the person joined the club no later than 210 days after the  
20 effective date of P.L.1990, c.32 (C.2C:58-12 et al.) and unless the rifle  
21 or pistol club files its charter with the Superintendent no later than 180  
22 days following the effective date of P.L.1990, c.32 (C.2C:58-12 et  
23 al.). The rifle or pistol club charter shall contain the name and address  
24 of the club's headquarters and the name of the club's officers.]

25 If a person is registering an assault firearm within 30 days after  
26 becoming a resident of this State, an identification card, carry permit,  
27 or purchase permit shall not be required for its registration; however,  
28 the superintendent may require proof that the firearm was lawfully  
29 acquired and possessed under the laws of the state of which the owner  
30 was previously a resident.

31 The information to be provided in the registration statement shall  
32 include[, but shall not be limited to]: the name and address of the  
33 registrant; the number or numbers on the registrant's firearms  
34 purchaser identification card, permit to carry handguns, or permit to  
35 purchase a handgun; [the name, address, and telephone number of the  
36 rifle or pistol club in which the registrant is a member;] and the make,  
37 model, and serial number of the assault firearm being registered. Each  
38 registration statement shall be signed by the registrant, and the  
39 signature shall constitute a representation of the accuracy of the  
40 information contained in the registration statement.

41 c. For an applicant who resides in a municipality with an organized  
42 full-time police department, the registration or an amendment to the  
43 registration shall take place at the main office of the police  
44 department. For all other applicants, the registration or an amendment  
45 to the registration shall take place at any State Police station.

46 d. Within 60 days of the effective date of P.L.1990, c.32

1 (C.2C:58-12 et al.), the Superintendent shall prepare the form of  
2 registration statement as described in subsection b. of this section and  
3 shall provide a suitable supply of statements to each organized  
4 full-time municipal police department and each State Police station.  
5 The superintendent shall also determine the form to be used for an  
6 amendment to a registration statement.

7 e. One copy of the completed assault firearms registration  
8 statement or the amendment to the registration shall be returned to the  
9 registrant, a second copy shall be sent to the Superintendent, and, if  
10 the registration takes place at a municipal police department, a third  
11 copy shall be retained by that municipal police department. The copy  
12 of the registration statement or amendment to that statement returned  
13 to the owner of the firearm shall contain a notice explaining the  
14 provisions of subsection f. of this section.

15 f. [If the owner of an assault firearm which has been registered  
16 pursuant to this section dies, the owner's heirs or estate shall have 90  
17 days to dispose of that firearm in accordance with section 12 of  
18 P.L.1990, c.32 (C.2C:58-13).] Upon the death of an owner of an  
19 assault firearm registered in accordance with this section, the heir or  
20 legatee to whom the firearm was passed by testamentary bequest or by  
21 the laws of intestacy shall have 30 days after taking possession of the  
22 firearm to amend the registration statement filed pursuant to  
23 subsection b. of this section in order to record his name and address  
24 as the new owner. The amendment to the registration shall be made  
25 in the same manner as the initial registration and a fee of \$5 for each  
26 assault firearm for which an amendment is filed shall be charged. As  
27 provided in subsection j. of N.J.S.2C:58-3, a valid firearms purchaser  
28 identification card or permit to purchase a handgun shall not be  
29 required for the passing of an assault firearm nor for the amendment  
30 of the registration statement by the heir or legatee. The amendment  
31 to the registration shall be signed by the heir or legatee and the  
32 signature shall constitute a representation of the accuracy of the  
33 information in the registration statement and a representation that the  
34 heir or legatee is qualified in accordance with the provisions of  
35 N.J.S.2C:58-1 et seq. to possess a firearm.

36 g. [If an assault firearm registered pursuant to the provisions of  
37 this section is used in the commission of a crime, the registrant of that  
38 assault firearm shall be civilly liable for any damages resulting from  
39 that crime. The liability imposed by this subsection shall not apply if  
40 the assault firearm used in the commission of the crime was stolen and  
41 the registrant reported the theft of the firearm to law enforcement  
42 authorities within 24 hours of the registrant's knowledge of the theft.]  
43 (Deleted by amendment, P.L. , c. ) (now pending before the  
44 Legislature as this bill)

45 h. [Of the registration fee required pursuant to subsection b. of this  
46 section, \$20.00 shall be forwarded to the State Treasury for deposit in

1 the account used by the Violent Crimes Compensation Board in  
2 satisfying claims and for related administrative costs pursuant to the  
3 provisions of the "Criminal Injuries Compensation Act of 1971,"  
4 P.L.1971, c.317 (C.52:4B-1 et seq.).] (Deleted by amendment,  
5 P.L. , c. ) (now pending before the Legislature as this bill)  
6 (cf: P.L.1990, c.32, s.11)

7

8 6. Section 12 of P.L.1990, c.32 (C.2C:58-13) is amended to read  
9 as follows:

10 12. a. Any person who legally owns an assault firearm on [the  
11 effective date of this act] May 31, 1990 and who [is unable to register  
12 or] chooses not to register the firearm pursuant to section 11 of  
13 P.L.1990, c.32 (C.2C:58-12) may retain possession of that firearm for  
14 a period not to exceed [one year from the effective date of this act] 18  
15 months from the effective date of P.L.1990, c.32 (C.2C:58-12 et al).

16 During this time period, the owner of the assault firearm shall either:

17 (1) Transfer the assault firearm to any person or firm lawfully  
18 entitled to own or possess such firearm;

19 (2) Render the assault firearm inoperable; or

20 (3) Voluntarily surrender the assault firearm pursuant to the  
21 provisions of N.J.S.2C:39-12.

22 b. (1) If the owner of an assault firearm elects to render the  
23 firearm inoperable, the owner shall file a certification on a form  
24 prescribed by the Superintendent of the State Police indicating the date  
25 on which the firearm was rendered inoperable. This certification shall  
26 be filed with either the chief law enforcement officer of the  
27 municipality in which the owner resides or, in the case of an owner  
28 who resides outside this State but stores or possesses an assault  
29 firearm in this State, with the Superintendent of the State Police.

30 A copy of the certification shall be provided to the owner of the  
31 firearm and that copy shall contain a statement explaining the  
32 provisions of paragraph (2) of this subsection.

33 (2) Upon the death of an owner of an assault firearm for which a  
34 certification has been file pursuant to this section, the heir or legatee  
35 to whom the firearm is passed by testamentary bequest or by the laws  
36 of intestacy shall have 30 days after taking possession of the firearm  
37 to amend the certification in order to record his name and address as  
38 the new owner. The amendment to the certification shall be made in  
39 the same manner as the initial certification. As provided in subsection  
40 j. of N.J.S.2C:58-3, a valid firearms purchaser identification card or  
41 permit to purchase a handgun shall not be required for the passing of  
42 an inoperable assault firearm and its certification by the heir or legatee.  
43 The amendment to the certification shall be signed by the heir or  
44 legatee and the signature shall constitute a representation of the  
45 accuracy of the information in the certification and a representation  
46 that the heir or legatee is qualified in accordance with the provisions

1 of N.J.S.2C:58-1 et seq. to possess a firearm.

2 c. As used in this section, "inoperable" means that the firearm is  
3 altered in such a manner that it cannot be immediately fired and that  
4 the owner or possessor of the firearm does not possess or have control  
5 over the parts necessary to make the firearm operable.

6 (cf: P.L.1990, c.32, s.12)

7

8 7. (New section) An assault firearm purchased and carried in  
9 accordance with a license obtained under N.J.S.2C:58-5, registered  
10 under section 11 of P.L.1990, c.32 (C.2C:58-12) or certified under  
11 section 12 of P.L.1990, c.32 (C.2C:58-13) may be carried:

12 a. By a member of any rifle or pistol club organized in accordance  
13 with the rules prescribed by the National Board for the Promotion of  
14 Rifle Practice, while going to or from a place of target practice, as is  
15 necessary for the target practice, provided that the club has filed a  
16 copy of its charter with the superintendent and annually submits a list  
17 of its members to the superintendent and provided further that the  
18 firearm is carried in the manner specified in subsection g. of  
19 N.J.S.2C:39-6.

20 b. By a person transporting the firearm while traveling:

21 (1) directly to or from any target range, or other authorized place,  
22 for the purpose of practice, match, target, trap or skeet shooting  
23 exhibitions, provided in all cases that the person has complied with all  
24 the provisions and requirements of Title 23 of the Revised Statutes  
25 and any amendments thereto and all rules and regulations promulgated  
26 thereunder; or

27 (2) directly to or from any exhibition or display of firearms which  
28 is sponsored by any law enforcement agency, any rifle or pistol club,  
29 or any firearms collectors club, for the purpose of displaying the  
30 firearms to the public or to the members of the organization or club,  
31 provided, however, that not less than 30 days prior to the exhibition  
32 or display, notice of the exhibition or display shall be given to the  
33 Superintendent of the State Police by the sponsoring organization or  
34 club, and the sponsor complies with such reasonable safety regulations  
35 as the superintendent may promulgate.

36 Any firearm transported pursuant to this subsection shall be  
37 transported in the manner specified in subsection g. of N.J.S.2C:39-6.

38

39 8. (New section) Notwithstanding the provisions of chapters 39  
40 and 58 of Title 2C of the New Jersey Statutes to the contrary, a person  
41 who is a resident of a state other than this State and who lawfully  
42 possesses an assault firearm in accordance with the laws of his state of  
43 residence may transport that firearm:

44 a. directly to and from a target range or other authorized place in  
45 New Jersey and carry, possess and use the firearm for the purpose of  
46 practice or match, target, trap or skeet shooting exhibitions; or



1 ammunition. This bill redefines the term as a magazine holding more  
2 than 20 rounds of ammunition. This alteration need not be permanent.

3 The bill downgrades the possession of an assault firearm from a  
4 crime of the third degree to a disorderly persons offense if those who  
5 are required to register the firearm or to file a certification that it has  
6 been rendered inoperable fail to do so. It would be a crime of the third  
7 degree for any other person knowingly to possess an assault firearm  
8 without the license required under N.J.S.2C:58-5.

9 Subsection f. of section 2 of the bill does not recognize the  
10 possession of an assault firearm under authority of a license obtained  
11 by the owner in accordance with N.J.S.2C:58-5 as an exemption to the  
12 penalty for knowingly possessing an assault firearm. The bill corrects  
13 this error.

14 The bill reduces the penalty for providing false information in  
15 connection with the registration of an assault firearm from a crime of  
16 the fourth degree to a disorderly persons offense.

17 The bill reduces the fees for obtaining a license to purchase and  
18 possess an assault firearm and for registering an assault firearm. The  
19 bill also eliminates language dedicating a portion of those fees to the  
20 Violent Crimes Compensation Board.

21 The bill eliminates language permitting the owner of a stolen assault  
22 firearm to be held civilly liable for damages resulting from a crime  
23 committed with that firearm if the owner failed to report the theft  
24 within 24 hours.

25 The bill removes the requirement that the heir or estate of the  
26 owner of an assault firearm lawfully owned on or before May 31,  
27 1990, dispose of the firearm within 90 days of the death of the owner,  
28 thereby permitting the heir to keep the firearm. The bill to provides  
29 a procedure by which the heir can amend the assault firearm  
30 registration statement, or the certification that the firearm has been  
31 rendered inoperable, within 30 days after taking possession of the  
32 firearm. This provision of the bill regarding registration or the  
33 certification will provide the heir with proof of ownership. The heir  
34 need not have a firearms purchaser identification card or a handgun  
35 purchase permit to keep the assault firearm, but must be otherwise  
36 qualified to possess a firearm in this State.

37 The bill also permits those persons who are residents of another  
38 state and who lawfully own assault firearms under the laws of that  
39 state to register and keep those firearms when they move to and  
40 become residents of New Jersey. This registration would have to be  
41 done within 30 days of moving to New Jersey and would be permitted  
42 regardless of the date of the acquisition of the firearm. For the  
43 registration, the new resident would not have to obtain a firearms  
44 purchaser identification card or a handgun purchase permit; however,  
45 the new resident would have to show proof that the firearm had been  
46 lawfully acquired and possessed under the laws of his former state of

1 residence. In this way, new residents of this State would not have to  
2 sell their assault firearms or leave them behind when they move to  
3 New Jersey.

4 In addition the bill provides that an assault firearm purchased and  
5 carried in accordance with a license obtained under N.J.S.2C:58-5,  
6 registered under section 11 of P.L.1990, c.32 (C.2C:58-12) or  
7 certified under section 12 of P.L.1990, c.32 (C.2C:58-13) may be  
8 carried (1) by a member of a rifle or pistol club while going to or from  
9 target practice if the club has filed a copy of its charter with the  
10 Superintendent of the Division of State Police or (2) by a person  
11 transporting the firearm while traveling directly to or from a practice,  
12 match, target, trap or skeet shooting exhibition, or to or from any  
13 exhibition or display of firearms sponsored by a law enforcement  
14 agency, a rifle or pistol club, or a collectors club. While being  
15 transported, the firearm must be locked in a gun box or the trunk of  
16 the motor vehicle.

17 Finally, the bill provides an exemption to the assault firearms  
18 regulations for persons who are residents of other states and who  
19 lawfully own assault firearms under the laws of their state of  
20 residence. Such persons may bring these firearms to a target range or  
21 other appropriate place in New Jersey for the purpose of practice, or  
22 match, target, trap or skeet shooting exhibition. The firearms would  
23 have to be transported in a locked gun box or in the trunk of a motor  
24 vehicle.

25

26

27

28

29 Amends various sections of recently enacted law dealing with assault  
30 firearms.