

SENATE, No. 1992

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1997

By Senator CODEY

1 AN ACT concerning the sale of handguns, supplementing chapter 58
2 of Title 2C of the New Jersey Statutes and amending NJS2C:39-1.

3

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

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

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

21

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

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33 3. (New section) The provisions of section 1 of PL. , c.
34 (C.)(now before the Legislature as this bill) imposing limitations

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

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

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

15

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

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

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

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

45 d. The commission is entitled to the assistance and service of the
46 employees of any State, county or municipal department, board,

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

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

12

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

14 2C:39-1. Definitions. The following definitions apply to this
15 chapter and to chapter 58:

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

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

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

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

44 e. "Explosive" means any chemical compound or mixture that is
45 commonly used or is possessed for the purpose of producing an
46 explosion and which contains any oxidizing and combustible materials

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

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

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

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

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

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

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

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

1 the business of repairing firearms or who sells any firearm to satisfy a
2 debt secured by the pledge of a firearm.

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

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

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

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

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

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

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

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

46 u. "Ballistic knife" means any weapon or other device capable of

- 1 lethal use and which can propel a knife blade.
- 2 v. "Imitation firearm" means an object or device reasonably capable
3 of being mistaken for a firearm.
- 4 w. "Assault firearm" means:
- 5 (1) The following firearms:
- 6
- 7 Algimec AGM1 type
- 8 Any shotgun with a revolving cylinder such as the "Street
9 Sweeper" or "Striker 12"
- 10 Armalite AR-180 type
- 11 Australian Automatic Arms SAR
- 12 Avtomat Kalashnikov type semi-automatic firearms
- 13 Beretta AR-70 and BM59 semi-automatic firearms
- 14 Bushmaster Assault Rifle
- 15 Calico M-900 Assault carbine and M-900
- 16 CETME G3
- 17 Chartered Industries of Singapore SR-88 type
- 18 Colt AR-15 and CAR-15 series
- 19 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 20 Demro TAC-1 carbine type
- 21 Encom MP-9 and MP-45 carbine types
- 22 FAMAS MAS223 types
- 23 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 24 Franchi SPAS 12 and LAW 12 shotguns
- 25 G3SA type
- 26 Galil type
- 27 Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 28 Intratec TEC 9 and 22 semi-automatic firearms
- 29 M1 carbine type
- 30 M14S type
- 31 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 32 PJK M-68 carbine type
- 33 Plainfield Machine Company Carbine
- 34 Ruger K-Mini-14/5F and Mini-14/5RF
- 35 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 36 SKS with detachable magazine type
- 37 Spectre Auto carbine type
- 38 Springfield Armory BM59 and SAR-48 type
- 39 Sterling MK-6, MK-7 and SAR types
- 40 Steyr A.U.G. semi-automatic firearms
- 41 USAS 12 semi-automatic type shotgun
- 42 Uzi type semi-automatic firearms
- 43 Valmet M62, M71S, M76, or M78 type semi-automatic
44 firearms
- 45 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 convert
8 a firearm into an assault firearm, or any combination of parts from
9 which an assault firearm may be readily assembled if those parts are in
10 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 New
31 Jersey State Policemen's Benevolent Association, New Jersey Fraternal
32 Order of Police, and the New Jersey Association of Chiefs of Police);
33 firearms manufacturers; and organizations devoted to reducing firearm
34 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.