

ASSEMBLY, No. 2469

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 17, 1998

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

**Assemblymen Augustine, LeFevre, Gusciora and Assemblywoman Watson
Coleman**

SYNOPSIS

Establishes a \$5 instant rebate program for purchaser of trigger locks.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/19/1999)

1 AN ACT concerning certain firearms sales, amending N.J.S.2C:39-1
2 and supplementing chapter 58 of Title 2C of the New Jersey
3 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,
35 line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that is
40 commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible materials
42 or other ingredients in such proportions, quantities or packing that an
43 ignition by fire, by friction, by concussion or by detonation of any part

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 of the compound or mixture may cause such a sudden generation of
2 highly heated gases that the resultant gaseous pressures are capable of
3 producing destructive effects on contiguous objects. The term shall
4 not include small arms ammunition, or explosives in the form
5 prescribed by the official United States Pharmacopoeia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 v. "Imitation firearm" means an object or device reasonably capable

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

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

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

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

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

16 aa. "Trigger locking device" means a device that, if installed on a
17 firearm and secured by means of a key or mechanically, electronically
18 or electromechanically operated combination lock, prevents the
19 firearm from being discharged without first deactivating or removing
20 the device by means of a key or mechanically, electronically or
21 electromechanically operated combination lock.

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

23
24 2. (New section) a. There is established a "KeepSafe" program
25 to encourage and stimulate the safe storage of firearms in the State of
26 New Jersey by providing instant rebates to firearms purchasers who
27 purchase trigger locking devices.

28 Under the program, a person who purchases a firearm from a retail
29 dealer licensed under the provisions of N.J.S.2C:58-2 shall be eligible
30 for a \$5 instant rebate when a compatible trigger locking device is
31 purchased along with that firearm. The licensed retail dealer shall
32 deduct the rebate from the price of the compatible locking device in
33 order to reduce by \$5 the cost of the device for the purchaser.

34 b. The Superintendent of State Police, in conjunction with the
35 Attorney General, shall adopt guidelines in accordance with the
36 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.),
37 to effectuate the purposes of this act.

38 In addition, the superintendent shall prepare and deliver to each
39 licensed retail firearms dealer in the State the forms necessary to
40 record and report participation in the program. The forms, which shall
41 set forth the name, address, telephone number, State tax number and
42 State license number of the retail firearms dealer, the name of the
43 firearms purchaser and his firearms purchaser identification card
44 number or permit to purchase a handgun number, the make and model
45 number of the compatible trigger locking device purchased and the
46 date of the sale, shall be in duplicate. One copy shall be retained by

1 the retail dealer for his records. The other shall be submitted to the
2 Attorney General for reimbursement. The reimbursement copies shall
3 be submitted monthly at a time prescribed by the superintendent. The
4 submitting retail dealer shall be entitled to a reimbursement of \$5 for
5 each trigger locking device sold as part of the KeepSafe program. To
6 help defray any administrative costs, each participating retail dealer
7 shall receive, in addition to the reimbursement, \$0.50 for each valid
8 reimbursement copy submitted.

9 The superintendent also shall provide each licensed retail firearms
10 dealer with a sign to be prominently displayed at a conspicuous place
11 on the dealer's business premises where firearms are offered for sale.
12 The sign shall state substantially the following:

13

14 "KEEP NEW JERSEY FIREARMS SAFE.
15 TO ENCOURAGE NEW JERSEY GUN OWNERS TO
16 STORE THEIR FIREARMS SAFELY, THE STATE IS
17 OFFERING A \$5 INSTANT REBATE WHEN YOU
18 PURCHASE A COMPATIBLE TRIGGER LOCK ALONG
19 WITH YOUR FIREARM.

20

21 REMEMBER--THE USE OF A TRIGGER LOCK IS
22 ONLY ONE ASPECT OF RESPONSIBLE FIREARM
23 STORAGE. FIREARMS SHOULD BE STORED,
24 UNLOADED AND LOCKED IN A LOCATION THAT IS
25 BOTH SEPARATE FROM THEIR AMMUNITION
26 AND INACCESSIBLE TO CHILDREN.

27

28 NEW JERSEY'S FAMILIES AND CHILDREN ARE
29 PRECIOUS--KEEP THEM SAFE!!"

30

31 3. (New section) On the first day of the thirteenth month
32 following the effective date of this act, the superintendent shall submit
33 a report on the effectiveness of the KeepSafe program to the Governor
34 and Legislature. In addition to those matters the superintendent deems
35 appropriate and necessary, the report shall include the superintendent's
36 assessment of whether the program should be expanded to include
37 sales of trigger locking devices which are not part of firearm
38 purchases.

39

40 4. This act shall take effect immediately.

41

42 STATEMENT

43

44 This bill establishes a \$5 instant rebate program for purchasers of
45 firearms who, at the time of their purchase, also purchase a trigger gun
46 lock.