

P.L. 2019, CHAPTER 165, *approved July 16, 2019*  
Senate, No. 3897 (*First Reprint*)

1 AN ACT concerning purchase and possession of certain weapons  
2 and ammunition and amending various parts of statutory law.  
3

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

7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read  
8 as follows:

9 6. Certain Persons Not to Have Weapons or Ammunition.

10 a. Except as provided in subsection b. of this section, any  
11 person, having been convicted in this State or elsewhere of the  
12 crime, or an attempt or conspiracy to commit the crime, of  
13 aggravated assault, arson, burglary, escape, extortion, homicide,  
14 kidnapping, robbery, aggravated sexual assault, sexual assault, bias  
15 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of  
16 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in  
17 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering  
18 in violation of N.J.S.2C:41-2, terroristic threats in violation of  
19 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of  
20 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in  
21 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,  
22 unlawful possession of an assault firearm in violation of subsection  
23 f. of N.J.S.2C:39-5, <sup>1</sup>leader of firearms trafficking network in  
24 violation of section 1 of P.L.1995, c.405 (C.2C:39-16),<sup>1</sup>or  
25 endangering the welfare of a child pursuant to N.J.S.2C:24-4,  
26 whether or not armed with or having in **【his】** the person's  
27 possession any weapon enumerated in subsection r. of N.J.S.2C:39-  
28 1, or any person convicted of a crime, or an attempt or conspiracy  
29 to commit a crime, pursuant to the provisions of N.J.S.2C:39-3,  
30 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been  
31 committed for a mental disorder to any hospital, mental institution  
32 or sanitarium unless **【he】** the person possesses a certificate of a  
33 medical doctor or psychiatrist licensed to practice in New Jersey or  
34 other satisfactory proof that **【he】** the person is no longer suffering  
35 from a mental disorder which interferes with or handicaps **【him】**  
36 the person in the handling of a firearm, or any person who has been  
37 convicted of **【other than a disorderly persons or petty disorderly**  
38 persons offense**】** an offense, or an attempt or conspiracy to commit  
39 an offense, for the unlawful use, possession or sale of a controlled  
40 dangerous substance as defined in N.J.S.2C:35-2, other than a  
41 disorderly persons or petty disorderly persons offense, who

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted June 20, 2019.

1 purchases, owns, possesses or controls any of the **【said】** specified  
2 weapons or any ammunition as defined in section 2 of P.L.2018,  
3 c.35 (C.2C:58-21) is guilty of a crime of the fourth degree.

4 b. (1) A person having been convicted in this State or  
5 elsewhere of the crime, or an attempt or conspiracy to commit the  
6 crime, of aggravated assault, arson, burglary, escape, extortion,  
7 homicide, kidnapping, robbery, aggravated sexual assault, sexual  
8 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking  
9 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang  
10 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-  
11 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in  
12 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in  
13 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of  
14 a handgun in violation of paragraph (1) of subsection b. of  
15 N.J.S.2C:39-5, unlawful possession of an assault firearm in  
16 violation of subsection f. of N.J.S.2C:39-5, <sup>1</sup>leader of firearms  
17 trafficking network in violation of section 1 of P.L.1995, c.405  
18 (C.2C:39-16),<sup>1</sup> endangering the welfare of a child pursuant to  
19 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)  
20 or a crime, or an attempt or conspiracy to commit a crime,  
21 involving domestic violence as defined in section 3 of P.L.1991,  
22 c.261 (C.2C:25-19), whether or not armed with or having in **【his】**  
23 the person's possession a weapon enumerated in subsection r. of  
24 N.J.S.2C:39-1, or a person having been convicted of a crime, or an  
25 attempt or conspiracy to commit a crime, pursuant to the provisions  
26 of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of  
27 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;  
28 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or  
29 controls a firearm is guilty of a crime of the second degree and  
30 upon conviction thereof, the person shall be sentenced to a term of  
31 imprisonment by the court. The term of imprisonment shall include  
32 the imposition of a minimum term, which shall be fixed at five  
33 years, during which the defendant shall be ineligible for parole. If  
34 the defendant is sentenced to an extended term of imprisonment  
35 pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall  
36 include the imposition of a minimum term, which shall be fixed at,  
37 or between, one-third and one-half of the sentence imposed by the  
38 court or five years, whichever is greater, during which the  
39 defendant shall be ineligible for parole.

40 (2) A person having been convicted in this State or elsewhere of  
41 a disorderly persons offense involving domestic violence, whether  
42 or not armed with or having in **【his】** the person's possession a  
43 weapon enumerated in subsection r. of N.J.S.2C:39-1, who  
44 purchases, owns, possesses or controls a firearm or ammunition is  
45 guilty of a crime of the third degree.

46 (3) A person whose firearm is seized pursuant to the "Prevention  
47 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et

1 seq.) and whose firearm has not been returned, or who is subject to  
2 a court order prohibiting the possession of firearms issued pursuant  
3 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
4 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or  
5 controls a firearm or ammunition is guilty of a crime of the third  
6 degree, except that the provisions of this paragraph shall not apply  
7 to any law enforcement officer while actually on duty, or to any  
8 member of the Armed Forces of the United States or member of the  
9 National Guard while actually on duty or traveling to or from an  
10 authorized place of duty.

11 (4) A person who is subject to a court order prohibiting the  
12 custody, control, ownership, purchase, possession, or receipt of a  
13 firearm or ammunition issued pursuant to the "Extreme Risk  
14 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)  
15 who purchases, acquires, owns, possesses, or controls a firearm or  
16 ammunition is guilty of a crime of the third degree.

17 c. Whenever any person shall have been convicted in another  
18 state, territory, commonwealth or other jurisdiction of the United  
19 States, or any country in the world, in a court of competent  
20 jurisdiction, of a crime, or an attempt or conspiracy to commit a  
21 crime, which in **【said】** the other jurisdiction or country is  
22 comparable to one of the crimes enumerated in subsection a. or b.  
23 of this section, then that person shall be subject to the provisions of  
24 this section.

25 (cf: P.L.2018, c.34, s.13)

26

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

28 2C:39-3. Prohibited Weapons and Devices.

29 a. Destructive devices. Any person who knowingly has in his  
30 possession any destructive device is guilty of a crime of the third  
31 degree.

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

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

37 d. Defaced firearms. Any person who knowingly has in his  
38 possession any firearm which has been defaced, except an antique  
39 firearm or an antique handgun, is guilty of a crime of the fourth  
40 degree.

41 e. Certain weapons. Any person who knowingly has in his  
42 possession any gravity knife, switchblade knife, dagger, dirk,  
43 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus  
44 or similar leather band studded with metal filings or razor blades  
45 imbedded in wood, ballistic knife, without any explainable lawful  
46 purpose, is guilty of a crime of the fourth degree.

47 f. Dum-dum or armor piercing ammunition. (1) Any person,  
48 other than a law enforcement officer or persons engaged in

1 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
2 knowingly has in his possession any hollow nose or dum-dum  
3 bullet, or (2) any person, other than a collector of firearms or  
4 ammunition as curios or relics as defined in Title 18, United States  
5 Code, section 921 (a) (13) and has in his possession a valid  
6 Collector of Curios and Relics License issued by the Bureau of  
7 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in  
8 his possession any armor piercing ammunition, as defined in  
9 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth  
10 degree. For purposes of this section, a collector may possess not  
11 more than three examples of each distinctive variation of the  
12 ammunition described above. A distinctive variation includes a  
13 different head stamp, composition, design, or color.

14 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,  
15 j. or k. of this section shall apply to any member of the Armed  
16 Forces of the United States or the National Guard, or except as  
17 otherwise provided, to any law enforcement officer while actually  
18 on duty or traveling to or from an authorized place of duty,  
19 provided that his possession of the prohibited weapon or device has  
20 been duly authorized under the applicable laws, regulations or  
21 military or law enforcement orders.

22 (b) Nothing in subsection j. of this section shall apply to a law  
23 enforcement officer who possesses and carries while off-duty a  
24 large capacity ammunition magazine capable of holding not more  
25 than 17 rounds of ammunition that can be fed continuously and  
26 directly into a semi-automatic firearm.

27 (c) Notwithstanding subparagraph (b) of this paragraph,  
28 subsection j. of this section shall not apply to a law enforcement  
29 officer who possesses and carries while off-duty a large capacity  
30 ammunition magazine capable of holding more than 17 rounds of  
31 ammunition that can be fed continuously and directly into a semi-  
32 automatic firearm provided the large capacity ammunition magazine  
33 is used with a service firearm issued to the officer by the officer's  
34 employer for use in the officer's official duties.

35 (d) Nothing in subsection h. of this section shall apply to any  
36 law enforcement officer who is exempted from the provisions of  
37 that subsection by the Attorney General. Nothing in this section  
38 shall apply to the possession of any weapon or device by a law  
39 enforcement officer who has confiscated, seized or otherwise taken  
40 possession of said weapon or device as evidence of the commission  
41 of a crime or because he believed it to be possessed illegally by the  
42 person from whom it was taken, provided that said law enforcement  
43 officer promptly notifies his superiors of his possession of such  
44 prohibited weapon or device.

45 (2) (a) Nothing in paragraph (1) of subsection f. [(1) of this  
46 section shall be construed to prevent a person from keeping such  
47 ammunition at his dwelling, premises or other land owned or  
48 possessed by him, or from carrying such ammunition from the place

1 of purchase to said dwelling or land, nor shall paragraph (1) of  
2 subsection f. [(1)] of this section be construed to prevent any  
3 licensed retail or wholesale firearms dealer from possessing such  
4 ammunition at its licensed premises, provided that the seller of any  
5 such ammunition shall maintain a record of the name, age and place  
6 of residence of any purchaser who is not a licensed dealer, together  
7 with the date of sale and quantity of ammunition sold.

8 (b) Nothing in paragraph (1) of subsection f. [(1)] of this  
9 section shall be construed to prevent a designated employee or  
10 designated licensed agent for a nuclear power plant under the  
11 license of the Nuclear Regulatory Commission from possessing  
12 hollow nose ammunition while in the actual performance of his  
13 official duties, if the federal licensee certifies that the designated  
14 employee or designated licensed agent is assigned to perform site  
15 protection, guard, armed response or armed escort duties and is  
16 appropriately trained and qualified, as prescribed by federal  
17 regulation, to perform those duties.

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

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

36 (5) Nothing in subsection c. of this section shall be construed to  
37 apply to any person who is specifically identified in a special deer  
38 management permit issued by the Division of Fish and Wildlife to  
39 utilize a firearm silencer as part of an alternative deer control  
40 method implemented in accordance with a special deer management  
41 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),  
42 while the person is in the actual performance of the permitted  
43 alternative deer control method and while going to and from the  
44 place where the permitted alternative deer control method is being  
45 utilized. This exception shall not, however, otherwise apply to any  
46 person to authorize the purchase or possession of a firearm silencer.

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

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

7 j. Any person who knowingly has in his possession a large  
8 capacity ammunition magazine is guilty of a crime of the fourth  
9 degree unless the person has registered: (1) an assault firearm  
10 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the  
11 magazine is maintained and used in connection with participation in  
12 competitive shooting matches sanctioned by the Director of Civilian  
13 Marksmanship of the United States Department of the Army; or

14 (2) a firearm with a fixed magazine capacity or detachable  
15 magazine capable of holding up to 15 rounds pursuant to section 7  
16 of P.L.2018, c.39 (C.2C:39-20).

17 k. Handcuffs. Any person who knowingly has in his possession  
18 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under  
19 circumstances not manifestly appropriate for such lawful uses as  
20 handcuffs may have, is guilty of a disorderly persons offense. A  
21 law enforcement officer shall confiscate handcuffs possessed in  
22 violation of the law.

23 l. Bump stock or trigger crank. Any person who knowingly  
24 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
25 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
26 regardless of whether the person is in possession of a firearm, is  
27 guilty of a crime of the third degree.

28 m. Covert or undetectable firearms. Any person who  
29 knowingly possesses any covert firearm as defined in subsection hh.  
30 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection  
31 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering  
32 that is designed or modified to allow the firearm to be fired while so  
33 enclosed and that disguises or obscures the shape of the firearm  
34 such that it does not resemble a handgun, rifle, shotgun, or machine  
35 gun is guilty of a crime of the third degree.

36 Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
37 provision of law, a conviction arising out of this subsection shall  
38 not merge with a conviction for possessing an assault firearm in  
39 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in  
40 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence  
41 shall be imposed upon each conviction. Notwithstanding the  
42 provisions of N.J.S.2C:44-5 or any other provisions of law, the  
43 sentence imposed pursuant to this subsection shall be served  
44 consecutively to that imposed for unlawfully possessing an assault  
45 firearm in violation of subsection f. of N.J.S.2C:39-5.

46 n. Firearms without a serial number. Any person who  
47 knowingly possesses a firearm manufactured or otherwise  
48 assembled using a firearm frame or firearm receiver as defined in

1 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial  
2 number registered with a federally licensed manufacturer including,  
3 but not limited to, a firearm manufactured or otherwise assembled  
4 from parts purchased or otherwise obtained in violation of  
5 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third  
6 degree.

7 (cf: P.L.2018, c.161, s.1)

8

9 3. N.J.S.2C:39-9 is amended to read as follows:

10 2C:39-9. Manufacture, Transport, Disposition and Defacement  
11 of Weapons and Dangerous Instruments and Appliances.

12 a. Machine guns. Any person who manufactures, causes to be  
13 manufactured, transports, ships, sells or disposes of any machine  
14 gun without being registered or licensed to do so as provided in  
15 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a  
16 crime of the third degree.

17 b. Sawed-off shotguns. Any person who manufactures, causes  
18 to be manufactured, transports, ships, sells or disposes of any  
19 sawed-off shotgun is guilty of a crime of the third degree.

20 c. Firearm silencers. Any person who manufactures, causes to  
21 be manufactured, transports, ships, sells or disposes of any firearm  
22 silencer is guilty of a crime of the fourth degree.

23 d. Weapons. Any person who manufactures, causes to be  
24 manufactured, transports, ships, sells or disposes of any weapon,  
25 including gravity knives, switchblade knives, ballistic knives,  
26 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
27 sandclubs, slingshots, cesti or similar leather bands studded with  
28 metal filings, or, except as otherwise provided in subsection i. of  
29 this section, in the case of firearms if he is not licensed or registered  
30 to do so as provided in chapter 58 of Title 2C of the New Jersey  
31 Statutes, is guilty of a crime of the fourth degree. Any person who  
32 manufactures, causes to be manufactured, transports, ships, sells or  
33 disposes of any weapon or other device which projects, releases or  
34 emits tear gas or other substances intended to produce temporary  
35 physical discomfort or permanent injury through being vaporized or  
36 otherwise dispensed in the air, which is intended to be used for any  
37 purpose other than for authorized military or law enforcement  
38 purposes by duly authorized military or law enforcement personnel  
39 or the device is for the purpose of personal self-defense, is pocket-  
40 sized and contains not more than three-quarters of an ounce of  
41 chemical substance not ordinarily capable of lethal use or of  
42 inflicting serious bodily injury, or other than to be used by any  
43 person permitted to possess such weapon or device under the  
44 provisions of subsection d. of N.J.S.2C:39-5, which is intended for  
45 use by financial and other business institutions as part of an  
46 integrated security system, placed at fixed locations, for the  
47 protection of money and property, by the duly authorized personnel  
48 of those institutions, is guilty of a crime of the fourth degree.

1 e. Defaced firearms. Any person who defaces any firearm is  
2 guilty of a crime of the third degree. Any person who knowingly  
3 buys, receives, disposes of or conceals a defaced firearm, except an  
4 antique firearm or an antique handgun, is guilty of a crime of the  
5 fourth degree.

6 f. (1) Any person who manufactures, causes to be  
7 manufactured, transports, ships, sell, or disposes of any armor  
8 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,  
9 which is intended to be used for any purpose other than for  
10 authorized military or law enforcement purposes by duly authorized  
11 military or law enforcement personnel, is guilty of a crime of the  
12 fourth degree.

13 (2) Nothing in this subsection shall be construed to prevent a  
14 licensed collector of ammunition as defined in paragraph (2) of  
15 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
16 in paragraph (1) of this subsection from (a) any licensed retail or  
17 wholesale firearms dealer's place of business to the collector's  
18 dwelling, premises, or other land owned or possessed by him, or (b)  
19 to or from the collector's dwelling, premises or other land owned or  
20 possessed by him to any gun show for the purposes of display, sale,  
21 trade, or transfer between collectors, or (c) to or from the collector's  
22 dwelling, premises or other land owned or possessed by him to any  
23 rifle or pistol club organized in accordance with the rules prescribed  
24 by the National Board for the Promotion of Rifle Practice; provided  
25 that the club has filed a copy of its charter with the superintendent  
26 of the State Police and annually submits a list of its members to the  
27 superintendent, and provided further that the ammunition being  
28 transported shall be carried not loaded in any firearm and contained  
29 in a closed and fastened case, gun box, or locked in the trunk of the  
30 automobile in which it is being transported, and the course of travel  
31 shall include only such deviations as are reasonably necessary under  
32 the circumstances.

33 g. Assault firearms. Any person who manufactures, causes to  
34 be manufactured, transports, ships, sells or disposes of an assault  
35 firearm without being registered or licensed to do so pursuant to  
36 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

37 h. Large capacity ammunition magazines. Any person who  
38 manufactures, causes to be manufactured, transports, ships, sells or  
39 disposes of a large capacity ammunition magazine which is  
40 intended to be used for any purpose other than for authorized  
41 military or law enforcement purposes by duly authorized military or  
42 law enforcement personnel is guilty of a crime of the fourth degree.

43 i. Transporting firearms into this State for an unlawful sale or  
44 transfer. Any person who knowingly transports, ships or otherwise  
45 brings into this State any firearm for the purpose of unlawfully  
46 selling, transferring, giving, assigning or otherwise disposing of that  
47 firearm to another individual is guilty of a crime of the second  
48 degree. Any motor vehicle used by a person to transport, ship, or



1 otherwise bring a firearm into this State for unlawful sale or transfer  
2 shall be subject to forfeiture in accordance with the provisions of  
3 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
4 shall not apply to innocent owners, nor shall it affect the rights of a  
5 holder of a valid lien.

6 The temporary transfer of a firearm shall not constitute a  
7 violation of this subsection if that firearm is transferred:

8 (1) while hunting or target shooting in accordance with the  
9 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

10 (2) for shooting competitions sponsored by a licensed dealer,  
11 law enforcement agency, legally recognized military organization,  
12 or a rifle or pistol club which has filed a copy of its charter with the  
13 superintendent in accordance with the provisions of section 1 of  
14 P.L.1992, c.74 (C.2C:58-3.1); or

15 (3) for participation in a training course conducted by a certified  
16 instructor in accordance with the provisions of section 1 of  
17 P.L.1997, c.375 (C.2C:58-3.2).

18 The transfer of any firearm that uses air or carbon dioxide to  
19 expel a projectile; or the transfer of an antique firearm shall not  
20 constitute a violation of this subsection.

21 j. Any person who manufactures, causes to be manufactured,  
22 transports, ships, sells, or disposes of a bump stock as defined in  
23 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in  
24 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third  
25 degree.

26 k. Purchasing firearm parts to manufacture a firearm without a  
27 serial number. In addition to any other criminal penalties provided  
28 under law, a person who, with the purpose to manufacture or  
29 otherwise assemble a firearm and without being registered or  
30 licensed do so as provided in chapter 58 of Title 2C of the New  
31 Jersey Statutes, purchases or otherwise obtains separately or as part  
32 of a kit a firearm frame or firearm receiver which is not imprinted  
33 with a serial number registered with a federally licensed  
34 manufacturer or any combination of parts from which a firearm  
35 without a serial number may be readily manufactured or otherwise  
36 assembled, but which does not have the capacity to function as a  
37 firearm unless manufactured or otherwise assembled is guilty of a  
38 crime of the third degree. Notwithstanding the provisions of  
39 N.J.S.2C:1-8 or any other law, a conviction under this subsection  
40 shall not merge with a conviction for any other criminal offense and  
41 the court shall impose separate sentences upon a violation of this  
42 subsection and any other criminal offense.

43 As used in this subsection, "firearm frame or firearm receiver"  
44 means the part of a firearm that provides housing for the firearm's  
45 internal components, such as the hammer, bolt or breechblock,  
46 action, and firing mechanism, and includes without limitation any  
47 object or part which is not a firearm frame or receiver in finished  
48 form but is designed or intended to be used for that purpose and

1 which may readily be made into a firearm frame or receiver through  
2 milling or other means.

3 1. Manufacturing or facilitating the manufacture of a firearm  
4 using a three-dimensional printer. In addition to any other criminal  
5 penalties provided under law it is a third degree crime for:

6 (1) a person who is not registered or licensed to do so as a  
7 manufacturer as provided in chapter 58 of Title 2C of the New  
8 Jersey Statutes, to use a three-dimensional printer or similar device  
9 to manufacture or produce a firearm, firearm receiver, magazine, or  
10 firearm component; or

11 (2) a person to distribute by any means, including the Internet,  
12 to a person in New Jersey who is not registered or licensed as a  
13 manufacturer as provided in chapter 58 of Title 2C of the New  
14 Jersey Statutes, digital instructions in the form of computer-aided  
15 design files or other code or instructions stored and displayed in  
16 electronic format as a digital model that may be used to program a  
17 three-dimensional printer to manufacture or produce a firearm,  
18 firearm receiver, magazine, or firearm component.

19 As used in this subsection: "three-dimensional printer" means a  
20 computer or computer-driven machine or device capable of  
21 producing a three-dimensional object from a digital model; and  
22 "distribute" means to sell, or to manufacture, give, provide, lend,  
23 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
24 display, share, advertise, offer, or make available via the Internet or  
25 by any other means, whether for pecuniary gain or not, and includes  
26 an agreement or attempt to distribute.

27 m. Covert or undetectable firearms. Any person who  
28 manufactures, causes to be manufactured, transports, ships, sells or  
29 disposes of any covert firearm as defined in subsection hh. of  
30 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection  
31 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

32 n. Transporting a manufactured firearm without a serial  
33 number. In addition to any other criminal penalties provided under  
34 law, a person who transports, ships, sells, or disposes of a firearm  
35 manufactured or otherwise assembled using a firearm frame or  
36 firearm receiver as defined in subsection k. of this section which is  
37 not imprinted with a serial number registered with a federally  
38 licensed manufacturer, including but not limited to a firearm  
39 manufactured or otherwise assembled from parts purchased or  
40 otherwise obtained in violation of subsection k. of this section, is  
41 guilty of a crime of the third degree.

42 (cf: P.L.2018, c.138, s.3)

43

44 4. This act shall take effect immediately.

**S3897 [1R]**

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Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes; establishes crime of transferring or possessing firearm without serial number.

§§1-5 -  
C.2C:58-2.7 to  
2C:58-2.11  
§9 - Repealer  
§10 - Note

P.L. 2019, CHAPTER 164, *approved July 16, 2019*  
Senate, No. 101 (*First Reprint*)

1 AN ACT concerning personalized handguns and revising various  
2 parts of the statutory law.

3

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

6

7 1. (New section) a. There is established in the Department of  
8 Law and Public Safety, a commission which shall be known as the  
9 Personalized Handgun Authorization Commission. The commission  
10 shall be responsible for establishing performance standards for  
11 personalized handguns and maintaining a roster of personalized  
12 handguns authorized for sale to the public pursuant to this act.

13 b. The commission shall consist of seven members as follows:

14 (1) as ex-officio members, the Attorney General or a designee;  
15 the Superintendent of State Police or a designee; the Commissioner  
16 of Health or a designee;

17 (2) as public members appointed by the Governor:

18 (a) one member of the American Academy of Pediatrics;

19 (b) one member who shall be a resident of this State who is a  
20 licensed firearms wholesaler, manufacturer, or retail dealer as  
21 defined in N.J.S.2C:39-1, or a resident of this State who is a  
22 representative of a New Jersey chapter of an organization that  
23 advocates for Second Amendment rights;

24 (c) one member who shall be a representative of an organization  
25 that advocates against handgun violence; and

26 (d) one member <sup>1</sup>**[who shall be an engineer]**<sup>1</sup> with substantial  
27 experience in radio frequency identification or biometric reading  
28 technology.

29 c. All appointments to the commission shall be made within six  
30 months of the effective date of this act. The chair of the  
31 commission shall be selected from among its members by the  
32 Governor. Members of the commission shall serve a term of four  
33 years from the date of their appointment and until their successors  
34 are appointed. Vacancies in the membership of the commission  
35 shall be filled in the same manner as the original appointments were  
36 made.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly floor amendments adopted June 20, 2019.

1 d. Members of the commission shall serve without compensation,  
2 but shall be reimbursed for necessary expenses incurred in the  
3 performance of their duties as members of the commission, and within  
4 the limits of funds appropriated or otherwise made available to the  
5 commission for its purpose.

6 e. The commission shall be entitled to call to its assistance and  
7 avail itself of the services of the employees of any State, county, or  
8 municipal department, board, bureau, commission, or agency as it may  
9 require and as may be available to it for its purposes.

10 f. During the first year following the establishment of the  
11 commission, it shall meet monthly in order to comply with the  
12 provisions of P.L. , c. (C. ) (pending before the Legislature  
13 as this bill); thereafter, the commission shall meet once every six  
14 months or at the call of the chairman of the commission or the  
15 majority of its members.

16  
17 2. (New section) a. <sup>1</sup>As used in this act, “authorized user”  
18 means the lawful owner of a personalized handgun or person to  
19 whom the owner has given consent to use the personalized handgun.

20 b.<sup>1</sup> The Personalized Handgun Authorization Commission shall  
21 maintain a roster of all personalized handguns approved <sup>1</sup>[for retail  
22 sales to the public] by the commission as meeting the personalized  
23 handgun performance standards and qualifying criteria established  
24 pursuant to this section<sup>1</sup>. The roster of approved personalized  
25 handguns shall be published on a website maintained by the New  
26 Jersey State Police and shall be updated <sup>1</sup>[every six months] as  
27 necessary<sup>1</sup>. A copy of the roster shall be made available every six  
28 months to registered and licensed firearms dealers in this State.

29 <sup>1</sup>[b.] c.<sup>1</sup> Within one year of organizing, the commission shall  
30 develop personalized handgun performance standards <sup>1</sup>and  
31 qualifying criteria<sup>1</sup> which a personalized handgun shall meet in  
32 order to be placed on the personalized handgun roster.

33 The personalized handgun performance standards <sup>1</sup>and  
34 qualifying criteria<sup>1</sup> shall include, but not be limited to, the  
35 following:

36 (1) the handgun shall be reasonably resistant to being fired by  
37 anyone other than the handgun’s authorized user as defined in  
38 N.J.S.2C:39-1;

39 (2) the personalized technology shall be incorporated into the  
40 design of the personalized handgun and shall be a permanent,  
41 irremovable part of the handgun and any device or object necessary  
42 for the authorized user to fire the handgun;

43 (3) the personalized handgun shall not be manufactured so as to  
44 permit the personalized characteristics of the handgun to be readily  
45 deactivated; and

1 (4) the personalized handgun shall meet any other reliability  
2 standards generally used in the industry for other commercially  
3 available handguns.

4 <sup>1</sup>**[c.] d.**<sup>1</sup> The commission shall recommend to the Attorney  
5 General any rule, regulation, guideline or revision thereto, or  
6 legislation which it deems necessary to establish a process by which  
7 handgun manufactures may request that their handguns be added to  
8 the roster established pursuant to this section.

9

10 3. (New section) a. <sup>1</sup>**[The commission shall identify and**  
11 **approve a list of independent laboratories which shall be used to**  
12 **determine]** A manufacturer or other entity seeking to include a  
13 handgun on the approved personalized handgun roster established  
14 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
15 this bill) may apply to the commission for a determination of<sup>1</sup>  
16 whether <sup>1</sup>**[handguns comply with]** the make and model of a  
17 handgun proposed by the applicant would meet<sup>1</sup> the personalized  
18 handgun performance standards established pursuant to section 2 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill).  
20 <sup>1</sup>**[At least one independent laboratory shall be identified and**  
21 **included on the list of approved laboratories within one year of the**  
22 **commission's organization. An approved]** The commission's  
23 determination shall be based upon testing conducted by an  
24 independent laboratory proposed by the applicant which has been  
25 accredited for the testing of firearms by the National Voluntary  
26 Laboratory Accreditation Program or other national certifying body  
27 approved by the commission or, if the applicant does not propose an  
28 independent laboratory or if one is not approved or available, by the  
29 Division of State Police.

30 b. The commission shall approve an independent<sup>1</sup> laboratory  
31 <sup>1</sup>**[shall not be]** proposed by an applicant to perform the  
32 determination pursuant to subsection a. of this section if the  
33 commission is clearly convinced that the laboratory is capable of  
34 performing the determination and will be sufficiently objective  
35 making the determination, provided that the laboratory shall not be<sup>1</sup>  
36 owned or operated by a handgun manufacturer or any other  
37 organization that seeks to promote or restrict handgun ownership.

38 <sup>1</sup>**[b. An independent laboratory may apply to the commission**  
39 **for inclusion on the list of approved laboratories.]<sup>1</sup> The application**  
40 <sup>1</sup>**[for approval of an independent laboratory to perform the**  
41 **determination pursuant to subsection a. of this section<sup>1</sup> shall be in a**  
42 **form prescribed by the Attorney General, in consultation with the**  
43 **commission, and shall provide information regarding the**  
44 **laboratory's capabilities and objectivity. <sup>1</sup>**[Once approved]****

45 c. If the commission approves the application<sup>1</sup> , the laboratory  
46 shall utilize testing methods formulated by the commission to

1 determine whether a handgun <sup>1</sup>**[is in compliance with]** meets the<sup>1</sup>  
2 personalized handgun performance standards <sup>1</sup>and qualifying  
3 criteria<sup>1</sup>  
4 established pursuant to section 2 of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill).

6 <sup>1</sup>**[c. An]** The<sup>1</sup> independent laboratory <sup>1</sup>or Division of State  
7 Police, as the case may be,<sup>1</sup> shall test a handgun within a reasonable  
8 amount of time following <sup>1</sup>**[a request made]** approval of the  
9 application<sup>1</sup> by the commission. The test shall be conducted:

10 (1) in accordance with the testing requirements formulated by  
11 the commission; and

12 (2) at the expense of the manufacturer or other entity seeking to  
13 include the handgun on the approved personalized handgun roster  
14 established pursuant to P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).

16 The independent laboratory <sup>1</sup>or Division of State Police, as the  
17 case may be,<sup>1</sup> shall issue a final test report to the commission at the  
18 conclusion of the test. The report shall state whether the handgun  
19 meets the <sup>1</sup>performance standards and qualifying<sup>1</sup> criteria  
20 established by the commission.

21 d. The commission shall review the final test report and based  
22 on the report's findings shall issue, within 45 days of receiving the  
23 report, a final decision by majority vote as to whether the handgun  
24 should be included on the roster.

25 e. Upon making a final determination pursuant to subsection d.  
26 of this section, the commission shall notify, in writing, the  
27 <sup>1</sup>**[manufacturer]** applicant<sup>1</sup> as to whether the handgun has been  
28 approved or denied for inclusion on the roster. A notification  
29 informing the <sup>1</sup>**[manufacturer]** applicant<sup>1</sup> that a firearm has been  
30 denied shall be provided along with a written description of the  
31 reasons for which a handgun failed to <sup>1</sup>**[satisfy]** meet<sup>1</sup> the  
32 <sup>1</sup>performance standards and qualifying<sup>1</sup> criteria established by the  
33 commission as documented in the independent laboratory's report.  
34 <sup>1</sup>**[Once notified that]** Any alteration to the design of<sup>1</sup> a make and  
35 model of handgun <sup>1</sup>that<sup>1</sup> has been approved for addition on the  
36 roster <sup>1</sup>**[,** a manufacturer, seller, or possessor shall not alter the  
37 design of the handgun in a manner that it no longer meets <sup>1</sup>**]** shall  
38 require a determination that the handgun continues to meet<sup>1</sup> the  
39 performance <sup>1</sup>**[standard]** standards and qualifying criteria<sup>1</sup>  
40 established by the commission <sup>1</sup>in accordance with the requirements  
41 of this section in order to include the altered design model of the  
42 handgun on the roster<sup>1</sup>.

43  
44 4. (New section) a. Within 60 days of the first personalized  
45 handgun being included on the roster established pursuant to section  
46 2 of P.L. , c. (C. ) (pending before the Legislature as this

1 bill), each licensed firearms retail dealer shall <sup>1</sup>["have on the retail  
2 premises"]<sup>1</sup>:

3 (1) 'make available for purchase'<sup>1</sup> at least one personalized  
4 handgun approved by the commission and listed on the roster as  
5 eligible for sale;

6 (2) <sup>1</sup>["an original exemption certificate issued pursuant to section  
7 5 of P.L. , c. (C. ) (pending before the Legislature as this  
8 bill); or

9 (3) a notarized copy of a pending application for an exemption  
10 certificate] post in one or more locations in the dealer's place or  
11 places of business in a conspicuous manner that makes them easily  
12 visible and accessible to customers:

13 (a) copies of the personalized handgun roster; and

14 (b) a sign that includes a clear and conspicuous statement  
15 disclosing the features of personalized handguns that are not offered  
16 by traditional handguns and advising customers that such firearms  
17 may be purchased through the licensed retail dealer; and

18 (3) accept and process orders to enable customers to purchase  
19 through the licensed retail dealer any of the personalized handguns  
20 included on the roster'<sup>1</sup>.

21 b. A personalized handgun offered for sale by a licensed retail  
22 dealer <sup>1</sup>pursuant to paragraph (1) of subsection a. of this section'  
23 shall be displayed in a conspicuous manner that makes it easily  
24 visible to customers and distinguishable from other traditional  
25 handguns. A licensed retail dealer shall post a sign <sup>1</sup>pursuant to  
26 subparagraph (b) of paragraph (2) of subsection a. of this section'<sup>1</sup> in  
27 close proximity to each personalized handgun <sup>1</sup>["that includes a  
28 clear and conspicuous statement disclosing the unique features of  
29 the personalized handgun that are not offered by traditional  
30 handguns"]<sup>1</sup>.

31 c. In the event that a licensed retail dealer's inventory of  
32 personalized handguns is depleted and there are no personalized  
33 handguns available for purchase on the premises, the licensed retail  
34 dealer shall:

35 (1) place an order for at least one personalized handgun within  
36 21 days of the sale of the last personalized handgun;

37 (2) maintain written records of the retail dealer's efforts to place  
38 an order and maintain those records on the premises and allow them  
39 to be open for inspection at all times; and

40 (3) <sup>1</sup>["maintain"] post'<sup>1</sup> a sign on the premises indicating that  
41 personalized handguns are routinely sold on the retail dealer's  
42 premises and will soon be available for purchase.

43 d. A licensed firearms retail dealer shall not make any claim  
44 that a handgun has been approved by the commission as meeting the  
45 performance standards <sup>1</sup>or qualifying criteria'<sup>1</sup> for personalized  
46 handguns if that handgun is not included on the roster established



1 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).

3 e. The Superintendent of State Police shall designate officers to  
4 inspect the personalized handgun inventory and records of all  
5 licensed firearms retailers. The inspections shall be conducted at  
6 least once every two years at any time during the normal business  
7 hours of the firearm retailer's business.

8  
9 <sup>1</sup>5. (New section) a. Upon application by a licensed retail  
10 dealer demonstrating that offering a personalized handgun for sale  
11 State Police may issue a certificate exempting the licensed retail  
12 dealer from the requirement to offer a personalized handgun for sale  
13 established pursuant to P.L. , c. (C. ) (pending before the  
14 Legislature as this bill). In determining whether an exemption shall  
15 be granted, the superintendent may consider factors including, but  
16 not limited to, the retail dealer's inventory size and annual sales  
17 revenue or income generated from customer purchases.

18 b. A firearm retail dealer who can demonstrate that its firearm  
19 inventory consists solely of firearms other than handguns shall  
20 automatically be granted an exemption pursuant to this section.

21 c. A firearm retail dealer shall maintain an original copy of the  
22 exemption certificate issued pursuant to section 5 of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill) on the  
24 retail premises at all times. <sup>1</sup>

25  
26 <sup>1</sup>6. 5.<sup>1</sup> (New section) a. A licensed retail dealer who <sup>1</sup>has  
27 not been issued an exemption certificate pursuant to section 5 of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill)  
29 and <sup>1</sup>violates section 4 of P.L. , c. (C. ) (pending before  
30 the Legislature as this bill) shall be subject to the following  
31 penalties:

- 32 (1) for a first offense, a fine of up to \$500;  
33 (2) for a second offense, a fine of up to \$1,000;  
34 (3) for a third or subsequent offense, a six month license  
35 suspension following notice to the licensed retail dealer and  
36 opportunity to be heard.

37 b. Any person who <sup>1</sup>violates the provisions of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill) by  
39 tampering or attempting <sup>1</sup>, without license or privilege to do so,  
40 tampers or attempts<sup>1</sup> to tamper with a personalized handgun by  
41 intentionally interfering with the user-authorized functionality of  
42 the personalized technology shall be guilty of a disorderly persons  
43 offense.

44  
45 <sup>1</sup>7. N.J.S.2C:39-1 is amended to read as follows:  
46 2C:39-1. Definitions. The following definitions apply to this  
47 chapter and to chapter 58:

**S101 [1R]**

- 1       a. "Antique firearm" means any rifle or shotgun and "antique  
2 cannon" means a destructive device defined in paragraph (3) of  
3 subsection c. of this section, if the rifle, shotgun or destructive  
4 device, as the case may be, is incapable of being fired or  
5 discharged, or which does not fire fixed ammunition, regardless of  
6 date of manufacture, or was manufactured before 1898 for which  
7 cartridge ammunition is not commercially available, and is  
8 possessed as a curiosity or ornament or for its historical  
9 significance or value.
- 10       b. "Deface" means to remove, deface, cover, alter or destroy  
11 the name of the maker, model designation, manufacturer's serial  
12 number or any other distinguishing identification mark or number  
13 on any firearm.
- 14       c. "Destructive device" means any device, instrument or object  
15 designed to explode or produce uncontrolled combustion, including  
16 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
17 rocket having a propellant charge of more than four ounces or any  
18 missile having an explosive or incendiary charge of more than one-  
19 quarter of an ounce; (3) any weapon capable of firing a projectile of  
20 a caliber greater than 60 caliber, except a shotgun or shotgun  
21 ammunition generally recognized as suitable for sporting purposes;  
22 (4) any Molotov cocktail or other device consisting of a breakable  
23 container containing flammable liquid and having a wick or similar  
24 device capable of being ignited. The term does not include any  
25 device manufactured for the purpose of illumination, distress  
26 signaling, line-throwing, safety or similar purposes.
- 27       d. "Dispose of" means to give, give away, lease, loan, keep for  
28 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
29 possession.
- 30       e. "Explosive" means any chemical compound or mixture that  
31 is commonly used or is possessed for the purpose of producing an  
32 explosion and which contains any oxidizing and combustible  
33 materials or other ingredients in such proportions, quantities or  
34 packing that an ignition by fire, by friction, by concussion or by  
35 detonation of any part of the compound or mixture may cause such  
36 a sudden generation of highly heated gases that the resultant  
37 gaseous pressures are capable of producing destructive effects on  
38 contiguous objects. The term shall not include small arms  
39 ammunition, or explosives in the form prescribed by the official  
40 United States Pharmacopoeia.
- 41       f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
42 automatic or semi-automatic rifle, or any gun, device or instrument  
43 in the nature of a weapon from which may be fired or ejected any  
44 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
45 vapor or other noxious thing, by means of a cartridge or shell or by  
46 the action of an explosive or the igniting of flammable or explosive  
47 substances. It shall also include, without limitation, any firearm  
48 which is in the nature of an air gun, spring gun or pistol or other

1 weapon of a similar nature in which the propelling force is a spring,  
2 elastic band, carbon dioxide, compressed or other gas or vapor, air  
3 or compressed air, or is ignited by compressed air, and ejecting a  
4 bullet or missile smaller than three-eighths of an inch in diameter,  
5 with sufficient force to injure a person.

6 g. "Firearm silencer" means any instrument, attachment,  
7 weapon or appliance for causing the firing of any gun, revolver,  
8 pistol or other firearm to be silent, or intended to lessen or muffle  
9 the noise of the firing of any gun, revolver, pistol or other firearm.

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

13 i. "Machine gun" means any firearm, mechanism or instrument  
14 not requiring that the trigger be pressed for each shot and having a  
15 reservoir, belt or other means of storing and carrying ammunition  
16 which can be loaded into the firearm, mechanism or instrument and  
17 fired therefrom.

18 j. "Manufacturer" means any person who receives or obtains  
19 raw materials or parts and processes them into firearms or finished  
20 parts of firearms, except a person who exclusively processes grips,  
21 stocks and other nonmetal parts of firearms. The term does not  
22 include a person who repairs existing firearms or receives new and  
23 used raw materials or parts solely for the repair of existing firearms.

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

27 l. "Retail dealer" means any person including a gunsmith,  
28 except a manufacturer or a wholesale dealer, who sells, transfers or  
29 assigns for a fee or profit any firearm or parts of firearms or  
30 ammunition which he has purchased or obtained with the intention,  
31 or for the purpose, of reselling or reassigning to persons who are  
32 reasonably understood to be the ultimate consumers, and includes  
33 any person who is engaged in the business of repairing firearms or  
34 who sells any firearm to satisfy a debt secured by the pledge of a  
35 firearm.

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

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

45 o. "Sawed-off shotgun" means any shotgun having a barrel or  
46 barrels of less than 18 inches in length measured from the breech to  
47 the muzzle, or a rifle having a barrel or barrels of less than 16  
48 inches in length measured from the breech to the muzzle, or any

1 firearm made from a rifle or a shotgun, whether by alteration, or  
2 otherwise, if such firearm as modified has an overall length of less  
3 than 26 inches.

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

7 q. "Superintendent" means the Superintendent of the State  
8 Police.

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

22 s. "Wholesale dealer" means any person, except a  
23 manufacturer, who sells, transfers, or assigns firearms, or parts of  
24 firearms, to persons who are reasonably understood not to be the  
25 ultimate consumers, and includes persons who receive finished  
26 parts of firearms and assemble them into completed or partially  
27 completed firearms, in furtherance of such purpose, except that it  
28 shall not include those persons dealing exclusively in grips, stocks  
29 and other nonmetal parts of firearms.

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

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

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

37 w. "Assault firearm" means:

38 (1) The following firearms:

39 Algimec AGM1 type

40 Any shotgun with a revolving cylinder such as the "Street  
41 Sweeper" or "Striker 12"

42 Armalite AR-180 type

43 Australian Automatic Arms SAR

44 Avtomat Kalashnikov type semi-automatic firearms

45 Beretta AR-70 and BM59 semi-automatic firearms

46 Bushmaster Assault Rifle

47 Calico M-900 Assault carbine and M-900

48 CETME G3

**S101 [1R]**

10

- 1 Chartered Industries of Singapore SR-88 type
- 2 Colt AR-15 and CAR-15 series
- 3 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 4 Demro TAC-1 carbine type
- 5 Encom MP-9 and MP-45 carbine types
- 6 FAMAS MAS223 types
- 7 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 8 Franchi SPAS 12 and LAW 12 shotguns
- 9 G3SA type
- 10 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 11 Intratec TEC 9 and 22 semi-automatic firearms
- 12 M1 carbine type
- 13 M14S type
- 14 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 15 PJK M-68 carbine type
- 16 Plainfield Machine Company Carbine
- 17 Ruger K-Mini-14/5F and Mini-14/5RF
- 18 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 19 SKS with detachable magazine type
- 20 Spectre Auto carbine type
- 21 Springfield Armory BM59 and SAR-48 type
- 22 Sterling MK-6, MK-7 and SAR types
- 23 Steyr A.U.G. semi-automatic firearms
- 24 USAS 12 semi-automatic type shotgun
- 25 Uzi type semi-automatic firearms
- 26 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 27 Weaver Arm Nighthawk.
- 28 (2) Any firearm manufactured under any designation which is
- 29 substantially identical to any of the firearms listed above.
- 30 (3) A semi-automatic shotgun with either a magazine capacity
- 31 exceeding six rounds, a pistol grip, or a folding stock.
- 32 (4) A semi-automatic rifle with a fixed magazine capacity
- 33 exceeding 15 rounds.
- 34 (5) A part or combination of parts designed or intended to
- 35 convert a firearm into an assault firearm, or any combination of
- 36 parts from which an assault firearm may be readily assembled if
- 37 those parts are in the possession or under the control of the same
- 38 person.
- 39 x. "Semi-automatic" means a firearm which fires a single
- 40 projectile for each single pull of the trigger and is self-reloading or
- 41 automatically chambers a round, cartridge, or bullet.
- 42 y. "Large capacity ammunition magazine" means a box, drum,
- 43 tube or other container which is capable of holding more than 15
- 44 rounds of ammunition to be fed continuously and directly therefrom
- 45 into a semi-automatic firearm.
- 46 z. "Pistol grip" means a well-defined handle, similar to that
- 47 found on a handgun, that protrudes conspicuously beneath the

1 action of the weapon, and which permits the shotgun to be held and  
2 fired with one hand.

3 aa. "Antique handgun" means a handgun manufactured before  
4 1898, or a replica thereof, which is recognized as being historical in  
5 nature or of historical significance and either (1) utilizes a match,  
6 friction, flint, or percussion ignition, or which utilizes a pin-fire  
7 cartridge in which the pin is part of the cartridge or (2) does not fire  
8 fixed ammunition or for which cartridge ammunition is not  
9 commercially available.

10 bb. "Trigger lock" means a commercially available device  
11 approved by the Superintendent of State Police which is operated  
12 with a key or combination lock that prevents a firearm from being  
13 discharged while the device is attached to the firearm. It may  
14 include, but need not be limited to, devices that obstruct the barrel  
15 or cylinder of the firearm, as well as devices that immobilize the  
16 trigger.

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

24 dd. "Personalized handgun" means a handgun which incorporates  
25 within its design **【**, and as part of its original manufacture,  
26 technology which automatically limits its operational use and which  
27 cannot be readily deactivated, so that it may only be fired by an  
28 authorized or recognized user. The technology limiting the  
29 handgun's operational use may include, but not be limited to: radio  
30 frequency tagging, touch memory, remote control, fingerprint,  
31 magnetic encoding and other automatic user identification systems  
32 utilizing biometric, mechanical or electronic systems **】** a permanent  
33 programmable feature as part of its manufacture that cannot be  
34 deactivated and renders the personalized handgun reasonably  
35 resistant to being fired except when activated by the lawful owner  
36 or other user authorized by the lawful owner. No make or model of  
37 a handgun shall be deemed to be a "personalized handgun" unless  
38 the **【Attorney General】** State Personalized Handgun Authorization  
39 Commission has determined **【**, through testing or other reasonable  
40 means, that the handgun meets any reliability standards that the  
41 manufacturer may require for its commercially available handguns  
42 that are not personalized or, if the manufacturer has no such  
43 reliability standards, **】** the personalized handgun meets the  
44 **【reliability】** standards **【**generally used in the industry for  
45 commercially available handguns **】** established pursuant to section 3  
46 of P.L. , c. (C. ) (pending before the Legislature as this  
47 bill).

1 ee. "Authorized user" means the owner of a personalized  
2 handgun or a person to whom the owner has given consent to use  
3 the personalized handgun.

4 (cf: P.L.2002, c.130, s.5)]<sup>1</sup>

5  
6 <sup>1</sup>6. N.J.S.2C:39-1 is amended to read as follows:

7 2C:39-1. Definitions. The following definitions apply to this  
8 chapter and to chapter 58:

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

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

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

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

38 e. "Explosive" means any chemical compound or mixture that  
39 is commonly used or is possessed for the purpose of producing an  
40 explosion and which contains any oxidizing and combustible  
41 materials or other ingredients in such proportions, quantities or  
42 packing that an ignition by fire, by friction, by concussion or by  
43 detonation of any part of the compound or mixture may cause such  
44 a sudden generation of highly heated gases that the resultant  
45 gaseous pressures are capable of producing destructive effects on  
46 contiguous objects. The term shall not include small arms  
47 ammunition, or explosives in the form prescribed by the official  
48 United States Pharmacopoeia.

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

14 g. "Firearm silencer" means any instrument, attachment,  
15 weapon or appliance for causing the firing of any gun, revolver,  
16 pistol or other firearm to be silent, or intended to lessen or muffle  
17 the noise of the firing of any gun, revolver, pistol or other firearm.

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

21 i. "Machine gun" means any firearm, mechanism or instrument  
22 not requiring that the trigger be pressed for each shot and having a  
23 reservoir, belt or other means of storing and carrying ammunition  
24 which can be loaded into the firearm, mechanism or instrument and  
25 fired therefrom. A machine gun also shall include, without  
26 limitation, any firearm with a trigger crank attached.

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

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

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

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



- 1 n. "Shotgun" means any firearm designed to be fired from the  
2 shoulder and using the energy of the explosive in a fixed shotgun  
3 shell to fire through a smooth bore either a number of ball shots or a  
4 single projectile for each pull of the trigger, or any firearm designed  
5 to be fired from the shoulder which does not fire fixed ammunition.
- 6 o. "Sawed-off shotgun" means any shotgun having a barrel or  
7 barrels of less than 18 inches in length measured from the breech to  
8 the muzzle, or a rifle having a barrel or barrels of less than 16  
9 inches in length measured from the breech to the muzzle, or any  
10 firearm made from a rifle or a shotgun, whether by alteration, or  
11 otherwise, if such firearm as modified has an overall length of less  
12 than 26 inches.
- 13 p. "Switchblade knife" means any knife or similar device  
14 which has a blade which opens automatically by hand pressure  
15 applied to a button, spring or other device in the handle of the knife.
- 16 q. "Superintendent" means the Superintendent of the State  
17 Police.
- 18 r. "Weapon" means anything readily capable of lethal use or of  
19 inflicting serious bodily injury. The term includes, but is not  
20 limited to, all (1) firearms, even though not loaded or lacking a clip  
21 or other component to render them immediately operable; (2)  
22 components which can be readily assembled into a weapon; (3)  
23 gravity knives, switchblade knives, daggers, dirks, stiletos, or other  
24 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
25 sandclubs, slingshots, cesti or similar leather bands studded with  
26 metal filings or razor blades imbedded in wood; and (4) stun guns;  
27 and any weapon or other device which projects, releases, or emits  
28 tear gas or any other substance intended to produce temporary  
29 physical discomfort or permanent injury through being vaporized or  
30 otherwise dispensed in the air.
- 31 s. "Wholesale dealer" means any person, except a  
32 manufacturer, who sells, transfers, or assigns firearms, or parts of  
33 firearms, to persons who are reasonably understood not to be the  
34 ultimate consumers, and includes persons who receive finished  
35 parts of firearms and assemble them into completed or partially  
36 completed firearms, in furtherance of such purpose, except that it  
37 shall not include those persons dealing exclusively in grips, stocks  
38 and other nonmetal parts of firearms.
- 39 t. "Stun gun" means any weapon or other device which emits  
40 an electrical charge or current intended to temporarily or  
41 permanently disable a person.
- 42 u. "Ballistic knife" means any weapon or other device capable  
43 of lethal use and which can propel a knife blade.
- 44 v. "Imitation firearm" means an object or device reasonably  
45 capable of being mistaken for a firearm.
- 46 w. "Assault firearm" means:  
47 (1) The following firearms:  
48 Algimec AGM1 type

**S101 [1R]**

15

- 1 Any shotgun with a revolving cylinder such as the "Street
- 2 Sweeper" or "Striker 12"
- 3 Armalite AR-180 type
- 4 Australian Automatic Arms SAR
- 5 Avtomat Kalashnikov type semi-automatic firearms
- 6 Beretta AR-70 and BM59 semi-automatic firearms
- 7 Bushmaster Assault Rifle
- 8 Calico M-900 Assault carbine and M-900
- 9 CETME G3
- 10 Chartered Industries of Singapore SR-88 type
- 11 Colt AR-15 and CAR-15 series
- 12 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 13 Demro TAC-1 carbine type
- 14 Encom MP-9 and MP-45 carbine types
- 15 FAMAS MAS223 types
- 16 FN-FAL, FN-LAR, or FN-FNC type semi-automatic
- 17 firearms
- 18 Franchi SPAS 12 and LAW 12 shotguns
- 19 G3SA type
- 20 Galil type Heckler and Koch HK91, HK93, HK94, MP5,
- 21 PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic
- 38 firearms
- 39 Weaver Arm Nighthawk.
- 40 (2) Any firearm manufactured under any designation which is
- 41 substantially identical to any of the firearms listed above.
- 42 (3) A semi-automatic shotgun with either a magazine capacity
- 43 exceeding six rounds, a pistol grip, or a folding stock.
- 44 (4) A semi-automatic rifle with a fixed magazine capacity
- 45 exceeding 10 rounds. "Assault firearm" shall not include a semi-
- 46 automatic rifle which has an attached tubular device and which is
- 47 capable of operating only with .22 caliber rimfire ammunition.

- 1 (5) A part or combination of parts designed or intended to  
2 convert a firearm into an assault firearm, or any combination of  
3 parts from which an assault firearm may be readily assembled if  
4 those parts are in the possession or under the control of the same  
5 person.
- 6 (6) A firearm with a bump stock attached.
- 7 x. "Semi-automatic" means a firearm which fires a single  
8 projectile for each single pull of the trigger and is self-reloading or  
9 automatically chambers a round, cartridge, or bullet.
- 10 y. "Large capacity ammunition magazine" means a box, drum,  
11 tube or other container which is capable of holding more than 10  
12 rounds of ammunition to be fed continuously and directly therefrom  
13 into a semi-automatic firearm. The term shall not include an  
14 attached tubular device which is capable of holding only .22 caliber  
15 rimfire ammunition.
- 16 z. "Pistol grip" means a well-defined handle, similar to that  
17 found on a handgun, that protrudes conspicuously beneath the  
18 action of the weapon, and which permits the shotgun to be held and  
19 fired with one hand.
- 20 aa. "Antique handgun" means a handgun manufactured before  
21 1898, or a replica thereof, which is recognized as being historical in  
22 nature or of historical significance and either (1) utilizes a match,  
23 friction, flint, or percussion ignition, or which utilizes a pin-fire  
24 cartridge in which the pin is part of the cartridge or (2) does not fire  
25 fixed ammunition or for which cartridge ammunition is not  
26 commercially available.
- 27 bb. "Trigger lock" means a commercially available device  
28 approved by the Superintendent of State Police which is operated  
29 with a key or combination lock that prevents a firearm from being  
30 discharged while the device is attached to the firearm. It may  
31 include, but need not be limited to, devices that obstruct the barrel  
32 or cylinder of the firearm, as well as devices that immobilize the  
33 trigger.
- 34 cc. "Trigger locking device" means a device that, if installed on  
35 a firearm and secured by means of a key or mechanically,  
36 electronically or electromechanically operated combination lock,  
37 prevents the firearm from being discharged without first  
38 deactivating or removing the device by means of a key or  
39 mechanically, electronically or electromechanically operated  
40 combination lock.
- 41 dd. "Personalized handgun" means a handgun which  
42 incorporates within its design **■**, and as part of its original  
43 manufacture, technology which automatically limits its operational  
44 use and which cannot be readily deactivated, so that it may only be  
45 fired by an authorized or recognized user. The technology limiting  
46 the handgun's operational use may include, but not be limited to:  
47 radio frequency tagging, touch memory, remote control, fingerprint,  
48 magnetic encoding and other automatic user identification systems

1 utilizing biometric, mechanical or electronic systems] a permanent  
2 programmable feature as part of its manufacture that cannot be  
3 deactivated and renders the personalized handgun reasonably  
4 resistant to being fired except when activated by the lawful owner  
5 or other authorized user. No make or model of a handgun shall be  
6 deemed to be a "personalized handgun" unless the [Attorney  
7 General] Personalized Handgun Authorization Commission  
8 established pursuant to section 1 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill has determined [, through testing  
10 or other reasonable means, that the handgun meets any reliability  
11 standards that the manufacturer may require for its commercially  
12 available handguns that are not personalized or, if the manufacturer  
13 has no such reliability standards,] in accordance with section 2 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill),  
15 that the personalized handgun meets the [reliability] performance  
16 standards [generally used in the industry for commercially  
17 available handguns] and qualifying criteria established pursuant to  
18 section 2 of P.L. , c. (C. ) (pending before the Legislature  
19 as this bill).

20 ee. "Bump stock" means any device or instrument for a firearm  
21 that increases the rate of fire achievable with the firearm by using  
22 energy from the recoil of the firearm to generate a reciprocating  
23 action that facilitates repeated activation of the trigger.

24 ff. "Trigger crank" means any device or instrument to be  
25 attached to a firearm that repeatedly activates the trigger of the  
26 firearm through the use of a lever or other part that is turned in a  
27 circular motion; provided, however, the term shall not include any  
28 weapon initially designed and manufactured to fire through the use  
29 of a crank or lever.

30 gg. "Armor piercing ammunition" means: (1) a projectile or  
31 projectile core which may be used in a handgun and is constructed  
32 entirely, excluding the presence of traces of other substances, from  
33 one or a combination of tungsten alloys, steel, iron, brass, bronze,  
34 beryllium copper, or depleted uranium; or (2) a full jacketed  
35 projectile larger than .22 caliber designed and intended for use in a  
36 handgun and whose jacket has a weight of more than 25 percent of  
37 the total weight of the projectile. "Armor piercing ammunition"  
38 shall not include shotgun shot required by federal or State  
39 environmental or game regulations for hunting purposes, a frangible  
40 projectile designed for target shooting, a projectile which the United  
41 States Attorney General finds is primarily intended to be used for  
42 sporting purposes, or any other projectile or projectile core which  
43 the United States Attorney General finds is intended to be used for  
44 industrial purposes, including a charge used in an oil gas well  
45 perforating device.

46 hh. "Covert firearm" means any firearm that is constructed in a  
47 shape or configuration such that it does not resemble a handgun,

1 rifle, shotgun, or machine gun including, but not limited to, a  
2 firearm that resembles a key-chain, pen, cigarette lighter, cigarette  
3 package, cellphone, smart phone, wallet, or cane.

4 ii. "Undetectable firearm" means a firearm that: (1) after  
5 removal of all parts other than major components, is not as  
6 detectable as the Security Exemplar, by walk-through metal  
7 detectors calibrated and operated to detect the Security Exemplar;  
8 or (2) includes a major component which, if the firearm were  
9 subjected to inspection by the types of detection devices commonly  
10 used at airports for security screening, would not generate an image  
11 that accurately depicts the shape of the component. "Undetectable  
12 firearm" shall not be construed to include a firearm subject to the  
13 provisions of paragraphs (3) through (6) of subsection (p) of 18  
14 U.S.C. s.922.

15 jj. "Major component" means the slide or cylinder or the frame  
16 or receiver of a firearm and, in the case of a rifle or shotgun, also  
17 includes the barrel.

18 kk. "Security Exemplar" means the Security Exemplar fabricated  
19 in accordance with subparagraph (C) of paragraph (2) of subsection  
20 (p) of 18 U.S.C. s.922.

21 ll. "Authorized user" means the lawful owner of a personalized  
22 handgun or a person to whom the owner has given consent to use  
23 the personalized handgun.<sup>1</sup>

24 (cf: P.L.2018, c.138, s.1)

25

26 <sup>1</sup>[8.] 7. N.J.S.2C:58-2 is amended to read as follows:

27 2C:58-2. a. Licensing of retail dealers and their employees.  
28 No retail dealer of firearms nor any employee of a retail dealer shall  
29 sell or expose for sale, or possess with the intent of selling, any  
30 firearm unless licensed to do so as hereinafter provided. The  
31 superintendent shall prescribe standards and qualifications for retail  
32 dealers of firearms and their employees for the protection of the  
33 public safety, health and welfare.

34 Applications shall be made in the form prescribed by the  
35 superintendent, accompanied by a fee of \$50 payable to the  
36 superintendent, and shall be made to a judge of the Superior Court  
37 in the county where the applicant maintains his place of business.  
38 The judge shall grant a license to an applicant if he finds that the  
39 applicant meets the standards and qualifications established by the  
40 superintendent and that the applicant can be permitted to engage in  
41 business as a retail dealer of firearms or employee thereof without  
42 any danger to the public safety, health and welfare. Each license  
43 shall be valid for a period of three years from the date of issuance,  
44 and shall authorize the holder to sell firearms at retail in a specified  
45 municipality.

46 In addition, every retail dealer shall pay a fee of \$5 for each  
47 employee actively engaged in the sale or purchase of firearms. The  
48 superintendent shall issue a license for each employee for whom

1 said fee has been paid, which license shall be valid for so long as  
2 the employee remains in the employ of said retail dealer.

3 No license shall be granted to any retail dealer under the age of  
4 21 years or to any employee of a retail dealer under the age of 18 or  
5 to any person who could not qualify to obtain a permit to purchase a  
6 handgun or a firearms purchaser identification card, or to any  
7 corporation, partnership or other business organization in which the  
8 actual or equitable controlling interest is held or possessed by such  
9 an ineligible person.

10 All licenses shall be granted subject to the following conditions,  
11 for breach of any of which the license shall be subject to revocation  
12 on the application of any law enforcement officer and after notice  
13 and hearing by the issuing court:

14 (1) The business shall be carried on only in the building or  
15 buildings designated in the license, provided that repairs may be  
16 made by the dealer or his employees outside of such premises.

17 (2) The license or a copy certified by the issuing authority shall  
18 be displayed at all times in a conspicuous place on the business  
19 premises where it can be easily read.

20 (3) No firearm or imitation thereof shall be placed in any  
21 window or in any other part of the premises where it can be readily  
22 seen from the outside.

23 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
24 be delivered to any person unless such person possesses and  
25 exhibits a valid firearms purchaser identification card and furnishes  
26 the seller, on the form prescribed by the superintendent, a  
27 certification signed by him setting forth his name, permanent  
28 address, firearms purchaser identification card number and such  
29 other information as the superintendent may by rule or regulation  
30 require. The certification shall be retained by the dealer and shall  
31 be made available for inspection by any law enforcement officer at  
32 any reasonable time.

33 (5) No handgun shall be delivered to any person unless:

34 (a) Such person possesses and exhibits a valid permit to  
35 purchase a firearm and at least seven days have elapsed since the  
36 date of application for the permit;

37 (b) The person is personally known to the seller or presents  
38 evidence of his identity;

39 (c) The handgun is unloaded and securely wrapped;

40 (d) **【Except as otherwise provided in subparagraph (e) of this**  
41 **paragraph, the】** The handgun is accompanied by a trigger lock or a  
42 locked case, gun box, container or other secure facility; provided,  
43 however, this provision shall not apply to antique handguns or  
44 personalized handguns included in the roster pursuant to section 2  
45 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
46 **【exemption】** exemptions afforded under this subparagraph for  
47 antique handguns and personalized handguns shall be narrowly  
48 construed, limited solely to the requirements set forth herein and

1 shall not be deemed to afford or authorize any other exemption  
2 from the regulatory provisions governing firearms set forth in  
3 chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;  
4 and

5 (e) **【**On and after the first day of the sixth month following the  
6 date on which the list of personalized handguns is prepared and  
7 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),  
8 the handgun is identified as a personalized handgun and included  
9 on that list or is an antique handgun. The provisions of  
10 subparagraph (d) of this section shall not apply to the delivery of a  
11 personalized handgun.**】** (Deleted by amendment, P.L. \_\_\_\_\_,  
12 c. \_\_\_\_ ) (pending before the Legislature as this bill)

13 (6) The dealer shall keep a true record of every handgun sold,  
14 given or otherwise delivered or disposed of, in accordance with the  
15 provisions of subsections b. through e. of this section and the record  
16 shall note whether a trigger lock, locked case, gun box, container or  
17 other secure facility was delivered along with the handgun.

18 (7) A dealer shall not knowingly deliver more than one handgun  
19 to any person within any 30-day period. This limitation shall not  
20 apply to:

21 (a) a federal, State, or local law enforcement officer or agency  
22 purchasing handguns for use by officers in the actual performance  
23 of their law enforcement duties;

24 (b) a collector of handguns as curios or relics as defined in Title  
25 18, United States Code, section 921 (a) (13) who has in his  
26 possession a valid Collector of Curios and Relics License issued by  
27 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

28 (c) transfers of handguns among licensed retail dealers,  
29 registered wholesale dealers and registered manufacturers;

30 (d) any transaction where the person has purchased a handgun  
31 from a licensed retail dealer and has returned that handgun to the  
32 dealer in exchange for another handgun within 30 days of the  
33 original transaction, provided the retail dealer reports the exchange  
34 transaction to the superintendent; or

35 (e) any transaction where the superintendent issues an  
36 exemption from the prohibition in this subsection pursuant to the  
37 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

38 b. Records. Every person engaged in the retail business of  
39 selling, leasing or otherwise transferring a handgun, as a retail  
40 dealer or otherwise, shall keep a register in which shall be entered  
41 the time of the sale, lease or other transfer, the date thereof, the  
42 name, age, date of birth, complexion, occupation, residence and a  
43 physical description including distinguishing physical  
44 characteristics, if any, of the purchaser, lessee or transferee, the  
45 name and permanent home address of the person making the sale,  
46 lease or transfer, the place of the transaction, and the make, model,  
47 manufacturer's number, caliber and other marks of identification on  
48 such handgun and such other information as the superintendent

1 shall deem necessary for the proper enforcement of this chapter.  
 2 The register shall be retained by the dealer and shall be made  
 3 available at all reasonable hours for inspection by any law  
 4 enforcement officer.

5 c. Forms of register. The superintendent shall prepare the form  
 6 of the register as described in subsection b. of this section and  
 7 furnish the same in triplicate to each person licensed to be engaged  
 8 in the business of selling, leasing or otherwise transferring firearms.

9 d. Signatures in register. The purchaser, lessee or transferee of  
 10 any handgun shall sign, and the dealer shall require him to sign his  
 11 name to the register, in triplicate, and the person making the sale,  
 12 lease or transfer shall affix his name, in triplicate, as a witness to  
 13 the signature. The signatures shall constitute a representation of the  
 14 accuracy of the information contained in the register.

15 e. Copies of register entries; delivery to chief of police or  
 16 county clerk. Within five days of the date of the sale, assignment or  
 17 transfer, the dealer shall deliver or mail by certified mail, return  
 18 receipt requested, legible copies of the register forms to the office  
 19 of the chief of police of the municipality in which the purchaser  
 20 resides, or to the office of the captain of the precinct of the  
 21 municipality in which the purchaser resides, and to the  
 22 superintendent. If hand delivered a receipt shall be given to the  
 23 dealer therefor.

24 Where a sale, assignment or transfer is made to a purchaser who  
 25 resides in a municipality having no chief of police, the dealer shall,  
 26 within five days of the transaction, mail a duplicate copy of the  
 27 register sheet to the clerk of the county within which the purchaser  
 28 resides.

29 (cf: P.L.2009, c.186, s.1)

30  
 31 <sup>1</sup>~~9.~~ 8.<sup>1</sup> Section 8 of P.L.2002, c.130 (C.59:2-11) is amended  
 32 to read as follows:

33 8. ~~8.~~ ~~The~~ action or inaction by a public entity or public  
 34 employee ~~in implementing the provisions of P.L.2002,~~  
 35 ~~c.130 (C.2C:58-2.2 et al.), including but not limited to the~~ when  
 36 promulgating, amending or supplementing ~~of a~~ the ~~list~~ roster  
 37 of personalized handguns that may be sold in this State ~~,~~ pursuant  
 38 to P.L. , c. (C. ) (pending before the Legislature as this bill  
 39 shall not constitute a representation, warranty or guarantee by any  
 40 public entity or employee with regard to the safety, use or any other  
 41 aspect or attribute of a personalized handgun.

42 ~~No~~ An action to recover damages shall not arise or ~~shall~~ be  
 43 brought against any public entity or public employee for any action  
 44 or inaction related to or in connection with ~~the implementation of~~  
 45 any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.) ~~the roster of~~  
 46 personalized handguns established pursuant to section 2 of  
 47 P.L. , c. (C. ) (pending before the Legislature as this bill).



1 (cf: P.L.2002, c.130, s.8)

2

3 <sup>1</sup>**【10.】** 9.<sup>1</sup> The following sections are repealed:

4 Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through  
5 (C.2C:58-2.5); and

6 Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

7

8 <sup>1</sup>**【11.】** 10.<sup>1</sup> This act shall take effect on the first day of the  
9 seventh month following enactment, but the Attorney General and  
10 Superintendent of State Police may take any anticipatory  
11 administrative action in advance of that date as shall be necessary  
12 for the implementation of this act.

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17 Establishes commission to approve personalized handguns;  
18 requires firearm retailers to sell personalized handguns.

P.L. 2019, CHAPTER 167, *approved July 16, 2019*  
Assembly, No. 3896

1 AN ACT concerning firearms and suicide prevention and  
2 supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. The Attorney General, in consultation with the  
8 Commissioner of Health, shall establish a suicide prevention course  
9 curriculum and suicide prevention informational materials for  
10 firearm retail dealers who sell firearms or operate a firing range in  
11 this State.

12 b. The Attorney General shall notify firearm retail dealers of  
13 the course curriculum established pursuant to subsection a. of this  
14 section and encourage their participation in a training course. The  
15 training course shall be made available by the Department of Law  
16 and Public Safety in a classroom setting or on an Internet website.  
17 The training course shall include:

18 (1) methods to recognize signs of suicidal tendencies or  
19 characteristics in firearm purchasers or renters;

20 (2) suicide intervention strategies to reduce the incidence of  
21 attempted and completed suicides among persons purchasing or  
22 renting a firearm; and

23 (3) information regarding available community services and  
24 counseling programs developed to prevent suicide.

25 c. The Attorney General shall distribute the suicide prevention  
26 informational materials established pursuant to subsection a. of this  
27 section to each firearm retail dealer who sells firearms or operates a  
28 firing range in this State. The informational materials shall advise  
29 customers on methods to prevent firearms from being accessible to  
30 a friend or family member in crisis. A firearm retail dealer who  
31 sells firearms or operates a firing range shall make available the  
32 informational materials at each retail purchase counter.

33  
34 2. This act shall take effect on the first day of the seventh  
35 month next following enactment, except the Attorney General and  
36 Commissioner of Health may take any anticipatory administrative  
37 action in advance thereof as shall be necessary for the  
38 implementation of this act.

39

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41

STATEMENT

42

43 This bill requires the Attorney General, in consultation with the  
44 Commissioner of Health, to establish a suicide prevention course

1 curriculum and suicide prevention informational materials for  
2 firearm retail dealers who sell firearms or operate a firing range in  
3 this State. Under the bill, the Attorney General is required to notify  
4 firearm retail dealers of the course curriculum and encourage their  
5 participation in a training course. The training course would be  
6 made available by the Department of Law and Public Safety in a  
7 classroom setting or on an Internet website. The course would  
8 include information on methods to recognize signs of suicidal  
9 tendencies or characteristics in firearm purchasers or renters,  
10 suicide intervention strategies to reduce the incidence of attempted  
11 and completed suicides among customers, and information  
12 regarding available community services and counseling programs  
13 developed to prevent suicide.

14 In addition, the bill requires the Attorney General to distribute  
15 the suicide prevention materials to each firearm retail dealer who  
16 sells firearms or operates a firing range. The informational  
17 materials would advise customers on methods to prevent firearms  
18 from being accessible to a friend or family member in crisis. A  
19 firearm retail dealer who sells firearms or operates a firing range  
20 would be required to make the informational materials available at  
21 each retail purchase counter.

22

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26 Requires AG and Commissioner of Health to establish suicide  
27 prevention training course and informational materials for firearm  
28 retail dealers.

P.L. 2019, CHAPTER 166, *approved July 16, 2019*  
Assembly, No. 4449

1 AN ACT concerning firearms and amending N.J.S.2C:39-10.

2

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

5

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

7 2C:39-10. Violation of the regulatory provisions relating to  
8 firearms; false representation in applications.

9 a. (1) Except as otherwise provided in paragraph (2) and  
10 paragraph (4) of this subsection, any person who knowingly violates  
11 the regulatory provisions relating to manufacturing or wholesaling  
12 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,  
13 permits to purchase certain firearms N.J.S.2C:58-3, permits to carry  
14 certain firearms N.J.S.2C:58-4, licenses to procure machine guns or  
15 assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition  
16 N.J.S.2C:58-10, except acts which are punishable under section  
17 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the  
18 fourth degree.

19 (2) A licensed dealer who knowingly violates the provisions of  
20 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
21 is a disorderly person.

22 (3) If, upon review, a law enforcement agency determines that a  
23 licensed dealer has sold, transferred, assigned, or otherwise  
24 disposed of an inordinate number of firearms and that licensed  
25 dealer knew, or should have known, that the firearms would be used  
26 in the commission of a crime or would be transferred to a person in  
27 order for the firearms to be used for an unlawful purpose, that  
28 dealer's license shall, after a hearing, be permanently revoked.

29 (4) A licensed dealer who sells or transfers a firearm to a person  
30 knowing that person intends to sell, transfer, assign, or otherwise  
31 dispose of that firearm to a person who is disqualified from  
32 possessing a firearm under State or federal law is guilty of a crime  
33 of the second degree. Notwithstanding any other provisions of law  
34 to the contrary, the sentence imposed for a conviction under this  
35 subsection shall include a mandatory minimum term of  
36 imprisonment of 18 months, during which the defendant shall be  
37 ineligible for parole; provided however, if the firearm was used in  
38 the commission of a crime, the sentence imposed under this  
39 subsection shall include a mandatory minimum term of  
40 imprisonment of three years, during which the defendant shall be  
41 ineligible for parole. Further, a person convicted under this

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 subsection shall be permanently disqualified from holding a retail  
2 license under N.J.S.2C:58-2.

3 (5) A person who is disqualified from possessing a firearm  
4 under State or federal law who knowingly solicits, persuades,  
5 encourages, or entices a licensed dealer or other person to sell, give,  
6 transfer, or assign a firearm to the disqualified person under  
7 circumstances which the disqualified person knows would violate  
8 State or federal law is guilty of a crime of the third degree.  
9 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a  
10 conviction under this subsection shall not merge with a conviction  
11 for any other criminal offense and the court shall impose separate  
12 sentences upon a violation of this subsection and any other criminal  
13 offense.

14 b. Any person who knowingly violates the regulatory  
15 provisions relating to notifying the authorities of possessing certain  
16 items of explosives N.J.S.2C:58-7, or of certain wounds  
17 N.J.S.2C:58-8 is a disorderly person.

18 c. Any person who gives or causes to be given any false  
19 information, or signs a fictitious name or address, in applying for a  
20 firearms purchaser identification card, a permit to purchase a  
21 handgun, a permit to carry a handgun, a permit to possess a machine  
22 gun, a permit to possess an assault firearm, or in completing the  
23 certificate or any other instrument required by law in purchasing or  
24 otherwise acquiring delivery of any rifle, shotgun, handgun,  
25 machine gun, or assault firearm or any other firearm, is guilty of a  
26 crime of the third degree.

27 d. Any person who gives or causes to be given any false  
28 information in registering an assault firearm pursuant to section 11  
29 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
30 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
31 c.32 (C.2C:58-13) commits a crime of the fourth degree.

32 e. Any person who knowingly sells, gives, transfers, assigns or  
33 otherwise disposes of a firearm to a person who is under the age of  
34 18 years, except as permitted in section 14 of P.L.1979, c.179  
35 (C.2C:58-6.1), is guilty of a crime of the second degree.  
36 Notwithstanding any other provision of law to the contrary, the  
37 sentence imposed for a conviction under this subsection shall  
38 include a mandatory minimum five-year term of imprisonment,  
39 during which the defendant shall be ineligible for parole.

40 f. Unless the recipient is authorized to possess the handgun in  
41 connection with the performance of official duties under the  
42 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
43 gives, transfers, assigns or otherwise disposes of a handgun to a  
44 person who is under the age of 21 years, except as permitted in  
45 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
46 the third degree.

47 g. Any person who knowingly gives or causes to be given any  
48 false information or knowingly engages in any other fraudulent

1 conduct in applying for an exemption to purchase more than one  
2 handgun in a 30-day period in violation of the provisions of section  
3 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
4 third degree. The presumption of nonimprisonment set forth in  
5 N.J.S.2C:44-1 shall not apply to persons convicted under the  
6 provisions of this subsection.  
7 (cf: P.L.2013, c.111, s.2)

8

9 2. This act shall take effect immediately.

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STATEMENT

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14 This bill prohibits a person who is disqualified from possessing a  
15 firearm from knowingly soliciting, persuading, encouraging, or  
16 enticing a licensed dealer or other person to sell, give, transfer, or  
17 assign a firearm to the disqualified person under circumstances that  
18 would violate State or federal law. Under the bill, the disqualified  
19 person would be guilty of a crime of the third degree, which is  
20 punishable by a three-to-five year term of incarceration, a fine of up  
21 to \$15,000, or both. The penalty established by the bill would not  
22 merge with any other penalty under current law.

23

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27 Establishes crime of soliciting transfer of firearm by disqualified  
28 person.