

SENATE, No. 573

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

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District 11 (Monmouth)

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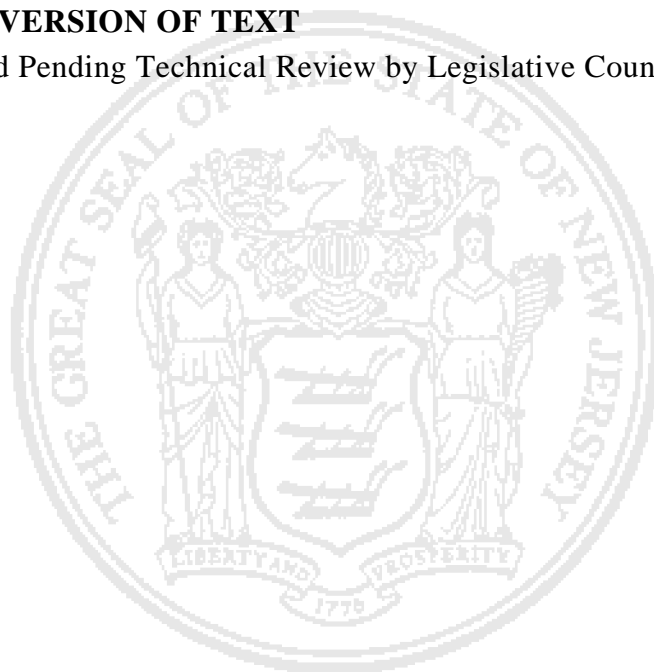
Senators Adler, Bryant, Furnari, Baer, Lesniak and Turner

SYNOPSIS

Mandates sale of only child-proof handguns within five years; during interim requires triggerlocks accompany sales of handguns that are not child-proof; appropriates \$500,000.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the sale of handguns, supplementing chapter 58
2 of Title 2C of the New Jersey Statutes, amending N.J.S.2C:39-1,
3 N.J.S.2C:39-3, N.J.S.2C:39-9, N.J.S.2C:58-2 and N.J.S.2C:58-3
4 and making an appropriation.

5

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

8

9 1. (New section) a. To effectuate the purposes of P.L. ,
10 c. (C.) (now pending before the Legislature as this bill), the
11 Attorney General shall contract with an institution for higher education
12 or an independent research laboratory to conduct an on-going research
13 and evaluation study to determine the commercial availability of child-
14 proof handguns. In making its determination, the contracted entity
15 shall consider the reliability of the technology utilized; the number and
16 variety of models and calibers of child-proof handguns commercially
17 available; and the manufacturer's suggested retail price for those child-
18 proof handguns. The report shall be submitted to the Attorney
19 General no later than the first day of the 36th month following the
20 enactment of this act.

21 b. If the contracted entity determines that child-proof handguns are
22 not commercially available, the Attorney General shall so notify the
23 Governor and the Legislature, setting forth in a written summary the
24 reasons for that determination. The Attorney General shall either
25 extend the contract for an additional 12 months, directing the
26 contracted entity to submit its findings and determinations on the first
27 day of the thirteenth month following the contract extension, or
28 contract with another institution for higher education or independent
29 research laboratory to undertake a 12-month research and evaluation
30 study patterned on the provisions of subsection a. of this section, and
31 direct that institution or laboratory to submit its findings and
32 determinations to the Attorney General on the first day of the 13th
33 month following the date on which the contract was signed.

34 c. If the Attorney General finds that the report submitted by the
35 contracted entity pursuant to subsection b. of this section determines
36 that child-proof technology is not available, the Governor and
37 Legislature shall be so notified. The Attorney General may extend the
38 contract or contract with another institution for higher education or
39 independent research laboratory to undertake a research and
40 evaluation project patterned on the provisions of subsection a. of this
41 section, and to submit its findings and determinations to the Attorney
42 General.

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

Matter underlined thus is new matter.

1 2. (New section) Within 60 days of the receipt of a report
2 determining that child-proof handguns are commercially available
3 pursuant to section 1 of this act, or five years after the effective date
4 of this act, whichever occurs first, the Attorney General shall direct
5 the Superintendent of State Police to promulgate and provide to
6 registered and licensed retail firearms dealers in this State a list of
7 child-proof handguns. The superintendent may amend and supplement
8 the list at such times as he deems appropriate. Registered and licensed
9 retail firearms dealers in this State shall be notified forthwith of any
10 changes in the list. The notice shall be given in a manner prescribed
11 by rule and regulation.

12
13 3. (New section) a. On and after the first day of the second month
14 following the provision of the list of child-proof handguns pursuant to
15 section 2 of P.L. c. (C) (now pending before the Legislature as
16 this bill), no person registered or licensed by the superintendent as a
17 manufacturer, wholesale dealer of firearms, retail dealer of firearms or
18 employee of a retail dealer of firearms pursuant to the provisions of
19 N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport into this State, sell,
20 expose for sale, possess with the intent of selling, assign or otherwise
21 transfer any handgun unless it is a child-proof handgun or an antique
22 handgun. Until that day, no licensed retail dealer of firearms or any
23 employee of a retail dealer of firearms shall sell, assign or otherwise
24 transfer any handgun, other than an antique handgun, unless that
25 handgun is equipped with a trigger lock.

26 b. The provisions of this section shall not apply to handguns to be
27 sold, transferred, assigned and delivered for official use to: (1) State
28 and local law enforcement officers of this State; (2) federal law
29 enforcement officers and any other federal officers and employees
30 required to carry firearms in the performance of their official duties;
31 and (3) members of the Armed Forces of the United States or of the
32 National Guard.

33 c. A person who knowingly violates the provisions of this section
34 is guilty of a crime of the fourth degree.

35
36 4. N.J.S.2C:39-1 is amended to read as follows:

37 2C:39-1. Definitions. The following definitions apply to this
38 chapter and to chapter 58:

39 a. "Antique firearm" means any [firearm] rifle or shotgun and
40 "antique cannon" means a destructive device defined in paragraph (3)
41 of subsection c. of this section, if the [firearm] rifle, shotgun or
42 destructive device, as the case may be, is incapable of being fired or
43 discharged, or which does not fire fixed ammunition, regardless of
44 date of manufacture, or was manufactured before 1898 for which
45 cartridge ammunition is not commercially available, and is possessed
46 as a curiosity or ornament or for its historical significance or value.

1 b. "Deface" means to remove, deface, cover, alter or destroy the
2 name of the maker, model designation, manufacturer's serial number
3 or any other distinguishing identification mark or number on any
4 firearm.

5 c. "Destructive device" means any device, instrument or object
6 designed to explode or produce uncontrolled combustion, including
7 (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket
8 having a propellant charge of more than four ounces or any missile
9 having an explosive or incendiary charge of more than one-quarter of
10 an ounce; (3) any weapon capable of firing a projectile of a caliber
11 greater than 60 caliber, except a shotgun or shotgun ammunition
12 generally recognized as suitable for sporting purposes; (4) any
13 Molotov cocktail or other device consisting of a breakable container
14 containing flammable liquid and having a wick or similar device
15 capable of being ignited. The term does not include any device
16 manufactured for the purpose of illumination, distress signaling,
17 line-throwing, safety or similar purposes.

18 d. "Dispose of" means to give, give away, lease, loan, keep for
19 sale, offer, offer for sale, sell, transfer, or otherwise transfer
20 possession.

21 e. "Explosive" means any chemical compound or mixture that is
22 commonly used or is possessed for the purpose of producing an
23 explosion and which contains any oxidizing and combustible materials
24 or other ingredients in such proportions, quantities or packing that an
25 ignition by fire, by friction, by concussion or by detonation of any part
26 of the compound or mixture may cause such a sudden generation of
27 highly heated gases that the resultant gaseous pressures are capable of
28 producing destructive effects on contiguous objects. The term shall
29 not include small arms ammunition, or explosives in the form
30 prescribed by the official United States Pharmacopoeia.

31 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
32 automatic or semi-automatic rifle, or any gun, device or instrument in
33 the nature of a weapon from which may be fired or ejected any solid
34 projectable ball, slug, pellet, missile or bullet, or any gas, vapor or
35 other noxious thing, by means of a cartridge or shell or by the action
36 of an explosive or the igniting of flammable or explosive substances.
37 It shall also include, without limitation, any firearm which is in the
38 nature of an air gun, spring gun or pistol or other weapon of a similar
39 nature in which the propelling force is a spring, elastic band, carbon
40 dioxide, compressed or other gas or vapor, air or compressed air, or
41 is ignited by compressed air, and ejecting a bullet or missile smaller
42 than three-eighths of an inch in diameter, with sufficient force to injure
43 a person.

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

- 1 firing of any gun, revolver, pistol or other firearm.
- 2 h. "Gravity knife" means any knife which has a blade which is
3 released from the handle or sheath thereof by the force of gravity or
4 the application of centrifugal force.
- 5 i. "Machine gun" means any firearm, mechanism or instrument not
6 requiring that the trigger be pressed for each shot and having a
7 reservoir, belt or other means of storing and carrying ammunition
8 which can be loaded into the firearm, mechanism or instrument and
9 fired therefrom.
- 10 j. "Manufacturer" means any person who receives or obtains raw
11 materials or parts and processes them into firearms or finished parts of
12 firearms, except a person who exclusively processes grips, stocks and
13 other nonmetal parts of firearms. The term does not include a person
14 who repairs existing firearms or receives new and used raw materials
15 or parts solely for the repair of existing firearms.
- 16 k. "Handgun" means any pistol, revolver or other firearm originally
17 designed or manufactured to be fired by the use of a single hand.
- 18 l. "Retail dealer" means any person including a gunsmith, except a
19 manufacturer or a wholesale dealer, who sells, transfers or assigns for
20 a fee or profit any firearm or parts of firearms or ammunition which he
21 has purchased or obtained with the intention, or for the purpose, of
22 reselling or reassigning to persons who are reasonably understood to
23 be the ultimate consumers, and includes any person who is engaged in
24 the business of repairing firearms or who sells any firearm to satisfy a
25 debt secured by the pledge of a firearm.
- 26 m. "Rifle" means any firearm designed to be fired from the
27 shoulder and using the energy of the explosive in a fixed metallic
28 cartridge to fire a single projectile through a rifled bore for each single
29 pull of the trigger.
- 30 n. "Shotgun" means any firearm designed to be fired from the
31 shoulder and using the energy of the explosive in a fixed shotgun shell
32 to fire through a smooth bore either a number of ball shots or a single
33 projectile for each pull of the trigger, or any firearm designed to be
34 fired from the shoulder which does not fire fixed ammunition.
- 35 o. "Sawed-off shotgun" means any shotgun having a barrel or
36 barrels of less than 18 inches in length measured from the breech to
37 the muzzle, or a rifle having a barrel or barrels of less than 16 inches
38 in length measured from the breech to the muzzle, or any firearm made
39 from a rifle or a shotgun, whether by alteration, or otherwise, if such
40 firearm as modified has an overall length of less than 26 inches.
- 41 p. "Switchblade knife" means any knife or similar device which has
42 a blade which opens automatically by hand pressure applied to a
43 button, spring or other device in the handle of the knife.

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

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

15 s. "Wholesale dealer" means any person, except a manufacturer,
16 who sells, transfers, or assigns firearms, or parts of firearms, to
17 persons who are reasonably understood not to be the ultimate
18 consumers, and includes persons who receive finished parts of firearms
19 and assemble them into completed or partially completed firearms, in
20 furtherance of such purpose, except that it shall not include those
21 persons dealing exclusively in grips, stocks and other nonmetal parts
22 of firearms.

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

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

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

30 w. "Assault firearm" means:

31 (1) The following firearms:

32 Algimec AGM1 type

33 Any shotgun with a revolving cylinder such as the "Street Sweeper"
34 or "Striker 12"

35 Armalite AR-180 type

36 Australian Automatic Arms SAR

37 Avtomat Kalashnikov type semi-automatic firearms

38 Beretta AR-70 and BM59 semi-automatic firearms

39 Bushmaster Assault Rifle

40 Calico M-900 Assault carbine and M-900

41 CETME G3

42 Chartered Industries of Singapore SR-88 type

43 Colt AR-15 and CAR-15 series

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

45 Demro TAC-1 carbine type

46 Encom MP-9 and MP-45 carbine types

- 1 FAMAS MAS223 types
- 2 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 3 Franchi SPAS 12 and LAW 12 shotguns
- 4 G3SA type
- 5 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 6 Intratec TEC 9 and 22 semi-automatic firearms
- 7 M1 carbine type
- 8 M14S type
- 9 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 10 PJK M-68 carbine type
- 11 Plainfield Machine Company Carbine
- 12 Ruger K-Mini-14/5F and Mini-14/5RF
- 13 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 14 SKS with detachable magazine type
- 15 Spectre Auto carbine type
- 16 Springfield Armory BM59 and SAR-48 type
- 17 Sterling MK-6, MK-7 and SAR types
- 18 Steyr A.U.G. semi-automatic firearms
- 19 USAS 12 semi-automatic type shotgun
- 20 Uzi type semi-automatic firearms
- 21 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 22 Weaver Arm Nighthawk.
- 23 (2) Any firearm manufactured under any designation which is
- 24 substantially identical to any of the firearms listed above.
- 25 (3) A semi-automatic shotgun with either a magazine capacity
- 26 exceeding six rounds, a pistol grip, or a folding stock.
- 27 (4) A semi-automatic rifle with a fixed magazine capacity
- 28 exceeding 15 rounds.
- 29 (5) A part or combination of parts designed or intended to convert
- 30 a firearm into an assault firearm, or any combination of parts from
- 31 which an assault firearm may be readily assembled if those parts are in
- 32 the possession or under the control of the same person.
- 33 x. "Semi-automatic" means a firearm which fires a single projectile
- 34 for each single pull of the trigger and is self-reloading or automatically
- 35 chambers a round, cartridge, or bullet.
- 36 y. "Large capacity ammunition magazine" means a box, drum, tube
- 37 or other container which is capable of holding more than 15 rounds of
- 38 ammunition to be fed continuously and directly therefrom into a
- 39 semi-automatic firearm.
- 40 z. "Pistol grip" means a well-defined handle, similar to that found
- 41 on a handgun, that protrudes conspicuously beneath the action of the
- 42 weapon, and which permits the shotgun to be held and fired with one
- 43 hand.
- 44 aa. "Antique handgun" means a handgun manufactured before
- 45 1898, or a replica thereof, which (1) utilizes a match, friction, flint, or
- 46 percussion ignition, or which utilizes a pin-fire cartridge in which the

1 pin is part of the cartridge; (2) does not fire fixed ammunition or for
2 which cartridge ammunition is not commercially available; and (3) is
3 recognized as being historical in nature or of historical significance or
4 value.

5 bb. "Child-proof handgun" means a handgun which incorporates
6 within its design, and as part of its original manufacture, technology
7 which automatically limits its operational use and which cannot be
8 readily deactivated, so that it may only be fired by an authorized or
9 recognized user. The technology limiting the handgun's operational
10 use may include, but not be limited to: radio frequency tagging, touch
11 memory, remote control, fingerprint, magnetic encoding and other
12 automatic user identification systems utilizing biometric, mechanical
13 or electronic systems.

14 cc. "Trigger lock" means a metallic device operated with a key or
15 combination lock that prevents a firearm from being discharged while
16 the device is attached to the firearm. It may include, but need not be
17 limited to, devices that obstruct the barrel or cylinder of the firearm,
18 as well as devices that immobilize the trigger.

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

20

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

22 2C:39-3. Prohibited Weapons and Devices.

23 a. Destructive devices. Any person who knowingly has in his
24 possession any destructive device is guilty of a crime of the third
25 degree.

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

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

31 d. Defaced firearms. Any person who knowingly has in his
32 possession any firearm which has been defaced, except an antique
33 firearm or an antique handgun, is guilty of a crime of the fourth
34 degree.

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

41 f. Dum-dum or body armor penetrating bullets. (1) Any person,
42 other than a law enforcement officer or persons engaged in activities
43 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
44 possession any hollow nose or dum-dum bullet, or (2) any person,
45 other than a collector of firearms or ammunition as curios or relics as
46 defined in Title 18, United States Code, section 921 (a) (13) and has

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

14 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
15 k. of this section shall apply to any member of the Armed Forces of the
16 United States or the National Guard, or except as otherwise provided,
17 to any law enforcement officer while actually on duty or traveling to
18 or from an authorized place of duty, provided that his possession of
19 the prohibited weapon or device has been duly authorized under the
20 applicable laws, regulations or military or law enforcement orders.
21 Nothing in subsection h. of this section shall apply to any law
22 enforcement officer who is exempted from the provisions of that
23 subsection by the Attorney General. Nothing in this section shall apply
24 to the possession of any weapon or device by a law enforcement
25 officer who has confiscated, seized or otherwise taken possession of
26 said weapon or device as evidence of the commission of a crime or
27 because he believed it to be possessed illegally by the person from
28 whom it was taken, provided that said law enforcement officer
29 promptly notifies his superiors of his possession of such prohibited
30 weapon or device.

31 (2) Nothing in subsection f. (1) shall be construed to prevent a
32 person from keeping such ammunition at his dwelling, premises or
33 other land owned or possessed by him, or from carrying such
34 ammunition from the place of purchase to said dwelling or land, nor
35 shall subsection f. (1) be construed to prevent any licensed retail or
36 wholesale firearms dealer from possessing such ammunition at its
37 licensed premises, provided that the seller of any such ammunition
38 shall maintain a record of the name, age and place of residence of any
39 purchaser who is not a licensed dealer, together with the date of sale
40 and quantity of ammunition sold.

41 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
42 shall be construed to prevent any licensed retail or wholesale firearms
43 dealer from possessing that ammunition or large capacity ammunition
44 magazine at its licensed premises for sale or disposition to another
45 licensed dealer, the Armed Forces of the United States or the National
46 Guard, or to a law enforcement agency, provided that the seller

1 maintains a record of any sale or disposition to a law enforcement
2 agency. The record shall include the name of the purchasing agency,
3 together with written authorization of the chief of police or highest
4 ranking official of the agency, the name and rank of the purchasing law
5 enforcement officer, if applicable, and the date, time and amount of
6 ammunition sold or otherwise disposed. A copy of this record shall be
7 forwarded by the seller to the Superintendent of the Division of State
8 Police within 48 hours of the sale or disposition.

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

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

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

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

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

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

34

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

36 2C:39-9. Manufacture, Transport, Disposition and Defacement of
37 Weapons and Dangerous Instruments and Appliances. a. Machine
38 guns. Any person who manufactures, causes to be manufactured,
39 transports, ships, sells or disposes of any machine gun without being
40 registered or licensed to do so as provided in chapter 58 is guilty of a
41 crime of the third degree.

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

45 c. Firearm silencers. Any person who manufactures, causes to be
46 manufactured, transports, ships, sells or disposes of any firearm

1 silencer is guilty of a crime of the fourth degree.

2 d. Weapons. Any person who manufactures, causes to be
3 manufactured, transports, ships, sells or disposes of any weapon,
4 including gravity knives, switchblade knives, ballistic knives, daggers,
5 dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs,
6 slingshots, cesti or similar leather bands studded with metal filings, or
7 in the case of firearms if he is not licensed or registered to do so as
8 provided in chapter 58, is guilty of a crime of the fourth degree. Any
9 person who manufactures, causes to be manufactured, transports,
10 ships, sells or disposes of any weapon or other device which projects,
11 releases or emits tear gas or other substances intended to produce
12 temporary physical discomfort or permanent injury through being
13 vaporized or otherwise dispensed in the air, which is intended to be
14 used for any purpose other than for authorized military or law
15 enforcement purposes by duly authorized military or law enforcement
16 personnel or the device is for the purpose of personal self-defense, is
17 pocket-sized and contains not more than three-quarters of an ounce of
18 chemical substance not ordinarily capable of lethal use or of inflicting
19 serious bodily injury, or other than to be used by any person permitted
20 to possess such weapon or device under the provisions of subsection
21 d. of N.J.S.2C:39-5, which is intended for use by financial and other
22 business institutions as part of an integrated security system, placed at
23 fixed locations, for the protection of money and property, by the duly
24 authorized personnel of those institutions, is guilty of a crime of the
25 fourth degree.

26 e. Defaced firearms. Any person who defaces any firearm is guilty
27 of a crime of the third degree. Any person who knowingly buys,
28 receives, disposes of or conceals a defaced firearm, except an antique
29 firearm or an antique handgun, is guilty of a crime of the fourth
30 degree.

31 f. (1) Any person who manufactures, causes to be manufactured,
32 transports, ships, sells, or disposes of any bullet, which is primarily
33 designed for use in a handgun, and which is comprised of a bullet
34 whose core or jacket, if the jacket is thicker than .025 of an inch, is
35 made of tungsten carbide, or hard bronze, or other material which is
36 harder than a rating of 72 or greater on the Rockwell B. Hardness
37 Scale, and is therefore capable of breaching or penetrating body armor
38 and which is intended to be used for any purpose other than for
39 authorized military or law enforcement purposes by duly authorized
40 military or law enforcement personnel, is guilty of a crime of the
41 fourth degree.

42 (2) Nothing in this subsection shall be construed to prevent a
43 licensed collector of ammunition as defined in paragraph (2) of
44 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined in
45 paragraph (1) of this subsection from (a) any licensed retail or
46 wholesale firearms dealer's place of business to the collector's

1 dwelling, premises, or other land owned or possessed by him, or (b)
2 to or from the collector's dwelling, premises or other land owned or
3 possessed by him to any gun show for the purposes of display, sale,
4 trade, or transfer between collectors, or (c) to or from the collector's
5 dwelling, premises or other land owned or possessed by him to any
6 rifle or pistol club organized in accordance with the rules prescribed
7 by the National Board for the Promotion of Rifle Practice; provided
8 that the club has filed a copy of its charter with the superintendent of
9 the State Police and annually submits a list of its members to the
10 superintendent, and provided further that the ammunition being
11 transported shall be carried not loaded in any firearm and contained in
12 a closed and fastened case, gunbox, or locked in the trunk of the
13 automobile in which it is being transported, and the course of travel
14 shall include only such deviations as are reasonably necessary under
15 the circumstances.

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

20 h. Large capacity ammunition magazines. Any person who
21 manufactures, causes to be manufactured, transports, ships, sells or
22 disposes of a large capacity ammunition magazine which is intended
23 to be used for any purpose other than for authorized military or law
24 enforcement purposes by duly authorized military or law enforcement
25 personnel is guilty of a crime of the fourth degree.

26 (cf: P.L.1990, c.32, s.3)

27

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

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

36 Applications shall be made in the form prescribed by the
37 superintendent, accompanied by a fee of \$50.00 payable to the
38 superintendent, and shall be made to a judge of the Superior Court in
39 the county where the applicant maintains his place of business. The
40 judge shall grant a license to an applicant if he finds that the applicant
41 meets the standards and qualifications established by the
42 superintendent and that the applicant can be permitted to engage in
43 business as a retail dealer of firearms or employee thereof without any
44 danger to the public safety, health and welfare. Each license shall be
45 valid for a period of 3 years from the date of issuance, and shall
46 authorize the holder to sell firearms at retail in a specified

1 municipality.

2 In addition, every retail dealer shall pay a fee of \$5.00 for each
3 employee actively engaged in the sale or purchase of firearms. The
4 superintendent shall issue a license for each employee for whom said
5 fee has been paid, which license shall be valid for so long as the
6 employee remains in the employ of said retail dealer.

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

14 All licenses shall be granted subject to the following conditions, for
15 breach of any of which the license shall be subject to revocation on the
16 application of any law enforcement officer and after notice and hearing
17 by the issuing court:

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

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

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

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

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

37 (a) Such person possesses and exhibits a valid permit to purchase
38 a firearm and at least 7 days have elapsed since the date of application
39 for the permit;

40 (b) The person is personally known to the seller or presents
41 evidence of his identity; **[and]**

42 (c) The handgun is unloaded and securely wrapped; **and**

43 (d) (i) For the period between the effective date of P.L. , c.
44 (C.)(now pending before the Legislature as this bill), but before
45 the first day of the second month following the providing of the list of
46 child-proof handguns pursuant to section 2 of P.L. , c.

1 (C.)(now pending before the Legislature as this bill), the handgun
2 is accompanied by a trigger locking device or is an antique handgun;
3 and (ii) on and after the first day of the second month following the
4 date on which the list of child-proof handguns is provided pursuant to
5 section 2 of P.L. , c. (C.)(now pending before the Legislature
6 as this bill), the handgun is identified as a child-proof handgun and
7 included on that list or is an antique handgun.

8 The exemption afforded under this paragraph for antique handguns
9 shall be narrowly construed, limited solely to the requirements set
10 forth in subparagraph (i) and (ii), and shall not be deemed to afford or
11 authorize any other exemption from the regulatory provisions
12 governing firearms set forth in chapter 39 and chapter 58 of Title 2C
13 of the New Jersey Statutes.

14 (6) The dealer shall keep a true record of every handgun sold,
15 given or otherwise delivered or disposed of, in accordance with the
16 provisions of subsections b. through e. of this section and, except with
17 respect to a handgun that is identified as a child-proof handgun and
18 included on the list provided pursuant to section 2 of P.L. , c.
19 (C.)(now pending before the Legislature as this bill) and any
20 antique handgun, the record shall note that a trigger locking device
21 was delivered along with the handgun.

22 b. Records. Every person engaged in the retail business of selling,
23 leasing or otherwise transferring a handgun, as a retail dealer or
24 otherwise, shall keep a register in which shall be entered the time of
25 the sale, lease or other transfer, the date thereof, the name, age, date
26 of birth, complexion, occupation, residence and a physical description
27 including distinguishing physical characteristics, if any, of the
28 purchaser, lessee or transferee, the name and permanent home address
29 of the person making the sale, lease or transfer, the place of the
30 transaction, and the make, model, manufacturer's number, caliber and
31 other marks of identification on such handgun and such other
32 information as the superintendent shall deem necessary for the proper
33 enforcement of this chapter. The register shall be retained by the
34 dealer and shall be made available at all reasonable hours for
35 inspection by any law enforcement officer.

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

40 d. Signatures in register. The purchaser, lessee or transferee of any
41 handgun shall sign, and the dealer shall require him to sign his name to
42 the register, in triplicate, and the person making the sale, lease or
43 transfer shall affix his name, in triplicate, as a witness to the signature.
44 The signatures shall constitute a representation of the accuracy of the
45 information contained in the register.

1 e. Copies of register entries; delivery to chief of police or county
2 clerk. Within 5 days of the date of the sale, assignment or transfer, the
3 dealer shall deliver or mail by certified mail, return receipt requested,
4 legible copies of the register forms to the office of the chief of police
5 of the municipality in which the purchaser resides, or to the office of
6 the captain of the precinct of the municipality in which the purchaser
7 resides, and to the superintendent. If hand delivered a receipt shall be
8 given to the dealer therefor.

9 Where a sale, assignment or transfer is made to a purchaser who
10 resides in a municipality having no chief of police, the dealer shall,
11 within 5 days of the transaction, mail a duplicate copy of the register
12 sheet to the clerk of the county within which the purchaser resides.
13 (cf: P.L.1979, c.179, s.10)

14

15 8. N.J.S.2C:58-3 is amended to read as follows:

16 2C:58-3. Purchase of Firearms. a. Permit to purchase a handgun.
17 No person shall sell, give, transfer, assign or otherwise dispose of, nor
18 receive, purchase, or otherwise acquire a handgun unless the
19 purchaser, assignee, donee, receiver or holder is licensed as a dealer
20 under this chapter or has first secured a permit to purchase a handgun
21 as provided by this section and, except in the case of a handgun that
22 is identified as a child-proof handgun on the list provided pursuant to
23 section 2 of P.L. , c. (C.)(now pending before the Legislature
24 as this bill) or an antique handgun, the receipt, purchase or acquisition
25 of the handgun also shall include the receipt, purchase or acquisition
26 of a trigger locking device for that handgun.

27 b. Firearms purchaser identification card. No person shall sell,
28 give, transfer, assign or otherwise dispose of nor receive, purchase or
29 otherwise acquire an antique cannon or a rifle or shotgun, other than
30 an antique rifle or shotgun, unless the purchaser, assignee, donee,
31 receiver or holder is licensed as a dealer under this chapter or
32 possesses a valid firearms purchaser identification card, and first
33 exhibits said card to the seller, donor, transferor or assignor, and
34 unless the purchaser, assignee, donee, receiver or holder signs a
35 written certification, on a form prescribed by the superintendent,
36 which shall indicate that he presently complies with the requirements
37 of subsection c. of this section and shall contain his name, address and
38 firearms purchaser identification card number or dealer's registration
39 number. The said certification shall be retained by the seller, as
40 provided in section 2C:58-2a., or, in the case of a person who is not
41 a dealer, it may be filed with the chief of police of the municipality in
42 which he resides or with the superintendent.

43 c. Who may obtain. No person of good character and good repute
44 in the community in which he lives, and who is not subject to any of
45 the disabilities set forth in this section or other sections of this chapter,
46 shall be denied a permit to purchase a handgun or a firearms purchaser

1 identification card, except as hereinafter set forth. No handgun
2 purchase permit or firearms purchaser identification card shall be
3 issued:

4 (1) To any person who has been convicted of a crime, whether or
5 not armed with or possessing a weapon at the time of such offense;

6 (2) To any drug dependent person as defined in section 2 of
7 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
8 mental disorder to a hospital, mental institution or sanitarium, or to
9 any person who is presently an habitual drunkard;

10 (3) To any person who suffers from a physical defect or disease
11 which would make it unsafe for him to handle firearms, to any person
12 who has ever been confined for a mental disorder, or to any alcoholic
13 unless any of the foregoing persons produces a certificate of a medical
14 doctor or psychiatrist licensed in New Jersey, or other satisfactory
15 proof, that he is no longer suffering from that particular disability in
16 such a manner that would interfere with or handicap him in the
17 handling of firearms; to any person who knowingly falsifies any
18 information on the application form for a handgun purchase permit or
19 firearms purchaser identification card;

20 (4) To any person under the age of 18 years;

21 (5) To any person where the issuance would not be in the interest
22 of the public health, safety or welfare; or

23 (6) To any person who is subject to a court order issued pursuant
24 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person
25 from possessing any firearm.

26 d. Issuance. The chief of police of an organized full-time police
27 department of the municipality where the applicant resides or the
28 superintendent, in all other cases, shall upon application, issue to any
29 person qualified under the provisions of subsection c. of this section
30 a permit to purchase a handgun or a firearms purchaser identification
31 card.

32 Any person aggrieved by the denial of a permit or identification
33 card may request a hearing in the Superior Court of the county in
34 which he resides if he is a resident of New Jersey or in the Superior
35 Court of the county in which his application was filed if he is a
36 nonresident. The request for a hearing shall be made in writing within
37 30 days of the denial of the application for a permit or identification
38 card. The applicant shall serve a copy of his request for a hearing
39 upon the chief of police of the municipality in which he resides, if he
40 is a resident of New Jersey, and upon the superintendent in all cases.
41 The hearing shall be held and a record made thereof within 30 days of
42 the receipt of the application for such hearing by the judge of the
43 Superior Court. No formal pleading and no filing fee shall be required
44 as a preliminary to such hearing. Appeals from the results of such
45 hearing shall be in accordance with law.

1 e. Applications. Applications for permits to purchase a handgun
2 and for firearms purchaser identification cards shall be in the form
3 prescribed by the superintendent and shall set forth the name,
4 residence, place of business, age, date of birth, occupation, sex and
5 physical description, including distinguishing physical characteristics,
6 if any, of the applicant, and shall state whether the applicant is a
7 citizen, whether he is an alcoholic, habitual drunkard, drug dependent
8 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether
9 he has ever been confined or committed to a mental institution or
10 hospital for treatment or observation of a mental or psychiatric
11 condition on a temporary, interim or permanent basis, giving the name
12 and location of the institution or hospital and the dates of such
13 confinement or commitment, whether he has been attended, treated or
14 observed by any doctor or psychiatrist or at any hospital or mental
15 institution on an inpatient or outpatient basis for any mental or
16 psychiatric condition, giving the name and location of the doctor,
17 psychiatrist, hospital or institution and the dates of such occurrence,
18 whether he presently or ever has been a member of any organization
19 which advocates or approves the commission of acts of force and
20 violence to overthrow the Government of the United States or of this
21 State, or which seeks to deny others their rights under the Constitution
22 of either the United States or the State of New Jersey, whether he has
23 ever been convicted of a crime or disorderly persons offense, whether
24 the person is subject to a court order issued pursuant to section 13 of
25 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing
26 any firearm, and such other information as the superintendent shall
27 deem necessary for the proper enforcement of this chapter. For the
28 purpose of complying with this subsection, the applicant shall waive
29 any statutory or other right of confidentiality relating to institutional
30 confinement. The application shall be signed by the applicant and shall
31 contain as references the names and addresses of two reputable
32 citizens personally acquainted with him.

33 Application blanks shall be obtainable from the superintendent,
34 from any other officer authorized to grant such permit or identification
35 card, and from licensed retail dealers.

36 The chief police officer or the superintendent shall obtain the
37 fingerprints of the applicant and shall have them compared with any
38 and all records of fingerprints in the municipality and county in which
39 the applicant resides and also the records of the State Bureau of
40 Identification and the Federal Bureau of Investigation, provided that
41 an applicant for a handgun purchase permit who possesses a valid
42 firearms purchaser identification card, or who has previously obtained
43 a handgun purchase permit from the same licensing authority for which
44 he was previously fingerprinted, and who provides other reasonably
45 satisfactory proof of his identity, need not be fingerprinted again;
46 however, the chief police officer or the superintendent shall proceed

1 to investigate the application to determine whether or not the applicant
2 has become subject to any of the disabilities set forth in this chapter.

3 f. Granting of permit or identification card; fee; term; renewal;
4 revocation. The application for the permit to purchase a handgun
5 together with a fee of \$2.00, or the application for the firearms
6 purchaser identification card together with a fee of \$5.00, shall be
7 delivered or forwarded to the licensing authority who shall investigate
8 the same and, unless good cause for the denial thereof appears, shall
9 grant the permit or the identification card, or both, if application has
10 been made therefor, within 30 days from the date of receipt of the
11 application for residents of this State and within 45 days for
12 nonresident applicants. A permit to purchase a handgun shall be valid
13 for a period of 90 days from the date of issuance and may be renewed
14 by the issuing authority for good cause for an additional 90 days. A
15 permit to purchase a handgun, other than a handgun that has been
16 identified as a child-proof handgun on the list provided pursuant to
17 section 2 of P.L. , c. (C.)(now pending before the Legislature
18 as this bill) or an antique handgun, shall include the requirement that
19 the permit holder purchase or otherwise acquire a trigger locking
20 device for that handgun at the time of its purchase. A firearms
21 purchaser identification card shall be valid until such time as the holder
22 becomes subject to any of the disabilities set forth in subsection c. of
23 this section, whereupon the card shall be void and shall be returned
24 within five days by the holder to the superintendent, who shall then
25 advise the licensing authority. Failure of the holder to return the
26 firearms purchaser identification card to the superintendent within the
27 said five days shall be an offense under section 2C:39-10a. Any
28 firearms purchaser identification card may be revoked by the Superior
29 Court of the county wherein the card was issued, after hearing upon
30 notice, upon a finding that the holder thereof no longer qualifies for
31 the issuance of such permit. The county prosecutor of any county, the
32 chief police officer of any municipality or any citizen may apply to
33 such court at any time for the revocation of such card.

34 There shall be no conditions or requirements added to the form or
35 content of the application, or required by the licensing authority for
36 the issuance of a permit or identification card, other than those that are
37 specifically set forth in this chapter.

38 g. Disposition of fees. All fees for permits shall be paid to the
39 State Treasury if the permit is issued by the superintendent, to the
40 municipality if issued by the chief of police, and to the county treasurer
41 if issued by the judge of the Superior Court.

42 h. Form of permit; quadruplicate; disposition of copies. The permit
43 shall be in the form prescribed by the superintendent and shall be
44 issued to the applicant in quadruplicate. Prior to the time he receives
45 the handgun from the seller, the applicant shall deliver to the seller the
46 permit in quadruplicate and the seller shall complete all of the

1 information required on the form. Within five days of the date of the
2 sale, the seller shall forward the original copy to the superintendent
3 and the second copy to the chief of police of the municipality in which
4 the purchaser resides, except that in a municipality having no chief of
5 police, such copy shall be forwarded to the superintendent. The third
6 copy shall then be returned to the purchaser with the pistol or revolver
7 and the fourth copy shall be kept by the seller as a permanent record.

8 i. Restriction on number of firearms person may purchase. Only
9 one handgun shall be purchased or delivered on each permit, but a
10 person shall not be restricted as to the number of rifles or shotguns he
11 may purchase, provided he possesses a valid firearms purchaser
12 identification card and provided further that he signs the certification
13 required in subsection b. of this section for each transaction.

14 j. Firearms passing to heirs or legatees. Notwithstanding any other
15 provision of this section concerning the transfer, receipt or acquisition
16 of a firearm, a permit to purchase or a firearms purchaser identification
17 card shall not be required for the passing of a firearm upon the death
18 of an owner thereof to his heir or legatee, whether the same be by
19 testamentary bequest or by the laws of intestacy. The person who
20 shall so receive, or acquire said firearm shall, however, be subject to
21 all other provisions of this chapter. If the heir or legatee of such
22 firearm does not qualify to possess or carry it, he may retain ownership
23 of the firearm for the purpose of sale for a period not exceeding
24 180 days, or for such further limited period as may be approved by the
25 chief law enforcement officer of the municipality in which the heir or
26 legatee resides or the superintendent, provided that such firearm is in
27 the custody of the chief law enforcement officer of the municipality or
28 the superintendent during such period.

29 k. Sawed-off shotguns. Nothing in this section shall be construed
30 to authorize the purchase or possession of any sawed-off shotgun.

31 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the
32 sale or purchase of a visual distress signalling device approved by the
33 United States Coast Guard, solely for possession on a private or
34 commercial aircraft or any boat; provided, however, that no person
35 under the age of 18 years shall purchase nor shall any person sell to a
36 person under the age of 18 years such a visual distress signalling
37 device.

38 (cf: P.L.1991, c.261, s.19)

39

40 9. (New section) The Attorney General, in accordance with the
41 provisions of the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
43 effectuate the purposes of this act.

1 transfer of the handgun is accompanied by a trigger locking device.
2 Similar language is incorporated in N.J.S.2C:58-3 to obligate
3 purchasers of handguns not identified as child-proof to obtain a
4 trigger locking device at the time of purchase. The bill defines a
5 trigger locking device as a metallic device that, if installed on a firearm
6 and secured by means of a key or combination lock, prevents the
7 firearm from being discharged while the device is attached to the
8 firearm.

9 The Superintendent of State Police is directed to promulgate and
10 provide to licensed and registered retail firearms dealers a list
11 identifying the child-proof handguns they may sell in the State.

12 The bill provides a limited exemption from the child-proof and
13 trigger locking requirements for antique handguns, and replicas of
14 such handguns, since trigger locking devices for these guns are
15 unavailable and retro-fitting them is unrealistic. An antique handgun
16 is defined as a handgun manufactured before 1898, or a replica
17 thereof, which utilizes (1) a match, friction, flint, or percussion
18 ignition, or which utilizes a pin-fire cartridge in which the pin is part
19 of the cartridge, (2) does not fire fixed ammunition or for which
20 cartridge ammunition is not commercially available and (3) is
21 recognized as being historical in nature or of historical significance or
22 value.

23 The bill also makes technical amendments to N.J.S.2C:39-3 and
24 2C:39-9 to clarify that antique handguns would continue to be subject
25 to the provisions of those sections.

26 Finally, the bill includes a \$500,000 appropriation to provide
27 funding for the study to determine the commercial availability of child-
28 proof handguns.