

P.L. 2018, CHAPTER 138, *approved November 8, 2018*  
Senate, No. 2465 (*Third Reprint*)

1 AN ACT concerning <sup>1</sup>**[untraceable]**<sup>1</sup> firearms and amending  
2 <sup>2</sup>**[N.J.S.2C:39-9]** various parts of the statutory law<sup>2</sup>.  
3

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

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

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

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

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

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

**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>Senate SLP committee amendments adopted April 16, 2018.

<sup>2</sup>Assembly AJU committee amendments adopted September 17, 2018.

<sup>3</sup>Assembly floor amendments adopted September 27, 2018.

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

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

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

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

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

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

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

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

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

- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, 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 firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding 10 rounds. "Assault firearm" shall not include a semi-
- 45 automatic rifle which has an attached tubular device and which is
- 46 capable of operating only with .22 caliber rimfire ammunition.
- 47 (5) A part or combination of parts designed or intended to convert
- 48 a firearm into an assault firearm, or any combination of parts from

1 which an assault firearm may be readily assembled if those parts are in  
2 the possession or under the control of the same person.

3 (6) A firearm with a bump stock attached.

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

7 y. "Large capacity ammunition magazine" means a box, drum,  
8 tube or other container which is capable of holding more than 10  
9 rounds of ammunition to be fed continuously and directly therefrom  
10 into a semi-automatic firearm. The term shall not include an attached  
11 tubular device which is capable of holding only .22 caliber rimfire  
12 ammunition.

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

17 aa. "Antique handgun" means a handgun manufactured before  
18 1898, or a replica thereof, which is recognized as being historical in  
19 nature or of historical significance and either (1) utilizes a match,  
20 friction, flint, or percussion ignition, or which utilizes a pin-fire  
21 cartridge in which the pin is part of the cartridge or (2) does not fire  
22 fixed ammunition or for which cartridge ammunition is not  
23 commercially available.

24 bb. "Trigger lock" means a commercially available device  
25 approved by the Superintendent of State Police which is operated with  
26 a key or combination lock that prevents a firearm from being  
27 discharged while the device is attached to the firearm. It may include,  
28 but need not be limited to, devices that obstruct the barrel or cylinder  
29 of the firearm, as well as devices that immobilize the trigger.

30 cc. "Trigger locking device" means a device that, if installed on a  
31 firearm and secured by means of a key or mechanically, electronically  
32 or electromechanically operated combination lock, prevents the  
33 firearm from being discharged without first deactivating or removing  
34 the device by means of a key or mechanically, electronically or  
35 electromechanically operated combination lock.

36 dd. "Personalized handgun" means a handgun which incorporates  
37 within its design, and as part of its original manufacture, technology  
38 which automatically limits its operational use and which cannot be  
39 readily deactivated, so that it may only be fired by an authorized or  
40 recognized user. The technology limiting the handgun's operational  
41 use may include, but not be limited to: radio frequency tagging, touch  
42 memory, remote control, fingerprint, magnetic encoding and other  
43 automatic user identification systems utilizing biometric, mechanical  
44 or electronic systems. No make or model of a handgun shall be  
45 deemed to be a "personalized handgun" unless the Attorney General  
46 has determined, through testing or other reasonable means, that the  
47 handgun meets any reliability standards that the manufacturer may  
48 require for its commercially available handguns that are not  
49 personalized or, if the manufacturer has no such reliability standards,

1 the handgun meets the reliability standards generally used in the  
2 industry for commercially available handguns.

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

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

12 gg. "Armor piercing ammunition" means: (1) a projectile or  
13 projectile core which may be used in a handgun and is constructed  
14 entirely, excluding the presence of traces of other substances, from one  
15 or a combination of tungsten alloys, steel, iron, brass, bronze,  
16 beryllium copper, or depleted uranium; or (2) a full jacketed projectile  
17 larger than .22 caliber designed and intended for use in a handgun and  
18 whose jacket has a weight of more than 25 percent of the total weight  
19 of the projectile. "Armor piercing ammunition" shall not include  
20 shotgun shot required by federal or State environmental or game  
21 regulations for hunting purposes, a frangible projectile designed for  
22 target shooting, a projectile which the United States Attorney General  
23 finds is primarily intended to be used for sporting purposes, or any  
24 other projectile or projectile core which the United States Attorney  
25 General finds is intended to be used for industrial purposes, including  
26 a charge used in an oil gas well perforating device.

27 hh. "Covert firearm" means any firearm that is constructed in a  
28 shape or configuration such that it does not resemble a handgun, rifle,  
29 shotgun, or machine gun including, but not limited to, a firearm that  
30 resembles a key-chain, pen, cigarette lighter, cigarette package,  
31 cellphone, smart phone, wallet, or cane.

32 ii. "Undetectable firearm" means a firearm<sup>3</sup> [constructed entirely  
33 of non-metal substances, or a firearm that does not include at least one  
34 major component, such as the barrel, slide, cylinder, frame or receiver  
35 of the firearm, that is made entirely of metal such that,] that: (1) after  
36 removal of all parts other than major components, is not as detectable  
37 as the Security Exemplar, by walk-through metal detectors calibrated  
38 and operated to detect the Security Exemplar; or (2) includes a major  
39 component which,<sup>3</sup> if the firearm were subjected to inspection by the  
40 types of detection devices commonly used at airports for security  
41 screening, <sup>3</sup>[it]<sup>3</sup> would not generate an image that accurately depicts  
42 the shape of the component.<sup>2</sup> <sup>3</sup>"Undetectable firearm" shall not be  
43 construed to include a firearm subject to the provisions of paragraphs  
44 (3) through (6) of subsection (p) of 18 U.S.C. s.922.

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

1        kk. "Security Exemplar" means the Security Exemplar fabricated  
2 in accordance with subparagraph (C) of paragraph (2) of subsection (p)  
3 of 18 U.S.C. s.922.<sup>3</sup>  
4 (cf: P.L.2018, c.39, s.1)

5  
6        <sup>2</sup>2. N.J.S.2C:39-3 is amended to read as follows:

7        2C:39-3. Prohibited Weapons and Devices.

8        a. Destructive devices. Any person who knowingly has in his  
9 possession any destructive device is guilty of a crime of the third  
10 degree.

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

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

16        d. Defaced firearms. Any person who knowingly has in his  
17 possession any firearm which has been defaced, except an antique  
18 firearm or an antique handgun, is guilty of a crime of the fourth  
19 degree.

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

26        f. Dum-dum or armor piercing ammunition. (1) Any person,  
27 other than a law enforcement officer or persons engaged in  
28 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
29 knowingly has in his possession any hollow nose or dum-dum  
30 bullet, or (2) any person, other than a collector of firearms or  
31 ammunition as curios or relics as defined in Title 18, United States  
32 Code, section 921 (a) (13) and has in his possession a valid  
33 Collector of Curios and Relics License issued by the Bureau of  
34 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in  
35 his possession any armor piercing ammunition as defined in  
36 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth  
37 degree. For purposes of this section, a collector may possess not  
38 more than three examples of each distinctive variation of the  
39 ammunition described above. A distinctive variation includes a  
40 different head stamp, composition, design, or color.

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

1 Nothing in subsection h. of this section shall apply to any law  
2 enforcement officer who is exempted from the provisions of that  
3 subsection by the Attorney General. Nothing in this section shall  
4 apply to the possession of any weapon or device by a law  
5 enforcement officer who has confiscated, seized or otherwise taken  
6 possession of said weapon or device as evidence of the commission  
7 of a crime or because he believed it to be possessed illegally by the  
8 person from whom it was taken, provided that said law enforcement  
9 officer promptly notifies his superiors of his possession of such  
10 prohibited weapon or device.

11 (2) a. Nothing in subsection f. (1) shall be construed to prevent a  
12 pers from keeping such ammunition at his dwelling, premises or  
13 other land owned or possessed by him, or from carrying such  
14 ammunition from the place of purchase to said dwelling or land, nor  
15 shall subsection f. (1) be construed to prevent any licensed retail or  
16 wholesale firearms dealer from possessing such ammunition at its  
17 licensed premises, provided that the seller of any such ammunition  
18 shall maintain a record of the name, age and place of residence of  
19 any purchaser who is not a licensed dealer, together with the date of  
20 sale and quantity of ammunition sold.

21 b. Nothing in subsection f.(1) shall be construed to prevent a  
22 designated employee or designated licensed agent for a nuclear  
23 power plant under the license of the Nuclear Regulatory  
24 Commission from possessing hollow nose ammunition while in the  
25 actual performance of his official duties, if the federal licensee  
26 certifies that the designated employee or designated licensed agent  
27 is assigned to perform site protection, guard, armed response or  
28 armed escort duties and is appropriately trained and qualified, as  
29 prescribed by federal regulation, to perform those duties.

30 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
31 shall be construed to prevent any licensed retail or wholesale  
32 firearms dealer from possessing that ammunition or large capacity  
33 ammunition magazine at its licensed premises for sale or disposition  
34 to another licensed dealer, the Armed Forces of the United States or  
35 the National Guard, or to a law enforcement agency, provided that  
36 the seller maintains a record of any sale or disposition to a law  
37 enforcement agency. The record shall include the name of the  
38 purchasing agency, together with written authorization of the chief  
39 of police or highest ranking official of the agency, the name and  
40 rank of the purchasing law enforcement officer, if applicable, and  
41 the date, time and amount of ammunition sold or otherwise  
42 disposed. A copy of this record shall be forwarded by the seller to  
43 the Superintendent of the Division of State Police within 48 hours  
44 of the sale or disposition.

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

48 (5) Nothing in subsection c. of this section shall be construed to  
49 apply to any person who is specifically identified in a special deer

1 management permit issued by the Division of Fish and Wildlife to  
2 utilize a firearm silencer as part of an alternative deer control  
3 method implemented in accordance with a special deer management  
4 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),  
5 while the person is in the actual performance of the permitted  
6 alternative deer control method and while going to and from the  
7 place where the permitted alternative deer control method is being  
8 utilized. This exception shall not, however, otherwise apply to any  
9 person to authorize the purchase or possession of a firearm silencer.

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

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

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

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

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

34 l. Bump stock or trigger crank. Any person who knowingly  
35 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
36 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
37 regardless of whether the person is in possession of a firearm, is  
38 guilty of a crime of the third degree.

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

1 m. Covert or undetectable firearms. Any person who  
2 knowingly possesses any covert firearm as defined in subsection hh.  
3 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection  
4 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering  
5 that is designed or modified to allow the firearm to be fired while so  
6 enclosed and that disguises or obscures the shape of the firearm  
7 such that it does not resemble a handgun, rifle, shotgun, or machine  
8 gun is guilty a crime of the third degree.<sup>2</sup>  
9 (cf: P.L.2018, c.39, s.2).

10

11 <sup>2</sup>[1.] 3.<sup>2</sup> N.J.S.2C:39-9 is amended to read as follows:

12 2C:39-9. Manufacture, Transport, Disposition and Defacement  
13 of Weapons and Dangerous Instruments and Appliances. a.  
14 Machine guns. Any person who manufactures, causes to be  
15 manufactured, transports, ships, sells or disposes of any machine  
16 gun without being registered or licensed to do so as provided in  
17 chapter 58 <sup>2</sup>of Title 2C of the New Jersey Statutes<sup>2</sup> is guilty of a  
18 crime of the third degree.

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

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

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

1 protection of money and property, by the duly authorized personnel  
2 of those institutions, is guilty of a crime of the fourth degree.

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

8 f. (1) Any person who manufactures, causes to be  
9 manufactured, transports, ships, sell, or disposes of any <sup>2</sup>bullet,  
10 which is primarily designed for use in a handgun, and which is  
11 comprised of a bullet whose core or jacket, if the jacket is thicker  
12 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
13 other material which is harder than a rating of 72 or greater on the  
14 Rockwell B. Hardness Scale, and is therefore capable of breaching  
15 or penetrating body armor and armor piercing ammunition as  
16 defined in subsection gg. of N.J.S.2C:39-1<sup>2</sup> which is intended to be  
17 used for any purpose other than for authorized military or law  
18 enforcement purposes by duly authorized military or law  
19 enforcement personnel, is guilty of a crime of the fourth degree.

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

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

44 h. Large capacity ammunition magazines. Any person who  
45 manufactures, causes to be manufactured, transports, ships, sells or  
46 disposes of a large capacity ammunition magazine which is  
47 intended to be used for any purpose other than for authorized  
48 military or law enforcement purposes by duly authorized military or  
49 law enforcement personnel is guilty of a crime of the fourth degree.

1 i. Transporting firearms into this State for an unlawful sale or  
2 transfer. Any person who knowingly transports, ships or otherwise  
3 brings into this State any firearm for the purpose of unlawfully  
4 selling, transferring, giving, assigning or otherwise disposing of that  
5 firearm to another individual is guilty of a crime of the second  
6 degree. Any motor vehicle used by a person to transport, ship, or  
7 otherwise bring a firearm into this State for unlawful sale or transfer  
8 shall be subject to forfeiture in accordance with the provisions of  
9 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
10 shall not apply to innocent owners, nor shall it affect the rights of a  
11 holder of a valid lien.

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

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

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

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

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

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

32 k. Purchasing firearm parts to manufacture <sup>1</sup>[untraceable] a<sup>1</sup>  
33 firearm <sup>1</sup>without a serial number<sup>1</sup>. In addition to any other  
34 <sup>1</sup>[penalty imposed] criminal penalties provided<sup>1</sup> under <sup>1</sup>[current]<sup>1</sup>  
35 law, a person who <sup>1</sup>, with the purpose to manufacture <sup>2</sup>or otherwise  
36 assemble<sup>2</sup> a firearm and without being registered or licensed do so  
37 as provided in chapter 58 of Title 2C of the New Jersey Statutes,<sup>1</sup>  
38 purchases <sup>1</sup>or otherwise obtains<sup>1</sup> separately or as <sup>1</sup>part of<sup>1</sup> a kit <sup>1</sup>a  
39 firearm frame or firearm receiver which is not imprinted with a  
40 serial number registered with a federally licensed manufacturer or<sup>1</sup>  
41 any combination of parts from which a firearm <sup>1</sup>without a serial  
42 number<sup>1</sup> may be readily <sup>1</sup>[assembled with the purpose to  
43 manufacture an untraceable firearm] manufactured <sup>2</sup>or otherwise  
44 assembled<sup>2</sup>, but which does not have the capacity to function as a  
45 firearm unless manufactured<sup>1</sup> <sup>2</sup>or otherwise assembled<sup>2</sup> is guilty of  
46 a crime of the third degree. Notwithstanding the provisions of  
47 N.J.S.2C:1-8 or any other law, a conviction under this subsection  
48 shall not merge with a conviction for any other criminal offense and

1 the court shall impose separate sentences upon a violation of this  
2 subsection and any other criminal offense.

3 As used in this subsection, <sup>1</sup>["untraceable firearm" means an  
4 unlawfully manufactured firearm for which the sale or distribution  
5 chain from a licensed retailer to the point of its first retail sale  
6 cannot be traced by law enforcement officials] "firearm frame or  
7 firearm receiver" means the part of a firearm that provides housing  
8 for the firearm's internal components, such as the hammer, bolt or  
9 breechblock, action, and firing mechanism<sup>1 2</sup>, and includes without  
10 limitation any object or part which is not a firearm frame or receiver  
11 in finished form but is designed or intended to be used for that  
12 purpose and which may readily be made into a firearm frame or  
13 receiver through milling or other means<sup>2</sup>.

14 <sup>2</sup>1. Manufacturing or facilitating the manufacture of a firearm  
15 using a three-dimensional printer. In addition to any other criminal  
16 penalties provided under law it is a third degree crime for:

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

22 (2) a person to distribute by any means, including the Internet,  
23 to a person in New Jersey who is not registered or licensed as a  
24 manufacturer as provided in chapter 58 of Title 2C of the New  
25 Jersey Statutes, digital instructions in the form of computer-aided  
26 design files or other code or instructions stored and displayed in  
27 electronic format as a digital model that may be used to program a  
28 three-dimensional printer to manufacture or produce a firearm,  
29 firearm receiver, magazine, or firearm component.

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

38 m. Covert or undetectable firearms. Any person who  
39 manufactures, causes to be manufactured, transports, ships, sells or  
40 disposes of any covert firearm as defined in subsection hh. of  
41 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection  
42 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.<sup>2</sup>

43 (cf: P.L.2018, c.38, s.3)

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45 <sup>2</sup>[2.] 4.<sup>2</sup> This act shall take effect immediately.

**S2465 [3R]**

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Establishes crimes of purchasing firearm parts to unlawfully manufacture firearms without a serial number, manufacturing or possessing covert or undetectable firearms, and manufacturing or facilitating the manufacture of firearms using a three-dimensional printer.