

ASSEMBLY, No. 4502

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

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District 28 (Essex)

Co-Sponsored by:

Assemblywoman Jaffer

SYNOPSIS

Establishes sensitive areas in which possession of a firearm is prohibited.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/29/2022)

1 AN ACT concerning firearm possession and amending N.J.S.2C:58-
2 5 and P.L.1983, c.229.

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

6
7 1. N.J.S.2C:58-5 is amended to read as follows:

8 2C:39-5. Unlawful possession of weapons. a. Machine guns.
9 Any person who knowingly has in his possession a machine gun or
10 any instrument or device adaptable for use as a machine gun,
11 without being licensed to do so as provided in N.J.S.2C:58-5, is
12 guilty of a crime of the second degree.

13 b. Handguns. (1) Any person who knowingly has in his
14 possession any handgun, including any antique handgun, without
15 first having obtained a permit to carry the same as provided in
16 N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the
17 handgun is in the nature of an air gun, spring gun or pistol or other
18 weapon of a similar nature in which the propelling force is a spring,
19 elastic band, carbon dioxide, compressed or other gas or vapor, air
20 or compressed air, or is ignited by compressed air, and ejecting a
21 bullet or missile smaller than three-eighths of an inch in diameter,
22 with sufficient force to injure a person it is a crime of the third
23 degree.

24 c. Rifles and shotguns. (1) Any person who knowingly has in
25 his possession any rifle or shotgun without having first obtained a
26 firearms purchaser identification card in accordance with the
27 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

28 (2) Unless otherwise permitted by law, any person who
29 knowingly has in his possession any loaded rifle or shotgun is
30 guilty of a crime of the third degree.

31 d. Other weapons. Any person who knowingly has in his
32 possession any other weapon under circumstances not manifestly
33 appropriate for such lawful uses as it may have is guilty of a crime
34 of the fourth degree.

35 e. Firearms or other weapons in educational institutions and
36 other venues.

37 (1) Any person who knowingly has in his possession any
38 firearm in or upon any part of the buildings or grounds of any
39 public or private daycare center, or any other educational facility
40 serving young children, school, college, university or other
41 educational institution, without the written authorization of the
42 governing officer of the institution, is guilty of a crime of the third
43 degree, irrespective of whether he possesses a valid permit to carry
44 the firearm or a valid firearms purchaser identification card.

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

Matter underlined thus is new matter.

1 (2) Any person who knowingly possesses any weapon
2 enumerated in paragraphs (3) and (4) of subsection r. of
3 N.J.S.2C:39-1 or any components which can readily be assembled
4 into a firearm or other weapon enumerated in subsection r. of
5 N.J.S.2C:39-1 or any other weapon under circumstances not
6 manifestly appropriate for such lawful use as it may have, while in
7 or upon any part of the buildings or grounds of any public or private
8 daycare center or any other educational facility serving young
9 children, school, college, university or other educational institution
10 without the written authorization of the governing officer of the
11 institution is guilty of a crime of the fourth degree.

12 (3) Any person who knowingly has in his possession any
13 imitation firearm in or upon any part of the buildings or grounds of
14 any school, college, university or other educational institution,
15 without the written authorization of the governing officer of the
16 institution, or while on any school bus is a disorderly person,
17 irrespective of whether he possesses a valid permit to carry a
18 firearm or a valid firearms purchaser identification card.

19 (4) Any person who knowingly has in the person's possession a
20 firearm in or upon the following venues is guilty of a crime of the
21 fourth degree irrespective of whether the person possesses a valid
22 permit to carry a firearm issued pursuant to N.J.S.2C:58-4:

23 (a) any part of the buildings or grounds of a privately or publicly
24 owned and operated entertainment facility within this State,
25 including but not limited to a theater, stadium, museum, arena,
26 racetrack or other place where performances, concerts, exhibits,
27 games, or contests are held;

28 (b) any part of the buildings or grounds of a health care facility
29 licensed by the Department of Health pursuant to P.L.1971, c.136
30 (C.26:2H-1 et seq.), including but not limited to a hospital, nursing
31 home, or other similar residential facility or a provider of services
32 for the care, support, and treatment of individuals;

33 (c) any part of the buildings or grounds of a building or portion
34 of a building owned, leased, or operated by a government entity
35 including, but not limited to, polling places, courthouses, law
36 enforcement stations and offices;

37 (d) the grounds of a park, recreation facility or area or playground
38 owned or controlled by a State, county, or local government unit;

39 (e) a youth sports events as defined in section 1 of P.L.2002, c.74
40 (C.5:17-1) during and immediately preceding and following the event;

41 (f) a publicly owned or leased library or museum;

42 (g) any bar, restaurant where alcohol is served, and any other site or
43 facility where alcohol is sold for consumption on the premises;

44 (h) any site or facility where cannabis is sold for consumption on
45 the premises;

46 (i) any place of worship, including but not limited to a church,
47 mosque, or synagogue, used primarily as a place of public or private
48 worship on a permanent basis by a recognized and established

1 religious sect or denomination registered as a not-for-profit
2 organization pursuant to the United States Internal Revenue Code,
3 26 U.S.C. s.501 (c)(3); and

4 (j) any public transit vehicle or facility, which shall include any
5 rail car, locomotive, motor vehicle, boat, ferry and other marine
6 vehicles, or aircraft that provides passenger service to the general
7 public and any area, place, building, or other structure designed to
8 provide rail passenger service, motorbus regular route service,
9 paratransit service, motorbus charter service, air passenger service, or
10 marine passenger service to the general public.

11 f. Assault firearms. Any person who knowingly has in his
12 possession an assault firearm is guilty of a crime of the second
13 degree except if the assault firearm is licensed pursuant to
14 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
15 (C.2C:58-12); or rendered inoperable pursuant to section 12 of
16 P.L.1990, c.32 (C.2C:58-13).

17 g. (1) The temporary possession of a handgun, rifle or shotgun
18 by a person receiving, possessing, carrying or using the handgun,
19 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74
20 (C.2C:58-3.1) shall not be considered unlawful possession under
21 the provisions of subsection b. or c. of this section.

22 (2) The temporary possession of a firearm by a person receiving,
23 possessing, carrying or using the firearm under the provisions of
24 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered
25 unlawful possession under the provisions of this section.

26 h. A person who is convicted of a crime under subsection a., b.,
27 f. or j. of this section shall be ineligible for participation in any
28 program of intensive supervision; provided, however, that this
29 provision shall not apply to a crime under subsection b. involving
30 only a handgun which is in the nature of an air gun, spring gun or
31 pistol or other weapon of a similar nature in which the propelling
32 force is a spring, elastic band, carbon dioxide, compressed or other
33 gas or vapor, air or compressed air, or is ignited by compressed air,
34 and ejecting a bullet or missile smaller than three-eighths of an inch
35 in diameter, with sufficient force to injure a person.

36 i. A person convicted of violating subsection a., b. or f. of this
37 section shall be sentenced by the court to a term of imprisonment,
38 which shall include the imposition of a minimum term during which
39 the defendant shall be ineligible for parole, if the court finds that
40 the aggravating circumstance set forth in paragraph (5) of
41 subsection a. of N.J.S.2C:44-1 applies. The minimum term of
42 parole ineligibility shall be fixed at five years. The sentencing
43 court shall make a finding on the record as to whether the
44 aggravating circumstance set forth in paragraph (5) of subsection a.
45 of N.J.S.2C:44-1 applies, and the court shall presume that there is a
46 substantial likelihood that the defendant is involved in organized
47 criminal activity if there is a substantial likelihood that the
48 defendant is a member of an organization or group that engages in

1 criminal activity. The prosecution at the sentencing hearing shall
2 have the initial burden of producing evidence or information
3 concerning the defendant's membership in such an organization or
4 group.

5 j. A violation of subsection a., b., c. or f. of this section by a
6 person who has a prior conviction of any of the crimes enumerated
7 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a
8 first degree crime.

9 (cf: P.L.1990, c.32, s.9)

10
11 2. Section 1 of P.L.1983, c.229 (C.2C:39-14) is amended to
12 read as follows:

13 1. a. Any person who teaches or demonstrates to any other
14 person the use, application, or making of any firearm, explosive or
15 destructive device, or technique capable of causing injury or death
16 to a person, knowing or having reason to know or intending that it
17 will be employed for use in, or in furtherance of, an illegal activity
18 is guilty of a crime of the second degree.

19 b. Any person who assembles with one or more persons for the
20 purpose of training with, practicing with, or being instructed in the
21 use of any firearm, explosive or destructive device, or technique
22 capable of causing injury or death to a person, intending to
23 unlawfully employ it for use in, or in furtherance of, an illegal
24 activity is guilty of a crime of the second degree.

25 c. Any person who knowingly possesses a firearm during a
26 public demonstration is guilty of a crime of the fourth degree,
27 irrespective of whether the person possesses a valid permit to carry
28 the firearm or a valid firearms purchaser identification card.

29 d. As used in this section:

30 “Public demonstration” means a procession, gathering, or an
31 assemblage of persons in a public place, where the gathering is in
32 pursuit of a common purpose of demonstrating support for, or
33 opposition to, a person, matter, issue, or thing.

34 (cf: P.L.1988, c.76, s.1)

35
36 3. This act shall take effect immediately.

37 38 39 STATEMENT

40
41 This bill establishes certain sensitive locations in which the
42 possession of a firearm is prohibited, regardless of whether the
43 person possessing the firearm has been issued a permit to carry a
44 handgun. The bill also clarifies that a public or private daycare
45 center or any other educational facility serving young children are
46 educational institutions upon which possession of a firearm is a
47 third degree crime.

1 Under the bill, it would be a crime of the fourth degree to
2 possess a firearm in or upon any of the following venues:

- 3 • any part of the buildings or grounds of a health care facility
4 licensed by the Department of Health, including but not limited
5 to a hospital, nursing home, or other similar residential facility
6 or a provider of services for the care, support and treatment of
7 individuals;
- 8 • any part of the buildings or grounds of a building or portion of
9 a building owned, leased, or operated by a government entity
10 including, but not limited to, polling place, courthouses, law
11 enforcement stations and offices;
- 12 • the grounds of a park, recreation facility or area or playground
13 owned or controlled by a State, county, or local government
14 unit;
- 15 • a youth sports events during and immediately preceding and
16 following the event;
- 17 • a publicly owned or leased library or museum;
- 18 • any bar, restaurant where alcohol is served, and any other site
19 or facility where alcohol is sold for consumption on the
20 premises;
- 21 • any site or facility where cannabis is sold for consumption on
22 the premises;
- 23 • any public demonstration, which the bill defines as a
24 procession, gathering, or an assemblage of persons in a public
25 place, where the gathering is in pursuit of a common purpose
26 of demonstrating support for, or opposition to, a person, matter,
27 issue, or thing;
- 28 • any place of public worship; and
- 29 • any public transit vehicle or facility.

30 Under current law, a crime of the fourth degree is punishable by
31 up to 18 months imprisonment, a fine of up to \$10,000, or
32 both. Third degree crimes are punishable by up to five years
33 imprisonment, a fine of up to \$15,000, or both.

34 This bill is in response to the United States Supreme Court
35 decision in New York State Rifle & Pistol Association v Bruen,
36 which establishes that states cannot deny permits to carry a handgun
37 to otherwise-qualified citizens who fail to show that they have the
38 “proper cause” to carry a handgun. New Jersey law relies on a
39 similar standard, considering whether an applicant has a “justifiable
40 need,” in determining whether to issue a permit to carry a handgun.
41 However, the decision in Bruen recognizes that prohibitions on
42 carrying of firearms in sensitive places may be consistent with the
43 Second Amendment. This bill enumerates sensitive places in which
44 possession of a firearm is prohibited regardless of whether a person
45 has a valid permit to carry a handgun.