

SENATE, No. 2488

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 12, 2022

Sponsored by:

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Removes capacity limit for ammunition magazines.

CURRENT VERSION OF TEXT

As introduced.



S2488 DURR

2

1 AN ACT concerning high capacity ammunition magazines and
2 amending and repealing various parts of the statutory law.

3

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

6

7 1. 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
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

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

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

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

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

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 gaseous pressures are capable of producing destructive effects on
2 contiguous objects. The term shall not include small arms
3 ammunition, or explosives in the form prescribed by the official
4 United States Pharmacopoeia.

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

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

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

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

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

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

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

S2488 DURR

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

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

1 (4) **【A semi-automatic rifle with a fixed magazine capacity**
2 **exceeding 10 rounds. "Assault firearm" shall not include a semi-**
3 **automatic rifle which has an attached tubular device and which is**
4 **capable of operating only with .22 caliber rimfire ammunition.】**

5 Deleted by amendment, P.L. , c. (pending before the
6 Legislature as this bill)

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

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

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

16 y. **【"Large capacity ammunition magazine" means a box, drum,**
17 **tube or other container which is capable of holding more than 10**
18 **rounds of ammunition to be fed continuously and directly therefrom**
19 **into a semi-automatic firearm. The term shall not include an**
20 **attached tubular device which is capable of holding only .22 caliber**
21 **rimfire ammunition.】** Deleted by amendment, P.L. , c. (pending
22 before the Legislature as this bill)

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

27 aa. "Antique handgun" means a handgun manufactured before
28 1898, or a replica thereof, which is recognized as being historical in
29 nature or of historical significance and either (1) utilizes a match,
30 friction, flint, or percussion ignition, or which utilizes a pin-fire
31 cartridge in which the pin is part of the cartridge or (2) does not fire
32 fixed ammunition or for which cartridge ammunition is not
33 commercially available.

34 bb. "Trigger lock" means a commercially available device
35 approved by the Superintendent of State Police which is operated
36 with a key or combination lock that prevents a firearm from being
37 discharged while the device is attached to the firearm. It may
38 include, but need not be limited to, devices that obstruct the barrel
39 or cylinder of the firearm, as well as devices that immobilize the
40 trigger.

41 cc. "Trigger locking device" means a device that, if installed on
42 a firearm and secured by means of a key or mechanically,
43 electronically or electromechanically operated combination lock,
44 prevents the firearm from being discharged without first
45 deactivating or removing the device by means of a key or
46 mechanically, electronically or electromechanically operated
47 combination lock.

1 dd. "Personalized handgun" means a handgun which
2 incorporates within its design a permanent programmable feature as
3 part of its manufacture that cannot be deactivated and renders the
4 personalized handgun reasonably resistant to being fired except
5 when activated by the lawful owner or other authorized user. No
6 make or model of a handgun shall be deemed to be a "personalized
7 handgun" unless the Personalized Handgun Authorization
8 Commission established pursuant to section 1 of P.L.2019, c.164
9 (C.2C:58-2.7) has determined in accordance with section 2 of
10 P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets
11 the performance standards and qualifying criteria established
12 pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

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

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

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

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

44 ii. "Undetectable firearm" means a firearm that: (1) after
45 removal of all parts other than major components, is not as
46 detectable as the Security Exemplar, by walk-through metal
47 detectors calibrated and operated to detect the Security Exemplar;
48 or (2) includes a major component which, if the firearm were

1 subjected to inspection by the types of detection devices commonly
2 used at airports for security screening, would not generate an image
3 that accurately depicts the shape of the component. "Undetectable
4 firearm" shall not be construed to include a firearm subject to the
5 provisions of paragraphs (3) through (6) of subsection (p) of
6 18 U.S.C. s.922.

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

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

13 ll. "Authorized user" means the lawful owner of a personalized
14 handgun or a person to whom the owner has given consent to use
15 the personalized handgun.

16 (cf: P.L.2019, c.164, s.6)

17

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

19 2C:39-3. Prohibited Weapons and Devices.

20 a. Destructive devices. Any person who knowingly has in his
21 possession any destructive device is guilty of a crime of the third
22 degree.

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

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

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

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

38 f. Dum-dum or armor piercing ammunition. (1) Any person,
39 other than a law enforcement officer or persons engaged in
40 activities pursuant to subsection f. of N.J.S.2C:39-6, who
41 knowingly has in his possession any hollow nose or dum-dum
42 bullet, or (2) any person, other than a collector of firearms or
43 ammunition as curios or relics as defined in Title 18, United States
44 Code, section 921 (a) (13) and has in his possession a valid
45 Collector of Curios and Relics License issued by the Bureau of
46 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
47 his possession any armor piercing ammunition as defined in
48 subsection gg. of N.J.S.2C:39-1 is guilty of a crime of the fourth

1 degree. For purposes of this section, a collector may possess not
2 more than three examples of each distinctive variation of the
3 ammunition described above. A distinctive variation includes a
4 different head stamp, composition, design, or color.

5 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f. **【**
6 **j.】** or k. of this section shall apply to any member of the Armed
7 Forces of the United States or the National Guard, or except as
8 otherwise provided, to any law enforcement officer while actually
9 on duty or traveling to or from an authorized place of duty,
10 provided that his possession of the prohibited weapon or device has
11 been duly authorized under the applicable laws, regulations or
12 military or law enforcement orders.

13 Nothing in subsection h. of this section shall apply to any law
14 enforcement officer who is exempted from the provisions of that
15 subsection by the Attorney General. Nothing in this section shall
16 apply to the possession of any weapon or device by a law
17 enforcement officer who has confiscated, seized or otherwise taken
18 possession of said weapon or device as evidence of the commission
19 of a crime or because he believed it to be possessed illegally by the
20 person from whom it was taken, provided that said law enforcement
21 officer promptly notifies his superiors of his possession of such
22 prohibited weapon or device.

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

33 b. Nothing in subsection f.(1) shall be construed to prevent a
34 designated employee or designated licensed agent for a nuclear
35 power plant under the license of the Nuclear Regulatory
36 Commission from possessing hollow nose ammunition while in the
37 actual performance of his official duties, if the federal licensee
38 certifies that the designated employee or designated licensed agent
39 is assigned to perform site protection, guard, armed response or
40 armed escort duties and is appropriately trained and qualified, as
41 prescribed by federal regulation, to perform those duties.

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

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

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

13 (5) Nothing in subsection c. of this section shall be construed to
14 apply to any person who is specifically identified in a special deer
15 management permit issued by the Division of Fish and Wildlife to
16 utilize a firearm silencer as part of an alternative deer control
17 method implemented in accordance with a special deer management
18 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
19 while the person is in the actual performance of the permitted
20 alternative deer control method and while going to and from the
21 place where the permitted alternative deer control method is being
22 utilized. This exception shall not, however, otherwise apply to any
23 person to authorize the purchase or possession of a firearm silencer.

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

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

32 j. **【**Any person who knowingly has in his possession a large
33 capacity ammunition magazine is guilty of a crime of the fourth
34 degree unless the person has registered:

35 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
36 (C.2C:58-12) and the magazine is maintained and used in
37 connection with participation in competitive shooting matches
38 sanctioned by the Director of Civilian Marksmanship of the United
39 States Department of the Army; or

40 (2) a firearm with a fixed magazine capacity or detachable
41 magazine capable of holding up to 15 rounds pursuant to section 7
42 of P.L.2018, c.39 (C.2C:39-20).**】 Deleted by amendment,**
43 **P.L. , c. (pending before the Legislature as this bill)**

44 k. Handcuffs. Any person who knowingly has in his
45 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
46 under circumstances not manifestly appropriate for such lawful uses
47 as handcuffs may have, is guilty of a disorderly persons offense. A

1 law enforcement officer shall confiscate handcuffs possessed in
2 violation of the law.

3 1. Bump stock or trigger crank. Any person who knowingly
4 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
5 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
6 regardless of whether the person is in possession of a firearm, is
7 guilty of a crime of the third degree.

8 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
9 provision of law, a conviction arising out of this subsection shall
10 not merge with a conviction for possessing an assault firearm in
11 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
12 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
13 shall be imposed upon each conviction. Notwithstanding the
14 provisions of N.J.S.2C:44-5 or any other provisions of law, the
15 sentence imposed pursuant to this subsection shall be served
16 consecutively to that imposed for unlawfully possessing an assault
17 firearm in violation of subsection f. of N.J.S.2C:39-5.

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

26 n. Firearms without a serial number. Any person who
27 knowingly possesses a firearm manufactured or otherwise
28 assembled using a firearm frame or firearm receiver as defined in
29 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
30 number registered with a federally licensed manufacturer including,
31 but not limited to, a firearm manufactured or otherwise assembled
32 from parts purchased or otherwise obtained in violation of
33 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
34 degree.

35 (cf: P.L.2019, c.165, s.2)

36

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

38 2C:39-9. Manufacture, Transport, Disposition and Defacement
39 of Weapons and Dangerous Instruments and Appliances.

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

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

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

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

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

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

41 (2) Nothing in this subsection shall be construed to prevent a
42 licensed collector of ammunition as defined in paragraph (2) of
43 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
44 in paragraph (1) of this subsection from (a) any licensed retail or
45 wholesale firearms dealer's place of business to the collector's
46 dwelling, premises, or other land owned or possessed by him, or (b)
47 to or from the collector's dwelling, premises or other land owned or
48 possessed by him to any gun show for the purposes of display, sale,

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

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

17 h. **Large capacity ammunition magazines.** Any person who
18 manufactures, causes to be manufactured, transports, ships, sells or
19 disposes of a large capacity ammunition magazine which is
20 intended to be used for any purpose other than for authorized
21 military or law enforcement purposes by duly authorized military or
22 law enforcement personnel is guilty of a crime of the fourth
23 degree. **Deleted by amendment, P.L. , c. (C.) (pending**
24 **before the Legislature as this bill)**

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

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

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

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

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

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

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

9 k. Purchasing firearm parts to manufacture a firearm without a
10 serial number. In addition to any other criminal penalties provided
11 under law, a person who, with the purpose to manufacture or
12 otherwise assemble a firearm and without being registered or
13 licensed do so as provided in chapter 58 of Title 2C of the New
14 Jersey Statutes, purchases or otherwise obtains separately or as part
15 of a kit a firearm frame or firearm receiver which is not imprinted
16 with a serial number registered with a federally licensed
17 manufacturer or any combination of parts from which a firearm
18 without a serial number may be readily manufactured or otherwise
19 assembled, but which does not have the capacity to function as a
20 firearm unless manufactured or otherwise assembled is guilty of a
21 crime of the third degree. Notwithstanding the provisions of
22 N.J.S.2C:1-8 or any other law, a conviction under this subsection
23 shall not merge with a conviction for any other criminal offense and
24 the court shall impose separate sentences upon a violation of this
25 subsection and any other criminal offense.

26 As used in this subsection, "firearm frame or firearm receiver"
27 means the part of a firearm that provides housing for the firearm's
28 internal components, such as the hammer, bolt or breechblock,
29 action, and firing mechanism, and includes without limitation any
30 object or part which is not a firearm frame or receiver in finished
31 form but is designed or intended to be used for that purpose and
32 which may readily be made into a firearm frame or receiver through
33 milling or other means.

34 l. Manufacturing or facilitating the manufacture of a firearm
35 using a three-dimensional printer. In addition to any other criminal
36 penalties provided under law it is a third degree crime for:

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

42 (2) a person to distribute by any means, including the Internet,
43 to a person in New Jersey who is not registered or licensed as a
44 manufacturer as provided in chapter 58 of Title 2C of the New
45 Jersey Statutes, digital instructions in the form of computer-aided
46 design files or other code or instructions stored and displayed in
47 electronic format as a digital model that may be used to program a

1 three-dimensional printer to manufacture or produce a firearm,
2 firearm receiver, magazine, or firearm component.

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

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

16 n. Transporting a manufactured firearm without a serial
17 number. In addition to any other criminal penalties provided under
18 law, a person who transports, ships, sells, or disposes of a firearm
19 manufactured or otherwise assembled using a firearm frame or
20 firearm receiver as defined in subsection k. of this section which is
21 not imprinted with a serial number registered with a federally
22 licensed manufacturer, including but not limited to a firearm
23 manufactured or otherwise assembled from parts purchased or
24 otherwise obtained in violation of subsection k. of this section, is
25 guilty of a crime of the third degree.

26 (cf: P.L.2019, c.165, s.3)

27

28 4. N.J.S.2C:39-12 is amended to read as follows:

29 2C:39-12. No person shall be convicted of an offense under this
30 chapter for possessing any firearms, weapons, destructive devices,
31 [large capacity ammunition magazines,] silencers or explosives, if
32 after giving written notice of his intention to do so, including the
33 proposed date and time of surrender, he voluntarily surrendered the
34 weapon, device, instrument or substance in question to the
35 superintendent or to the chief of police in the municipality in which
36 he resides, provided that the required notice is received by the
37 superintendent or chief of police before any charges have been
38 made or complaints filed against such person for the unlawful
39 possession of the weapon, device, instrument or substance in
40 question and before any investigation has been commenced by any
41 law enforcement agency concerning the unlawful possession.
42 Nothing in this section shall be construed as granting immunity
43 from prosecution for any crime or offense except that of the
44 unlawful possession of such weapons, devices, instruments or
45 substances surrendered as herein provided.

46 (cf: P.L.2018, c.39, s.6)

47

48 5. The following sections are repealed:

1 Sections 3 through 5 of P.L.2018, c.39 (C.2C:39-17 through
2 C.2C:39-19); and
3 Section 7 of P.L.2018, c.39 (C.2C:39-20).

4
5 6. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill removes capacity restrictions on firearm ammunition in
11 New Jersey.

12 Under current law, a large capacity ammunition magazine is
13 defined as one that is capable of holding more than 10 rounds of
14 ammunition to be fed continuously and directly therefrom into a
15 semi-automatic firearm. Possession of a large capacity ammunition
16 magazine is a fourth degree crime, with certain exceptions.
17 Manufacture of a large capacity ammunition magazine also is a
18 fourth degree crime, with certain exceptions. Additionally under
19 current law, a semi-automatic rifle meets the statutory definition of
20 assault firearm if it has a fixed magazine capacity that exceeds 10
21 rounds and a semi-automatic shotgun meets the statutory definition
22 of assault firearm if it has a magazine capacity exceeding six
23 rounds. Unlawful possession of an assault firearm is a second
24 degree crime.

25 The bill amends various sections of statutory law to remove the
26 capacity restriction for ammunition magazines including the
27 penalties associated with possessing or manufacturing a high
28 capacity magazine. The bill also amends the definition of “assault
29 firearm” so that a semi-automatic shotgun and semi-automatic rifle
30 would not be considered assault firearms based solely on
31 ammunition magazine capacity.

32 The bill additionally repeals several sections of statutory law
33 enacted in 2018 concerning the current 10-round limit, as the
34 removal of a capacity limit obviates their necessity. The sections
35 include an exemption from the 10-round limit for law enforcement
36 officers and regulations and registration requirements applicable to
37 owners of ammunition magazines that accept more than 10 rounds.