

SENATE, No. 2637

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 16, 2022

Sponsored by:

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Removes restrictions on the sale and possession of BB guns and certain firearm components; removes requirements for private firearm transfers.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning firearms and amending various parts of
2 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
46 gaseous pressures are capable of producing destructive effects on

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 contiguous objects. The term shall not include small arms
2 ammunition, or explosives in the form prescribed by the official
3 United States Pharmacopoeia.

4 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
5 automatic or semi-automatic rifle, or any gun, device or instrument
6 in the nature of a weapon from which may be fired or ejected any
7 solid projectable ball, slug, pellet, missile or bullet, or any gas,
8 vapor or other noxious thing, by means of a cartridge or shell or by
9 the action of an explosive or the igniting of flammable or explosive
10 substances.

11 It shall also include, **[without limitation]** except as hereinafter
12 provided, any firearm which is in the nature of an air gun, spring
13 gun or pistol or other weapon of a similar nature in which the
14 propelling force is a spring, elastic band, carbon dioxide,
15 compressed or other gas or vapor, air or compressed air, or is
16 ignited by compressed air, and ejecting a bullet or missile smaller
17 than three-eighths of an inch in diameter, with sufficient force to
18 injure a person. It shall not include any air gun or pistol which uses
19 air, compressed air or carbon dioxide as the propelling force to eject
20 a ball or non-pointed pellet that does not exceed .177 caliber at a
21 muzzle velocity of less than 500 feet per second, commonly
22 referred to as a BB gun.

23 g. "Firearm **[silencer]** sound suppressor" means any
24 instrument, attachment, weapon or appliance for causing the firing
25 of any gun, revolver, pistol or other firearm to be silent, or intended
26 to lessen or muffle the noise of the firing of any gun, revolver,
27 pistol or other firearm.

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

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

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

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

46 l. "Retail dealer" means any person including a gunsmith,
47 except a manufacturer or a wholesale dealer, who sells, transfers or
48 assigns for a fee or profit any firearm or parts of firearms or

1 ammunition which he has purchased or obtained with the intention,
2 or for the purpose, of reselling or reassigning to persons who are
3 reasonably understood to be the ultimate consumers, and includes
4 any person who is engaged in the business of repairing firearms or
5 who sells any firearm to satisfy a debt secured by the pledge of a
6 firearm.

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

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

16 o. "Sawed-off shotgun" means any shotgun having a barrel or
17 barrels of less than 18 inches in length measured from the breech to
18 the muzzle, or a rifle having a barrel or barrels of less than 16
19 inches in length measured from the breech to the muzzle, or any
20 firearm made from a rifle or a shotgun, whether by alteration, or
21 otherwise, if such firearm as modified has an overall length of less
22 than 26 inches.

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

26 q. "Superintendent" means the Superintendent of the State
27 Police.

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

41 s. "Wholesale dealer" means any person, except a
42 manufacturer, who sells, transfers, or assigns firearms, or parts of
43 firearms, to persons who are reasonably understood not to be the
44 ultimate consumers, and includes persons who receive finished
45 parts of firearms and assemble them into completed or partially
46 completed firearms, in furtherance of such purpose, except that it
47 shall not include those persons dealing exclusively in grips, stocks
48 and other nonmetal parts of firearms.

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

1 Weaver Arm Nighthawk.

2 (2) Any firearm manufactured under any designation which is
3 substantially identical to any of the firearms listed above.

4 (3) A semi-automatic shotgun with either a magazine capacity
5 exceeding six rounds **], a pistol grip, or a folding stock**].

6 (4) A semi-automatic rifle with a fixed magazine capacity
7 exceeding 10 rounds. "Assault firearm" shall not include a semi-
8 automatic rifle which has an attached tubular device and which is
9 capable of operating only with .22 caliber rimfire ammunition.

10 (5) A part or combination of parts designed or intended to
11 convert a firearm into an assault firearm, or any combination of
12 parts from which an assault firearm may be readily assembled if
13 those parts are in the possession or under the control of the same
14 person. "Assault firearm" shall not include a firearm with the
15 following parts or combination of parts:

16 (a) a folding or telescoping stock;

17 (b) a pistol grip that protrudes conspicuously beneath the action of
18 the firearm;

19 (c) a second handgrip or a protruding grip that can be held by the
20 non-trigger hand;

21 (d) a bayonet mount;

22 (e) a flash suppressor, muzzle break, muzzle compensator, or
23 threaded barrel designed to accommodate a flash suppressor, muzzle
24 break, or muzzle compensator; or

25 (f) a firearm sound suppressor as defined in subsection g. of this
26 section.

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

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

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

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

41 aa. "Antique handgun" means a handgun manufactured before
42 1898, or a replica thereof, which is recognized as being historical in
43 nature or of historical significance and either (1) utilizes a match,
44 friction, flint, or percussion ignition, or which utilizes a pin-fire
45 cartridge in which the pin is part of the cartridge or (2) does not fire
46 fixed ammunition or for which cartridge ammunition is not
47 commercially available.

48 bb. "Trigger lock" means a commercially available device
49 approved by the Superintendent of State Police which is operated
50 with a key or combination lock that prevents a firearm from being

1 discharged while the device is attached to the firearm. It may
2 include, but need not be limited to, devices that obstruct the barrel
3 or cylinder of the firearm, as well as devices that immobilize the
4 trigger.

5 cc. "Trigger locking device" means a device that, if installed on
6 a firearm and secured by means of a key or mechanically,
7 electronically or electromechanically operated combination lock,
8 prevents the firearm from being discharged without first
9 deactivating or removing the device by means of a key or
10 mechanically, electronically or electromechanically operated
11 combination lock.

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

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

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

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

1 perforating device.】 (Deleted by amendment, P.L. _____, c. _____)
2 (pending before the Legislature as this bill)

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

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

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

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

25 ll. "Authorized user" means the lawful owner of a personalized
26 handgun or a person to whom the owner has given consent to use
27 the personalized handgun.

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

29

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

31 2C:39-2. Presumptions

32 a. Possession of firearms, weapons, destructive devices,
33 silencers, or explosives in a vehicle. When a firearm, weapon,
34 destructive device, 【silencer,】 or explosive described in this chapter
35 is found in a vehicle, it is presumed to be in the possession of the
36 occupant if there is but one. If there is more than one occupant in
37 the vehicle, it shall be presumed to be in the possession of all,
38 except under the following circumstances:

39 (1) When it is found upon the person of one of the occupants, it
40 shall be presumed to be in the possession of that occupant alone;

41 (2) When the vehicle is not a stolen one and the weapon or other
42 instrument is found out of view in a glove compartment, trunk or
43 other enclosed customary depository, it shall be presumed to be in
44 the possession of the occupant or occupants who own or have
45 authority to operate the vehicle; and

46 (3) When the vehicle is a taxicab and a weapon or other
47 instrument is found in the passenger's portion of the vehicle, it

1 shall be presumed to be in the possession of all the passengers, if
2 there are any, and if not, in the possession of the driver.

3 b. Licenses and permits. When the legality of a person's
4 conduct under this chapter depends on his possession of a license
5 or permit or on his having registered with or given notice to a
6 particular person or agency, it shall be presumed that he does not
7 possess such a license or permit or has not registered or given the
8 required notice, until he establishes the contrary.

9 (cf: P.L.1979, c. 179, s. 1)

10

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

12 2C:39-3. Prohibited Weapons and Devices.

13 a. Destructive devices. Any person who knowingly has in his
14 possession any destructive device is guilty of a crime of the third
15 degree.

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

19 c. **【Silencers.** Any person who knowingly has in his
20 possession any firearm silencer is guilty of a crime of the fourth
21 degree.】 (Deleted by amendment, P.L. , c.) (pending before the
22 Legislature as this bill)

23 d. Defaced firearms. Any person who knowingly has in his
24 possession any firearm which has been defaced, except an antique
25 firearm or an antique handgun, is guilty of a crime of the fourth
26 degree.

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

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

1 amendment, P.L. , c.) (pending before the Legislature as this
2 bill)

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

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

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

24 (d) Nothing in subsection h. of this section shall apply to any
25 law enforcement officer who is exempted from the provisions of
26 that subsection by the Attorney General. Nothing in this section
27 shall apply to the possession of any weapon or device by a law
28 enforcement officer who has confiscated, seized or otherwise taken
29 possession of said weapon or device as evidence of the commission
30 of a crime or because he believed it to be possessed illegally by the
31 person from whom it was taken, provided that said law enforcement
32 officer promptly notifies his superiors of his possession of such
33 prohibited weapon or device.

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

45 (b) Nothing in paragraph (1) of subsection f. of this section shall
46 be construed to prevent a designated employee or designated
47 licensed agent for a nuclear power plant under the license of the
48 Nuclear Regulatory Commission from possessing hollow nose

1 ammunition while in the actual performance of his official duties, if
2 the federal licensee certifies that the designated employee or
3 designated licensed agent is assigned to perform site protection,
4 guard, armed response or armed escort duties and is appropriately
5 trained and qualified, as prescribed by federal regulation, to
6 perform those duties.

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

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

25 (5) Nothing in subsection c. of this section shall be construed to
26 apply to any person who is specifically identified in a special deer
27 management permit issued by the Division of Fish and Wildlife to
28 utilize a firearm silencer as part of an alternative deer control
29 method implemented in accordance with a special deer management
30 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
31 while the person is in the actual performance of the permitted
32 alternative deer control method and while going to and from the
33 place where the permitted alternative deer control method is being
34 utilized. This exception shall not, however, otherwise apply to any
35 person to authorize the purchase or possession of a firearm silencer.

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

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

44 j. Any person who knowingly has in his possession a large
45 capacity ammunition magazine is guilty of a crime of the fourth
46 degree unless the person has registered:

47 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
48 (C.2C:58-12) and the magazine is maintained and used in

1 connection with participation in competitive shooting matches
2 sanctioned by the Director of Civilian Marksmanship of the United
3 States Department of the Army; or

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

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

13 l. Bump stock or trigger crank. Any person who knowingly
14 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
15 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
16 regardless of whether the person is in possession of a firearm, is
17 guilty of a crime of the third degree.

18 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
19 provision of law, a conviction arising out of this subsection shall
20 not merge with a conviction for possessing an assault firearm in
21 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
22 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
23 shall be imposed upon each conviction. Notwithstanding the
24 provisions of N.J.S.2C:44-5 or any other provisions of law, the
25 sentence imposed pursuant to this subsection shall be served
26 consecutively to that imposed for unlawfully possessing an assault
27 firearm in violation of subsection f. of N.J.S.2C:39-5.

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

36 n. **【Firearms without a serial number.** Any person who
37 knowingly possesses a firearm manufactured or otherwise
38 assembled using a firearm frame or firearm receiver as defined in
39 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
40 number registered with a federally licensed manufacturer including,
41 but not limited to, a firearm manufactured or otherwise assembled
42 from parts purchased or otherwise obtained in violation of
43 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
44 degree.】 (Deleted by amendment, P.L. , c.) (pending before the
45 Legislature as this bill)
46 (cf: P.L.2019, c.165, s.2)

47

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

1 2C:58-3. a. Permit to purchase a handgun.

2 (1) No person shall sell, give, transfer, assign or otherwise
3 dispose of, nor receive, purchase, or otherwise acquire a handgun
4 unless the purchaser, assignee, donee, receiver or holder is licensed
5 as a dealer under this chapter or has first secured a permit to
6 purchase a handgun as provided by this section.

7 (2) **[**A person who is not a licensed retail dealer and sells, gives,
8 transfers, assigns, or otherwise disposes of, or receives, purchases
9 or otherwise acquires a handgun pursuant to this section shall
10 conduct the transaction through a licensed retail dealer.

11 The provisions of this paragraph shall not apply if the transaction
12 is:

13 (a) between members of an immediate family as defined in
14 subsection n. of this section;

15 (b) between law enforcement officers;

16 (c) between collectors of firearms or ammunition as curios or
17 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
18 in their possession a valid Collector of Curios and Relics License
19 issued by the Bureau of Alcohol, Tobacco, Firearms, and
20 Explosives; or

21 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
22 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

23 (3) Prior to a transaction conducted pursuant to this subsection,
24 the retail dealer shall complete a National Instant Criminal
25 Background Check of the person acquiring the handgun. In
26 addition:

27 (a) the retail dealer shall submit to the Superintendent of State
28 Police, on a form approved by the superintendent, information
29 identifying and confirming the background check;

30 (b) every retail dealer shall maintain a record of transactions
31 conducted pursuant to this subsection, which shall be maintained at
32 the address displayed on the retail dealer's license for inspection by
33 a law enforcement officer during reasonable hours;

34 (c) a retail dealer may charge a fee for a transaction conducted
35 pursuant to this subsection; and

36 (d) any record produced pursuant to this subsection shall not be
37 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
38 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.). **]** (Deleted by
39 amendment, P.L. , c.) (pending before the Legislature as this
40 bill)

41 b. Firearms purchaser identification card.

42 (1) No person shall sell, give, transfer, assign or otherwise
43 dispose of nor receive, purchase or otherwise acquire an antique
44 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
45 unless the purchaser, assignee, donee, receiver or holder is licensed
46 as a dealer under this chapter or possesses a valid firearms
47 purchaser identification card, and first exhibits the card to the seller,
48 donor, transferor or assignor, and unless the purchaser, assignee,

1 donee, receiver or holder signs a written certification, on a form
2 prescribed by the superintendent, which shall indicate that he
3 presently complies with the requirements of subsection c. of this
4 section and shall contain his name, address and firearms purchaser
5 identification card number or dealer's registration number. The
6 certification shall be retained by the seller, as provided in paragraph
7 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
8 who is not a dealer, it may be filed with the chief of police of the
9 municipality in which he resides or with the superintendent.

10 (2) [A person who is not a licensed retail dealer and sells, gives,
11 transfers, assigns, or otherwise disposes of, or receives, purchases
12 or otherwise acquires an antique cannon or a rifle or shotgun
13 pursuant to this section shall conduct the transaction through a
14 licensed retail dealer.

15 The provisions of this paragraph shall not apply if the transaction
16 is:

17 (a) between members of an immediate family as defined in
18 subsection n. of this section;

19 (b) between law enforcement officers;

20 (c) between collectors of firearms or ammunition as curios or
21 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
22 in their possession a valid Collector of Curios and Relics License
23 issued by the Bureau of Alcohol, Tobacco, Firearms, and
24 Explosives; or

25 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
26 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

27 (3) Prior to a transaction conducted pursuant to this subsection,
28 the retail dealer shall complete a National Instant Criminal
29 Background Check of the person acquiring an antique cannon or a
30 rifle or shotgun. In addition:

31 (a) the retail dealer shall submit to the Superintendent of State
32 Police, on a form approved by the superintendent, information
33 identifying and confirming the background check;

34 (b) every retail dealer shall maintain a record of transactions
35 conducted pursuant to this section which shall be maintained at the
36 address set forth on the retail dealer's license for inspection by a law
37 enforcement officer during reasonable hours;

38 (c) a retail dealer may charge a fee for a transaction conducted
39 pursuant to this subsection; and

40 (d) any record produced pursuant to this subsection shall not be
41 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
42 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).] (Deleted by
43 amendment, P.L. , c.) (pending before the Legislature as this
44 bill)

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

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15

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

4 (1) To any person who has been convicted of any crime, or a
5 disorderly persons offense involving an act of domestic violence as
6 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
7 not armed with or possessing a weapon at the time of the offense;

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

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

22 (4) To any person under the age of 18 years for a firearms
23 purchaser identification card and to any person under the age of 21
24 years for a permit to purchase a handgun;

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

27 (6) To any person who is subject to a restraining order issued
28 pursuant to the "Prevention of Domestic Violence Act of 1991",
29 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
30 possessing any firearm;

31 (7) To any person who as a juvenile was adjudicated delinquent
32 for an offense which, if committed by an adult, would constitute a
33 crime and the offense involved the unlawful use or possession of a
34 weapon, explosive or destructive device or is enumerated in
35 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

36 (8) To any person whose firearm is seized pursuant to the
37 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
38 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

39 (9) To any person named on the consolidated Terrorist Watchlist
40 maintained by the Terrorist Screening Center administered by the
41 Federal Bureau of Investigation;

42 (10) To any person who is subject to a court order prohibiting the
43 custody, control, ownership, purchase, possession, or receipt of a
44 firearm or ammunition issued pursuant to the "Extreme Risk
45 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);
46 or

47 (11) To any person who is subject to a court order prohibiting the
48 custody, control, ownership, purchase, possession, or receipt of a

1 firearm or ammunition issued pursuant to P.L.2021, c.327
2 (C.2C:12-14 et al.).

3 d. Issuance. The chief of police of an organized full-time
4 police department of the municipality where the applicant resides or
5 the superintendent, in all other cases, shall upon application, issue
6 to any person qualified under the provisions of subsection c. of this
7 section a permit to purchase a handgun or a firearms purchaser
8 identification card.

9 Any person aggrieved by the denial of a permit or identification
10 card may request a hearing in the Superior Court of the county in
11 which he resides if he is a resident of New Jersey or in the Superior
12 Court of the county in which his application was filed if he is a
13 nonresident. The request for a hearing shall be made in writing
14 within 30 days of the denial of the application for a permit or
15 identification card. The applicant shall serve a copy of his request
16 for a hearing upon the chief of police of the municipality in which
17 he resides, if he is a resident of New Jersey, and upon the
18 superintendent in all cases. The hearing shall be held and a record
19 made thereof within 30 days of the receipt of the application for a
20 hearing by the judge of the Superior Court. No formal pleading and
21 no filing fee shall be required as a preliminary to a hearing.
22 Appeals from the results of a hearing shall be in accordance with
23 law.

24 e. Applications. Applications for permits to purchase a
25 handgun and for firearms purchaser identification cards shall be in
26 the form prescribed by the superintendent and shall set forth the
27 name, residence, place of business, age, date of birth, occupation,
28 sex and physical description, including distinguishing physical
29 characteristics, if any, of the applicant, and shall state whether the
30 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
31 drug-dependent person as defined in section 2 of P.L.1970, c.226
32 (C.24:21-2), whether he has ever been confined or committed to a
33 mental institution or hospital for treatment or observation of a
34 mental or psychiatric condition on a temporary, interim or
35 permanent basis, giving the name and location of the institution or
36 hospital and the dates of confinement or commitment, whether he
37 has been attended, treated or observed by any doctor or psychiatrist
38 or at any hospital or mental institution on an inpatient or outpatient
39 basis for any mental or psychiatric condition, giving the name and
40 location of the doctor, psychiatrist, hospital or institution and the
41 dates of the occurrence, whether he presently or ever has been a
42 member of any organization which advocates or approves the
43 commission of acts of force and violence to overthrow the
44 Government of the United States or of this State, or which seeks to
45 deny others their rights under the Constitution of either the United
46 States or the State of New Jersey, whether he has ever been
47 convicted of a crime or disorderly persons offense, whether the
48 person is subject to a restraining order issued pursuant to the

1 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
2 (C.2C:25-17 et seq.) prohibiting the person from possessing any
3 firearm, whether the person is subject to a protective order issued
4 pursuant to the "Extreme Risk Protective Order Act of 2018",
5 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
6 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
7 et al.) prohibiting the person from possessing any firearm, and other
8 information as the superintendent shall deem necessary for the
9 proper enforcement of this chapter. For the purpose of complying
10 with this subsection, the applicant shall waive any statutory or other
11 right of confidentiality relating to institutional confinement. The
12 application shall be signed by the applicant and shall contain as
13 references the names and addresses of two reputable citizens
14 personally acquainted with him.

15 Application blanks shall be obtainable from the superintendent,
16 from any other officer authorized to grant a permit or identification
17 card, and from licensed retail dealers.

18 The chief police officer or the superintendent shall obtain the
19 fingerprints of the applicant and shall have them compared with any
20 and all records of fingerprints in the municipality and county in
21 which the applicant resides and also the records of the State Bureau
22 of Identification and the Federal Bureau of Investigation, provided
23 that an applicant for a handgun purchase permit who possesses a
24 valid firearms purchaser identification card, or who has previously
25 obtained a handgun purchase permit from the same licensing
26 authority for which he was previously fingerprinted, and who
27 provides other reasonably satisfactory proof of his identity, need not
28 be fingerprinted again; however, the chief police officer or the
29 superintendent shall proceed to investigate the application to
30 determine whether or not the applicant has become subject to any of
31 the disabilities set forth in this chapter.

32 f. Granting of permit or identification card; fee; term; renewal;
33 revocation. The application for the permit to purchase a handgun
34 together with a fee of \$2, or the application for the firearms
35 purchaser identification card together with a fee of \$5, shall be
36 delivered or forwarded to the licensing authority who shall
37 investigate the same and, unless good cause for the denial thereof
38 appears, shall grant the permit or the identification card, or both, if
39 application has been made therefor, within 30 days from the date of
40 receipt of the application for residents of this State and within 45
41 days for nonresident applicants. A permit to purchase a handgun
42 shall be valid for a period of 90 days from the date of issuance and
43 may be renewed by the issuing authority for good cause for an
44 additional 90 days. A firearms purchaser identification card shall
45 be valid until such time as the holder becomes subject to any of the
46 disabilities set forth in subsection c. of this section, whereupon the
47 card shall be void and shall be returned within five days by the
48 holder to the superintendent, who shall then advise the licensing

1 authority. Failure of the holder to return the firearms purchaser
2 identification card to the superintendent within the five days shall
3 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
4 purchaser identification card may be revoked by the Superior Court
5 of the county wherein the card was issued, after hearing upon
6 notice, upon a finding that the holder thereof no longer qualifies for
7 the issuance of the permit. The county prosecutor of any county,
8 the chief police officer of any municipality or any citizen may apply
9 to the court at any time for the revocation of the card.

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

14 g. Disposition of fees. All fees for permits shall be paid to the
15 State Treasury if the permit is issued by the superintendent, to the
16 municipality if issued by the chief of police, and to the county
17 treasurer if issued by the judge of the Superior Court.

18 h. Form of permit; quadruplicate; disposition of copies. The
19 permit shall be in the form prescribed by the superintendent and
20 shall be issued to the applicant in quadruplicate. Prior to the time
21 he receives the handgun from the seller, the applicant shall deliver
22 to the seller the permit in quadruplicate and the seller shall
23 complete all of the information required on the form. Within five
24 days of the date of the sale, the seller shall forward the original
25 copy to the superintendent and the second copy to the chief of
26 police of the municipality in which the purchaser resides, except
27 that in a municipality having no chief of police, the copy shall be
28 forwarded to the superintendent. The third copy shall then be
29 returned to the purchaser with the pistol or revolver and the fourth
30 copy shall be kept by the seller as a permanent record.

31 i. Restriction on number of firearms person may purchase.
32 Only one handgun shall be purchased or delivered on each permit
33 and no more than one handgun shall be purchased within any 30-
34 day period, but this limitation shall not apply to:

35 (1) a federal, State, or local law enforcement officer or agency
36 purchasing handguns for use by officers in the actual performance
37 of their law enforcement duties;

38 (2) a collector of handguns as curios or relics as defined in Title
39 18, United States Code, section 921 (a) (13) who has in his
40 possession a valid Collector of Curios and Relics License issued by
41 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

42 (3) transfers of handguns among licensed retail dealers,
43 registered wholesale dealers and registered manufacturers;

44 (4) transfers of handguns from any person to a licensed retail
45 dealer or a registered wholesale dealer or registered manufacturer;

46 (5) any transaction where the person has purchased a handgun
47 from a licensed retail dealer and has returned that handgun to the
48 dealer in exchange for another handgun within 30 days of the

1 original transaction, provided the retail dealer reports the exchange
2 transaction to the superintendent; or

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

6 The provisions of this subsection shall not be construed to afford
7 or authorize any other exemption from the regulatory provisions
8 governing firearms set forth in chapter 39 and chapter 58 of Title
9 2C of the New Jersey Statutes;

10 A person shall not be restricted as to the number of rifles or
11 shotguns he may purchase, provided he possesses a valid firearms
12 purchaser identification card and provided further that he signs the
13 certification required in subsection b. of this section for each
14 transaction.

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

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

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

41 m. The provisions of subsections a. and b. of this section and
42 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
43 apply to the purchase of firearms by a law enforcement agency for
44 use by law enforcement officers in the actual performance of the
45 current or former judge's duties, which purchase may be made
46 directly from a manufacturer or from a licensed dealer located in
47 this State or any other state.

1 n. [For the purposes of this section, "immediate family" means
2 a spouse, domestic partner as defined in section 3 of P.L.2003,
3 c.246 (C.26:8A-3), partner in a civil union couple as defined in
4 section 2 of P.L.2006, c.103 (C.37:1-29), parent, stepparent,
5 grandparent, sibling, stepsibling, child, stepchild, and grandchild, as
6 related by blood or by law.] (Deleted by amendment, P.L. , c.)
7 (pending before the Legislature as this bill)
8 (cf: P.L.2021, c.327, s.6)
9

10 5. This act shall take effect immediately.
11
12

13 STATEMENT
14

15 This bill removes from current law certain arbitrary restrictions
16 on the sale and possession of BB guns and firearm components. The
17 bill also removes certain overly burdensome requirements imposed
18 on private firearm transfers.

19 The bill revises the definition of "firearm" to clarify that BB
20 guns are not firearms and, therefore, are not subject to New Jersey's
21 stringent firearms licensing and permitting statutes.

22 In addition, the bill allows the possession, sale, and transfer of a
23 firearm with certain components. Under current law, a firearm
24 equipped with certain components may be designated as an illegal
25 assault firearm, the possession of which is a crime of the second
26 degree punishable by five to 10 years imprisonment, a maximum
27 fine of \$150,000, or both. This bill decriminalizes the purchase,
28 possession, and transfer of a firearm with a:

- 29
- 30 • folding or telescoping stock;
 - 31 • pistol grip that protrudes conspicuously beneath the action of
32 the firearm;
 - 33 • second handgrip or a protruding grip that can be held by the
34 non-trigger hand;
 - 35 • bayonet mount;
 - 36 • flash suppressor, muzzle break, muzzle compensator, or
37 threaded barrel designed to accommodate a flash suppressor,
38 muzzle break, or muzzle compensator; or
 - 39 • firearm sound suppressor.

40 The bill also decriminalizes the possession of armor piercing
41 ammunition and a firearm frame or receiver that is not imprinted with
42 a serial number. Under current law, possession of a firearm frame or
43 receiver without a serial number is a crime of the third degree and
44 possession of armor piercing ammunition is a fourth degree crime. A
45 crime of the third degree is punishable by a term of imprisonment
46 of three to five years, a fine up to \$15,000, or both. Fourth degree
47 crimes are punishable by up to 18 months imprisonment, a fine of
up to \$10,000, or both.

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1 Finally, the bill removes from current law the requirement that
2 private person-to-person firearm sales are to be conducted through a
3 State-licensed retail dealer or Federal Firearms Licensee (FFL).
4 Under current law, private firearm sales arranged between two
5 individuals are required to be conducted through a licensed firearm
6 retailer. The retailer is required to initiate a criminal history records
7 check and submit to the Superintendent of State Police information
8 identifying and confirming the background check and maintain a
9 record of transactions. This bill removes this requirement from
10 current law and allows private firearm transactions to be conducted
11 without this administrative requirement.