

SENATE, No. 2846

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 13, 2022

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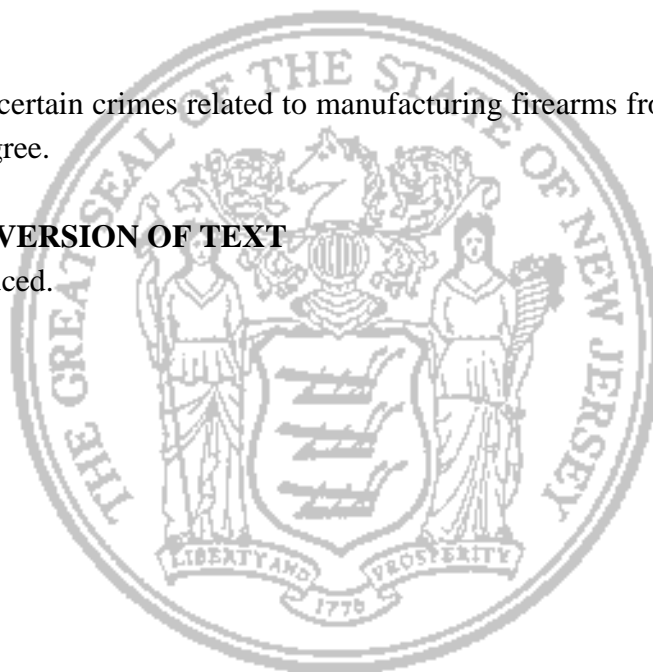
Senators Codey, Gill, Pou, Assemblyman Verrelli, Assemblywomen Tucker, Jasey, Park, Assemblyman Stanley, Assemblywomen McKnight and Lampitt

SYNOPSIS

Upgrades certain crimes related to manufacturing firearms from third degree to second degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

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

7 2C:39-9. Manufacture, Transport, Disposition and Defacement
8 of Weapons and Dangerous Instruments and Appliances.

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

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

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

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

46 e. Defaced firearms. Any person who defaces any firearm is
47 guilty of a crime of the third degree. Any person who knowingly

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 buys, receives, disposes of or conceals a defaced firearm, except an
2 antique firearm or an antique handgun, is guilty of a crime of the
3 fourth degree.

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

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

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

35 h. Large capacity ammunition magazines. Any person who
36 manufactures, causes to be manufactured, transports, ships, sells or
37 disposes of a large capacity ammunition magazine 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 i. Transporting firearms into this State for an unlawful sale or
42 transfer. Any person who knowingly transports, ships or otherwise
43 brings into this State any firearm for the purpose of unlawfully
44 selling, transferring, giving, assigning or otherwise disposing of that
45 firearm to another individual is guilty of a crime of the second
46 degree. Any motor vehicle used by a person to transport, ship, or
47 otherwise bring a firearm into this State for unlawful sale or transfer
48 shall be subject to forfeiture in accordance with the provisions of
49 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision

1 shall not apply to innocent owners, nor shall it affect the rights of a
2 holder of a valid lien.

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

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

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

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

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

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

23 k. Purchasing firearm parts to manufacture a firearm without a
24 serial number. In addition to any other criminal penalties provided
25 under law, a person who, with the purpose to manufacture or
26 otherwise assemble a firearm and without being registered or
27 licensed do so as provided in chapter 58 of Title 2C of the New
28 Jersey Statutes, purchases or otherwise obtains separately or as part
29 of a kit a firearm frame or firearm receiver which is not imprinted
30 with a serial number registered with a federally licensed
31 manufacturer or any combination of parts from which a firearm
32 without a serial number may be readily manufactured or otherwise
33 assembled, but which does not have the capacity to function as a
34 firearm unless manufactured or otherwise assembled is guilty of a
35 crime of the ~~third~~ second degree. Notwithstanding the provisions
36 of N.J.S.2C:1-8 or any other law, a conviction under this subsection
37 shall not merge with a conviction for any other criminal offense and
38 the court shall impose separate sentences upon a violation of this
39 subsection and any other criminal offense.

40 As used in this subsection, "firearm frame or firearm receiver"
41 means the part of a firearm that provides housing for the firearm's
42 internal components, such as the hammer, bolt or breechblock,
43 action, and firing mechanism, and includes without limitation any
44 object or part which is not a firearm frame or receiver in finished
45 form but is designed or intended to be used for that purpose and
46 which may readily be made into a firearm frame or receiver through
47 milling or other means.

1 1. Manufacturing or facilitating the manufacture of a firearm
2 using a three-dimensional printer. In addition to any other criminal
3 penalties provided under law it is a **【third】 second** degree crime for:

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

9 (2) a person to distribute by any means, including the Internet,
10 to a person in New Jersey who is not registered or licensed as a
11 manufacturer as provided in chapter 58 of Title 2C of the New
12 Jersey Statutes, digital instructions in the form of computer-aided
13 design files or other code or instructions stored and displayed in
14 electronic format as a digital model that may be used to program a
15 three-dimensional printer to manufacture or produce a firearm,
16 firearm receiver, magazine, or firearm component.

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

25 m. Covert or undetectable firearms. Any person who
26 manufactures, causes to be manufactured, transports, ships, sells or
27 disposes of any covert firearm as defined in subsection hh. of
28 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
29 ii. of N.J.S.2C:39-1 is guilty of a crime of the **【third】 second**
30 degree.

31 n. Transporting a manufactured firearm without a serial
32 number. In addition to any other criminal penalties provided under
33 law, a person who transports, ships, sells, or disposes of a firearm
34 manufactured or otherwise assembled using a firearm frame or
35 firearm receiver as defined in subsection k. of this section which is
36 not imprinted with a serial number registered with a federally
37 licensed manufacturer, including but not limited to a firearm
38 manufactured or otherwise assembled from parts purchased or
39 otherwise obtained in violation of subsection k. of this section, is
40 guilty of a crime of the **【third】 second** degree.

41 (cf: P.L.2019, c.165, s3)

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43 2. This act shall take effect immediately.

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STATEMENT

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48 This bill upgrades purchasing firearm parts to manufacture a
49 firearm without a serial number; manufacturing a firearm with a

1 three-dimensional printer; manufacturing a covert or undetectable
2 firearm; and transporting a manufactured firearm without a serial
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise
6 obtain separately or as part of a kit a firearm frame or
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or
9 certain components of a firearm using a three-dimensional
10 printer;
- 11 • to distribute to an unlicensed person, including via the
12 Internet, digital instructions to manufacture a firearm or
13 certain components of a firearm using a three-dimensional
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second
18 degree crimes. A crime of the third degree is punishable by three to
19 five years imprisonment, a fine of up to \$15,000, or both. A crime
20 of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.