Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS
Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning destructive devices, amending N.J.S.2C:39-1 and supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

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

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

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

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

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including:

(1) any explosive or incendiary bomb, mine or grenade;

(2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce;

(3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes;

(4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term [does] shall not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety, or similar purposes; or

(5) any center-fire rifle that is capable of firing a .50 BMG cartridge as defined in subsection ee. of this section.

The provisions of this paragraph shall not apply to any antique firearm as defined in subsection a. of this section or any "curio or relic" as defined in 27 CFR 478.11.

The provisions of this paragraph also shall not apply to a weapon solely used to fire blank ammunition for the purpose of a living historical reenactment as defined in subsection ff. of this section.

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

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

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

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

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

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

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

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.
l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

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

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

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

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

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

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

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

4. "Stun gun" means any weapon or other device which emits
an electrical charge or current intended to temporarily or
permanently disable a person.

7. "Ballistic knife" means any weapon or other device capable
of lethal use and which can propel a knife blade.

9. "Imitation firearm" means an object or device reasonably
capable of being mistaken for a firearm.

11. "Assault firearm" means:
(1) The following firearms:

Algimec AGM1 type
Any shotgun with a revolving cylinder such as the "Street
Sweeper" or "Striker 12"
Armalite AR-180 type
Australian Automatic Arms SAR
Avtomat Kalashnikov type semi-automatic firearms
Beretta AR-70 and BM59 semi-automatic firearms
Bushmaster Assault Rifle
Calico M-900 Assault carbine and M-900
CETME G3
Chartered Industries of Singapore SR-88 type
Colt AR-15 and CAR-15 series
Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
Demro TAC-1 carbine type
Encom MP-9 and MP-45 carbine types
FAMAS MAS223 types
FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
Franchi SPAS 12 and LAW 12 shotguns
G3SA type
Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
Intratec TEC 9 and 22 semi-automatic firearms
M1 carbine type
M14S type
MAC 10, MAC 11, MAC 11-9mm carbine type firearms
Plainfield Machine Company Carbine
Ruger K-Mini-14/5F and Mini-14/5RF
SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
SKS with detachable magazine type
Spectre Auto carbine type
Springfield Armory BM59 and SAR-48 type
Sterling MK-6, MK-7 and SAR types
Steyr A.U.G. semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk.

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

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

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

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

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

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

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

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

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

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

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

e. “.50 BMG cartridge” means a cartridge that is designed and
intended to be fired from a center-fire rifle and that meets all of the
following criteria:
(1) it has an overall length of 5.54 inches from the base to the tip
of the bullet;
(2) the bullet diameter for the cartridge is from .510 inches to
and including .511 inch;
(3) the case base diameter for the cartridge is from .800 inch
and including .804 inch; and
(4) the cartridge case length is 3.91 inches.
ff. “Living historical reenactment” means a depiction of
historical characters, scenes, historical life, or events for
entertainment, education, or historical documentation through the
wearing or use of period, historical, antique or vintage clothing,
accessories, firearms, weapons, and other implements of the
historical period.
(cf: P.L.2019, c.164, s.6)

2. (New section) a. A person who lawfully owned a center-
fire rifle that is capable of firing a .50 BMG cartridge before the
rifle was prohibited under the provisions of paragraph (5) of
subsection c. of N.J.S.2C:39-1 by the enactment of
P.L. , c. (C. ) (pending before the Legislature as this bill)
shall register that firearm within one year of the enactment of
P.L. , c. (C. ) (pending before the Legislature as this bill).
In order to register a prohibited firearm, the owner shall:
(1) complete a registration statement, in the form to be
prescribed by the Superintendent of State Police; and
(2) pay a registration fee of $50 for each prohibited weapon.
b. An applicant who resides in a municipality with an
organized full-time police department shall register the firearm with
the chief law enforcement officer of the municipality. All other
applicants shall register the firearm with the Superintendent of State
Police.
c. Within 60 days of the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), the superintendent shall prepare the form of registration statement required under subsection a. of this section and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

d. One copy of the completed prohibited firearm registration statement shall be returned to the registrant, a second copy shall be sent to the superintendent, and, if the registration takes place at a municipal police department, a third copy shall be retained by that municipal police department.

e. If the owner of a prohibited firearm that has been registered pursuant to this section dies, the owner’s heirs or estate shall, within 90 days, dispose of that firearm in accordance with the provisions of section 3 of P.L. , c. (C. )(pending before the Legislature as this bill).

f. If a prohibited firearm registered pursuant to this section is used in the commission of a crime, the registrant of that prohibited firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply (1) if the firearm used in the commission of that crime was stolen and the registrant reported the theft of the weapon to law enforcement authorities within 36 hours of the registrant’s knowledge of the theft or (2) prior to the commission of the crime, the registrant lawfully transferred the firearm to another person.

g. The provisions of this paragraph shall not apply to any antique firearm, curio or relic, or weapon solely used to fire blank ammunition for the purpose of a living historical reenactment in accordance with the provisions of paragraph (5) of subsection c. of N.J.S.2C:39-1.

3. (New section) a. A person who lawfully owned a center-fire rifle that is capable of firing a .50 BMG cartridge prohibited under the provisions of paragraph (5) of subsection c. of N.J.S.2C:39-1 on the effective date of P.L. , c. (pending before the Legislature as this bill) and does not register it pursuant to section 2 of P.L. , c. (C. )(pending before the Legislature as this bill) may retain possession of that firearm for a period not to exceed one year from that effective date. During that time period, the owner of the prohibited firearm shall either:

(1) transfer the prohibited firearm to a person or firm lawfully entitled to own or possess such weapon;

(2) render the prohibited firearm inoperable; or

(3) voluntarily surrender the prohibited firearm pursuant to N.J.S.2C:39-12.

b. If the owner of the prohibited firearm elects to render the weapon inoperable, the owner shall file a certification on a form
prescribed by the superintendent indicating the date on which the weapon was rendered inoperable. This certification shall be filed with either the chief law enforcement officer of the municipality in which the owner resides or, in the case of an owner who resides in a municipality which does not have a full-time police department, with the superintendent.

c. As used in this section, “inoperable” means that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable.

d. The provisions of this paragraph shall not apply to any antique firearm, curio or relic, or weapon solely used to fire blank ammunition for purpose of a living historical reenactment in accordance with the provisions of paragraph (5) of subsection c. of N.J.S.2C:39-1

4. This act shall take effect on the first day of the third month next following the date of enactment, but the Superintendent of State Police may take any anticipatory action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill revises the definition of "destructive device" so that it includes certain rifles capable of firing a projectile of 50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 browning machine gun cartridge (BMG). The bill defines a “.50 BMG cartridge” as a cartridge that is designed and intended to be fired from a center-fire rifle and that meets all of the following criteria:

(1) it has an overall length of 5.54 inches from the base to the tip of the bullet;

(2) the bullet diameter for the cartridge is from .510 inches to and including .511 inch;

(3) the case base diameter for the cartridge is from .800 inches to and including .804 inch; and

(4) the cartridge case length is 3.91 inches.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation. Under 27 CFR 478.11, curio or relic is defined firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons.

Additionally, the prohibition would not apply to a 50 caliber or greater weapon solely used to fire blank ammunition for purpose of a living historical reenactment. The bill defines a “living historical reenactment” as a depiction of historical characters, scenes,
historical life, or events for entertainment, education, or historical
documentation through the wearing or use of period, historical,
antique or vintage clothing, accessories, firearms, weapons, and
other implements of the historical period.
Under the provisions of the bill, a person who purchased or
acquired a weapon that has been prohibited with the enactment of
this bill may retain that weapon if he or she registers it with law
enforcement. The registration fee is $50. A person who chooses
not to register his or her prohibited weapon has one year in which to
lawfully sell the weapon, render it inoperable, or voluntarily
surrender the weapon to law enforcement.
When a registrant dies, the heirs or estate are to dispose of the
weapon by either selling it, rendering it inoperable, or voluntarily
surrendering it.
The registrant of a prohibited weapon may be held civilly liable
if it is used in the commission of a crime.
This liability does not apply (1) if the weapon used in the crime
was stolen and the registrant reported the theft to law enforcement
within 36 hours of the registrant’s knowledge of the theft or (2)
prior to the commission of the crime, the registrant lawfully
transferred the weapon to another person.