

SENATE, No. 2905

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

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.



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1 AN ACT concerning destructive devices, amending N.J.S.2C:39-1
2 and supplementing chapter 39 of Title 2C of the New Jersey
3 Statutes.

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

7
8 1. N.J.S.2C:39-1 is amended to read as follows:

9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

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

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

24 c. "Destructive device" means any device, instrument or object
25 designed to explode or produce uncontrolled combustion, including:
26 (1) any explosive or incendiary bomb, mine or grenade;

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

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

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

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

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

44 The provisions of this paragraph also shall not apply to a weapon
45 solely used to fire blank ammunition for the purpose of a living
46 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.

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- 1 d. "Dispose of" means to give, give away, lease, loan, keep for
2 sale, offer, offer for sale, sell, transfer, or otherwise transfer
3 possession.
- 4 e. "Explosive" means any chemical compound or mixture that
5 is commonly used or is possessed for the purpose of producing an
6 explosion and which contains any oxidizing and combustible
7 materials or other ingredients in such proportions, quantities or
8 packing that an ignition by fire, by friction, by concussion or by
9 detonation of any part of the compound or mixture may cause such
10 a sudden generation of highly heated gases that the resultant
11 gaseous pressures are capable of producing destructive effects on
12 contiguous objects. The term shall not include small arms
13 ammunition, or explosives in the form prescribed by the official
14 United States Pharmacopoeia.
- 15 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
16 automatic or semi-automatic rifle, or any gun, device or instrument
17 in the nature of a weapon from which may be fired or ejected any
18 solid projectable ball, slug, pellet, missile or bullet, or any gas,
19 vapor or other noxious thing, by means of a cartridge or shell or by
20 the action of an explosive or the igniting of flammable or explosive
21 substances. It shall also include, without limitation, any firearm
22 which is in the nature of an air gun, spring gun or pistol or other
23 weapon of a similar nature in which the propelling force is a spring,
24 elastic band, carbon dioxide, compressed or other gas or vapor, air
25 or compressed air, or is ignited by compressed air, and ejecting a
26 bullet or missile smaller than three-eighths of an inch in diameter,
27 with sufficient force to injure a person.
- 28 g. "Firearm silencer" means any instrument, attachment,
29 weapon or appliance for causing the firing of any gun, revolver,
30 pistol or other firearm to be silent, or intended to lessen or muffle
31 the noise of the firing of any gun, revolver, pistol or other firearm.
- 32 h. "Gravity knife" means any knife which has a blade which is
33 released from the handle or sheath thereof by the force of gravity or
34 the application of centrifugal force.
- 35 i. "Machine gun" means any firearm, mechanism or instrument
36 not requiring that the trigger be pressed for each shot and having a
37 reservoir, belt or other means of storing and carrying ammunition
38 which can be loaded into the firearm, mechanism or instrument and
39 fired therefrom.
- 40 j. "Manufacturer" means any person who receives or obtains
41 raw materials or parts and processes them into firearms or finished
42 parts of firearms, except a person who exclusively processes grips,
43 stocks and other nonmetal parts of firearms. The term does not
44 include a person who repairs existing firearms or receives new and
45 used raw materials or parts solely for the repair of existing firearms.
- 46 k. "Handgun" means any pistol, revolver or other firearm
47 originally designed or manufactured to be fired by the use of a
48 single hand.

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1 l. "Retail dealer" means any person including a gunsmith,
2 except a manufacturer or a wholesale dealer, who sells, transfers or
3 assigns for a fee or profit any firearm or parts of firearms or
4 ammunition which he has purchased or obtained with the intention,
5 or for the purpose, of reselling or reassigning to persons who are
6 reasonably understood to be the ultimate consumers, and includes
7 any person who is engaged in the business of repairing firearms or
8 who sells any firearm to satisfy a debt secured by the pledge of a
9 firearm.

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

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

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

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

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

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

44 s. "Wholesale dealer" means any person, except a
45 manufacturer, who sells, transfers, or assigns firearms, or parts of
46 firearms, to persons who are reasonably understood not to be the
47 ultimate consumers, and includes persons who receive finished
48 parts of firearms and assemble them into completed or partially

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1 completed firearms, in furtherance of such purpose, except that it
2 shall not include those persons dealing exclusively in grips, stocks
3 and other nonmetal parts of firearms.

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

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

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

11 w. "Assault firearm" means:

12 (1) The following firearms:

13 Algimec AGM1 type

14 Any shotgun with a revolving cylinder such as the "Street
15 Sweeper" or "Striker 12"

16 Armalite AR-180 type

17 Australian Automatic Arms SAR

18 Avtomat Kalashnikov type semi-automatic firearms

19 Beretta AR-70 and BM59 semi-automatic firearms

20 Bushmaster Assault Rifle

21 Calico M-900 Assault carbine and M-900

22 CETME G3

23 Chartered Industries of Singapore SR-88 type

24 Colt AR-15 and CAR-15 series

25 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

26 Demro TAC-1 carbine type

27 Encom MP-9 and MP-45 carbine types

28 FAMAS MAS223 types

29 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

30 Franchi SPAS 12 and LAW 12 shotguns

31 G3SA type

32 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

33 Intratec TEC 9 and 22 semi-automatic firearms

34 M1 carbine type

35 M14S type

36 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

37 PJK M-68 carbine type

38 Plainfield Machine Company Carbine

39 Ruger K-Mini-14/5F and Mini-14/5RF

40 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

41 SKS with detachable magazine type

42 Spectre Auto carbine type

43 Springfield Armory BM59 and SAR-48 type

44 Sterling MK-6, MK-7 and SAR types

45 Steyr A.U.G. semi-automatic firearms

46 USAS 12 semi-automatic type shotgun

47 Uzi type semi-automatic firearms

48 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

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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 15 rounds.

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

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

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

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

24 aa. "Antique handgun" means a handgun manufactured before
25 1898, or a replica thereof, which is recognized as being historical in
26 nature or of historical significance and either (1) utilizes a match,
27 friction, flint, or percussion ignition, or which utilizes a pin-fire
28 cartridge in which the pin is part of the cartridge or (2) does not fire
29 fixed ammunition or for which cartridge ammunition is not
30 commercially available.

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

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

45 dd. "Personalized handgun" means a handgun which
46 incorporates within its design, and as part of its original
47 manufacture, technology which automatically limits its operational
48 use and which cannot be readily deactivated, so that it may only be

1 fired by an authorized or recognized user. The technology limiting
2 the handgun's operational use may include, but not be limited to:
3 radio frequency tagging, touch memory, remote control, fingerprint,
4 magnetic encoding and other automatic user identification systems
5 utilizing biometric, mechanical or electronic systems. No make or
6 model of a handgun shall be deemed to be a "personalized handgun"
7 unless the Attorney General has determined, through testing or
8 other reasonable means, that the handgun meets any reliability
9 standards that the manufacturer may require for its commercially
10 available handguns that are not personalized or, if the manufacturer
11 has no such reliability standards, the handgun meets the reliability
12 standards generally used in the industry for commercially available
13 handguns.

14 ee. “.50 BMG cartridge” means a cartridge that is designed and
15 intended to be fired from a center-fire rifle and that meets all of the
16 following criteria:

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

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

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

23 (4) the cartridge case length is 3.91 inches.

24 ff. “Living historical reenactment” means a depiction of
25 historical characters, scenes, historical life, or events for
26 entertainment, education, or historical documentation through the
27 wearing or use of period, historical, antique or vintage clothing,
28 accessories, firearms, weapons, and other implements of the
29 historical period.

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

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32 2. (New section) a. A person who lawfully owned a center-
33 fire rifle that is capable of firing a .50 BMG cartridge before the
34 rifle was prohibited under the provisions of paragraph (5) of
35 subsection c. of N.J.S.2C:39-1 by the enactment of
36 P.L. , c. (C.) (pending before the Legislature as this bill)
37 shall register that firearm within one year of the enactment of
38 P.L. , c. (C.) (pending before the Legislature as this bill).

39 In order to register a prohibited firearm, the owner shall:

40 (1) complete a registration statement, in the form to be
41 prescribed by the Superintendent of State Police; and

42 (2) pay a registration fee of \$50 for each prohibited weapon.

43 b. An applicant who resides in a municipality with an
44 organized full-time police department shall register the firearm with
45 the chief law enforcement officer of the municipality. All other
46 applicants shall register the firearm with the Superintendent of State
47 Police.

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1 c. Within 60 days of the effective date of P.L. , c. (C.)
2 (pending before the Legislature as this bill), the superintendent shall
3 prepare the form of registration statement required under subsection
4 a. of this section and shall provide a suitable supply of statements to
5 each organized full-time municipal police department and each
6 State Police station.

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

12 e. If the owner of a prohibited firearm that has been registered
13 pursuant to this section dies, the owner's heirs or estate shall, within
14 90 days, dispose of that firearm in accordance with the provisions
15 of section 3 of P.L. , c. (C.)(pending before the Legislature
16 as this bill).

17 f. If a prohibited firearm registered pursuant to this section is
18 used in the commission of a crime, the registrant of that prohibited
19 firearm shall be civilly liable for any damages resulting from that
20 crime.

21 The liability imposed by this subsection shall not apply (1) if the
22 firearm used in the commission of that crime was stolen and the
23 registrant reported the theft of the weapon to law enforcement
24 authorities within 36 hours of the registrant's knowledge of the theft
25 or (2) prior to the commission of the crime, the registrant lawfully
26 transferred the firearm to another person.

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

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

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

44 (2) render the prohibited firearm inoperable; or

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

47 b. If the owner of the prohibited firearm elects to render the
48 weapon inoperable, the owner shall file a certification on a form

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1 prescribed by the superintendent indicating the date on which the
2 weapon was rendered inoperable. This certification shall be filed
3 with either the chief law enforcement officer of the municipality in
4 which the owner resides or, in the case of an owner who resides in a
5 municipality which does not have a full-time police department,
6 with the superintendent.

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

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

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

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STATEMENT

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

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

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

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

38 (4) the cartridge case length is 3.91 inches.

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

45 Additionally, the prohibition would not apply to a 50 caliber or
46 greater weapon solely used to fire blank ammunition for purpose of
47 a living historical reenactment. The bill defines a "living historical
48 reenactment" as a depiction of historical characters, scenes,

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1 historical life, or events for entertainment, education, or historical
2 documentation through the wearing or use of period, historical,
3 antique or vintage clothing, accessories, firearms, weapons, and
4 other implements of the historical period.

5 Under the provisions of the bill, a person who purchased or
6 acquired a weapon that has been prohibited with the enactment of
7 this bill may retain that weapon if he or she registers it with law
8 enforcement. The registration fee is \$50. A person who chooses
9 not to register his or her prohibited weapon has one year in which to
10 lawfully sell the weapon, render it inoperable, or voluntarily
11 surrender the weapon to law enforcement.

12 When a registrant dies, the heirs or estate are to dispose of the
13 weapon by either selling it, rendering it inoperable, or voluntarily
14 surrendering it.

15 The registrant of a prohibited weapon may be held civilly liable
16 if it is used in the commission of a crime.

17 This liability does not apply (1) if the weapon used in the crime
18 was stolen and the registrant reported the theft to law enforcement
19 within 36 hours of the registrant's knowledge of the theft or (2)
20 prior to the commission of the crime, the registrant lawfully
21 transferred the weapon to another person.