

[First Reprint]

SENATE, No. 3085

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 29, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Expands culpability requirements for firearms trafficking offenses and violations of regulatory provisions relating to firearms.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on October 27, 2022, with amendments.



(Sponsorship Updated As Of: 11/14/2022)

1 AN ACT concerning unlawful trafficking of firearms ¹and violations
2 of regulatory provisions relating to firearms¹ and amending
3 N.J.S.2C:39-10.
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:39-10 is amended to read as follows:

9 2C:39-10. Violation of the regulatory provisions relating to
10 firearms; false representation in applications.

11 a. (1) Except as otherwise provided in paragraph (2) and
12 paragraph (4) of this subsection, any person who knowingly or
13 recklessly violates the regulatory provisions relating to
14 manufacturing or wholesaling of firearms N.J.S.2C:58-1, retailing
15 of firearms N.J.S.2C:58-2, permits to purchase certain firearms
16 N.J.S.2C:58-3, permits to carry certain firearms N.J.S.2C:58-4,
17 licenses to procure machine guns or assault firearms N.J.S.2C:58-5,
18 or incendiary or tracer ammunition N.J.S.2C:58-10, except acts
19 which are punishable under section N.J.S.2C:58-5 or section
20 N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

21 (2) A licensed dealer who knowingly violates the provisions of
22 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
23 is a disorderly person.

24 (3) If, upon review, a law enforcement agency determines that a
25 licensed dealer has sold, transferred, assigned, or otherwise
26 disposed of an inordinate number of firearms and that licensed
27 dealer knew, or should have known, that the firearms would be used
28 in the commission of a crime or would be transferred to a person in
29 order for the firearms to be used for an unlawful purpose, that
30 dealer's license shall, after a hearing, be permanently revoked.

31 (4) A licensed dealer who sells or transfers a firearm to a person
32 **[knowing]** when the dealer knows or reasonably should know that
33 person intends to sell, transfer, assign, or otherwise dispose of that
34 firearm to a person who is disqualified from possessing a firearm
35 under State or federal law is guilty of a crime of the second degree.
36 Notwithstanding any other provisions of law to the contrary, the
37 sentence imposed for a conviction under this subsection shall
38 include a mandatory minimum term of imprisonment of 18 months,
39 during which the defendant shall be ineligible for parole; provided
40 however, if the firearm was used in the commission of a crime, the
41 sentence imposed under this subsection shall include a mandatory
42 minimum term of imprisonment of three years, during which the
43 defendant shall be ineligible for parole. Further, a person convicted
44 under this subsection shall be permanently disqualified from

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted October 27, 2022.

1 holding a retail license under N.J.S.2C:58-2.

2 (5) A person who is disqualified from possessing a firearm
3 under State or federal law who knowingly solicits, persuades,
4 encourages, or entices a licensed dealer or other person to sell, give,
5 transfer, or assign a firearm to the disqualified person under
6 circumstances which the disqualified person knows would violate
7 State or federal law is guilty of a crime of the third degree.
8 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
9 conviction under this subsection shall not merge with a conviction
10 for any other criminal offense and the court shall impose separate
11 sentences upon a violation of this subsection and any other criminal
12 offense.

13 b. Any person who knowingly violates the regulatory
14 provisions relating to notifying the authorities of possessing certain
15 items of explosives N.J.S.2C:58-7, or of certain wounds
16 N.J.S.2C:58-8 is a disorderly person.

17 c. Any person who gives or causes to be given any false
18 information, or signs a fictitious name or address, in applying for a
19 firearms purchaser identification card, a permit to purchase a
20 handgun, a permit to carry a handgun, a permit to possess a machine
21 gun, a permit to possess an assault firearm, or in completing the
22 certificate or any other instrument required by law in purchasing or
23 otherwise acquiring delivery of any rifle, shotgun, handgun,
24 machine gun, or assault firearm or any other firearm, is guilty of a
25 crime of the third degree.

26 d. Any person who gives or causes to be given any false
27 information in registering an assault firearm pursuant to section 11
28 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
29 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
30 c.32 (C.2C:58-13) commits a crime of the fourth degree.

31 e. Any person who knowingly sells, gives, transfers, assigns or
32 otherwise disposes of a firearm to a person who is under the age of
33 18 years, except as permitted in section 14 of P.L.1979, c.179
34 (C.2C:58-6.1), is guilty of a crime of the second degree.
35 Notwithstanding any other provision of law to the contrary, the
36 sentence imposed for a conviction under this subsection shall
37 include a mandatory minimum five-year term of imprisonment,
38 during which the defendant shall be ineligible for parole.

39 f. Unless the recipient is authorized to possess the handgun in
40 connection with the performance of official duties under the
41 provisions of N.J.S.2C:39-6, any person who knowingly sells,
42 gives, transfers, assigns or otherwise disposes of a handgun to a
43 person who is under the age of 21 years, except as permitted in
44 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
45 the third degree.

46 g. Any person who knowingly gives or causes to be given any
47 false information or knowingly engages in any other fraudulent
48 conduct in applying for an exemption to purchase more than one

1 handgun in a 30-day period in violation of the provisions of section
2 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
3 third degree. The presumption of nonimprisonment set forth in
4 N.J.S.2C:44-1 shall not apply to persons convicted under the
5 provisions of this subsection.
6 (cf: P.L.2019, c.166, s.1)
7
8 2. This act shall take effect immediately.