

[First Reprint]

SENATE, No. 3150

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Senator TROY SINGLETON

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Senator LINDA R. GREENSTEIN

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Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

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Assemblywomen McKnight, Jaffer, Reynolds-Jackson, Assemblyman Verrelli, Assemblywoman Murphy, Assemblymen Coughlin, Tully and Assemblywoman Swain

SYNOPSIS

Establishes strict liability criminal penalties for firearm trafficking that results in injury or death.

CURRENT VERSION OF TEXT

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

(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning unlawful trafficking of firearms and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 ¹1 This act shall be known and may be cited as the “Real
8 Accountability for Consequences of Unlawful Trafficking of
9 Firearms Act.”

10

11 2. a. As used in this act, “firearm trafficking violation” means:

12 (1) A violation of paragraph (1) ¹of¹ subsection a. of
13 N.J.S.2C:39-10 by selling, giving, transferring, assigning, or
14 otherwise disposing of a handgun to a purchaser, assignee, donee,
15 receiver, or holder who the defendant knows is not licensed as a
16 dealer or has not secured a permit to purchase a handgun pursuant
17 to subsection a. of N.J.S.2C:58-3;

18 (2) A violation of paragraph (1) ¹of¹ subsection a. of
19 N.J.S.2C:39-10 by selling, giving, transferring, assigning, or
20 otherwise disposing of a rifle or shotgun to a purchaser, assignee,
21 donee, receiver ¹,¹ or holder who the defendant knows is not
22 licensed as a dealer or does not possess a valid firearms purchaser
23 identification card and ¹has not¹ complied with the requirements of
24 paragraph (1) of subsection b. of N.J.S.2C:58-3;

25 (3) A violation of paragraph (4) of subsection a. of N.J.S.2C:39-
26 10 by selling or transferring a firearm knowing that the recipient
27 intends to sell, transfer, assign, or otherwise dispose of that firearm
28 to another person who is disqualified from possessing a firearm
29 under State or federal law;

30 (4) A violation of subsection i. of N.J.S.2C:39-9 by
31 transporting, shipping, or otherwise bringing into this State, or
32 conspiring to transport, ship, or otherwise bring into this State, any
33 firearm for the purpose of unlawfully selling, transferring, giving,
34 assigning, or otherwise disposing of that firearm to another
35 individual;

36 (5) A violation of subsection e. of N.J.S.2C:39-10 by selling,
37 giving, transferring, assigning or otherwise disposing of a firearm to
38 a person who is under the age of 18 years, except as permitted in
39 section 14 of P.L.1979, c.179 (C.2C:58-6.1); or

40 (6) A violation of subsections (a), (b), (c), (d), (h), (i), (j), (n),
41 (u), or (x) of Title 18 U.S.C. s.922 or subparagraph (A) of
42 subsection (a)(1) of Title 18 U.S.C. s.924.

43 b. (1) A person who purposely commits any firearm
44 trafficking violation enumerated in subsection a. of this section
45 shall be strictly liable for a death that results from the discharge of

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 the illegally trafficked firearm used in the course of committing
2 ~~the~~ a¹ crime and shall be guilty of a crime of the first degree.

3 (2) A person who purposely commits any firearm trafficking
4 violation enumerated in subsection a. of this section is strictly liable
5 for a serious bodily injury or significant bodily injury as defined by
6 N.J.S.2C:11-1 that results from the discharge of the illegally
7 trafficked firearm while used in the course of committing ~~the~~ a¹
8 crime and shall be guilty of a crime of the second degree.

9 (3) For purposes of paragraphs (1) and (2) of this subsection, an
10 act shall be deemed to be in the course of committing a crime if the
11 act occurs during or as part of an attempt to commit a crime or the
12 commission of a crime or in the immediate flight after the attempt
13 to commit or the commission of a crime.

14 c. The act of selling, giving, transferring, assigning, or
15 otherwise disposing of a firearm shall be deemed a cause of death,
16 serious bodily injury, or significant bodily injury when:

17 (1) the act is an antecedent but for which the death, serious
18 bodily injury, or significant bodily injury would not have occurred;

19 (2) the death, serious bodily injury, or significant bodily injury
20 occurred ~~was~~¹ not more than three years from the person's act;
21 and

22 (3) the death, serious bodily injury, or significant bodily injury
23 was not dependent upon ~~the~~¹ conduct of another person which was
24 so unrelated to the use of the firearm it did not have a just bearing
25 on the actor's liability.

26
27 ~~2.~~ ~~3.~~¹ a. In a prosecution under section ~~1~~ ~~2~~¹ of P.L. _____,
28 c. (C. _____) (pending before the Legislature as this bill), the trier of
29 fact may infer that the defendant had the requisite mental state to
30 commit a firearm trafficking violation if the defendant:

31 (1) transferred or planned to transfer the firearm within 45 days
32 of the defendant's purchase and receipt of the firearm;

33 (2) sold three or more firearms to the other person within a one-
34 year period;

35 (3) received compensation for the sale of the firearm to another
36 person that was significantly above the fair market value of the
37 firearm;

38 (4) did not conduct the transaction through a licensed retail
39 dealer pursuant to paragraph (2) of subsection a. or paragraph (2) of
40 subsection b. of N.J.S.2C:58-3; or

41 (5) did not abide by the requirements of paragraph (3) of
42 subsection a. or paragraph (3) of subsection b. of N.J.S.2C:58-3 and
43 did not provide a receipt or other documentation regarding the sale
44 to the other person.

45 b. The provisions of N.J.S.2C:2-3 governing the causal
46 relationship between conduct and result shall not apply in a
47 prosecution under ~~this~~¹ section ~~2~~¹ of P.L. _____, c. (C. _____)
48 (pending before the Legislature as this bill)¹.

1 c. In a prosecution under section ¹**[1]** 2¹ of P.L. , c. (C.)
2 (pending before the Legislature as this bill), the defendant's actions
3 outside of this State shall be sufficient for prosecution if the
4 defendant knew or should have known that the recipient of the
5 firearm intended to possess, transfer, dispose, sell, or otherwise
6 transport the firearm in this State.

7 d. It shall not be a defense to a prosecution under section ¹**[1]**
8 2¹ of P.L. , c. (C.) (pending before the Legislature as this
9 bill) that:

10 (1) the death or serious or significant bodily injury took place in
11 a jurisdiction other than this State; or

12 (2) the decedent or victim contributed to their own death or
13 serious bodily injury.

14 e. Nothing in this section shall be deemed to preclude, if the
15 evidence so warrants, an indictment and conviction for any other
16 offense.

17

18 ¹**[3.]** 4.¹ This act shall take effect immediately.