

ASSEMBLY, No. 4668

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 28, 2024

Sponsored by:

Assemblyman MICHAEL VENEZIA

District 34 (Essex)

Co-Sponsored by:

Assemblywoman Morales

SYNOPSIS

Strengthens State's assault weapons ban.

CURRENT VERSION OF TEXT

As introduced.



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

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:39-1 is amended to read as follows:

7 2C:39-1. Definitions. The following definitions apply to this
8 chapter and to chapter 58:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 i. "Machine gun" means any firearm, mechanism or instrument
33 not requiring that the trigger be pressed for each shot and having a
34 reservoir, belt or other means of storing and carrying ammunition
35 which can be loaded into the firearm, mechanism or instrument and
36 fired therefrom. A machine gun also shall include, without
37 limitation, any firearm with a trigger crank attached.

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

44 k. "Handgun" means any pistol, revolver or other firearm
45 originally designed or manufactured to be fired by the use of a
46 single hand.

47 l. "Retail dealer" means any person including a gunsmith,
48 except a manufacturer or a wholesale dealer, who sells, transfers or

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

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

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

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

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

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

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

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

- 1 shall not include those persons dealing exclusively in grips, stocks
2 and other nonmetal parts of firearms.
- 3 t. "Stun gun" means any weapon or other device which emits
4 an electrical charge or current intended to temporarily or
5 permanently disable a person.
- 6 u. "Ballistic knife" means any weapon or other device capable
7 of lethal use and which can propel a knife blade.
- 8 v. "Imitation firearm" means an object or device reasonably
9 capable of being mistaken for a firearm.
- 10 w. "Assault firearm" means:
- 11 (1) The following firearms:
- 12 Algimec AGM1 type
13 Any shotgun with a revolving cylinder such as the "Street
14 Sweeper" or "Striker 12"
15 Armalite AR-180 type
16 Australian Automatic Arms SAR
17 Avtomat Kalashnikov type semi-automatic firearms
18 Beretta AR-70 and BM59 semi-automatic firearms
19 Bushmaster Assault Rifle
20 Calico M-900 Assault carbine and M-900
21 CETME G3
22 Chartered Industries of Singapore SR-88 type
23 Colt AR-15 and CAR-15 series
24 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
25 Demro TAC-1 carbine type
26 Encom MP-9 and MP-45 carbine types
27 FAMAS MAS223 types
28 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
29 Franchi SPAS 12 and LAW 12 shotguns
30 G3SA type
31 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
32 Intratec TEC 9 and 22 semi-automatic firearms
33 M1 carbine type
34 M14S type
35 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
36 PJK M-68 carbine type
37 Plainfield Machine Company Carbine
38 Ruger K-Mini-14/5F and Mini-14/5RF
39 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
40 SKS with detachable magazine type
41 Spectre Auto carbine type
42 Springfield Armory BM59 and SAR-48 type
43 Sterling MK-6, MK-7 and SAR types
44 Steyr A.U.G. semi-automatic firearms
45 USAS 12 semi-automatic type shotgun
46 Uzi type semi-automatic firearms
47 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
48 Weaver Arm Nighthawk.

- 1 (2) Any firearm manufactured under any designation which is
2 substantially identical to any of the firearms listed above, and
3 including, but no limited to:
- 4 (a) a semiautomatic rifle that has an ability to accept a
5 detachable magazine and has at least one of the following
6 characteristics:
- 7 (i) a folding or telescoping stock;
8 (ii) a pistol grip that protrudes conspicuously beneath the action
9 of the weapon;
- 10 (iii) a thumbhole stock;
11 (iv) a second handgrip or a protruding grip that can be held by
12 the non-trigger hand;
- 13 (v) a bayonet mount;
14 (vi) a flash suppressor, muzzle break, muzzle compensator, or
15 threaded barrel designed to accommodate a flash suppressor,
16 muzzle break, or muzzle compensator; or
- 17 (vii) a grenade launcher; or
18 (b) a semiautomatic shotgun that has at least one of the
19 following characteristics:
- 20 (i) a folding or telescoping stock;
21 (ii) a thumbhole stock;
22 (iii) a second handgrip or a protruding grip that can be held by
23 the non-trigger hand;
- 24 (iv) a fixed magazine capacity in excess of six rounds;
25 (v) an ability to accept a detachable magazine; or
26 (c) a semiautomatic pistol that has an ability to accept a
27 detachable magazine and has at least one of the following
28 characteristics:
- 29 (i) a folding or telescoping stock;
30 (ii) a thumbhole stock;
31 (iii) a second handgrip or a protruding grip that can be held by
32 the non-trigger hand;
- 33 (iv) capacity to accept an ammunition magazine that attaches to
34 the pistol outside of the pistol grip;
- 35 (v) a threaded barrel capable of accepting a barrel extender,
36 flash suppressor, forward handgrip, or silencer;
37 (vi) a shroud that is attached to, or partially or completely encircles,
38 the barrel and that permits the shooter to hold the firearm with the
39 non-trigger hand without being burned;
- 40 (vii) a manufactured weight of fifty ounces or more when the
41 pistol is unloaded; or
42 (viii) a semiautomatic version of an automatic rifle, shotgun or
43 firearm.
- 44 (3) A semi-automatic shotgun with either a magazine capacity
45 exceeding six rounds, a pistol grip, or a folding stock.
- 46 (4) A semi-automatic rifle with a fixed magazine capacity
47 exceeding 10 rounds. "Assault firearm" shall not include a semi-

1 automatic rifle which has an attached tubular device and which is
2 capable of operating only with .22 caliber rimfire ammunition.

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

8 (6) A firearm with a bump stock attached.

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

12 y. "Large capacity ammunition magazine" means a box, drum,
13 tube or other container which is capable of holding more than 10
14 rounds of ammunition to be fed continuously and directly therefrom
15 into a semi-automatic firearm. The term shall not include an
16 attached tubular device which is capable of holding only .22 caliber
17 rimfire ammunition.

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

22 aa. "Antique handgun" means a handgun manufactured before
23 1898, or a replica thereof, which is recognized as being historical in
24 nature or of historical significance and either (1) utilizes a match,
25 friction, flint, or percussion ignition, or which utilizes a pin-fire
26 cartridge in which the pin is part of the cartridge or (2) does not fire
27 fixed ammunition or for which cartridge ammunition is not
28 commercially available.

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

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

43 dd. "Personalized handgun" means a handgun which incorporates
44 within its design a permanent programmable feature as part of its
45 manufacture that cannot be deactivated and renders the personalized
46 handgun reasonably resistant to being fired except when activated
47 by the lawful owner or other authorized user. No make or model of
48 a handgun shall be deemed to be a "personalized handgun" unless

1 the Personalized Handgun Authorization Commission established
2 pursuant to section 1 of P.L.2019, c.164 (C.2C:58-2.7) has
3 determined, in accordance with section 2 of P.L.2019, c.164
4 (C.2C:58-2.8), that the personalized handgun meets the
5 performance standards and qualifying criteria established pursuant
6 to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

7 ee. "Bump stock" means any device or instrument for a firearm
8 that increases the rate of fire achievable with the firearm by using
9 energy from the recoil of the firearm to generate a reciprocating
10 action that facilitates repeated activation of the trigger.

11 ff. "Trigger crank" means any device or instrument to be
12 attached to a firearm that repeatedly activates the trigger of the
13 firearm through the use of a lever or other part that is turned in a
14 circular motion; provided, however, the term shall not include any
15 weapon initially designed and manufactured to fire through the use
16 of a crank or lever.

17 gg. "Armor piercing ammunition" means: (1) a projectile or
18 projectile core which may be used in a handgun and is constructed
19 entirely, excluding the presence of traces of other substances, from
20 one or a combination of tungsten alloys, steel, iron, brass, bronze,
21 beryllium copper, or depleted uranium; or (2) a full jacketed
22 projectile larger than .22 caliber designed and intended for use in a
23 handgun and whose jacket has a weight of more than 25 percent of
24 the total weight of the projectile. "Armor piercing ammunition"
25 shall not include shotgun shot required by federal or State
26 environmental or game regulations for hunting purposes, a frangible
27 projectile designed for target shooting, a projectile which the United
28 States Attorney General finds is primarily intended to be used for
29 sporting purposes, or any other projectile or projectile core which
30 the United States Attorney General finds is intended to be used for
31 industrial purposes, including a charge used in an oil gas well
32 perforating device.

33 hh. "Covert firearm" means any firearm that is constructed in a
34 shape or configuration such that it does not resemble a handgun,
35 rifle, shotgun, or machine gun including, but not limited to, a
36 firearm that resembles a key-chain, pen, cigarette lighter, cigarette
37 package, cellphone, smart phone, wallet, or cane.

38 ii. "Undetectable firearm" means a firearm that: (1) after removal
39 of all parts other than major components, is not as detectable as the
40 Security Exemplar, by walk-through metal detectors calibrated and
41 operated to detect the Security Exemplar; or (2) includes a major
42 component which, if the firearm were subjected to inspection by the
43 types of detection devices commonly used at airports for security
44 screening, would not generate an image that accurately depicts the
45 shape of the component. "Undetectable firearm" shall not be
46 construed to include a firearm subject to the provisions of
47 paragraphs (3) through (6) of subsection (p) of 18 U.S.C. s.922.

1 jj. "Major component" means the slide or cylinder or the frame
2 or receiver of a firearm and, in the case of a rifle or shotgun, also
3 includes the barrel.

4 kk. "Security Exemplar" means the Security Exemplar fabricated
5 in accordance with subparagraph (C) of paragraph (2) of subsection
6 (p) of 18 U.S.C. s.922.

7 ll. "Authorized user" means the lawful owner of a personalized
8 handgun or a person to whom the owner has given consent to use
9 the personalized handgun.

10 mm. ".50 BMG cartridge" means a cartridge that is designed and
11 intended to be fired from a center-fire rifle and that meets all of the
12 following criteria:

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

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

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

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

20 nn. "Living historical reenactment" means a depiction of
21 historical characters, scenes, historical life, or events for
22 entertainment, education, or historical documentation through the
23 wearing or use of period, historical, antique or vintage clothing,
24 accessories, firearms, weapons, and other implements of the
25 historical period.

26 (cf: P.L.2022, c.54, s.1)

27

28 2. This act shall take effect immediately.

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STATEMENT

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33 This bill would strengthen the State's current assault weapons
34 ban by revising the definition of an assault weapon to include:
35 rifles with detachable magazines and one military style feature;
36 semi-automatic shotguns with one military style feature; and semi-
37 automatic pistols with one military style feature.

38 The current definition of an assault weapon sets forth a list of
39 prohibited firearms and specifically includes any firearm that is
40 "substantially identical" to any of the enumerated firearms. Under
41 State regulations, a semi-automatic firearm is to be considered
42 substantially identical to an enumerated firearm if it meets certain
43 criteria. This bill codifies these regulations while expanding the
44 number of firearms that would be considered assault weapons by
45 adding criteria and reducing the number of criteria that must be met
46 from two to one. For example, under current regulations, a semi-
47 automatic rifle that has the ability to accept a detachable magazine
48 and has at least two listed criteria would be considered an assault

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1 weapon. These criteria include: a folding telescoping stock, a
2 pistol grip that protrudes conspicuously beneath the action of the
3 weapon; a flash suppressor or threaded barrel designed to
4 accommodate a flash suppressor; and a grenade launcher. Under
5 the bill, additional criteria are added including a thumbhole stock
6 and a second handgrip or a protruding grip that can be held by the
7 non-trigger hand. The bill also requires that only one criteria be
8 met, rather than the currently required two.