

SENATE, No. 1176

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Senator RAJ MUKHERJI
District 32 (Hudson)

SYNOPSIS

Establishes “MarcAnthony’s Law;” criminalizes use of defaced or stolen firearm to injure a police officer; enhances penalties for defacing a firearm.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a crime involving the use of defaced and
2 stolen firearms in certain cases, to be known as “MarcAnthony’s
3 Law,” supplementing chapter 12 of Title 2C of the New Jersey
4 Statutes, and amending N.J.S.2C:39-1, N.J.S.2C:39-3, and
5 N.J.S.2C:39-9.

6

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

9

10 1. (New section) a. The use of a stolen or defaced firearm to
11 cause serious bodily injury to a law enforcement officer is a crime
12 of the first degree.

13 b. The use of a stolen or defaced firearm to cause bodily injury
14 to a law enforcement officer is a crime of the second degree.

15 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
16 provisions of law, a conviction arising under this section shall not
17 merge with a conviction for any other offense that the defendant
18 intended to commit or facilitate when the defendant violated the
19 provisions of this section.

20

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

22 2C:39-1. Definitions. The following definitions apply to this
23 chapter and to chapter 58:

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

33 b. "Deface" means to remove, deface, cover, alter or destroy
34 the name of the maker, model designation, manufacturer's serial
35 number or any other distinguishing identification mark or number
36 on any firearm. For the purposes of this subsection, a firearm shall
37 not be deemed defaced if it is refinished, rusted, or damaged from
38 ordinary wear and tear and the firearm has not been used in the
39 commission of a crime.

40 c. "Destructive device" means any device, instrument or object
41 designed to explode or produce uncontrolled combustion, including
42 (1) any explosive or incendiary bomb, mine or grenade; (2) any
43 rocket having a propellant charge of more than four ounces or any
44 missile having an explosive or incendiary charge of more than one-
45 quarter of an ounce; (3) any weapon capable of firing a projectile 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.

- 1 a caliber greater than 60 caliber, except a shotgun or shotgun
2 ammunition generally recognized as suitable for sporting purposes;
3 (4) any Molotov cocktail or other device consisting of a breakable
4 container containing flammable liquid and having a wick or similar
5 device capable of being ignited. The term does not include any
6 device manufactured for the purpose of illumination, distress
7 signaling, line-throwing, safety or similar purposes.
- 8 d. "Dispose of" means to give, give away, lease, loan, keep for
9 sale, offer, offer for sale, sell, transfer, or otherwise transfer
10 possession.
- 11 e. "Explosive" means any chemical compound or mixture that
12 is commonly used or is possessed for the purpose of producing an
13 explosion and which contains any oxidizing and combustible
14 materials or other ingredients in such proportions, quantities or
15 packing that an ignition by fire, by friction, by concussion or by
16 detonation of any part of the compound or mixture may cause such
17 a sudden generation of highly heated gases that the resultant
18 gaseous pressures are capable of producing destructive effects on
19 contiguous objects. The term shall not include small arms
20 ammunition, or explosives in the form prescribed by the official
21 United States Pharmacopoeia.
- 22 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
23 automatic or semi-automatic rifle, or any gun, device or instrument
24 in the nature of a weapon from which may be fired or ejected any
25 solid projectable ball, slug, pellet, missile or bullet, or any gas,
26 vapor or other noxious thing, by means of a cartridge or shell or by
27 the action of an explosive or the igniting of flammable or explosive
28 substances. It shall also include, without limitation, any firearm
29 which is in the nature of an air gun, spring gun or pistol or other
30 weapon of a similar nature in which the propelling force is a spring,
31 elastic band, carbon dioxide, compressed or other gas or vapor, air
32 or compressed air, or is ignited by compressed air, and ejecting a
33 bullet or missile smaller than three-eighths of an inch in diameter,
34 with sufficient force to injure a person.
- 35 g. "Firearm silencer" means any instrument, attachment,
36 weapon or appliance for causing the firing of any gun, revolver,
37 pistol or other firearm to be silent, or intended to lessen or muffle
38 the noise of the firing of any gun, revolver, pistol or other firearm.
- 39 h. "Gravity knife" means any knife which has a blade which is
40 released from the handle or sheath thereof by the force of gravity or
41 the application of centrifugal force.
- 42 i. "Machine gun" means any firearm, mechanism or instrument
43 not requiring that the trigger be pressed for each shot and having a
44 reservoir, belt or other means of storing and carrying ammunition
45 which can be loaded into the firearm, mechanism or instrument and
46 fired therefrom. A machine gun also shall include, without
47 limitation, any firearm with a trigger crank attached.

- 1 j. "Manufacturer" means any person who receives or obtains
2 raw materials or parts and processes them into firearms or finished
3 parts of firearms, except a person who exclusively processes grips,
4 stocks and other nonmetal parts of firearms. The term does not
5 include a person who repairs existing firearms or receives new and
6 used raw materials or parts solely for the repair of existing firearms.
- 7 k. "Handgun" means any pistol, revolver or other firearm
8 originally designed or manufactured to be fired by the use of a
9 single hand.
- 10 l. "Retail dealer" means any person including a gunsmith,
11 except a manufacturer or a wholesale dealer, who sells, transfers or
12 assigns for a fee or profit any firearm or parts of firearms or
13 ammunition which he has purchased or obtained with the intention,
14 or for the purpose, of reselling or reassigning to persons who are
15 reasonably understood to be the ultimate consumers, and includes
16 any person who is engaged in the business of repairing firearms or
17 who sells any firearm to satisfy a debt secured by the pledge of a
18 firearm.
- 19 m. "Rifle" means any firearm designed to be fired from the
20 shoulder and using the energy of the explosive in a fixed metallic
21 cartridge to fire a single projectile through a rifled bore for each
22 single pull of the trigger.
- 23 n. "Shotgun" means any firearm designed to be fired from the
24 shoulder and using the energy of the explosive in a fixed shotgun
25 shell to fire through a smooth bore either a number of ball shots or a
26 single projectile for each pull of the trigger, or any firearm designed
27 to be fired from the shoulder which does not fire fixed ammunition.
- 28 o. "Sawed-off shotgun" means any shotgun having a barrel or
29 barrels of less than 18 inches in length measured from the breech to
30 the muzzle, or a rifle having a barrel or barrels of less than 16
31 inches in length measured from the breech to the muzzle, or any
32 firearm made from a rifle or a shotgun, whether by alteration, or
33 otherwise, if such firearm as modified has an overall length of less
34 than 26 inches.
- 35 p. "Switchblade knife" means any knife or similar device
36 which has a blade which opens automatically by hand pressure
37 applied to a button, spring or other device in the handle of the knife.
- 38 q. "Superintendent" means the Superintendent of the State
39 Police.
- 40 r. "Weapon" means anything readily capable of lethal use or of
41 inflicting serious bodily injury. The term includes, but is not
42 limited to, all (1) firearms, even though not loaded or lacking a clip
43 or other component to render them immediately operable; (2)
44 components which can be readily assembled into a weapon; (3)
45 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
46 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
47 sandclubs, slingshots, cesti or similar leather bands studded with
48 metal filings or razor blades imbedded in wood; and (4) stun guns;

1 and any weapon or other device which projects, releases, or emits
2 tear gas or any other substance intended to produce temporary
3 physical discomfort or permanent injury through being vaporized or
4 otherwise dispensed in the air.

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

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

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

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

20 w. "Assault firearm" means:

21 (1) The following firearms:

22 Algimec AGM1 type

23 Any shotgun with a revolving cylinder such as the "Street
24 Sweeper" or "Striker 12"

25 Armalite AR-180 type

26 Australian Automatic Arms SAR

27 Avtomat Kalashnikov type semi-automatic firearms

28 Beretta AR-70 and BM59 semi-automatic firearms

29 Bushmaster Assault Rifle

30 Calico M-900 Assault carbine and M-900

31 CETME G3

32 Chartered Industries of Singapore SR-88 type

33 Colt AR-15 and CAR-15 series

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

35 Demro TAC-1 carbine type

36 Encom MP-9 and MP-45 carbine types

37 FAMAS MAS223 types

38 FN-FAL, FN-LAR, or FN-FNC type semi-automatic
39 firearms

40 Franchi SPAS 12 and LAW 12 shotguns

41 G3SA type

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

44 Intratec TEC 9 and 22 semi-automatic firearms

45 M1 carbine type

46 M14S type

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

48 PJK M-68 carbine type

- 1 Plainfield Machine Company Carbine
- 2 Ruger K-Mini-14/5F and Mini-14/5RF
- 3 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 4 SKS with detachable magazine type
- 5 Spectre Auto carbine type
- 6 Springfield Armory BM59 and SAR-48 type
- 7 Sterling MK-6, MK-7 and SAR types
- 8 Steyr A.U.G. semi-automatic firearms
- 9 USAS 12 semi-automatic type shotgun
- 10 Uzi type semi-automatic firearms
- 11 Valmet M62, M71S, M76, or M78 type semi-automatic
- 12 firearms
- 13 Weaver Arm Nighthawk.
- 14 (2) Any firearm manufactured under any designation which is
- 15 substantially identical to any of the firearms listed above.
- 16 (3) A semi-automatic shotgun with either a magazine capacity
- 17 exceeding six rounds, a pistol grip, or a folding stock.
- 18 (4) A semi-automatic rifle with a fixed magazine capacity
- 19 exceeding 10 rounds. "Assault firearm" shall not include a semi-
- 20 automatic rifle which has an attached tubular device and which is
- 21 capable of operating only with .22 caliber rimfire ammunition.
- 22 (5) A part or combination of parts designed or intended to
- 23 convert a firearm into an assault firearm, or any combination of
- 24 parts from which an assault firearm may be readily assembled if
- 25 those parts are in the possession or under the control of the same
- 26 person.
- 27 (6) A firearm with a bump stock attached.
- 28 x. "Semi-automatic" means a firearm which fires a single
- 29 projectile for each single pull of the trigger and is self-reloading or
- 30 automatically chambers a round, cartridge, or bullet.
- 31 y. "Large capacity ammunition magazine" means a box, drum,
- 32 tube or other container which is capable of holding more than 10
- 33 rounds of ammunition to be fed continuously and directly therefrom
- 34 into a semi-automatic firearm. The term shall not include an
- 35 attached tubular device which is capable of holding only .22 caliber
- 36 rimfire ammunition.
- 37 z. "Pistol grip" means a well-defined handle, similar to that
- 38 found on a handgun, that protrudes conspicuously beneath the
- 39 action of the weapon, and which permits the shotgun to be held and
- 40 fired with one hand.
- 41 aa. "Antique handgun" means a handgun manufactured before
- 42 1898, or a replica thereof, which is recognized as being historical in
- 43 nature or of historical significance and either (1) utilizes a match,
- 44 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 45 cartridge in which the pin is part of the cartridge or (2) does not fire
- 46 fixed ammunition or for which cartridge ammunition is not
- 47 commercially available.

- 1 bb. "Trigger lock" means a commercially available device
2 approved by the Superintendent of State Police which is operated
3 with a key or combination lock that prevents a firearm from being
4 discharged while the device is attached to the firearm. It may
5 include, but need not be limited to, devices that obstruct the barrel
6 or cylinder of the firearm, as well as devices that immobilize the
7 trigger.
- 8 cc. "Trigger locking device" means a device that, if installed on
9 a firearm and secured by means of a key or mechanically,
10 electronically or electromechanically operated combination lock,
11 prevents the firearm from being discharged without first
12 deactivating or removing the device by means of a key or
13 mechanically, electronically or electromechanically operated
14 combination lock.
- 15 dd. "Personalized handgun" means a handgun which
16 incorporates within its design a permanent programmable feature as
17 part of its manufacture that cannot be deactivated and renders the
18 personalized handgun reasonably resistant to being fired except
19 when activated by the lawful owner or other authorized user. No
20 make or model of a handgun shall be deemed to be a "personalized
21 handgun" unless the Personalized Handgun Authorization
22 Commission established pursuant to section 1 of P.L.2019, c.164
23 (C.2C:58-2.7) has determined in accordance with section 2 of
24 P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets
25 the performance standards and qualifying criteria established
26 pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).
- 27 ee. "Bump stock" means any device or instrument for a firearm
28 that increases the rate of fire achievable with the firearm by using
29 energy from the recoil of the firearm to generate a reciprocating
30 action that facilitates repeated activation of the trigger.
- 31 ff. "Trigger crank" means any device or instrument to be
32 attached to a firearm that repeatedly activates the trigger of the
33 firearm through the use of a lever or other part that is turned in a
34 circular motion; provided, however, the term shall not include any
35 weapon initially designed and manufactured to fire through the use
36 of a crank or lever.
- 37 gg. "Armor piercing ammunition" means: (1) a projectile or
38 projectile core which may be used in a handgun and is constructed
39 entirely, excluding the presence of traces of other substances, from
40 one or a combination of tungsten alloys, steel, iron, brass, bronze,
41 beryllium copper, or depleted uranium; or (2) a full jacketed
42 projectile larger than .22 caliber designed and intended for use in a
43 handgun and whose jacket has a weight of more than 25 percent of
44 the total weight of the projectile. "Armor piercing ammunition"
45 shall not include shotgun shot required by federal or State
46 environmental or game regulations for hunting purposes, a frangible
47 projectile designed for target shooting, a projectile which the United
48 States Attorney General finds is primarily intended to be used for

1 sporting purposes, or any other projectile or projectile core which
2 the United States Attorney General finds is intended to be used for
3 industrial purposes, including a charge used in an oil gas well
4 perforating device.

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

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

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

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

27 ll."Authorized user" means the lawful owner of a personalized
28 handgun or a person to whom the owner has given consent to use
29 the personalized handgun.

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

31
32 3. N.J.S.2C:39-3 is amended to read as follows:

33 2C:39-3. Prohibited Weapons and Devices.

34 a. Destructive devices. Any person who knowingly has in his
35 possession any destructive device is guilty of a crime of the third
36 degree.

37 b. Sawed-off shotguns. Any person who knowingly has in his
38 possession any sawed-off shotgun is guilty of a crime of the third
39 degree.

40 c. Silencers. Any person who knowingly has in his possession
41 any firearm silencer is guilty of a crime of the fourth degree.

42 d. Defaced firearms. Any person who knowingly has in his
43 possession any firearm which has been defaced, except an antique
44 firearm or an antique handgun, is guilty of a crime of the **fourth**
45 third degree.

46 e. Certain weapons. Any person who knowingly has in his
47 possession any gravity knife, switchblade knife, dagger, dirk,
48 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus

1 or similar leather band studded with metal filings or razor blades
2 imbedded in wood, ballistic knife, without any explainable lawful
3 purpose, is guilty of a crime of the fourth degree.

4 f. Dum-dum or armor piercing ammunition. (1) Any person,
5 other than a law enforcement officer or persons engaged in
6 activities pursuant to subsection f. of N.J.S.2C:39-6, who
7 knowingly has in his possession any hollow nose or dum-dum
8 bullet, or (2) any person, other than a collector of firearms or
9 ammunition as curios or relics as defined in Title 18, United States
10 Code, section 921 (a) (13) and has in his possession a valid
11 Collector of Curios and Relics License issued by the Bureau of
12 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
13 his possession any armor piercing ammunition, as defined in
14 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
15 degree. For purposes of this section, a collector may possess not
16 more than three examples of each distinctive variation of the
17 ammunition described above. A distinctive variation includes a
18 different head stamp, composition, design, or color.

19 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,
20 j. or k. of this section shall apply to any member of the Armed
21 Forces of the United States or the National Guard, or except as
22 otherwise provided, to any law enforcement officer while actually
23 on duty or traveling to or from an authorized place of duty,
24 provided that his possession of the prohibited weapon or device has
25 been duly authorized under the applicable laws, regulations or
26 military or law enforcement orders.

27 (b) Nothing in subsection j. of this section shall apply to a law
28 enforcement officer who possesses and carries while off-duty a
29 large capacity ammunition magazine capable of holding not more
30 than 17 rounds of ammunition that can be fed continuously and
31 directly into a semi-automatic firearm.

32 (c) Notwithstanding subparagraph (b) of this paragraph,
33 subsection j. of this section shall not apply to a law enforcement
34 officer who possesses and carries while off-duty a large capacity
35 ammunition magazine capable of holding more than 17 rounds of
36 ammunition that can be fed continuously and directly into a semi-
37 automatic firearm provided the large capacity ammunition magazine
38 is used with a service firearm issued to the officer by the officer's
39 employer for use in the officer's official duties.

40 (d) Nothing in subsection h. of this section shall apply to any
41 law enforcement officer who is exempted from the provisions of
42 that subsection by the Attorney General. Nothing in this section
43 shall apply to the possession of any weapon or device by a law
44 enforcement officer who has confiscated, seized or otherwise taken
45 possession of said weapon or device as evidence of the commission
46 of a crime or because he believed it to be possessed illegally by the
47 person from whom it was taken, provided that said law enforcement

1 officer promptly notifies his superiors of his possession of such
2 prohibited weapon or device.

3 (2) (a) Nothing in paragraph (1) of subsection f. of this section
4 shall be construed to prevent a person from keeping such
5 ammunition at his dwelling, premises or other land owned or
6 possessed by him, or from carrying such ammunition from the place
7 of purchase to said dwelling or land, nor shall paragraph (1) of
8 subsection f. of this section be construed to prevent any licensed
9 retail or wholesale firearms dealer from possessing such
10 ammunition at its licensed premises, provided that the seller of any
11 such ammunition shall maintain a record of the name, age and place
12 of residence of any purchaser who is not a licensed dealer, together
13 with the date of sale and quantity of ammunition sold.

14 (b) Nothing in paragraph (1) of subsection f. of this section shall
15 be construed to prevent a designated employee or designated
16 licensed agent for a nuclear power plant under the license of the
17 Nuclear Regulatory Commission from possessing hollow nose
18 ammunition while in the actual performance of his official duties, if
19 the federal licensee certifies that the designated employee or
20 designated licensed agent is assigned to perform site protection,
21 guard, armed response or armed escort duties and is appropriately
22 trained and qualified, as prescribed by federal regulation, to
23 perform those duties.

24 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
25 of this section shall be construed to prevent any licensed retail or
26 wholesale firearms dealer from possessing that ammunition or large
27 capacity ammunition magazine at its licensed premises for sale or
28 disposition to another licensed dealer, the Armed Forces of the
29 United States or the National Guard, or to a law enforcement
30 agency, provided that the seller maintains a record of any sale or
31 disposition to a law enforcement agency. The record shall include
32 the name of the purchasing agency, together with written
33 authorization of the chief of police or highest ranking official of the
34 agency, the name and rank of the purchasing law enforcement
35 officer, if applicable, and the date, time and amount of ammunition
36 sold or otherwise disposed. A copy of this record shall be forwarded
37 by the seller to the Superintendent of the Division of State Police
38 within 48 hours of the sale or disposition.

39 (4) Nothing in subsection a. of this section shall be construed to
40 apply to antique cannons as exempted in subsection d. of
41 N.J.S.2C:39-6.

42 (5) Nothing in subsection c. of this section shall be construed to
43 apply to any person who is specifically identified in a special deer
44 management permit issued by the Division of Fish and Wildlife to
45 utilize a firearm silencer as part of an alternative deer control
46 method implemented in accordance with a special deer management
47 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
48 while the person is in the actual performance of the permitted

1 alternative deer control method and while going to and from the
2 place where the permitted alternative deer control method is being
3 utilized. This exception shall not, however, otherwise apply to any
4 person to authorize the purchase or possession of a firearm silencer.

5 h. Stun guns. Any person who knowingly has in his possession
6 any stun gun is guilty of a crime of the fourth degree.

7 i. Nothing in subsection e. of this section shall be construed to
8 prevent any guard in the employ of a private security company, who
9 is licensed to carry a firearm, from the possession of a nightstick
10 when in the actual performance of his official duties, provided that
11 he has satisfactorily completed a training course approved by the
12 Police Training Commission in the use of a nightstick.

13 j. Any person who knowingly has in his possession a large
14 capacity ammunition magazine is guilty of a crime of the fourth
15 degree unless the person has registered:

16 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
17 (C.2C:58-12) and the magazine is maintained and used in
18 connection with participation in competitive shooting matches
19 sanctioned by the Director of Civilian Marksmanship of the United
20 States Department of the Army; or

21 (2) a firearm with a fixed magazine capacity or detachable
22 magazine capable of holding up to 15 rounds pursuant to section 7
23 of P.L.2018, c.39 (C.2C:39-20).

24 k. Handcuffs. Any person who knowingly has in his possession
25 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
26 circumstances not manifestly appropriate for such lawful uses as
27 handcuffs may have, is guilty of a disorderly persons offense. A
28 law enforcement officer shall confiscate handcuffs possessed in
29 violation of the law.

30 l. Bump stock or trigger crank. Any person who knowingly
31 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
32 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
33 regardless of whether the person is in possession of a firearm, is
34 guilty of a crime of the third degree.

35 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
36 provision of law, a conviction arising out of this subsection shall
37 not merge with a conviction for possessing an assault firearm in
38 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
39 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
40 shall be imposed upon each conviction. Notwithstanding the
41 provisions of N.J.S.2C:44-5 or any other provisions of law, the
42 sentence imposed pursuant to this subsection shall be served
43 consecutively to that imposed for unlawfully possessing an assault
44 firearm in violation of subsection f. of N.J.S.2C:39-5.

45 m. Covert or undetectable firearms. Any person who
46 knowingly possesses any covert firearm as defined in subsection hh.
47 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
48 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering

1 that is designed or modified to allow the firearm to be fired while so
2 enclosed and that disguises or obscures the shape of the firearm
3 such that it does not resemble a handgun, rifle, shotgun, or machine
4 gun is guilty of a crime of the third degree.

5 n. Firearms without a serial number. Any person who
6 knowingly possesses a firearm manufactured or otherwise
7 assembled using a firearm frame or firearm receiver as defined in
8 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
9 number registered with a federally licensed manufacturer including,
10 but not limited to, a firearm manufactured or otherwise assembled
11 from parts purchased or otherwise obtained in violation of
12 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
13 degree.

14 (cf: P.L.2019, c.165, s.2)

15
16 4. N.J.S.2C:39-9 is amended to read as follows:

17 2C:39-9. Manufacture, Transport, Disposition and Defacement
18 of Weapons and Dangerous Instruments and Appliances.

19 a. Machine guns. Any person who manufactures, causes to be
20 manufactured, transports, ships, sells or disposes of any machine
21 gun without being registered or licensed to do so as provided in
22 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
23 crime of the third degree.

24 b. Sawed-off shotguns. Any person who manufactures, causes
25 to be manufactured, transports, ships, sells or disposes of any
26 sawed-off shotgun is guilty of a crime of the third degree.

27 c. Firearm silencers. Any person who manufactures, causes to
28 be manufactured, transports, ships, sells or disposes of any firearm
29 silencer is guilty of a crime of the fourth degree.

30 d. Weapons. Any person who manufactures, causes to be
31 manufactured, transports, ships, sells or disposes of any weapon,
32 including gravity knives, switchblade knives, ballistic knives,
33 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
34 sandclubs, slingshots, cesti or similar leather bands studded with
35 metal filings, or, except as otherwise provided in subsection i. of
36 this section, in the case of firearms if he is not licensed or registered
37 to do so as provided in chapter 58 of Title 2C of the New Jersey
38 Statutes, is guilty of a crime of the fourth degree. Any person who
39 manufactures, causes to be manufactured, transports, ships, sells or
40 disposes of any weapon or other device which projects, releases or
41 emits tear gas or other substances intended to produce temporary
42 physical discomfort or permanent injury through being vaporized or
43 otherwise dispensed in the air, which is intended to be used for any
44 purpose other than for authorized military or law enforcement
45 purposes by duly authorized military or law enforcement personnel
46 or the device is for the purpose of personal self-defense, is pocket-
47 sized and contains not more than three-quarters of an ounce of
48 chemical substance not ordinarily capable of lethal use or of

1 inflicting serious bodily injury, or other than to be used by any
2 person permitted to possess such weapon or device under the
3 provisions of subsection d. of N.J.S.2C:39-5, which is intended for
4 use by financial and other business institutions as part of an
5 integrated security system, placed at fixed locations, for the
6 protection of money and property, by the duly authorized personnel
7 of those institutions, is guilty of a crime of the fourth degree.

8 e. Defaced firearms. Any person who defaces any firearm is
9 guilty of a crime of the ~~third~~ second degree. Any person who
10 knowingly buys, receives, disposes of or conceals a defaced
11 firearm, except an antique firearm or an antique handgun, is guilty
12 of a crime of the ~~fourth~~ third degree.

13 f. (1) Any person who manufactures, causes to be
14 manufactured, transports, ships, sell, or disposes of any armor
15 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
16 which is intended to be used for any purpose other than for
17 authorized military or law enforcement purposes by duly authorized
18 military or law enforcement personnel, is guilty of a crime of the
19 fourth degree.

20 (2) Nothing in this subsection shall be construed to prevent a
21 licensed collector of ammunition as defined in paragraph (2) of
22 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
23 in paragraph (1) of this subsection from (a) any licensed retail or
24 wholesale firearms dealer's place of business to the collector's
25 dwelling, premises, or other land owned or possessed by him, or (b)
26 to or from the collector's dwelling, premises or other land owned or
27 possessed by him to any gun show for the purposes of display, sale,
28 trade, or transfer between collectors, or (c) to or from the collector's
29 dwelling, premises or other land owned or possessed by him to any
30 rifle or pistol club organized in accordance with the rules prescribed
31 by the National Board for the Promotion of Rifle Practice; provided
32 that the club has filed a copy of its charter with the superintendent
33 of the State Police and annually submits a list of its members to the
34 superintendent, and provided further that the ammunition being
35 transported shall be carried not loaded in any firearm and contained
36 in a closed and fastened case, gun box, or locked in the trunk of the
37 automobile in which it is being transported, and the course of travel
38 shall include only such deviations as are reasonably necessary under
39 the circumstances.

40 g. Assault firearms. Any person who manufactures, causes to
41 be manufactured, transports, ships, sells or disposes of an assault
42 firearm without being registered or licensed to do so pursuant to
43 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

44 h. Large capacity ammunition magazines. Any person who
45 manufactures, causes to be manufactured, transports, ships, sells or
46 disposes of a large capacity ammunition magazine which is
47 intended to be used for any purpose other than for authorized

1 military or law enforcement purposes by duly authorized military or
2 law enforcement personnel is guilty of a crime of the fourth degree.

3 i. Transporting firearms into this State for an unlawful sale or
4 transfer. Any person who knowingly transports, ships or otherwise
5 brings into this State any firearm for the purpose of unlawfully
6 selling, transferring, giving, assigning or otherwise disposing of that
7 firearm to another individual is guilty of a crime of the second
8 degree. Any motor vehicle used by a person to transport, ship, or
9 otherwise bring a firearm into this State for unlawful sale or transfer
10 shall be subject to forfeiture in accordance with the provisions of
11 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
12 shall not apply to innocent owners, nor shall it affect the rights of a
13 holder of a valid lien.

14 The temporary transfer of a firearm shall not constitute a
15 violation of this subsection if that firearm is transferred:

16 (1) while hunting or target shooting in accordance with the
17 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

18 (2) for shooting competitions sponsored by a licensed dealer,
19 law enforcement agency, legally recognized military organization,
20 or a rifle or pistol club which has filed a copy of its charter with the
21 superintendent in accordance with the provisions of section 1 of
22 P.L.1992, c.74 (C.2C:58-3.1); or

23 (3) for participation in a training course conducted by a certified
24 instructor in accordance with the provisions of section 1 of
25 P.L.1997, c.375 (C.2C:58-3.2).

26 The transfer of any firearm that uses air or carbon dioxide to
27 expel a projectile; or the transfer of an antique firearm shall not
28 constitute a violation of this subsection.

29 j. Any person who manufactures, causes to be manufactured,
30 transports, ships, sells, or disposes of a bump stock as defined in
31 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
32 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
33 degree.

34 k. Purchasing firearm parts to manufacture a firearm without a
35 serial number. In addition to any other criminal penalties provided
36 under law, a person who, with the purpose to manufacture or
37 otherwise assemble a firearm and without being registered or
38 licensed do so as provided in chapter 58 of Title 2C of the New
39 Jersey Statutes, purchases or otherwise obtains separately or as part
40 of a kit a firearm frame or firearm receiver which is not imprinted
41 with a serial number registered with a federally licensed
42 manufacturer or any combination of parts from which a firearm
43 without a serial number may be readily manufactured or otherwise
44 assembled, but which does not have the capacity to function as a
45 firearm unless manufactured or otherwise assembled is guilty of a
46 crime of the third degree. Notwithstanding the provisions of
47 N.J.S.2C:1-8 or any other law, a conviction under this subsection
48 shall not merge with a conviction for any other criminal offense and

1 the court shall impose separate sentences upon a violation of this
2 subsection and any other criminal offense.

3 As used in this subsection, "firearm frame or firearm receiver"
4 means the part of a firearm that provides housing for the firearm's
5 internal components, such as the hammer, bolt or breechblock,
6 action, and firing mechanism, and includes without limitation any
7 object or part which is not a firearm frame or receiver in finished
8 form but is designed or intended to be used for that purpose and
9 which may readily be made into a firearm frame or receiver through
10 milling or other means.

11 1. Manufacturing or facilitating the manufacture of a firearm
12 using a three-dimensional printer. In addition to any other criminal
13 penalties provided under law it is a third degree crime for:

14 (1) a person who is not registered or licensed to do so as a
15 manufacturer as provided in chapter 58 of Title 2C of the New
16 Jersey Statutes, to use a three-dimensional printer or similar device
17 to manufacture or produce a firearm, firearm receiver, magazine, or
18 firearm component; or

19 (2) a person to distribute by any means, including the Internet,
20 to a person in New Jersey who is not registered or licensed as a
21 manufacturer as provided in chapter 58 of Title 2C of the New
22 Jersey Statutes, digital instructions in the form of computer-aided
23 design files or other code or instructions stored and displayed in
24 electronic format as a digital model that may be used to program a
25 three-dimensional printer to manufacture or produce a firearm,
26 firearm receiver, magazine, or firearm component.

27 As used in this subsection: "three-dimensional printer" means a
28 computer or computer-driven machine or device capable of
29 producing a three-dimensional object from a digital model; and
30 "distribute" means to sell, or to manufacture, give, provide, lend,
31 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
32 display, share, advertise, offer, or make available via the Internet or
33 by any other means, whether for pecuniary gain or not, and includes
34 an agreement or attempt to distribute.

35 m. Covert or undetectable firearms. Any person who
36 manufactures, causes to be manufactured, transports, ships, sells or
37 disposes of any covert firearm as defined in subsection hh. of
38 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
39 ii. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

40 n. Transporting a manufactured firearm without a serial
41 number. In addition to any other criminal penalties provided under
42 law, a person who transports, ships, sells, or disposes of a firearm
43 manufactured or otherwise assembled using a firearm frame or
44 firearm receiver as defined in subsection k. of this section which is
45 not imprinted with a serial number registered with a federally
46 licensed manufacturer, including but not limited to a firearm
47 manufactured or otherwise assembled from parts purchased or

1 otherwise obtained in violation of subsection k. of this section, is
2 guilty of a crime of the third degree.
3 (cf: P.L.2019, c.165, s.3)
4

5 5. This act shall take effect on the first day of the second month
6 following enactment.

7 STATEMENT
8

9 This bill makes it a crime to use a defaced or stolen firearm in
10 causing serious bodily injury or bodily injury to a law enforcement
11 officer.

12 This new law, to be known as “MarcAnthony’s Law,” in honor of
13 slain Jersey City Detective MarcAnthony DiNardo, makes it a crime
14 of the first degree to use a defaced or stolen firearm to cause serious
15 bodily injury to a law enforcement officer and a crime of the second
16 degree to use a defaced or stolen firearm to cause bodily injury to a
17 law enforcement officer. The bill specifies that a firearm is deemed
18 not to be defaced if it is refinished, rusted, or damaged from ordinary
19 wear and tear and it has not been used in the commission of a crime.

20 The bill also increases the penalties for defacing a firearm and for
21 acquiring or possessing a defaced firearm. The penalty for defacing a
22 firearm is upgraded from a crime of the third degree to a crime of the
23 second degree, which is punishable by a term of imprisonment of
24 between five and 10 years; a fine of not more than \$150,000; or both.
25 The penalty for acquiring or possessing a defaced firearm is upgraded
26 from a crime of the fourth degree to a crime of the third degree, which
27 is punishable by a term of imprisonment of between three and five
28 years; a fine of not more than \$15,000; or both.