SYNOPSIS
Reduces maximum capacity of ammunition magazines to 10 rounds; exempts firearms with .22 caliber tubular magazines from 10 round limitation.

CURRENT VERSION OF TEXT
As reported by the Senate Law and Public Safety Committee on May 5, 2014, with amendments.
AN ACT concerning firearms and amending N.J.S.2C:39-1 and
supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

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

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

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

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

c. "Destructive device" means any device, instrument or object
designed to explode or produce uncontrolled combustion, including
(1) any explosive or incendiary bomb, mine or grenade; (2) any
rocket having a propellant charge of more than four ounces or any
missile having an explosive or incendiary charge of more than one-
quarter of an ounce; (3) any weapon capable of firing a projectile of
a caliber greater than 60 caliber, except a shotgun or shotgun
ammunition generally recognized as suitable for sporting purposes;
(4) any Molotov cocktail or other device consisting of a breakable
container containing flammable liquid and having a wick or similar
device capable of being ignited. The term does not include any
device manufactured for the purpose of illumination, distress
signaling, line-throwing, safety or similar purposes.

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

e. "Explosive" means any chemical compound or mixture that
is commonly used or is possessed for the purpose of producing an
explosion and which contains any oxidizing and combustible
materials or other ingredients in such proportions, quantities or
packing that an ignition by fire, by friction, by concussion or by
detonation of any part of the compound or mixture may cause such

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:
Assembly ALP committee amendments adopted March 13, 2014.
Senate SLJ committee amendments adopted May 5, 2014.
a sudden generation of highly heated gases that the resultant
gaseous pressures are capable of producing destructive effects on
contiguous objects. The term shall not include small arms
ammunition, or explosives in the form prescribed by the official
United States Pharmacopoeia.

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

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

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

[1.] i. "Machine gun" means any firearm, mechanism or
instrument not requiring that the trigger be pressed for each shot
and having a reservoir, belt or other means of storing and carrying
ammunition which can be loaded into the firearm, mechanism or
instrument and fired therefrom.

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

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

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

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

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

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

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

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

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

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

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.
u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

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

w. "Assault firearm" means:

(1) The following firearms:

Algeme AGM1 type

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

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

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

Demco TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

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

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

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

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

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

PIK M-68 carbine type

Plainfield Machine Company Carbine

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

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

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types

Steyr A.U.G. semi-automatic firearms

USAS 12 semi-automatic type shotgun

Uzi type semi-automatic firearms

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

Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.
(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds. "Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device designed to accept 15 rounds and which is capable of operating only with .22 caliber rimfire ammunition.

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

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

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

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

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

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

c. "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design, and as part of its original
manufacture, technology which automatically limits its operational
use and which cannot be readily deactivated, so that it may only be
fired by an authorized or recognized user. The technology limiting
the handgun’s operational use may include, but not be limited to:
radio frequency tagging, touch memory, remote control, fingerprint,
magnetic encoding and other automatic user identification systems
utilizing biometric, mechanical or electronic systems. No make or
model of a handgun shall be deemed to be a "personalized handgun”
unless the Attorney General has determined, through testing or
other reasonable means, that the handgun meets any reliability
standards that the manufacturer may require for its commercially
available handguns that are not personalized or, if the manufacturer
has no such reliability standards, the handgun meets the reliability
standards generally used in the industry for commercially available
handguns.
(cf: P.L.2002, c.130, s.5)

2. (New section) Notwithstanding the provisions of subsection
j. of N.J.S.2C:39-3, a retired law enforcement officer who is
authorized to possess and carry a handgun pursuant to subsection l.
of N.J.S.2C:39-6 may possess and carry a large capacity
ammunition magazine which is capable of holding up to 15 rounds
of ammunition that can be fed continuously and directly into a
semi-automatic handgun.

3. (New section) Notwithstanding the provisions of
N.J.S.2C:39-6, a law enforcement officer may possess and carry
while on duty a large capacity ammunition magazine and possess
and carry while off duty a large capacity ammunition magazine
which is capable of holding up to 15 rounds of ammunition that can
be fed continuously and directly into a semi-automatic firearm.2

4. (New section) Any person who legally owns a semi-
automatic rifle with a fixed magazine capacity exceeding 10 rounds
or a large capacity ammunition magazine as defined under
subsection y. of N.J.S.2C:39-1 which is capable of holding more
than 10 rounds of ammunition on the effective date of P.L.____, c.____(C._____) (pending before the Legislature as this bill) may
retain possession of that rifle or magazine for a period not to exceed
180 days from the effective date of this Act. During this time
period, the owner of the semi-automatic rifle or magazine shall:
a. Transfer the semi-automatic rifle or magazine to any person
or firm lawfully entitled to own or possess that firearm or
magazine;
b. Render the semi-automatic rifle or magazine inoperable; or
c. Voluntarily surrender the semi-automatic rifle or magazine
pursuant to the provisions of N.J.S.2C:39-12.2
N.J.S.2C:39-12 is amended to read as follows:

2C:39-12. No person shall be convicted of an offense under this chapter for possessing any firearms, weapons, destructive devices, large capacity ammunition magazines, silencers or explosives, if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrendered the weapon, device, instrument or substance in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the weapon, device, instrument or substance in question and before any investigation has been commenced by any law enforcement agency concerning the unlawful possession. Nothing in this section shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of such weapons, devices, instruments or substances surrendered as herein provided.

(cf: N.J.S.2C:39-12)

This act shall take effect on the first day of the third month following enactment immediately.