

NEW JERSEY GUN LAW

FREE BOOK UPDATE

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BUMP STOCKS & TRIGGER CRANKS

(1) What is a bump stock under New Jersey law?

A: Under N.J.S. 2C:39-1ee, a "bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

Under N.J.S. 2C:39-1w.(5), an "assault firearm" includes 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. Since a bump stock may have a pistol grip and a telescoping stock (counting as two offending features under the NJ Attorney General Guidelines) the mere parts of a bump stock may be construed to make a bump stock alone an "assault firearm".

Also, under N.J.S. 2C:39-1w. (6), an "assault firearm" includes a firearm with a bump stock attached.

(2) What is a trigger crank under New Jersey law?

A: Under N.J.S. 2C:39-1ff., a "trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm using a lever or other part that is turned in a circular motion. The term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever. (This would appear to exempt original Gatling Guns from the definition.)

Under N.J.S. 2C:39-1i., a machine gun is defined as including, without limitation, any firearm with a trigger crank attached.

(3) What is the penalty for possession of a bump stock or trigger crank under New Jersey law?

A: Under N.J.S. 2C:39-3l., possession of a bump stock or a trigger crank, regardless of whether the person is in possession of a firearm, is a crime of the third degree, punishable by up to 5 years in State Prison and up to a \$15,000 fine.

A conviction under N.J.S. 2C:39-5 for possessing an assault firearm or machine gun is a crime of the second degree with up to 10 years in jail and up to \$150,000 in fines. In 2009, the New Jersey Legislature rewrote the assault firearm possession statute to increase the classification of this crime from third to second degree. This rewrite increased the maximum penalties from five years in State Prison to ten years in State Prison. In addition, the Legislature has added a mandatory minimum prison sentence of 42 Months (three and half years), or between one third and one half of the sentence imposed by the court, whichever is greater.

A conviction for bump stock possession does not merge with a conviction for possessing an assault firearm or a machine gun, and a separate sentence must be imposed upon each conviction. The sentence imposed must be served consecutively, not concurrently.

(4) Are there exemptions for possession of a bump stock or trigger crank by a law-abiding citizen?

A: No. There was no “grandfathering” either.

(5) Are law enforcement officers exempt for possession of a bump stock or trigger crank?

A: No.

(6) Are members of the U.S. Armed Forces or National Guard exempt for possession of a bump stock or trigger crank?

A: No.

(7) Are retired law enforcement officers exempt for possession of a bump stock or trigger crank?

A: No.

(8) Are retired or former members of the U.S. Armed Forces or National Guard exempt for possession of a bump stock or trigger crank?

A: No.

(9) Are *New Jersey Retail or Wholesale Dealers* exempt for possession of a bump stock or trigger crank?

A: No.

(10) Are motion picture, television, or video productions, exempt for possession of a bump stock or trigger crank?

A: No.

(11) Was there a “grace period” for licensed manufacturers, wholesale dealers of firearms, or retail dealers who possess of a bump stock or trigger crank to take action?

A: Yes. Under N.J.S.2C:58-14.1, a licensed manufacturer, wholesale dealer of firearms, or retail dealer of firearms in possession of a bump stock or a trigger crank were given 30 days from the effective date of the law (now expired) to voluntarily surrender it in accordance with the provisions of N.J.S.2C:39-12 or otherwise lawfully dispose of the bump stock or trigger crank.

(12) Was there a “grace period” for persons other than licensed manufacturers, wholesale dealers of firearms, or retail dealers who possess of a bump stock or trigger crank to take action?

A: Yes. Under N.J.S.2C:58-14.1, persons other than a licensed manufacturer, wholesale dealer of firearms, or retail dealer of firearms in possession of a bump stock or a trigger crank were given 90 days from the effective date of the law (now expired) to voluntarily surrender it in accordance with the provisions of N.J.S.2C:39-12.

(13) How is voluntarily surrender accomplished under New Jersey law?

A: Voluntary surrender under N.J.S. 2C:39-12 is a highly technical procedure in which qualifying items may be surrendered to either the Superintendent of State Police or the Chief of Police of the municipality in which the surrenderer resides. To voluntarily surrender these items, one must:

- A. Give written notice including the proposed date and time of the surrender;
- B. Make the surrender to the Superintendent of State Police or the Chief of Police of the municipality in which the surrenderer resides;
- C. Have the written notice received by the Superintendent of State Police or the Chief of Police before any charges have been made or complaints filed against the surrenderer for unlawful possession of the items in question;
- D. Have the written notice received before any investigation has been commenced by any law enforcement agency concerning the unlawful possession.

(14) Does voluntary surrender apply only to unlawful possession offenses?

A: Yes. This procedure does not grant immunity from prosecution for any crime or offense except that of unlawful possession.

(15) Is there financial compensation for items voluntarily surrendered to the authorities under this provision?

A: No. They are forfeited to the State without any compensation.

(16) Is it illegal to manufacture, cause to be manufactured, transport, ship, sell or dispose of a bump stock or trigger crank under New Jersey law?

A: Yes. Under N.J.S.2C:39-9 j., any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of a bump stock or a trigger crank is guilty of a crime of the third degree. It carries up to 5 years in State Prison and up to a \$15,000 fine.

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Leave it to New Jersey to ban something that was already banned. Bump stocks were already prohibited. Under prior law, they were already banned as “assault firearms” as explained above. Our legislators’ predictable knee-jerk reaction is always to “Ban it!”, even if it was already banned. It just feels so good to “do something”, no matter how meaningless.

Under the bump stock’s vague and overbroad definition, apparently a rubber band could be construed to be a bump stock. Merely hooking a rubber band to the trigger of a semi-automatic firearm and wrapping it around the magazine well and hooking it back to the trigger can dramatically increase “...the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.” Demonstrations of this technique may easily be found on the internet. Here are some examples:

<https://www.youtube.com/watch?v=DbNO7ich0ns>

<https://www.youtube.com/watch?v=m5XzQ1BS7gU>

<https://www.youtube.com/watch?v=Yx4cqBFmjtA>