



New Jersey Department of Law and Public Safety

Office of the Attorney General
Robert J. Del Tufo, Attorney General

News

FOR IMMEDIATE RELEASE

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Attached is the Attorney General's Annual Report Concerning
Assault Firearms submitted to the New Jersey Legislature.

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

ROBERT J. DEL TUFO
ATTORNEY GENERAL

December 2, 1991

Honorable John A. Lynch
Senate President
New Jersey State Senate
State House Annex
Trenton, N.J. 08625

Honorable Joseph V. Doria, Jr.
Speaker of the General Assembly
New Jersey State Assembly
State House Annex
Trenton, N.J. 08625

Re: Annual Report Concerning Assault Firearms

Dear Senator Lynch and Assemblyman Doria:

Pursuant to N.J.S.A. 2C:58-14, I submit this Annual Report Concerning Assault Firearms. It supplements the preliminary report submitted on November 30, 1990, 180 days following the enactment of the Assault Weapons Law, Chapter 32 of the Laws of 1990. Information detailing "the types and quantities of firearms surrendered or rendered inoperable," N.J.S.A. 2C:58-14, is provided in Section 1. Section 2 describes "the number and types of criminal offenses involving assault firearms," id. And, as N.J.S.A. 2C:58-14 calls for my "recommendations, including additions or deletions to the inventory of assault firearms . . . , [that] should be considered by the Legislature," Section 3 includes brief comments on pending bills that would substantially reduce the inventory of prohibited assault weapons.

Although this Annual Report includes all data requested by the Legislature, it would be an error to assume that it can serve as a total measure of the benefits derived from the enactment of the assault weapons law. The law is designed to protect the people of this State from the dangers presented by the ready availability of firearms that are designed to rapidly discharge ammunition capable of killing human beings and that are ill-suited and infrequently used for legitimate civilian purposes. The approach taken is two-pronged:

- 1) to prevent proliferation of these firearms by limiting future sales to qualified persons who can demonstrate that the "public safety and welfare" require that they possess such a weapon, N.J.S.A. 2C:39-5f., 2C:58-5; and,

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2) to reduce the population of these firearms in circulation prior to the effective date of the law by requiring owners to either sell them (to dealers or residents of other states) or to surrender or render them inoperable, 2C:39-5f., 2C:58-13.¹

While both components of the law are important, there can be little question that the greatest benefit is derived from the fact that assault weapons are no longer available for sale on the same basis as ordinary hunting guns. The number of persons in lawful possession of weapons that can so quickly and efficiently take human life is not increasing. Unfortunately, while the statistics provided in Section 1 give some indication of progress in reducing the number of assault weapons, there are no hard statistics to indicate success in preventing proliferation. There is simply no way to know how many persons would have purchased assault firearms after May 30, 1990, but for the assault weapons law.

What is known is that 73% of the residents of this State, according to a Star-Ledger/Eagleton poll conducted in June of 1991, favor current restrictions on the sale of assault weapons. In evaluating the basis for this strong public opinion, one must acknowledge the alarming news reported in the New York Times on November 9, 1991, that last year, in the State of Texas, gunshot wounds outranked motor vehicle accidents as a cause of death. Thus, there is evidence of well-founded, broad-based support for efforts to limit firearms that are designed to take human life quickly and efficiently.

1.

Any person lawfully owning an assault firearm on May 30, 1990, who was unable to or chose not to register the weapon, was given one year in which to transfer it to a person or entity lawfully entitled to possess it, render it inoperable, or voluntarily surrender it to law enforcement officials. N.J.S.A.

1. A narrow exception to the reduction efforts allowed a person who lawfully acquired an assault firearm prior to May 1, 1990, to register the assault firearm if it was one approved as "used for legitimate target-shooting purposes" and if the person was a member of a rifle or pistol club that filed its charter with the Superintendent of the Division of State Police. N.J.S.A. 2C:58-12.

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2C:58-13. This section provides data on "the types and quantities of firearms surrendered or rendered inoperable" pursuant to the assault weapons law. N.J.S.A. 2C:58-14.

At this time last year, 7 assault firearms had been rendered inoperable and none had been surrendered. Since then, 26 assault firearms were surrendered and an additional 896 assault firearms were certified inoperable by their owners, bringing the number of weapons surrendered to 903, the number rendered inoperable to 26 and the total number to 929. In addition, 982 assault firearms were registered by eligible owners pursuant to N.J.S.A. 2C:58-12.

Thus, according to information supplied by police agencies, a total of 1,911 weapons has been accounted for. This figure does not, however, give a complete picture of the success of efforts to reduce the number of assault weapons in circulation on the effective date of the law. As noted above, persons in lawful possession of assault weapons also were permitted to dispose of the firearms through sales to dealers or out-of-state residents. N.J.S.A. 2C:58-13. Owners who chose this option -- arguably the most attractive -- were not required to report the sales. Accordingly, there is no way to determine how many assault firearms were eliminated through such lawful sales.

The following chart accounts for the 903 firearms certified as rendered inoperable:

Street Sweeper	5
Striker 12	7
Armalite	2
Biretta AR-70 & BM 59	4
Bushmaster	1
Calico	3
Chartered Industries	3
Colt AR-15 & Car 15	106
Daewoo	6
FN-FAL, FN-LAR, or FN-FNC	14
Franchi	5
Galil	3
H&K	38
Intratec	10
M1 Carbine	26
Plainfield Machine Company	
Carbine	29
Ruger	56
Springfield Armory	36

Sterling	1
Steyr	3
Uzi	9
Valmet	4
Other	532 ²

The following chart accounts for the 26 assault firearms surrendered:

AK-47	1
Kasnar Import	1
M1 Carbine	7
Colt AR-15	1
Winchester	1
Marlin Mod. 60	3
Uzi	4
Ingram Mac 11	1
Valmet M 62	1
Remington Mod. 552	1
M1-A	2
Sears "Ted Whelms" 3T	3

2.

The Legislature has also asked for data on "the number and types of criminal offenses involving assault firearms." At this time last year, 36 offenses involving assault weapons had been committed during the four and one-half month period covered by the report. Between October 15, 1990, the cut-off date for last year's report, and October 31, 1991,³ an additional 110 offenses were reported. The total number of offenses reported is now 146.

2. The term "other" is used to indicate firearms that were not adequately identified in certifications filed by their owners to permit grouping according to brand name.

3. The figures included for October of 1991 are preliminary ones, compiled by the Division of State Police in order to give the most current account possible. The final statistics for October 1991 will be available to the Uniform Crime Reporting Unit in mid-December.

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The 110 offenses committed during the last 12 months are as follows: 5 murders; 28 armed robberies; 21 aggravated assaults; 55 unlawful possessions and 1 unlawful sale. When these offenses are added to those reported last year, the totals are as follows: 5 murders; 1 aggravated sexual assault; 45 armed robberies; 23 aggravated assaults; 70 unlawful possessions; 1 criminal mischief and 1 unlawful sale. A Chart included as Appendix A, prepared by the Uniform Crime Reporting Unit of the Division of State Police, summarizes these total crime statistics by county.

If anything, the figures are deceptively low. Each criminal incident is reflected once, although many involve numerous victims, several defendants and separate crimes. Thus, a recent case involving three defendants and the seizure of numerous assault firearms is reflected as one incident of unlawful possession. So too, armed robberies committed with accomplices and involving multiple victims are reported as one armed robbery.

A description of the facts of a few of the crimes that contribute to the crime statistics involving assault firearms and large capacity ammunition magazines gives a truer picture of the nature of the problem.

- o Two men who had reported to work at a mail distribution center were killed by a former postal worker -- an Uzi was the instrument of death.

- o A woman was followed to her family's home by a man who had been charged with rape as a result of her complaint; he broke into the house and began firing bullets from a Wasp XF7 .45 caliber rifle that was equipped with a large capacity ammunition magazine -- the young woman was seriously injured, her mother was killed, and the man was able to hold the young woman's 9 year old brother captive for 26 hours.

- o An Intratec Tec 9 was the weapon used to kill a resident of one of our major cities who was apparently attacked in his home.

- o A body was found stuffed inside a 55 gallon drum that had been dumped at a remote, rural site -- investigation revealed that the man had been shot several times and that the murder weapon was a 9 mm Luger semiautomatic pistol equipped with a magazine capable of holding 30 rounds of ammunition.

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o One person was killed and another seriously injured when five men, acting in concert and allegedly to seek revenge for an earlier shooting, positioned themselves outside the open windows of a city home and sprayed bullets into the living room, which was, at the time, occupied by approximately 20 people -- one of the weapons used in this siege was an Intratec Tec 9.

o A police officer responding to an armed robbery in a city jewelry store was shot in the face by one of the four fleeing felons: an Intratec 22 was among the weapons recovered when the suspects were apprehended.

o An Uzi was used in an another aggravated assault committed against a police officer.

o Officers executing a search warrant in a drug case also seized an Intratec Tec 9.

o Members of a narcotics strike force conducting a search authorized by warrant, seized 160 vials of crack cocaine, burglary tools, thousands of rounds of ammunition and numerous firearms of assorted types -- three of the weapons had been stolen from their lawful owners, including one Intratec Tec 9 with a 32 shot magazine.

o Responding to a report that a person was attempting to sell guns on a city street, officers approached a man in a car -- on the seat beside him was a Colt AR-15, which was loaded with a 30 round clip containing 5 live rounds of ammunition.

o An armed robber brandishing an "Uzi-type" weapon, fired a shot in the air near the head of a night-shift worker and threatened to "fill" her and her coworkers "full of holes."

The statistics and the facts speak for themselves. The presence of assault weapons threatens the safety of our citizens and law enforcement officers.

3.

Section 2C:58-14 calls for "recommendations, including additions or deletions to the inventory of assault firearms delineated in 2C:39-1, which the Attorney General believes should

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be considered by the Legislature." In fulfilling this obligation, I cannot ignore pending bills that would undermine efforts to prevent the proliferation of assault weapons.

Proposals that would reduce the inventory of prohibited assault weapons call for a balance of the interests of persons who are unwilling to accept limitations on their choice of firearms against the threat to the safety of the public and law enforcement officers posed by assault weapons. In weighing these interests, I recommend that the Legislature consider both the crime statistics and the increased risk of additional criminal episodes of the sort described in Section 2. above.

Senate Bill No. 3668 (S-3668), like its predecessor Senate Bill No. 3140 (S-3140), would remove the "Colt AR-15 and CAR-15 series," the "M1 carbine type," the "M14S type" and the "Ruger K-Mini-14/5F and Mini-14/5RF" from the list of assault firearms enumerated in N.J.S.A. 2C:39-1w.(1). All of these guns are properly characterized as assault weapons, and proposals to exclude them from the scope of the law should be rejected. These guns should not be readily available.

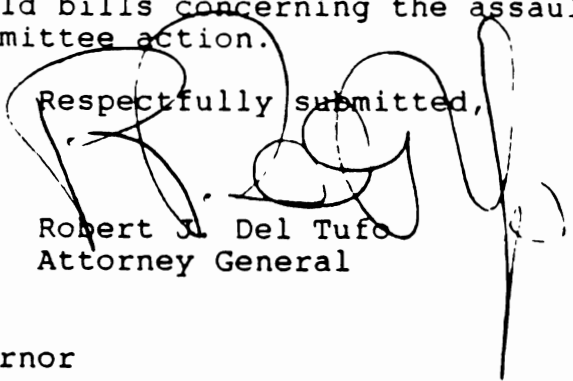
Both S-3668 and S-3140 would additionally diminish the inventory of prohibited assault firearms by eliminating the general definitions included in current law. In so doing, the measures would restrict the scope of the law to firearms expressly enumerated in subsection w.(1) of 2C:39-1. Manufacturers would be likely to copy firearms listed as assault firearms and to market them under new designations, if guns "substantially identical" to those listed in N.J.S.A. 2C:39-1w.(1) were not considered assault weapons. Further, since the list of named assault firearms was developed without need to include shotguns and rifles falling within general definitions provided in subsections w.(3) and w.(4), the protection afforded by the law would be substantially reduced unless that list were revised to name firearms formerly covered by these general definitions. These proposals should be rejected.

S-3668, again like S-3140, would further diminish the inventory of prohibited assault weapons by amending the statutory definition of "large capacity ammunition magazine." The proposal is to prohibit only magazines capable of holding more than 20 rounds: the current permissible capacity is 15 rounds. In view of the devastating consequences when the rapid fire of a semi-automatic firearm is coupled with the capabilities provided by a magazine that holds a large number of rounds, there seems to be no room for consideration of a proposal that would increase permissible capacity.

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I am cognizant of additional measures that the Legislature has been asked to consider. We will continue to review such proposals and will offer further comment on the measures addressed here, and others, should bills concerning the assault weapons law be scheduled for committee action.

Respectfully submitted,



Robert J. Del Tufo
Attorney General

c: Honorable James Florio, Governor