

**ATTORNEY GENERAL'S REPORT CONCERNING
ASSAULT FIREARMS 2004**



Office of the Attorney General
Department of Law and Public Safety
Division of Criminal Justice
State of New Jersey

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Pursuant to the Assault Firearms Act, *N.J.S.A. 2C:58-14*, information concerning the number and types of criminal offenses involving assault firearms was compiled through procedures established by the Office of the Attorney General and is reported in this Annual Report. This information pertains to any offense involving an assault firearm which was reported to a law enforcement agency within New Jersey.

While this Annual Report includes the data required by the Legislature, this information does not serve as a total measure of the benefits derived from the enactment of the assault firearms law. This law serves to protect the people of this state from the dangers presented by firearms designed to rapidly discharge ammunition capable of killing human beings as well as firearms that are ill-suited and infrequently used for legitimate civilian purposes. The purpose of the assault firearms law is two-fold:

- To prevent the availability and increase of these firearms by limiting future sales.
- To reduce the number of these firearms in circulation.

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Criminal Offenses Involving Assault Firearms

With the enactment of the Assault Firearms Act, *N.J.S.A. 2C:58-14*, in 1990, the Division of State Police Uniform Crime Reporting Unit implemented procedures for reporting offenses committed with or involving assault firearms. Pertinent information, including the offense committed, the date of the offense, and the case number, is reported monthly by the original investigating law enforcement agency. This information is reported on a standardized form developed by the State Police.

This current report provides a compilation of data collected from the effective date of the Act, May 30, 1990 through October 31, 2004. In addition to the narrative highlights presented concerning the number and types of criminal offenses involving assault firearms, detailed data is provided in accompanying tables. Moreover, a brief description of a few of the crimes that contribute to the statistics involving assault firearms is also provided.

Criminal incidents are reported by most serious Uniform Crime Report (UCR) tracked offense. When an episode is reported as an unlawful possession of an assault firearm, that means only that unlawful possession is the most serious UCR-tracked crime. For example, incidents involving both narcotics violations and possession of an assault firearm are reported as unlawful possession of a firearm. Incidents involving murder or robbery and possession of an assault firearm are reported as murder or robbery, respectively. Moreover, each criminal incident is reflected once, although an incident may involve numerous victims, several perpetrators or defendants and separate crimes. While some arrest information is available through specific, individual police reports obtained to provide examples of incidents involving assault firearms, no statewide standardized system exists through which arrest or clearance rates are reported.

From May 30, 1990, the effective date of the Assault Firearms Act, through October 31, 2004, a total of 1,219 criminal offenses involving assault firearms have been reported statewide (Table 1).

The total 1,219 offenses included: 30 murders; 179 armed robberies; 120 aggravated assaults; 952 unlawful possession of firearms; and 18 other offenses (Table 1).

Table 1
Criminal Offenses Involving Assault Firearms
by County
May 30, 1990 - October 31, 2004

County	Murder	Robbery	Aggravated Assault	Unlawful Possession Weapon	Other	Total
Atlantic	-	2	7	67	1	77
Bergen	2	3	4	55	-	64
Burlington	-	2	2	62	-	66
Camden	5	16	14	98	4	137
Cape May	-	-	-	13	-	13
Cumberland	1	2	7	18	-	28
Essex	7	118	53	214	3	395
Gloucester	-	1	3	22	1	27
Hudson	2	8	1	41	1	53
Hunterdon	-	-	1	16	-	17
Mercer	1	8	4	37	2	52
Middlesex	2	3	7	56	1	69
Monmouth	-	2	2	26	1	31
Morris	1	1	1	33	-	36
Ocean	5	1	3	41	1	51
Passaic	2	3	6	30	1	42
Salem	-	-	1	14	1	16
Somerset	-	2	-	20	1	23
Sussex	-	-	-	11	-	11
Union	2	7	4	63	-	76
Warren	-	-	-	15	-	15
Statewide	30	179	120	952	18 ¹	1,299

¹ Other includes the following types of offenses: unlawful sale of assault firearms, criminal mischief, conspiracy to commit murder, sexual assaults and burglary.

Table 2
Criminal Offenses Involving Assault Firearms
by County
November 2003 - October 2004

County	Murder	Robbery	Aggravated Assault	Unlawful Possession Weapon	Other	Total
Atlantic	-	-	-	8	-	8
Bergen	-	-	-	7	-	7
Burlington	-	-	-	7	-	7
Camden	1	1	1	5	-	8
Cape May	-	-	-	1	-	1
Cumberland	-	-	1	0	-	1
Essex	-	-	1	17	1	19
Gloucester	-	-	-	-	-	-
Hudson	-	-	-	2	-	2
Hunterdon	-	-	-	-	-	-
Mercer	-	-	-	8	-	8
Middlesex	-	-	1	3	1	5
Monmouth	-	-	-	-	1	1
Morris	-	-	-	1	-	1
Ocean	-	-	-	3	-	3
Passaic	-	1	-	1	-	2
Salem	-	-	-	-	-	-
Somerset	-	-	-	1	-	1
Sussex	-	-	-	-	-	-
Union	-	-	-	6	-	6
Warren	-	-	-	-	-	-
Statewide	1	2	4	70	3	80

During the current report year, November 2003 through October 2004, a total of 80 assault firearms offenses were reported statewide: 1 murder; 2 armed robbery; 4 aggravated assaults; 70 unlawful possession of assault firearms offenses; and 3 other offenses (Table 2).

Table 3
Criminal Offenses Involving Assault Firearms
by County
November 2002 - October 2003

County	Murder	Robbery	Aggravated Assault	Unlawful Possession Weapon	Other	Total
Atlantic	-	-	-	4	-	4
Bergen	-	-	-	2	-	2
Burlington	-	-	-	7	-	7
Camden	-	-	1	5	-	6
Cape May	-	-	-	-	-	0
Cumberland	-	-	-	2	-	2
Essex	1	-	-	24	1	26
Gloucester	-	-	-	1	-	1
Hudson	-	-	-	3	-	3
Hunterdon	-	-	-	-	-	0
Mercer	-	-	-	4	-	4
Middlesex	-	-	-	3	-	3
Monmouth	-	-	-	4	-	4
Morris	-	-	-	1	-	1
Ocean	-	-	-	1	-	1
Passaic	-	-	1	3	-	4
Salem	-	-	-	1	1	2
Somerset	-	-	-	1	1	2
Sussex	-	-	-	2	-	2
Union	-	-	-	3	-	3
Warren	-	-	-	2	-	2
Statewide	1	-	2	73	3	79

During the previous report year, November 2002 through October 2003, a total of 79 assault firearms offenses were reported statewide: 1 murder; 2 aggravated assaults; 73 unlawful possession of assault firearms offenses; and 3 other offenses (Table 3).

Table 4
Criminal Offenses Involving Assault Firearms
Statewide Yearly Summary²

	Murder	Robbery	Aggravated Assault	Unlawful Possession Weapon	Other	Total
Nov. 1990 - Oct. 1991 ³	5	28	21	55	1	110
Nov. 1991 - Oct. 1992	2	12	15	76	2	107
Nov. 1992 - Oct. 1993	3	16	23	64	1	107
Nov. 1993 - Oct. 1994	1	48	5	64	-	118
Nov. 1994 - Oct. 1995	3	8	8	76	1	96
Nov. 1995 - Oct. 1996	1	12	7	60	2	82
Nov. 1996 - Oct. 1997	1	13	10	41	1	66
Nov. 1997 - Oct. 1998	4	3	3	67	-	77
Nov. 1998 - Oct. 1999	1	6	9	54	-	70
Nov. 1999 - Oct. 2000	-	5	2	76	1	84
Nov. 2000 - Oct. 2001	1	5	4	75	-	85
Nov. 2001 - Oct. 2002	6	4	5	86	1	102
Nov. 2002 - Oct. 2003	1	-	2	73	3	79
Nov. 2003 - Oct. 2004	1	2	4	70	3	80
TOTAL	30	162	118	937	16⁴	1,263

² Reflects 13 annual periods, November 1st through October 31st. Does not include the initial four and one-half month period (May 30, 1990 - October 15, 1990) immediately following the effective date of the Assault Firearms Act. The data for that period was reported in the initial report filed as required by statute within 180 days of enactment of the Act. The data for that period is, however, reflected in the total reported in Table 1.

³ Because of reporting and data compilation practices used in 1990, this report period includes the two-week period, October 16, 1990 through October 31, 1990, along with the one-year period November 1990 through October 1991.

⁴ Includes the following types of offenses: unlawful sale of an assault firearms, conspiracy to commit murder, criminal mischief, burglary, and sexual assault.

Summarized below are some of the facts of a few of the offenses that contribute to the crime statistics involving assault firearms and weapons with large capacity ammunition magazines or folding stocks. These descriptions provide a more complete picture of the nature of the problem. These assault firearms offenses were reported for the most recent report year, November 2003 through October 2004.

Police were called to a location on a report that someone had been shot. Upon their arrival, police were directed to a parked car. Behind the car, police found and recovered a Tech 9 assault firearm. The shooting victim, injured by the Tech 9 was later located at an area hospital where he was treated for a critical injury to his stomach. The two subjects who drove the victim to the hospital had fled. The assault incident was found to be personal, because the victim had not "bailed" a friend out of jail.

Based on information received from a confidential informant, police initiated an investigation involving controlled dangerous substance purchases. After the informant made a purchase, substance was field tested and identified as a controlled substance. Subsequently, a search warrant was obtained and executed for subject's apartment where the CDS was purchased. During execution of the search warrant, police recovered a stolen Ruger, model P-90, and a SA-85 semi-automatic assault firearm loaded with hollow point bullets.

Acting on information received from a reliable informant regarding possession of a controlled dangerous substance and possession an illegal weapon, police investigated. When suspects were observed driving, they were stopped by police. During the stop, police observed what appeared to be a controlled dangerous substance on the vehicle floor in the driver's area. Police also recovered a Tech 9 assault firearm with a large capacity magazine from the vehicle.

Police went to subject's location after receiving a tip from an informant concerning a police shooting. Subject was wanted for questioning regarding the shooting of a police officer. Upon their arrival at the identified location, police did not locate subject but were granted permission to check the residence. In plain view, police observed the butt of a handgun. The weapon was identified as a US Arms automatic .38 revolver assault firearm.

Police were dispatched to a high school on a report of gunfire. Upon their arrival, police found a car damaged by scattered bullet holes and blood evidence on the ground next to the car. While interviewing victims, police were told that a black vehicle drove through the parking lot and fired a series of rounds. One victim was injured. Following the shooting, police located and stopped a black vehicle being driven by the subject suspected of the drive-by shooting. While being interviewed, subject told police where to find the gun and magazine used in the shooting. The recovered gun was identified as an AA Arms, Inc. AP-9 (9mm) Luger assault firearm with attached laser sight.

After setting off fire crackers, victims were confronted by a neighbor, armed with an assault rifle. After being threatened by subject, victims made a report to police. Subject was arrested and charged. The following weapons were taken into police custody: Bushmaster assault rifle; Ruger .22 caliber, SAR-1; Browning 9mm; H&K USP 40 caliber; Winchester Defender 12 gauge model 1300; Springfield Armory Model 1911-A1 .45 caliber; Browning .22 cal; Ruger 44; and several large capacity magazines.