



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
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JON S. CORZINE
Governor

COLONEL JOSEPH R. FUENTES
Superintendent

January 19, 2006

To: All Licensed Firearm Dealers:

This letter is being sent to all licensed retail and wholesale/manufacturer dealers in New Jersey to reinforce the responsibilities of the dealers that manufacture, acquire and dispose of large capacity ammunition magazines.

The Division of State Police recognizes that some of its representatives may have incorrectly provided informal advice in the past to the effect that an ammunition magazine that is temporarily blocked to hold no more than 15 rounds is no longer deemed a large capacity ammunition magazine and thus may be possessed and disposed of by any person. However, the New Jersey Division of Criminal Justice, within the Office of the Attorney General, has been consulted on this issue and has rejected that position. **Only ammunition magazines that are permanently altered and are incapable of holding more than 15 rounds may be lawfully possessed and disposed.**

This position shall supersede the prior position of the Division of State Police and shall apply to all future dispositions of ammunition magazines by licensed firearm dealers. Licensed firearm dealers must also terminate the practice of providing purchasers of temporarily blocked ammunition magazines with any document which it had previously relied upon to support the position that temporarily blocked magazines capable of holding no more than 15 rounds are no longer deemed large capacity ammunition magazines.

A large capacity ammunition magazine is defined in N.J.S. 2C:39-1y as "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 semiautomatic firearm."

State law prohibits the possession of large capacity ammunition magazines by persons unless they are exempt under N.J.S. 2C:39-3g(3) or N.J.S. 2C:39-3j. It also prohibits the manufacture, transportation, shipping, selling or disposition of large capacity ammunition



magazines intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel pursuant to N.J.S. 2C:39-9h. A person who violates N.J.S. 2C:39-3j or N.J.S. 2C:39-9h is guilty of a crime of the fourth degree.

A licensed firearm dealer may possess a large capacity ammunition magazine at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency together with written authorization of the chief of police or the highest ranking official of the agency, and the name and rank of the purchasing law enforcement officer. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition, as per the requirements of N.J.S. 2C:39-3g(3).

Licensed firearm dealers and its employees risk prosecution for the unlawful disposition of large capacity ammunition pursuant to N.J.S. 2C:39-9 if they dispose of large capacity ammunition magazines that have been temporarily blocked to hold no more than 15 rounds unless the person acquiring the ammunition magazines may lawfully possess same. Purchasers of these temporarily blocked ammunition magazines also risk prosecution for the possession of a large capacity ammunition magazine pursuant to N.J.S. 2C:39-3j unless they are lawfully exempt.


Licensed dealers are reminded that pursuant to N.J.A.C. 13:54-4.13, records that are required to be retained by dealers are to be made available for inspection during reasonable hours to any member of the Division of State Police, and that the disposition of **any large capacity ammunition magazines** must be reported to the Superintendent of State Police within 48 hours, as required by N.J.S. 2C:39-3b(3).

Should you have any questions, please contact the Firearms Investigation Unit at 609-882-2000, extension 2060.

Thank you for your continued cooperation.

FOR COLONEL JOSEPH R. FUENTES
SUPERINTENDENT

Sincerely,


Captain Stephen G. Serrao
Bureau Chief
Applicant Investigation &
Compliance Bureau