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**New Jersey Judiciary**  
**Supplemental Plea Form for Graves Act Offenses (N.J.S.A. 2C: 43-6c)**

**NOTE**

You are not subject to a mandatory Graves Act parole ineligibility term if you are pleading guilty to unlawful possession of a handgun, that is an air gun, spring gun, or BB gun pursuant to *N.J.S.A. 2C:39-5b(2)*; unlawful possession of an unloaded rifle or shotgun, *N.J.S.A. 2C:39-5c(1)*; or unlawful possession of a rifle or shotgun that is an air gun, spring gun, or BB gun, *N.J.S.A. 2C:39-5c(2)*.

You are pleading to a Graves Act offense. This means:

- A. (1) You are pleading guilty to possession of a firearm with intent to use it against the person of another or to murder, aggravated manslaughter, manslaughter, aggravated assault, kidnapping, aggravated sexual assault, aggravated criminal sexual contact, robbery, burglary or escape; or
- (2) You are pleading guilty to one of the following offenses that occurred on or after January 13, 2008: possession of a shotgun, *N.J.S.A. 2C:39-3b*; possession of a defaced weapon, *N.J.S.A. 2C:39-3d*; possession of a weapon (firearm) for an unlawful purpose, *N.J.S.A. 2C:39-4a*; possession of a firearm while in the course of committing a CDS offense or other offenses, *N.J.S.A. 2C:39-4.1a*; unlawful possession of a machine gun, handgun, rifle or shotgun, *N.J.S.A. 2C:39-5a, b or c*; certain persons not to have weapons, *N.J.S.A. 2C:39-7*; or manufacture, transport, disposition and defacement of machine guns, sawed-off shotguns, defaced firearms or assault firearms. *N.J.S.A. 2C:39-9a, b, e or g*; or
- (3) You are pleading guilty to the following offense that occurred on or after August 8, 2013: unlawful possession of an assault firearm, *N.J.S.A. 2C:39-5(f)*.

**AND/OR**

- B. You are also admitting, by virtue of this plea, that while in the course of committing or attempting to commit one of the crimes, including the immediate flight therefrom, you used or were in possession of a firearm.

1. Do you understand that because of your plea of guilty to  Yes  No

\_\_\_\_\_ you will be subject to a minimum period of time before you will be eligible for parole (a parole ineligibility term) under the Graves Act (as set forth in question 7 on the Main Plea Form)?

2. Do you understand that by pleading guilty and admitting that you used or were in possession of a firearm that is a \_\_\_\_\_, (type of firearm) while in the course of committing or attempting to commit one of the crimes, you are waiving your right to have a jury determine, beyond a reasonable doubt, that you used or possessed a firearm during the course of committing or attempting to commit one of the crimes?  Yes  No

3. Does any other mandatory sentencing provision apply to the Graves Act count that provides for a greater period of parole ineligibility (e.g., NERA, Three Strikes, Murder)?  Yes  No  NA

If so, which one?

\_\_\_\_\_

Date \_\_\_\_\_ Defendant s/ \_\_\_\_\_

Defense Attorney s/ \_\_\_\_\_

Prosecutor s/ \_\_\_\_\_