

ASSEMBLY, No. 4260

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

Assemblywomen Jasey, McKnight and Lopez

SYNOPSIS

Prohibits sale of certain toy guns and imitation firearms.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the sale of certain imitation firearms and supplementing Title 56 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. As used in this section:

“Toy gun” means a facsimile or reproduction of a firearm that is marketed as a product intended for children or is substantially similar in appearance, size, and shape to a genuine firearm.

b. A person shall not sell, transfer, or assign a toy gun or imitation firearm as defined in subsection v. of N.J.S.2C:39-1 unless it is:

(1) a color other than black, blue, silver, or aluminum;

(2) marked with a non-removable orange stripe that is at least one inch in width and runs the entire length of the barrel on each side of the barrel; and

(3) equipped with a barrel at least one inch in diameter that is closed at a distance of at least one-half inch from the front end of the barrel with the same material from which the toy gun or imitation firearm is made; or

(4) is regulated under and conforms with the provisions of 15 CFR 272.1 et seq.

c. The provisions of this section shall not apply to the sale of theatrical firearms for which a permit is issued by the Superintendent of the New Jersey State Police. The provisions of paragraph (3) of subsection b. of this section shall not apply to water guns.

d. A person who violates this act shall be subject to a penalty of not more than \$500 for the first offense and not more than \$1,000 for each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

2. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of this act.

3. This act shall take effect immediately.

STATEMENT

This bill prohibits the sale of toy guns and imitation firearms that appear to be genuine firearms. An "imitation firearm" is defined in New Jersey's firearm statutes as an object or device that is reasonably capable of being mistaken for a firearm. The bill defines "toy gun" as a facsimile or reproduction of a firearm that is marketed as a product intended for children or is substantially similar in appearance, size, and shape to a genuine firearm.

The bill prohibits the sale of a toy gun or imitation firearm unless it meets certain specifications. Under the bill, a toy gun or imitation firearm is required to: 1) be a color other than black, blue, silver, or aluminum; 2) be marked with a non-removable orange stripe that is at least one inch in width and runs the entire length of each side of the gun's barrel; and 3) have a barrel that is at least one inch in diameter and closed at a distance of at least one-half inch from the barrel's front end with the same material of which the toy gun or imitation firearm is made.

The bill provides that a toy gun or imitation firearm that does not meet these standards is required to meet the federal standards for the appearance and configuration of toy guns and imitation firearms established pursuant to 15 CFR 272.1 et seq. Under federal law, it is unlawful to manufacture, enter into commerce, ship, transport, or receive a toy gun or imitation firearm unless it has one of the following characteristics:

a) a blaze orange or orange color permanently affixed to the muzzle end of the barrel as an integral part of the entire device and recessed no more than six millimeters from the muzzle end of the barrel;

b) a blaze orange or orange color permanently affixed to the exterior surface of the barrel, covering the circumference of the barrel from the muzzle end for a depth of at least six millimeters;

c) is entirely constructed of transparent or translucent materials which permits unmistakable observation of the device's complete contents; or

d) the entire exterior surface of the device is colored in white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern.

The bill exempts theatrical firearms which are used in movie and film productions.

The bill establishes penalties for violations at a maximum of \$500 for the first offense and \$1,000 for each subsequent offense.