

SENATE, No. 811

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Establishes crime of removing federally required orange tip from toy gun; establishes crime of disguising a firearm by adding an orange muzzle tip.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning firearms and supplementing chapter 39 of Title
2 2C of the New Jersey Statutes.

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

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7 1. a. Any person who removes, disguises, cloaks, covers,
8 conceals, or masks the colored markings required on a toy, look-
9 alike, or imitation firearm under the provisions of 15 CFR 1150.1 et
10 seq. is guilty of a crime of the fourth degree.

11 b. Any person who alters the muzzle of a firearm by adding
12 colored markings imitative of those required on a toy, look-alike, or
13 imitation firearm under the provisions of 15 CFR 1150.1 et seq. is
14 guilty of a crime of the fourth degree.

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16 2. This act shall take effect immediately.

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STATEMENT

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21 This bill would make it a crime of the fourth degree to remove,
22 disguise, cloak, cover, conceal, or mask the orange colored
23 markings required on toy, look-alike, or imitation firearms.

24 The bill also would make it a crime of the fourth degree to alter
25 the muzzle of a firearm by adding colored marking imitative of
26 those required on toy, look-alike, or imitation firearms.

27 A crime of the fourth degree is punishable by a fine of up to
28 \$10,000; imprisonment for a term of up to 18 months; or both.

29 Since 1989, toy manufacturers have been required under 15 CFR
30 1150.1 et seq. to “mark” toy guns with an orange tip. This marking
31 requirement has become increasingly important as manufacturers
32 are producing toy guns with such attention to detail and design that
33 it is difficult for even experienced law enforcement officers to
34 differentiate between toy guns and actual firearms. In some
35 instances, the inability to identify a firearm as a toy or an actual
36 firearm has led to tragedy.

37 Conversely, others have added an orange tip to the muzzle of an
38 actual firearm to mislead law enforcement officers into believing
39 they are confronting a toy gun rather than a real one.