

ASSEMBLY, No. 4859

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 10, 2015

Sponsored by:

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

Co-Sponsored by:

Assemblymen Giblin, Caputo, Assemblywomen Tucker, Pintor Marin and Quijano

SYNOPSIS

Prohibits sale of certain toy guns and imitation firearms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2015)

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

3

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

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7 1. a. As used in this section:

8 "Toy gun" means a facsimile or reproduction of a firearm that is
9 marketed as a children's toy and is substantially similar in
10 appearance, size, and shape to a genuine firearm.

11 "Water gun" means a toy gun that shoots a stream of water.

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

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

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

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

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

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

33

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

39

40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill prohibits the sale of toy guns and imitation firearms that
46 appear to be genuine firearms. An "imitation firearm" is defined in
47 New Jersey's firearm statutes as an object or device that is
48 reasonably capable of being mistaken for a firearm. The bill

1 defines “toy gun” as a facsimile or reproduction of a firearm that is
2 marketed as a children’s toy and is substantially similar in
3 appearance, size, and shape to a genuine firearm.

4 This bill prohibits the sale of a toy gun or imitation firearm
5 unless it is a color other than black, blue, silver, or aluminum. In
6 addition, toy guns and imitation firearms sold in this State are to be
7 marked with a non-removable orange stripe that is at least one inch
8 in width and runs the entire length of each side of the gun’s barrel.
9 The bill further requires the barrel to be at least one inch in
10 diameter and closed at a distance of at least one-half inch from the
11 barrel’s front end with the same material of which the toy gun or
12 imitation firearm is made.

13 The requirement that the barrel of the firearm be closed would
14 not apply to water guns. In addition, the bill exempts theatrical
15 firearms which are used in movie and film productions.

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