

# SENATE, No. 2810

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 18, 2007

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Prohibits sale of imitation firearms to persons under age of 18.

**CURRENT VERSION OF TEXT**

As introduced.



S2810 SCUTARI

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1 AN ACT concerning imitation firearms and supplementing chapter  
2 39 of Title 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 person who sells, transfers or assigns an imitation firearm  
8 to a person under 18 years of age commits a disorderly persons  
9 offense; provided, however, that the establishment by a  
10 preponderance of the evidence of all of the following facts by the  
11 person making the sale, transfer or assignment shall constitute an  
12 affirmative defense to any prosecution under this section:

13 a. The purchaser, transferee or assignee represents his age by  
14 producing a driver's license bearing a photograph of the licensee, or  
15 by producing some other photographic card purporting to be a valid  
16 identification card, indicating that he was 18 years of age or older;

17 b. The appearance of the purchaser, transferee or assignee was  
18 such that an ordinary prudent person would believe him to be 18  
19 years of age or older; and

20 c. The sale, transfer or assignment was made in good faith  
21 relying upon the indicators of age listed in subsections a. and b. of  
22 this section.

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24 2. This act shall take effect immediately.

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27 STATEMENT

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29 This bill would make it a disorderly persons offense to sell,  
30 transfer or assign an imitation firearm to a person under the age of  
31 18.

32 An imitation firearm is defined in New Jersey's firearm statutes  
33 as an object or device that is "reasonably capable of being mistaken  
34 for a firearm."

35 Under the provisions of this bill, an individual who sells,  
36 transfers or assigns an imitation firearm to a person under the age of  
37 18 would be guilty of a disorderly persons offense. The bill accords  
38 an affirmative defense for any person who sells, transfers or assigns  
39 an imitation firearm to a person under the age of 18 based on: (1)  
40 individual's presenting a photographic driver's license, or other  
41 similar photographic card purporting to be a valid identification  
42 card, indicating that the person is 18 years of age or older; (2) the  
43 individual's appearance would lead an ordinary prudent person to  
44 believe that the individual was 18 years of age or older; and (3) the  
45 sale, transfer or assignment was made in good faith relying on the  
46 factors in (1) and (2).

47 A disorderly persons offense is punishable by a fine of up to  
48 \$1,000; imprisonment for a term of up to six months; or both.

**S2810 SCUTARI**

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1       The provisions of this bill are patterned after the statute that  
2 prohibits the sale of combat or survival knives with blades of more  
3 than five inches to persons under the age of 18.