

SENATE, No. 138

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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

Introduced Pending Technical Review by Legislative Counsel



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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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).

S138 SCUTARI

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1 A disorderly persons offense is punishable by a fine of up to
2 \$1,000; imprisonment for a term of up to six months; or both.

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