

ASSEMBLY, No. 4260

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 25, 2018

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Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Senator NELLIE POU

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Senator NICHOLAS P. SCUTARI

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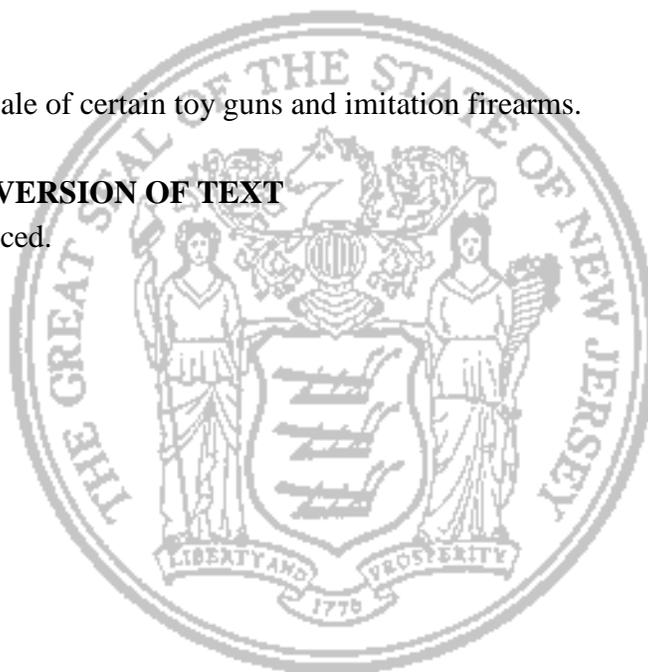
Assemblywomen Jasey, McKnight, Lopez, Senators Cunningham and Gill

SYNOPSIS

Prohibits sale of certain toy guns and imitation firearms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

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 product intended for children or is substantially
10 similar in appearance, size, and shape to a genuine firearm.

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

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

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

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

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

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

29 d. A person who violates this act shall be subject to a penalty
30 of not more than \$500 for the first offense and not more than \$1,000
31 for each subsequent offense, to be collected in a civil action by a
32 summary proceeding under the “Penalty Enforcement Law of
33 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

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

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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 reasonably
48 capable of being mistaken for a firearm. The bill defines “toy gun” as

1 a facsimile or reproduction of a firearm that is marketed as a product
2 intended for children or is substantially similar in appearance, size, and
3 shape to a genuine firearm.

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

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

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

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

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

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

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

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