



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

New York State Senate Passes Hoylman Bill To Ban Life-Like Imitation Weapons

BRAD HOYLMAN-SIGAL July 21, 2020

| ISSUE: **SD 27, SENATOR BRAD HOYLMAN, GUN VIOLENCE PREVENTION, IMITATION GUNS**

NEW YORK—Senator Brad Hoylman (D/WF-Manhattan) released the following statement today in response to the passage of S35 through the New York State Senate. Hoylman's S35 would strengthen New York State's regulation of imitation weapons and limit the availability of toys that substantially imitate the appearance of firearms. There have been multiple shootings in the United States due to police officers mistaking toy guns for real weapons, including the 2015 shooting of 15 year old Jamar Nicholson in Los Angeles. The City of Los Angeles this year paid nearly \$1 million to settle excessive force claims arising from the shooting.

Senator Hoylman said: "Since 1994, there have been at least 63 shootings in New York State because of toy or imitation guns. Police say it's virtually impossible to train officers to identify imitation guns from a distance. That's why it's important that we stand up to gunmakers and the National Rifle Association and pass my bill that would require toy guns be distinguishable from the real thing. Hopefully, with the bill we've passed today, we'll save a lot of heartache for New York families later. I'm grateful to Senate Leader Andrea Stewart-Cousins for continuing to make gun safety a priority."

June Rubin, a volunteer with New York Moms Demand Action, said: "The responsibility shouldn't fall on children to know the difference between a real or toy gun. It's up to us as adults to keep kids safe from gun violence, and this legislation will do just that."

Senator Hoylman's S35 would bring State law in line with New York City's Administrative Code by establishing a uniform definition for imitation weapons that would, along with a number of identifying features, require toy guns to be brightly colored or constructed entirely of transparent or translucent materials. The bill would make it unlawful for individuals and retailers to sell toys that fail to meet these requirements. The New York State Attorney General would be empowered to seek a court judgment for an injunction, and the bill would establish a civil penalty of up to \$1000.

In 2015, the New York State Attorney General brought a suit against several major online retailers and third-party sellers, including Walmart, K-Mart, Sears and Amazon, for violating state law regarding the sale of imitation weapons. The Attorney General's investigation found that between 2012 and 2014 these retailers sold more than 6,000 prohibited toy guns to New York consumers. In 2017, seven of these retailers reached a settlement with the Attorney General's office. Hoylman's bill would codify the results of these settlements, under which the retailers agreed to sell only toy guns that comply with New York City's standard throughout the state.

RELATED LEGISLATION

2019-S35

-
- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

-

Clarifies the definition of imitation weapon

December 21, 2018

In Assembly Committee

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?