



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 240-A

**COMMITTEE:** Consumer Affairs

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the penalties associated with the sale of toy guns.

**Sponsor:** By Council Members Vann, Weprin, Arroyo, Brewer, Comrie, Foster, Gennaro, James, Koppell, Mark-Viverito, Nelson, Stewart, Liu, Vallone, Jr., Rivera, Jackson, and White Jr.

**SUMMARY OF LEGISLATION:** This legislation would increase the fines for the sale, offering for sale, possessing, using, or attempting to use or give away toy guns or imitation firearms whose physical appearance does not conform to the requirements in subdivision g of section 10-131 of the administrative code. A first time offense would carry a fine between \$1,000 and \$5,000 and each succeeding offense within two years of the first offense would carry a fine between \$3,000 and \$8,000. A premises operated by a person found to violate this law three or more times within two years may be sealed for up to five consecutive days and entered solely as necessary to remedy past violations or prevent future violations. For the purposes of determining repeat violations, any violations at locations operated by a different person would not be considered unless the commissioner establishes that the subsequent owner did not acquire the premises via an arm’s length transaction, or acquired it for the purposes of avoiding repeat violations. Mutilation or removal of a posted closing order would be punishable by a fine of not more than \$250, imprisonment of up to fifteen days, or both. Any other intentional disobedience of this law would be a misdemeanor punishable by a fine of up to \$1,000, imprisonment not exceeding six months, or both.

**EFFECTIVE DATE:** This local law would take effect 30 days after enactment, provided that, prior to such effective date, the commissioner of Consumer Affairs and the head of any other agency designated by the mayor in accordance with paragraph 3 of subdivision g of section 10-131 of the New York City administrative code may promulgate such rules and take such other actions as are necessary to its timely implementation.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2010

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY10</b>	<b>FY Succeeding Effective FY11</b>	<b>Full Fiscal Impact FY10</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** There is a potential for fine revenue to be raised resulting from the enactment of this legislation. DCA collected \$547,614 in fine revenue in Fiscal Year 2005 which declined to \$185,318 in Fiscal Year 2008 reflecting a trend toward compliance with the existing toy gun legislation. The proposed legislation substantially increases the penalties for violation of the toy gun law, but any fine revenues resulting from this legislation would be minimal as the rationale for increasing fines is to foster compliance with the law, rather than generate revenue.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Walter Pitts, Legislative Financial Analyst

**HISTORY:** Introduced as Int. 240 by Council and referred to the Committee on Consumer Affairs on March 22, 2006. On December 8, 2009, the Committee held a hearing on Int. 240 and it was laid over. An amendment has been proposed, and the bill will be considered by the Committee as Proposed Int. 240-A on December 18, 2009.