



Legislation Text

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Int. No. 409

By Council Members Vann, Baez, Barron, Brewer, Clarke, Comrie, Gennaro, James, Jennings, Koppell, Liu, Martinez, Nelson, Quinn, Seabrook, Weprin and Moskowitz

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for selling, possessing or using toy or imitation firearms.

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision g of section 10-131 of title ten of the administrative code of the city of New York is hereby amended to read as follows:

§ 10-131 **Firearms.**

* * *

3. Authorized agents and employees of the department of consumer affairs, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this subdivision.

A proceeding to recover any civil penalty pursuant to this subdivision shall be commenced by service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer affairs. The administrative tribunal of such department shall have the power to impose civil penalties for a violation of this subdivision on any person over the age of eighteen of not less than [more than] one thousand dollars [(\$1000)] nor more than five thousand dollars [\$5000] for the first offense and not less than three thousand dollars [\$3000] nor more than eight thousand dollars [\$8000] for each succeeding offense. For the purposes of this paragraph, any single occurrence of selling or offering to sell, possessing or using or attempting to use or give away any single unlawful toy or imitation firearm as defined in this subparagraph shall be considered a single violation.

4. (a) Any person over the age of eighteen who shall violate this subdivision shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000) or imprisonment not exceeding one (1) year or both.

(b) Any person eighteen or younger who shall violate this subdivision in the course of committing a crime shall be guilty of a violation, punishable by a fine of not more than \$100.

§2. This local law shall take effect immediately.

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