



Legislation Text

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Res. No. 477

Resolution calling upon the United States Congress to amend the 1988 Federal Toy Gun Law to allow municipalities to ban the sale of toy guns.

By Council Members Vann, Baez, Barron, Boyland, Brewer, Comrie, Gennaro, Gerson, Gioia, James, Jennings, Liu, Nelson, Palma, Seabrook and Weprin

Whereas, Toy manufacturers and retailers in New York City and around the nation produce and sell toy and imitation firearms with a striking resemblance to actual firearms, whether in size, shape or overall appearance; and

Whereas, The close resemblance between toy guns and real firearms has perhaps facilitated the commission of crimes; a study conducted by the United States Bureau of Justice Statistics shows that during a 5-year period, toy guns were involved in 2,796 robberies and 3,104 assaults and that a total of 31,650 imitation guns were confiscated during crime-related incidents; and

Whereas, The United States Bureau of Justice Statistics indicates that up to 1,400 crimes have been committed in a year in New York City using toy or replica guns; and

Whereas, The 1988 Federal Toy Gun Law permits toy or imitation firearms to be sold provided that they meet certain aesthetic restrictions; and

Whereas, The Federal Law also explicitly preempts any inconsistent state or local laws or ordinances; and

Whereas, Both State and City law thus follows the Federal guidelines to permit the sale and use of specified toy or imitation firearms; and

Whereas, The toy or imitation firearms that may be legally sold still resemble actual firearms and can be

disguised of required distinguishing marks with paint and tape; and

Whereas, The difficulty in distinguishing between a toy gun and an actual firearm has created an unfair burden for law enforcement officers, as voiced by the President of the New York State Police Investigators Union who says that “[w]ithout clear markings, it is extremely difficult to tell the difference between a toy gun and a real weapon;” and

Whereas, There have been a variety of tragic incidents involving young people who were carrying imitation guns and were wounded or killed by confused police officers who mistook the fake weapons for real ones; and

Whereas, Police officers, families, and elected officials alike have called for a solution to this horrifying problem, including a ban on the sale of such imitation weapons; and

Whereas, Municipalities such as New York City must have the option of banning the sale of these toy guns, and federal law must allow localities to exercise this option; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to amend the 1988 Federal Toy Gun Law to allow municipalities to ban the sale of toy guns.

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