



**Statement of Jonathan Mintz, Commissioner
Department of Consumer Affairs
before the
City Council Committee on
Consumer Affairs
on
Intro. 240-A**

December 8, 2009

Good afternoon, Chairman Comrie and Committee members. I am Jonathan Mintz, Commissioner of the Department of Consumer Affairs. I welcome this opportunity to join the Mayor's Criminal Justice Coordinator John Feinblatt to add my support for Intro 240-A and to urge the Committee to support its passage, as well.

Intro 240-A significantly raises the bar for businesses selling illegal imitation firearms in three important ways:

- First, it substantially ramps up the monetary penalties with a minimum penalty of \$1,000 up to \$5,000 for the first offense, and not less than \$3,000 to \$8,000 for each succeeding offense occurring within two years of the first offense.
- Second, it gets a strong message out to such businesses by authorizing the sealing for up to five days of any business which has incurred three violations within two years.
- Third, it seeks to prevent business owners with prior fake gun sale violations from evading recidivist penalties by selling the business in sweetheart deals that aren't really at arm's length.

These proposed penalty enhancements are significant. So, too, are the public safety dangers posed by the sale of illegally realistic fake guns to the public and law enforcement alike, as just described.

DCA shares the sense of urgency on this issue. We have taken strong enforcement measures against sellers of fake guns since 1999, when the Council revised the ban on the sale of imitation guns by adding a civil penalty of up to \$1,000 and designated DCA as the enforcing agency with the specific hearing authority to adjudicate these violations.

DCA has repeatedly sent strong enforcement pulses to City retailers. Our sweeps in the first term, that is through 2005, identified and had removed over 5,600 fake guns, and led to our imposing more than \$600,000 in penalties against close to 100 stores.

For a while, that message seemed clearly received: from FY 2005 through today, the number of violations we needed to issue annually dropped in half, and the number of illegal guns we found and seized plunged dramatically, as well. Fine amounts reflect a similar picture of compliance—declining from \$547,614 in FY 2005 to \$185,318 in FY 2008.

In April 2008, DCA found it needed to send out a second strong pulse, charging Party City with more than 800 counts of violating the imitation gun law, and settling last October with the company agreeing to pay \$500,000 in fines, the largest fine settlement in DCA's 40-year history. We cracked down particularly hard on Party City because of their recidivism: in 2003, the company had paid a settlement of \$150,000 after our search of its records revealed some 2,210 imitation guns available for sale in its 11 stores across the City.

The Administration agrees with this Committee that we cannot let up on the strong signals and enforcement efforts aimed at compliance with this critical public safety issue. Imitation firearms that look real are anything but toys, anything but party items to be wrapped up and given as a gift to children or adults. We look forward to working with the Council to continue to send that strong and unequivocal message to the City's retailers, who must do right by their customers and their communities and keep such dangerous items off their shelves forever and urge the Committee and the Council to act favorably on Intro 240-A.

Thank you for this opportunity to comment. We are happy to answer your questions.