

PAINTBALL MARKERS

(Sometimes mistakenly called “PAINTBALL GUNS”)

(1) Are paintball markers considered firearms under New Jersey Gun law?

A: No. Paintball markers do not meet the definition of “Firearm” under N.J.S. 2C:39-1f. because they do not fire a projectile “smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.”

(2) Is any license required to purchase a paintball marker in New Jersey?

A: No, paintball markers may be freely purchased, transported and possessed in New Jersey. However, a person must be cautious about the Imitation Firearm law under N.J.S. 2C:39-4e. and not possess the paintball marker in such a way as would lead an observer to reasonably believe that it is possessed for an unlawful purpose.

(3) May State or local law prohibit the sale of paintball markers?

A: No. Paintball markers are protected under Federal law, which preempts State and local law. Under U.S.C. Title 15 § 5001, no State or locality may prohibit the sale of pellet-firing air guns, traditional BB guns, or paintball markers.

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Paintball markers may be purchased in New Jersey or ordered and shipped into New Jersey from out-of-state. They serve as an important introduction to getting young people interested in shooting sports. Although New Jersey does not consider paintball markers to be firearms under the law, a person must still observe safety rules and act responsibly when using paintball markers.

Some people in the pro-gun-rights movement look down on paintball markers because of the type of competitions that are played with them. This is a mistake and a trap. When we separate the different shooting sports as “good” ones and “bad” ones, the anti-gun-rights movement uses this to their advantage in their effort to ban all firearms. Falling into this trap will eventually lead to banning your favorite type of gun. Remember, by protecting paintball markers from irrational legislation, we stop the erosion of our rights.