I am pleased to provide you with the 31st Edition of State Laws and Published Ordinances- Firearms (ATF P 5300.5). This publication is designed to help you comply with Federal and State firearms laws. Specifically, it will assist you in complying with the Gun Control Act of 1968 (GCA). The GCA prohibits licensees from selling or delivering a firearm to a nonlicensee whose receipt or possession of the firearm would violate State or local laws applicable at the place of sale or delivery. In addition, this book will assist you in making lawful over-the-counter sales of rifles and shotguns to out-of-State residents-transactions that must meet the legal requirements of both your State of residence and the purchaser's State of residence.

State Laws and Published Ordinances – Firearms also include a "Ready Reference Table" to provide you with additional assistance for your business operations. When deciding whether to make a sale, you should first consult the full text of the State requirements, and if appropriate, contact State and local authorities before making a decision.

As a Federal Firearms Licensee, you play a critical role in ensuring that only eligible persons are able to acquire firearms from you. Your acquisition and disposition records, Firearms Transaction Records (ATF Forms 4473), and Reports of Multiple Sales or Other Dispositions of Pistols and Revolvers (ATF Form 3310.4), have proven invaluable to law enforcement agencies at all levels of government in tracing firearms involved in crime.

If you have any questions concerning major issues affecting the daily conduct of your business, you may call these numbers with regard to the following:

NICS checks: Contact the FBI NICS Operations Center at 1-877-444-6427.

Your Federal firearms license or renewal application: Contact our Federal Firearms Licensing Center at 1-866-662-2750.

Federal firearms laws or regulations: You can find the ATF Industry Operations field office nearest you at www.atf.gov/field/.

A complete alphabetical listing is located on pages vi-viii of this publication.

Stolen or lost firearms, including National Firearms Act weapons: Contact 1-888-930-9275 (Monday – Friday 8:00am – 4:30pm).

If you have knowledge of any unlawful activities concerning firearms, contact 1-800-ATF-GUNS.

Interpretation of a State or local law or ordinance: Contact your State police, local law enforcement authority, or your State Attorney General’s office (see pages ix-x).

Reports of Multiple Sales or Other Dispositions of Pistols and Revolvers (ATF Form 3310.4) should be mailed to the address indicated on the form or faxed (1-877-283-0288) to the ATF National Tracing Center and to the designated Chief Law Enforcement Officer where your business is located. (You must retain the third copy as part of your permanent records.)

If you are going out of business with no successor, you are required to ship your firearms records to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405.

Materials and ideas for future editions of this publication are welcome and may be sent to the ATF Firearms and Explosives Industry Division, Attention: Chief, Firearms and Explosives Industry Division, Room 6N/672, 99 New York Avenue, N.E., Washington, DC 20226.

B. Todd Jones,
Acting Director
Disclaimer

The State laws and ordinances in this publication are effective through January 2011.
## TABLE OF CONTENTS

### Introduction & General Information

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATF Director’s Message</td>
<td>i</td>
<td>Attorneys General</td>
<td>ix-x</td>
</tr>
<tr>
<td>Table of Contents</td>
<td>iii</td>
<td>Ready Reference Table</td>
<td>xi-xi</td>
</tr>
<tr>
<td>Currency of Laws Table</td>
<td>iv</td>
<td>Brady Law Information</td>
<td>iii</td>
</tr>
<tr>
<td>ATF Offices &amp; Information</td>
<td>v-viii</td>
<td>Permanent Brady Permit Chart</td>
<td>xiv-xv</td>
</tr>
<tr>
<td>ATF Field Divisions</td>
<td>v</td>
<td>Relevancy Criteria</td>
<td>vi</td>
</tr>
<tr>
<td>Forms/Publications/Licensing</td>
<td>v</td>
<td>Unlawful Acts</td>
<td>xvi</td>
</tr>
<tr>
<td>ATF IO Field Offices</td>
<td>vi-viii</td>
<td>Federal Age Restrictions</td>
<td>xvi</td>
</tr>
</tbody>
</table>

### State and Local Laws and Ordinances*

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Page</th>
<th>Jurisdiction</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1</td>
<td>Montana</td>
<td>286</td>
</tr>
<tr>
<td>Alaska</td>
<td>4</td>
<td>Nebraska</td>
<td>288</td>
</tr>
<tr>
<td>American Samoa</td>
<td>8</td>
<td>Nevada</td>
<td>296</td>
</tr>
<tr>
<td>Arizona</td>
<td>10</td>
<td>New Hampshire</td>
<td>306</td>
</tr>
<tr>
<td>Arkansas</td>
<td>15</td>
<td>New Jersey</td>
<td>309</td>
</tr>
<tr>
<td>California</td>
<td>19</td>
<td>New Mexico</td>
<td>324</td>
</tr>
<tr>
<td>Colorado</td>
<td>88</td>
<td>New York</td>
<td>326</td>
</tr>
<tr>
<td>Connecticut</td>
<td>95</td>
<td>North Carolina</td>
<td>355</td>
</tr>
<tr>
<td>Delaware</td>
<td>110</td>
<td>North Dakota</td>
<td>363</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>117</td>
<td>Northern Mariana Islands</td>
<td>365</td>
</tr>
<tr>
<td>Florida</td>
<td>129</td>
<td>Ohio</td>
<td>369</td>
</tr>
<tr>
<td>Georgia</td>
<td>141</td>
<td>Oklahoma</td>
<td>393</td>
</tr>
<tr>
<td>Guam</td>
<td>148</td>
<td>Oregon</td>
<td>397</td>
</tr>
<tr>
<td>Hawaii</td>
<td>151</td>
<td>Pennsylvania</td>
<td>403</td>
</tr>
<tr>
<td>Idaho</td>
<td>157</td>
<td>Puerto Rico (English &amp; Spanish)</td>
<td>412</td>
</tr>
<tr>
<td>Illinois</td>
<td>161</td>
<td>Rhode Island</td>
<td>431</td>
</tr>
<tr>
<td>Indiana</td>
<td>187</td>
<td>South Carolina</td>
<td>439</td>
</tr>
<tr>
<td>Iowa</td>
<td>197</td>
<td>South Dakota</td>
<td>446</td>
</tr>
<tr>
<td>Kansas</td>
<td>199</td>
<td>Tennessee</td>
<td>448</td>
</tr>
<tr>
<td>Kentucky</td>
<td>203</td>
<td>Texas</td>
<td>455</td>
</tr>
<tr>
<td>Louisiana</td>
<td>207</td>
<td>Utah</td>
<td>458</td>
</tr>
<tr>
<td>Maine</td>
<td>212</td>
<td>Vermont</td>
<td>461</td>
</tr>
<tr>
<td>Maryland</td>
<td>217</td>
<td>Virginia</td>
<td>463</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>233</td>
<td>Virgin Islands</td>
<td>471</td>
</tr>
<tr>
<td>Michigan</td>
<td>252</td>
<td>Washington</td>
<td>477</td>
</tr>
<tr>
<td>Minnesota</td>
<td>268</td>
<td>West Virginia</td>
<td>485</td>
</tr>
<tr>
<td>Mississippi</td>
<td>280</td>
<td>Wisconsin</td>
<td>489</td>
</tr>
<tr>
<td>Missouri</td>
<td>283</td>
<td>Wyoming</td>
<td>497</td>
</tr>
</tbody>
</table>

* The editors of this publication endeavored, where local firearm regulation has not been preempted by State law, to include ordinances for those major local jurisdictions that make their laws readily accessible to the public. States and many local jurisdictions now make their laws available on the Web; See, e.g., http://www.municode.com (municipal codes). However, space and time constraints precluded including every local jurisdiction in this publication. Therefore, users of this publication are encouraged to consult with State and local authorities to ascertain the most current firearms laws and regulations applicable to their particular situation.
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>The jurisdiction’s laws in this publication are current through:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>End of 2010 First Special Session</td>
</tr>
<tr>
<td>Alaska</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>American Samoa</td>
<td>2010</td>
</tr>
<tr>
<td>Arizona</td>
<td>Second Regular Session and Ninth Special Session of the Forty-Ninth Legislature (2010)</td>
</tr>
<tr>
<td>Arkansas</td>
<td>End of 2010 Fiscal Session</td>
</tr>
<tr>
<td>California</td>
<td>2009 Regular and Extraordinary Session</td>
</tr>
<tr>
<td>Colorado</td>
<td>Second Regular Session of the 67th General Assembly (2010)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2010 Supplement to the Connecticut General Statutes</td>
</tr>
<tr>
<td>Delaware</td>
<td>2010 Regular Session and the Second Special Session of the 145th General Assembly, 77 Del. Laws, Ch. 476</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>May 18, 2010</td>
</tr>
<tr>
<td>Florida</td>
<td>Chapter 271 (End) of the Special ‘B’ Sessions of the 21st Legislature</td>
</tr>
<tr>
<td>Georgia</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>Guam</td>
<td>P.L. of the 31st Legislature (2010)</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2010 Regular and Special Sessions</td>
</tr>
<tr>
<td>Idaho</td>
<td>2010 Second Regular Session on or of the 60th Legislature</td>
</tr>
<tr>
<td>Illinois</td>
<td>2009 Regular Session of the 95th General Assembly (P.A. 96-880) and through P.A. 96-884 of the 2010 Regular Session of the 96th General Assembly</td>
</tr>
<tr>
<td>Indiana</td>
<td>2010 Second Regular Session</td>
</tr>
<tr>
<td>Iowa</td>
<td>Immediately effective legislation signed as of Feb. 22, 2010</td>
</tr>
<tr>
<td>Kansas</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>Kentucky</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>Louisiana</td>
<td>2010</td>
</tr>
<tr>
<td>Maine</td>
<td>2009 Second Regular Session of the 124th Legislature</td>
</tr>
<tr>
<td>Maryland</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Chapter 19 of the 2010 2nd Annual Session of the General Court</td>
</tr>
<tr>
<td>Michigan</td>
<td>2010 Regular Session, 95th Legislature</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2010 Legislative Session</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2010 Regular and 1st and 2nd Extraordinary Sessions</td>
</tr>
<tr>
<td>Missouri</td>
<td>First Regular Session of the 95th General Assembly (2009)</td>
</tr>
<tr>
<td>Montana</td>
<td>All 2009 Legislation</td>
</tr>
<tr>
<td>Nebraska</td>
<td>101st Legislature Second Regular Session 2010</td>
</tr>
<tr>
<td>Nevada</td>
<td>76th (2010) Special Session</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Chapter 381 (End) of the 2010 Regular Session and Chapter 1 of the 2010 Special Session</td>
</tr>
<tr>
<td>New Jersey</td>
<td>214th Legislature, First Annual Session</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Second Session and Second Special Session of the 48th Legislature (2010)</td>
</tr>
<tr>
<td>New York</td>
<td>2009 Legislative Session</td>
</tr>
<tr>
<td>North Carolina</td>
<td>2010 Regular Session</td>
</tr>
<tr>
<td>North Dakota</td>
<td>2009 Regular Session</td>
</tr>
<tr>
<td>Ohio</td>
<td>2009 File 17 of the 128th General Assembly (2009-2010), approved and filed with the Secretary of State by Feb. 25, 2010</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Chapter 479 (End) of the Second Regular Session of the 52nd Oklahoma Legislature</td>
</tr>
<tr>
<td>Oregon</td>
<td>2009 Regular Session of the 75th Legislative Assembly</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>End of the 2009 Regular Session</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>December 2009</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>All 2010 Legislation</td>
</tr>
<tr>
<td>South Carolina</td>
<td>2010 Regular Session of the General Assembly</td>
</tr>
<tr>
<td>South Dakota</td>
<td>2010 Legislation passed at the 85th Regular Session including Supreme Court Rule 10-07</td>
</tr>
<tr>
<td>Tennessee</td>
<td>End of 2010 First Ex. Sess. and 2010 Regular Session</td>
</tr>
<tr>
<td>Texas</td>
<td>2009 Regular Session and First Called Session</td>
</tr>
<tr>
<td>Utah</td>
<td>2010 General Session</td>
</tr>
<tr>
<td>Vermont</td>
<td>2009 Regular Session and the 2009 Special Session</td>
</tr>
<tr>
<td>Virginia</td>
<td>End of the 2010 Regular Session</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>August 20, 2010, No. 7182 § 3, Sess. L. 2010</td>
</tr>
<tr>
<td>Washington</td>
<td>All legislation through the 2010 Regular and First Special Sessions</td>
</tr>
<tr>
<td>West Virginia</td>
<td>2010 Second Extraordinary Session</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>2009 Wisconsin Act 27</td>
</tr>
<tr>
<td>Wyoming</td>
<td>All 2010 Legislation</td>
</tr>
</tbody>
</table>
FOR QUESTIONS CONCERNING UNLAWFUL ACTIVITIES
CONTACT THE ATF CRIMINAL ENFORCEMENT FIELD DIVISIONS BELOW
(Alphabetical by City):

<table>
<thead>
<tr>
<th>Field Division</th>
<th>Address Details</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlanta Field Division</td>
<td>2600 Century Parkway N.E., Suite 300, Atlanta, GA 30345-3104</td>
<td>(404) 417-2600</td>
</tr>
<tr>
<td>Baltimore Field Division</td>
<td>G.H. Fallon Building, 31 Hopkins Plaza, 5th Floor, Baltimore, MD 21201</td>
<td>(443) 965-2000</td>
</tr>
<tr>
<td>Boston Field Division</td>
<td>10 Causeway Street, Room 791, Boston, MA 02222-1047</td>
<td>(617) 557-1200</td>
</tr>
<tr>
<td>Charlotte Field Division</td>
<td>6701 Carmel Road, Suite 200, Charlotte, NC 28226</td>
<td>(704) 716-2000</td>
</tr>
<tr>
<td>Chicago Field Division</td>
<td>525 West Van Buren Street Suite 600, Chicago, IL 60607</td>
<td>(312) 846-7200</td>
</tr>
<tr>
<td>Columbus Field Division</td>
<td>230 West Van Buren Street Suite 400, Columbus, OH 43215</td>
<td>(614) 827-8400</td>
</tr>
<tr>
<td>Dallas Field Division</td>
<td>1114 Commerce Street Room 303, Dallas, TX 75242</td>
<td>(469) 227-4300</td>
</tr>
<tr>
<td>Denver Field Division</td>
<td>950 17th Street, Suite 1800, Denver, CO 80202</td>
<td>(303) 575-7600</td>
</tr>
<tr>
<td>Detroit Field Division</td>
<td>1155 Brewery Park Blvd. Suite 300, Detroit, MI 48207-2602</td>
<td>(313) 202-3400</td>
</tr>
<tr>
<td>Houston Field Division</td>
<td>15355 Vantage Pkwy West Suite 200, Houston, TX 77032</td>
<td>(281) 372-2900</td>
</tr>
<tr>
<td>Kansas City Field Division</td>
<td>2600 Grand, Blvd. Suite 200, Kansas City, MO 64108</td>
<td>(816) 559-0700</td>
</tr>
<tr>
<td>Los Angeles Field Division</td>
<td>550 N. Brand Blvd. Suite 800, Glendale, CA 91203</td>
<td>(818) 265-2500</td>
</tr>
<tr>
<td>Louisville Field Division</td>
<td>600 Dr. Martin Luther King Jr. Place Suite 500, Louisville, KY 40202</td>
<td>(502) 753-3400</td>
</tr>
<tr>
<td>Miami Field Division</td>
<td>11410 NW 20th Street Suite 200, Miami, FL 33172</td>
<td>(305) 597-4800</td>
</tr>
<tr>
<td>Nashville Field Division</td>
<td>5300 Maryland Way Suite 200, Brentwood, TN 37027</td>
<td>(615) 565-1400</td>
</tr>
<tr>
<td>Newark Field Division</td>
<td>1 Garret Mountain Plaza Suite 500, Woodland Park, NJ 07424</td>
<td>(973) 413-1179</td>
</tr>
<tr>
<td>New Orleans Field Division</td>
<td>One Galleria Blvd., Suite 1700 Metairie, LA 70001</td>
<td>(504) 841-7000</td>
</tr>
<tr>
<td>New York Field Division</td>
<td>32 Old Slip, 35th Floor Manhattan, NY 10005</td>
<td>(646) 335-9000</td>
</tr>
</tbody>
</table>

TO RECEIVE ATF FORMS AND PUBLICATIONS
ATF Distribution Center
1519 Cabin Branch Drive
Landover, Maryland 20785
(301) 583-4696

TO OBTAIN ASSISTANCE REGARDING YOUR LICENSE
ATF Federal Firearms Licensing Center (FFLC)
244 Needy Road
Martinsburg, WV 25405
(866) 662-2750

TO SHIP OUT-OF-BUSINESS RECORDS
ATF National Tracing Center
244 Needy Road
Martinsburg, WV 25405
(800) 788-7133
FOR QUESTIONS CONCERNING FEDERAL FIREARMS LAWS, REGULATIONS, PROCEDURES OR POLICIES
CONTACT AN ATF INDUSTRY OPERATIONS FIELD OFFICE BELOW

ALBUQUERQUE II FO (IO)
201 THIRD STREET SUITE 1550
ALBUQUERQUE, NM 87102
(505) 346-6910

ATLANTA V FIELD OFFICE (IO)
2600 CENTURY PARKWAY, ROOM 300
ATLANTA, GA 30345
(404) 417-2670

BALTIMORE V FIELD OFFICE (IO)
FALCON FEDERAL BUILDING
31 HOPKINS PLAZA, 5TH FLOOR
BALTIMORE, MD 21201
(443) 965-2120

BIRMINGHAM II FIELD OFFICE (IO)
920 18TH STREET NORTH ROOM 237,
BIRMINGHAM, AL 35203
(205) 583-5950

BOSTON V FIELD OFFICE (IO)
10 CAUSEWAY STREET, ROOM 701,
BOSTON, MA 02222
(617) 557-1250

BUFFALO II FIELD OFFICE (IO)
598 MAIN STREET, SUITE 201
BUFFALO, NY 14202
(716) 853-5160

CHARLESTON FIELD OFFICE (IO)
300 SUMMERS STREET, SUITE 1400
CHARLESTON, WV 25301
(304) 340-7820

CHARLOTTE III FIELD OFFICE (IO)
6701 CARMEL ROAD, SUITE 200
CHARLOTTE, NC 28226
(704) 716-1830

CINCINNATI II FIELD OFFICE (IO)
550 MAIN STREET
CINCINNATI, OH 45202
(513) 684-3351

CLEVELAND III FIELD OFFICE (IO)
5005 ROCKSIDE ROAD SUITE 700
INDEPENECNE, OH 44131
(216) 573-8140

COLUMBIA II FIELD OFFICE (IO)
1835 ASSEMBLY STREET, RM. 309
COLUMBIA, SC 29201
(803) 251-4640

DALLAS V FIELD OFFICE (IO)
114 COMMERCE STREET ROOM 303
DALLAS, TX 75242
(469) 227-4415

DENVER III FIELD OFFICE (IO)
950 H STREET, SUITE 1800
DENVER, CO 80202
(303) 575-7640

DETROIT V FIELD OFFICE (IO)
1155 BREWERY PARK BLVD
SUITE 300
DETROIT, MI 48207
(313) 202-3550

DOWNERS GROVE III FIELD OFFICE (IO)
3250 LACEY ROAD
SUITE 400
DOWNERS GROVE, IL 60515
(630) 725-5290

DUBLIN III FIELD OFFICE (IO)
5601 ARNOLD ROAD, SUITE 400
DUBLIN, CA 94568
(925) 479-7530

EL PASO II FIELD OFFICE (IO)
310 N. MESA, ROOM 800
EL PASO, TEXAS 79901
(915) 534-6449

FAIRVIEW HEIGHTS FIELD OFFICE (IO)
333 SALEM PLACE, SUITE 225
FAIRVIEW HEIGHTS, IL 62208
(618) 632-0704

FALLS CHURCH III FIELD OFFICE (IO)
7799 LEESBURG PIKE
SUITE 1050, N. TOWER
FALLS CHURCH, VA 22043-2413
(703) 287-1110

Ft. PIERCE II FIELD OFFICE (IO)
1660 SW. LUCIE WEST BLVD.
SUITE 400
PORT ST. LUCIE, FL 34986
(772) 924-2780

FORT WORTH II FIELD OFFICE (IO)
6000 WESTERN PLACE, SUITE 400
FT WORTH, TX 76107
(817) 862-2850

GLENDALE III FIELD OFFICE (IO)
550 N. BRAND BLVD., SUITE 800
GLENDALE, CA 91203
(818) 265-2540

GRAND RAPIDS II FIELD OFFICE (IO)
38 WEST FULTON, SUITE 200
GRAND RAPIDS, MI 49503
(616) 301-6100

GREENSBORO II FIELD OFFICE (IO)
1801 STANLEY ROAD
ROOM 300
GREENSBORO, NC 27407-2643
(336) 235-4640

HARRISBURG II FIELD OFFICE (IO)
MARKET SQUARE PLAZA
17 NORTH 2ND STREET, SUITE 1400
HARRISBURG, PA 17101
(717) 231-3400

HARTFORD FIELD OFFICE (IO)
450 MAIN STREET, ROOM 610
HARTFORD, CT 06103
(860) 240-3400

HELENA II FIELD OFFICE (IO)
10 WEST 15TH STREET
SUITE 2400
HELENA, MT 59626
(406) 441-1100

HOUSTON FIELD OFFICE VII (IO)
5825 N. SAM HOUSTON PARKWAY
SUITE 300
HOUSTON, TX 77086
(281) 716-8360

INDIANAPOLIS II FIELD OFFICE (IO)
151 N. DELAWARE STREET, SUITE 1000
INDIANAPOLIS, IN 46204
(317) 287-3500

JACKSON II FIELD OFFICE (IO)
100 WEST CAPITOL STREET,
SUITE 1402
JACKSON, MS 39269
(601) 863-0901

JACKSONVILLE III FIELD OFFICE (IO)
920 18TH STREET NORTH
SUITE 237,
JACKSONVILLE, FL 32256
(904) 380-5500

KANSAS CITY III & VI FIELD OFFICE (IO)
2600 GRAND BOULEVARD, SUITE 200
KANSAS CITY, MO 64108
(816) 559-0730

KANSAS CITY III FIELD OFFICE (IO)
5210 BELFORT ROAD
SUITE 350
JACKSONVILLE, FL 32256
(904) 380-5500

LANSDALE FIELD OFFICE (IO)
100 WEST MAIN STREET
SUITE 300B
LANSDALE, PA 19446
(215) 362-1840
<table>
<thead>
<tr>
<th>Field Office (IO)</th>
<th>Address 1</th>
<th>Address 2</th>
<th>Address 3</th>
<th>Address 4</th>
<th>Phone 1</th>
<th>Phone 2</th>
<th>Phone 3</th>
<th>Phone 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAS VEGAS III FIELD OFFICE (IO)</td>
<td>8965 S. EASTERN AVENUE</td>
<td>SUITE 200</td>
<td>LAS VEGAS, NV 89123</td>
<td>(702) 347-5930</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEXINGTON FIELD OFFICE (IO)</td>
<td>1040 MONARCH STREET</td>
<td>SUITE 250</td>
<td>LEXINGTON, KY 40513</td>
<td>(859) 219-4508</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LITTLE ROCK II FIELD OFFICE (IO)</td>
<td>425 WEST CAPITOL</td>
<td>SUITE 200</td>
<td>LITTLE ROCK, AR 72201</td>
<td>(501) 324-6457</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOUISVILLE II FIELD OFFICE (IO)</td>
<td>600 DR. MARTIN L KING JR PL.</td>
<td>SUITE 354</td>
<td>LOUISVILLE, KY 40202</td>
<td>(502) 753-3500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LUBBOCK II FIELD OFFICE (IO)</td>
<td>SENTRY PLAZA III</td>
<td>5214 68TH STREET, SUITE 300</td>
<td>LUBBOCK, TX 79424</td>
<td>(806) 783-2750</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MACON II FIELD OFFICE (IO)</td>
<td>1645 FOREST HILL ROAD</td>
<td>SUITE 200</td>
<td>MACON, GA 31210</td>
<td>(478) 405-2520</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MC ALLEN II FIELD OFFICE (IO)</td>
<td>1100 EAST LAUREL AVENUE</td>
<td>SUITE 301</td>
<td>MCALLEN, TX 78504</td>
<td>(956) 661-7950</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MERRILLVILLE II FIELD OFFICE (IO)</td>
<td>8420 INDIANA STREET 2ND FLOOR</td>
<td>MERRILLVILLE, IN 46410</td>
<td>(219) 755-6310</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIAMI VI FIELD OFFICE (IO)</td>
<td>11410 NW.</td>
<td>20TH STREET, SUITE 201</td>
<td>MIAMI, FL 33172</td>
<td>(305) 597-4980</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MILWAUKEE II FIELD OFFICE (IO)</td>
<td>1000 NORTH WATER STREET</td>
<td>SUITE 1400</td>
<td>MILWAUKEE, WI 53202</td>
<td>(414) 727-6200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOBILE II FIELD OFFICE (IO)</td>
<td>110 BEAUREGARD STREET</td>
<td>SUITE 300</td>
<td>MOBILE, AL 36602</td>
<td>(251) 405-5000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NASHVILLE II &amp; IV FIELD OFFICE (IO)</td>
<td>5300 MARYLAND WAY, SUITE 200</td>
<td>BRENTWOOD, TN 37027</td>
<td>(615) 565-1420</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW ORLEANS III FIELD OFFICE (IO)</td>
<td>ONE GALLERIA BLVD., SUITE 1700</td>
<td>METAIRIE, LA 70001</td>
<td>(504) 841-7120</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW YORK VI FIELD OFFICE (IO)</td>
<td>1250 WATERS PLACE, SUITE 801</td>
<td>BRONX, NY 1046</td>
<td>(646) 335-9150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW JERSEY III FIELD OFFICE (IO)</td>
<td>3 GARRET MOUNTAIN PLAZA</td>
<td>SUITE 202</td>
<td>WOODLAND PARK, NJ 07424</td>
<td>(973) 247-3030</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OKLAHOMA CITY I FIELD OFFICE (IO)</td>
<td>55 NORTH ROBINSON, ROOM 229</td>
<td>OKLAHOMA CITY, OK 73102</td>
<td>(405) 297-5073</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OMAHA FIELD II OFFICE (IO)</td>
<td>17310 WRIGHT STREET, SUITE 204</td>
<td>OMAHA, NE 68130</td>
<td>(402) 952-2635</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ORLANDO II FIELD OFFICE (IO)</td>
<td>3452 LAKE LYNDA DRIVE, SUITE 450</td>
<td>ORLANDO, FL 32817</td>
<td>(407) 384-2420</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHOENIX III FIELD OFFICE (IO)</td>
<td>201 EAST WASHINGTON STREET</td>
<td>SUITE 940</td>
<td>PHOENIX, AZ 85004</td>
<td>(602) 776-5400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PITTSBURGH II FIELD OFFICE (IO)</td>
<td>1000 LIBERTY AVENUE</td>
<td>SUITE 1414</td>
<td>PITTSBURGH, PA 15222</td>
<td>(412) 395-0600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PORTLAND III FIELD OFFICE (IO)</td>
<td>1201 N.E. LLOYD BLVD.</td>
<td>ROOM 720</td>
<td>PORTLAND, OR 97232</td>
<td>(503) 331-7830</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROANOKE II FIELD OFFICE (IO)</td>
<td>310 FIRST STREET, SW</td>
<td>SUITE 500</td>
<td>ROANOKE, VA 24011</td>
<td>(540) 983-6920</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SACRAMENTO II FIELD OFFICE (IO)</td>
<td>1325 J STREET, SUITE 1530</td>
<td>SACRAMENTO, CA 95814</td>
<td>(916) 498-5095</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALT LAKE CITY II FIELD OFFICE (IO)</td>
<td>257 EAST 200 SOUTH, SUITE 475</td>
<td>SALT LAKE CITY, UT 84111</td>
<td>(801) 524-7000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAN ANTONIO II FIELD OFFICE (IO)</td>
<td>8610 BROADWAY, SUITE 410</td>
<td>SAN ANTONIO, TX 78217</td>
<td>(210) 805-2777</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAN DIEGO III FIELD OFFICE (IO)</td>
<td>9449 BALBOA AVENUE, SUITE 200</td>
<td>SAN DIEGO, CA 92123</td>
<td>(858) 966-1030</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SANTA ANA II FIELD OFFICE (IO)</td>
<td>34 CIVIC CENTER PLAZA</td>
<td>SUITE 6121</td>
<td>SANTA ANA, CA 92701</td>
<td>(714) 347-9150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEATTLE II FIELD OFFICE (IO)</td>
<td>915 SECOND AVENUE</td>
<td>7TH FLOOR, ROOM 790</td>
<td>SEATTLE, WA 98174</td>
<td>(206) 389-6800</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPOKANE II FIELD OFFICE (IO)</td>
<td>1313 NORTH ATLANTIC STREET</td>
<td>SUITE 4100</td>
<td>SPOKANE, WA 99201</td>
<td>(509) 324-7881</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPRINGFIELD II FIELD OFFICE (IO)</td>
<td>3161 W. WHITE OAKS DRIVE</td>
<td>SUITE 200</td>
<td>SPRINGFIELD, IL 62704</td>
<td>(217) 547-3675</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST. LOUIS III FIELD OFFICE (IO)</td>
<td>ROBERT A. YOUNG FEDERAL BLDG.</td>
<td>1222 SPRUCE STREET, ROOM 6.205</td>
<td>ST. LOUIS, MO 63103</td>
<td>(314) 269-2250</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST. PAUL II FIELD OFFICE (IO)</td>
<td>30 EAST 7TH STREET, SUITE 1700</td>
<td>ST. PAUL, MN 55101</td>
<td>(651) 726-0220</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SYRACUSE II FIELD OFFICE (IO)</td>
<td>100 SOUTH CLINTON STREET</td>
<td>ROOM 517</td>
<td>SYRACUSE, NY 13260</td>
<td>(315) 448-0898</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TAMPA II FIELD OFFICE (IO)</td>
<td>925 U.S. HIGHWAY 301 SOUTH</td>
<td>TAMPA, FL 33619</td>
<td>(813) 612-2470</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ATTORNEYS GENERAL

Alabama
Office of the Attorney General
State House
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

Alaska
Office of the Attorney General
P.O. Box 110300
Diamond Courthouse, 4th Floor
Juneau, AK 99811-0300
(907) 465-2133

American Samoa
Office of the Attorney General
American Samoa
Government Executive Office Bldg.
Pago Pago, AS 96799
011 (684) 633-4163

Arizona
Office of the Attorney General
1275 West Washington Street
Phoenix, AZ 85007
(602) 542-4266

Arkansas
Office of the Attorney General
200 Tower Building
323 Center Street
Little Rock, AR 72201-2610
(800) 482-8982

California
Office of the Attorney General
1300 I Street, Suite 1740
Sacramento, CA 95814
(916) 445-9555

Colorado
Office of the Attorney General
Department of Law
1525 Sherman Street, 5th Floor
Denver, CO 80203
(303) 866-4500

Connecticut
Office of the Attorney General
55 Elm Street
Hartford, CT 06141-0120
(860) 808-5318

Delaware
Office of the Attorney General
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
(302) 577-8338

District of Columbia
Office of the Corporation Counsel
1350 Pennsylvania Ave., NW
Suite 409
Washington, DC 20004
(202) 727-3400

Florida
Office of the Attorney General
The Capitol, PL 01
Tallahassee, FL 32399-1050
(850) 414-3300

Georgia
Office of the Attorney General
40 Capitol Square
Atlanta, GA 30334-1300
(404) 656-3300

Guam
Office of the Attorney General
Judicial Center Building
Suite 2-200E
120 West O’Brien Drive
Hagatna, Guam 96910
(671) 475-3409

Hawaii
Office of the Attorney General
425 Queen Street
Honolulu, HI 96813
(808) 586-1500

Idaho
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-1000
(208) 334-2400

Illinois
Office of the Attorney General
James R. Thompson Center South
100 West Randolph Street
12th Floor
Chicago, IL 60601
(312) 814-3000

Indiana
Office of the Attorney General
Indiana Government Center
302 West Washington Street
5th Floor
Indianapolis, IN 46204
(317) 232-6201

Iowa
Office of the Attorney General
Hoover State Office Building
1305 East Walnut
Des Moines, IA 50319
(515) 281-5164

Kansas
Office of the Attorney General
120 S.W. 10th Avenue, 2nd Floor
Topeka, KS 66612-1597
(785) 296-2215

Kentucky
Office of the Attorney General
State Capitol, Room 118
700 Capitol Avenue
Frankfort, KY 40601
(502) 696-5300

Louisiana
Office of the Attorney General
Department of Justice
P.O. Box 94005
Baton Rouge, LA 70804
(225) 326-6000

Maine
Office of the Attorney General
Six State House Station
Augusta, ME 04333-0006
(207) 626-8800

Maryland
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202-2202
(410) 576-6300

Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, MA 02108-1698
(617) 727-2200

Michigan
Office of the Attorney General
P.O. Box 30212
525 West Ottawa Street
Lansing, MI 48909-0212
(517) 373-1110

Minnesota
Office of the Attorney General
State Capitol
Suite 102
St. Paul, MN 55155
(651) 296-3353

Mississippi
Office of the Attorney General
Department of Justice
Post Office Box 220
Jackson, MS 39205-0220
(601) 359-3680
Missouri
Office of the Attorney General
Supreme Court Building
207 West High Street
Jefferson City, MO 65101
(573) 751-3321

Montana
Office of the Attorney General
Justice Building
215 North Sanders
Helena, MT 59620-1401
(406) 444-2026

Nebraska
Office of the Attorney General
State Capitol
Post Office Box 98920
Lincoln, NE 68509-8920
(402) 471-2682

Nevada
Office of the Attorney General
Old Supreme Court Building
100 North Carson Street
Carson City, NV 89701
(775) 684-1100

New Hampshire
Office of the Attorney General
State House Annex
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3658

New Jersey
Office of the Attorney General
Richard J. Hughes Justice Complex
25 Market St., CN 080
Trenton, NJ 08625
(609) 292-8740

New Mexico
Office of the Attorney General
Post Office Drawer 1508
Santa Fe, NM 87504-1508
(505) 827-6000

New York
Office of the Attorney General
Department of Law -The Capitol
2nd Floor
Albany, NY 12224
(518) 474-7300

North Carolina
Office of the Attorney General
Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 761-6400

North Dakota
Office of the Attorney General
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0040
(701) 328-2210

No. Mariana Islands
Office of the Attorney General
Administration Building
P.O. Box 10007
Saipan, MP 96950-8907
(670) 664-2341

Ohio
Office of the Attorney General
State Office Tower
30 East Broad Street, 17th Floor
Columbus, OH 43266-0410
(614) 466-4320

Oklahoma
Office of the Attorney General
State Capitol, Room 112
2300 North Lincoln Boulevard
Oklahoma City, OK 73105
(405) 521-3921

Oregon
Office of the Attorney General
Justice Building
1162 Court Street NE
Salem, OR 97301-4096
(503) 378-4400

Pennsylvania
Office of the Attorney General
1600 Strawberry Square
Harrisburg, PA 17120
(717) 787-3391

Puerto Rico
Office of the Attorney General
P.O. Box 9020192
San Juan, PR 00902-0192
(787) 721-2900

Rhode Island
Office of the Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400

South Carolina
Office of the Attorney General
Rembert C. Dennis Office Bldg.
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-3970

South Dakota
Office of the Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
(605) 773-3215

Tennessee
Office of the Attorney General
500 Charlotte Avenue
Nashville, TN 37243
(615) 741-3491

Texas
Office of the Attorney General
Capitol Station
P.O. Box 12548
Austin, TX 78711-2548
(512) 463-2100

Utah
Office of the Attorney General
State Capitol, Rm. 236
Salt Lake City, UT 84114-0810
(801) 538-9600

Vermont
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 388-3173

Virgin Islands
Office of the Attorney General
Department of Justice
G.E.R.S. Complex 488 50C Kronprinsdensch Gade
St. Thomas, VI 00802
(340) 774-5666

Virginia
Office of the Attorney General
900 East Main Street
Richmond, VA 23219
(804) 786-2071

Washington
Office of the Attorney General
P.O. Box 40100
1125 Washington Street, SE
P.O. Box 40100
Olympia, WA 98504-0100
(360) 753-6200

West Virginia
Office of the Attorney General
State Capitol, Room E26
1900 Kanawha Boulevard East
Charleston, WV 25305
(304) 558-2021

Wisconsin
Office of the Attorney General
114 East State Capitol
P.O. Box 7857
Madison, WI 53707-7857
(608) 266-1221

Wyoming
Office of the Attorney General
123 State Capitol Building
Cheyenne, WY 82002
(307) 777-7841
**"READY REFERENCE" TABLE**

(Providing citations to specific portions of each jurisdiction’s laws; please see the endnotes and fully review the sections cited.)

<table>
<thead>
<tr>
<th>JURISDICTION NAME</th>
<th>PURCHASER WAITING PERIOD</th>
<th>LICENSE: DEALER, MANUFACTURER, ETC.</th>
<th>LOCAL GOVERNMENT LIMITS (PREEMPTION)</th>
<th>LIMITS TO INTERSTATE PURCHASE AND SALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>13A-11-78 [pistols]; 40-12-143 [handguns] &amp; 40-12-158 [long guns]</td>
<td>11-45-1.1; 11-80-11</td>
<td>[pistols]; 40-12-143 [handguns] &amp; 40-12-158 [long guns]</td>
<td>11-45-1.1; 11-80-11</td>
</tr>
<tr>
<td>ALASKA</td>
<td>18.65.778 [concealed handguns]; 29.35.145</td>
<td>46.222 [import]; 46.2223 [sale]</td>
<td>[import]; 29.35.145</td>
<td>46.222 [import]; 46.2223 [sale]</td>
</tr>
<tr>
<td>AMERICAN SAMOA</td>
<td>46.4222 [import]; 46.4223 [sale]</td>
<td>13-3108, but see 15-341</td>
<td>[import]; 29.35.145</td>
<td>13-3106 &amp; 13-3112(U)(V)(W)</td>
</tr>
<tr>
<td>ARIZONA</td>
<td>14-16-504; 14-54-1411</td>
<td>5-7-125</td>
<td>[import]; 29.35.145</td>
<td>5-7-125</td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>Pen Code 12072(c)</td>
<td>Gov't Code 53071 &amp; 53071.5</td>
<td>[import]; 29.35.145</td>
<td>5-7-125</td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>Pen Code 12070 et seq.; 12086 [firearm manufacture]; 12095 [short-barreled shotguns]; 12250 [machine guns]; 12287 [assault weapons &amp; .50 BMG rifles]; 12305 [destructive devices]</td>
<td>Gov't Code 53071 &amp; 53071.5</td>
<td>Pen Code 12071(b)(8)(C); 12071(b)(3)(A); 12076</td>
<td></td>
</tr>
<tr>
<td>COLORADO</td>
<td>Title 24, §§ 901 to 905</td>
<td>18-12-105.6 [firearms in vehicles]; 29-11-7-101 et seq.</td>
<td>Pen Code 12071(b)(8)(C); 12071(b)(3)(A); 12076</td>
<td></td>
</tr>
<tr>
<td>CONNECTICUT</td>
<td>29-37a [2 weeks: long guns]</td>
<td>Title 9, §330(c); Title 22, §111</td>
<td>7-2505.02(b)(1)</td>
<td>7-2505.02(b)(1)</td>
</tr>
<tr>
<td>DISTRICT OF COLUMBIA</td>
<td>22-4508 [48 hrs: pistols]</td>
<td>7-2504.01 et seq.; 22-4509 &amp; 4510</td>
<td>7-2504.01 et seq.; 22-4509 &amp; 4510</td>
<td>7-2504.01 et seq.; 22-4509 &amp; 4510</td>
</tr>
<tr>
<td>FLORIDA</td>
<td>790.0655 [3 days: handguns]</td>
<td>790.33; 790.335 [registration]</td>
<td>790.28</td>
<td>790.28</td>
</tr>
<tr>
<td>GEORGIA</td>
<td>43-16-1 et seq. [handguns &amp; arms &lt;15&quot;]</td>
<td>16-11-173</td>
<td>10-1-100 &amp; 101</td>
<td>10-1-100 &amp; 101</td>
</tr>
<tr>
<td>GUAM</td>
<td>60104 &amp; 60115 [register]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HAWAII</td>
<td>134-2 [14 to 20 days to obtain a license to purchase any handgun]</td>
<td>134-31 et seq.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IDAHO</td>
<td>18-3314 &amp; 3315</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ILLINOIS</td>
<td>Ch. 720, 5/24-3(A)(g) [72 hrs: concealable; 24 hrs: long guns, stun guns and tasers]</td>
<td>Ch. 430, 65/13,1 [not preempted] Ch. 720, 5/24-10 [affirmative defense]</td>
<td>Ch. 430, 65/13,1 [not preempted] Ch. 720, 5/24-10 [affirmative defense]</td>
<td>Ch. 430, 65/13,1 [not preempted] Ch. 720, 5/24-10 [affirmative defense]</td>
</tr>
<tr>
<td>IOWA</td>
<td>724.28</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KANSAS</td>
<td>48-1901 to 1904</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KENTUCKY</td>
<td>65.870; 237.110(19)</td>
<td>237.020</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOUISIANA</td>
<td>40:1787 [register]</td>
<td>40:1796</td>
<td>40:1801 to 1804</td>
<td>40:1801 to 1804</td>
</tr>
<tr>
<td>MAINE</td>
<td>Tit. 25, §2011</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MASSACHUSETTS</td>
<td>Ch. 140, §122 et seq.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MICHIGAN</td>
<td>123.1101 to 123.1104</td>
<td></td>
<td>3.111 &amp; 3.112</td>
<td>3.111 &amp; 3.112</td>
</tr>
<tr>
<td>MINNESOTA</td>
<td>624.7132, subd. 4 [5 business days: pistols, assault weapons]</td>
<td>471.613 &amp; 6134, 609.67 subd. 6; 624.7131 subd. 12; 624.7132 subd. 16; 624.717; 624.74 subd. 4</td>
<td>624.71 &amp; 624.7132 subd. 16; 624.717; 624.74 subd. 4</td>
<td>624.71 &amp; 624.7132 subd. 16; 624.717; 624.74 subd. 4</td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>45-9-51 &amp; 53</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MISSOURI</td>
<td>Section Repealed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MONTANA</td>
<td>45-8-351</td>
<td></td>
<td>407.500 &amp; 407.505</td>
<td>407.500 &amp; 407.505</td>
</tr>
<tr>
<td>NEBRASKA</td>
<td>69-2405 [3 days; handgun]</td>
<td>69-2425 [no preemption]</td>
<td>28-1211</td>
<td>28-1211</td>
</tr>
<tr>
<td>NEVADA</td>
<td>202.440 [local license]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW HAMPSHIRE</td>
<td>159.8 &amp; 159.10 [handguns]</td>
<td>159.26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW MEXICO</td>
<td>30-7-9</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
"READY REFERENCE" TABLE

<table>
<thead>
<tr>
<th>JURISDICTION NAME</th>
<th>PURCHASER WAITING PERIOD</th>
<th>LICENSE: DEALER, MANUFACTURER, ETC.</th>
<th>LOCAL GOVERNMENT LIMITS (PREEMPTION)</th>
<th>LIMITS TO INTERSTATE PURCHASE AND SALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW YORK</td>
<td>400.00 (4.a) [up to 6 months for permit]</td>
<td>Penal Law 400.00</td>
<td>Penal Law 400.00.6 [licenses]</td>
<td>Penal Law 265.40</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>14-404 [up to 30 days for handgun permit]</td>
<td>14-409.40; 14-415.23 [concealed handguns]</td>
<td>14-409.10</td>
<td></td>
</tr>
<tr>
<td>NORTH DAKOTA</td>
<td>62.1-01-03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NORTHERN MARIANA IS.</td>
<td>2209; 2210; 2217</td>
<td>2227 [no preemption]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OHIO</td>
<td>Note after 2923.12; 2004 Ohio Laws File 53 (HB 12) §9 [concealed handguns]</td>
<td>2923.22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>Title 21, §1289.24</td>
<td>Title 21, §1288</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OREGON</td>
<td>166.170 to 176</td>
<td>166.490</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PENNSYLVANIA</td>
<td>6111(a) [48 hrs]</td>
<td>6112 &amp; 6113</td>
<td>6120</td>
<td>6141.1</td>
</tr>
<tr>
<td>PUERTO RICO</td>
<td>Tit. 25, §§ 456, 456g, 458</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOUTH DAKOTA</td>
<td>23-7-9 [48 hrs: pistols (concealed permit holders exempt)]</td>
<td>7-18A-36; 8-5-13; 9-19-20</td>
<td>23-7-40</td>
<td></td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>39-17-1316</td>
<td></td>
<td>39-17-1314</td>
<td></td>
</tr>
<tr>
<td>TEXAS</td>
<td>Local Gov’t Code 229.001 &amp; 235.021 to 024</td>
<td>Penal Code 46.07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UTAH</td>
<td>76-10-500</td>
<td>76-10-524</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VERMONT</td>
<td>Title 24, §2295</td>
<td>Title 13, §§ 4014 &amp; 4015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIRGINIA</td>
<td>15.2-915 to 915.4; 15.2-1206 to 1209.1</td>
<td>470 [importation]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIRGIN ISLANDS</td>
<td>466 [48 hrs]</td>
<td>461-462 &amp; 467-468</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WEST VIRGINIA</td>
<td>8-12-5a</td>
<td></td>
<td></td>
<td>9.41.122 &amp; 9.41.124</td>
</tr>
<tr>
<td>WISCONSIN</td>
<td>175.35 [48 hrs: handguns]</td>
<td>66.0409</td>
<td>175.30</td>
<td></td>
</tr>
<tr>
<td>WYOMING</td>
<td>6-8-401</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ENDNOTES

(N.B.: The text of the above-cited provisions should be thoroughly examined in context to ascertain their TRUE effect.)

1. Blank spaces indicate no relevant statutes were located.
2. Jurisdictions include the 50 States, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands.
3. "PURCHASER WAITING PERIOD" – generally refers to the period between purchaser application for firearms and allowable receipt or delivery. Exceptions exist among the jurisdictions.
4. "LICENSE: DEALER, MANUFACTURER, ETC." – generally means the person must have BOTH a Federal and State license.
5. "LOCAL GOVERNMENT LIMITS (PREEMPTION)" – means that the jurisdiction overrides its subordinate jurisdictions in whole or in part.
6. "LIMITS TO INTERSTATE PURCHASE AND SALE" (also known as "Contiguous State Provisions") – those legislative limits to interstate purchase and sale enacted by jurisdictions based on the GCA are cited, if available.

NOTICE: For an official interpretation of a jurisdiction’s law, consult the appropriate government officials of that jurisdiction.
BRADY LAW

STATES IN WHICH THE FBI CONDUCTS NICS CHECKS FOR ALL FIREARMS TRANSACTIONS

<table>
<thead>
<tr>
<th>Alabama</th>
<th>Kentucky</th>
<th>Ohio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Louisiana</td>
<td>Oklahoma</td>
</tr>
<tr>
<td>American Samoa</td>
<td>Maine</td>
<td>Puerto Rico</td>
</tr>
<tr>
<td>Arizona</td>
<td>Massachusetts</td>
<td>Rhode Island</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Minnesota</td>
<td>South Carolina</td>
</tr>
<tr>
<td>Delaware</td>
<td>Mississippi</td>
<td>South Dakota</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Missouri</td>
<td>Texas</td>
</tr>
<tr>
<td>Georgia</td>
<td>Montana</td>
<td>Vermont</td>
</tr>
<tr>
<td>Guam</td>
<td>New Mexico</td>
<td>U.S. Virgin Islands</td>
</tr>
<tr>
<td>Idaho</td>
<td>New York</td>
<td>West Virginia</td>
</tr>
<tr>
<td>Indiana</td>
<td>North Dakota</td>
<td>Wyoming</td>
</tr>
<tr>
<td>Kansas</td>
<td>Northern Mariana Islands</td>
<td></td>
</tr>
</tbody>
</table>

STATES THAT ACT AS THE POINT OF CONTACT (POC) FOR ALL FIREARMS TRANSACTIONS

| California | Nevada | Utah |
| Colorado  | New Jersey | Virginia |
| Connecticut | Oregon | |
| Hawaii | Pennsylvania | |
| Illinois | Tennessee | |

STATES THAT ACT AS A PARTIAL POINT OF CONTACT (POC) FOR NICS CHECKS

| Florida | Permit POC for all firearms transactions. FBI for certain pawn transactions. |
| Iowa | Permit POC for handguns. FBI for long guns |
| Maryland | Maryland State Police for handguns and assault weapons. FBI for long guns and pawn redemptions. |
| Michigan | Permit POC for handguns. FBI for long guns. |
| Nebraska | Permit POC for handguns. FBI for long guns. |
| New Hampshire | New Hampshire Department of Safety for handguns. FBI for long guns. |
| North Carolina | Permit POC for handguns. FBI for long guns. |
| Washington | Chief law enforcement officer for handguns. FBI for long guns and pawn redemptions. |
| Wisconsin | Wisconsin Department of Justice for handguns. FBI for long guns. |

The most up-to-date information regarding Point of Contact States can be found on the ATF website at: http://atf.gov/firearms/brady-law/state-lists.html
PERMANENT BRADY PERMIT CHART

Note: Notwithstanding the dates set forth below, permits qualify as alternatives to the background check requirements of the Brady law for no more than 5 years from the date of issuance. The permit must be valid under State law in order to qualify as a Brady alternative.

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>QUALIFYING PERMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>None</td>
</tr>
<tr>
<td>Alaska</td>
<td>Concealed weapons permits marked NICS-Exempt qualify. (Set to expire October 2010.)</td>
</tr>
<tr>
<td>American Samoa</td>
<td>None</td>
</tr>
<tr>
<td>Arizona</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Concealed handgun licenses issued on or after April 1, 1999 qualify.*</td>
</tr>
<tr>
<td>California</td>
<td>Entertainment firearms permits only.</td>
</tr>
<tr>
<td>Colorado</td>
<td>None</td>
</tr>
<tr>
<td>Connecticut</td>
<td>None</td>
</tr>
<tr>
<td>Delaware</td>
<td>None*</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>None*</td>
</tr>
<tr>
<td>Florida</td>
<td>None*</td>
</tr>
<tr>
<td>Georgia</td>
<td>Georgia firearms licenses qualify.</td>
</tr>
<tr>
<td>Guam</td>
<td>None*</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Permits to acquire and licenses to carry qualify.</td>
</tr>
<tr>
<td>Idaho</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>Illinois</td>
<td>None</td>
</tr>
<tr>
<td>Indiana</td>
<td>None</td>
</tr>
<tr>
<td>Iowa</td>
<td>Permits to acquire and permits to carry concealed weapons qualify.</td>
</tr>
<tr>
<td>Kansas</td>
<td>Kansas licenses to carry a concealed handgun after 7/1/2010 qualify</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Concealed weapons permits issued on or after July 12, 2006 qualify.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>None*</td>
</tr>
<tr>
<td>Maine</td>
<td>None*</td>
</tr>
<tr>
<td>Maryland</td>
<td>None*</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>None*</td>
</tr>
<tr>
<td>Michigan</td>
<td>Licenses to Purchase a Pistol qualify. Concealed Pistol Licenses (CPLs) issued on or after November 22, 2005, qualify as an alternative to a National Instant Criminal Background Check System (NICS) check. CPLs issued prior to November 22, 2005 and Temporary Concealed Pistol Licenses do not qualify as NICS alternative.</td>
</tr>
<tr>
<td>Minnesota</td>
<td>None*</td>
</tr>
<tr>
<td>Missouri</td>
<td>None*</td>
</tr>
<tr>
<td>State</td>
<td>Qualifying Permits</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Montana</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Concealed handgun permit qualifies as an alternative. Handgun purchase certificates qualify.</td>
</tr>
<tr>
<td>Nevada</td>
<td>None</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>None</td>
</tr>
<tr>
<td>New Jersey</td>
<td>None</td>
</tr>
<tr>
<td>New Mexico</td>
<td>None</td>
</tr>
<tr>
<td>New York</td>
<td>None</td>
</tr>
<tr>
<td>Nevada</td>
<td>None</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Permits to purchase a handgun and concealed handgun permits qualify.</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Concealed weapons permits issued on or after December 1, 1999 qualify.*</td>
</tr>
<tr>
<td>No. Mariana Islands</td>
<td>None</td>
</tr>
<tr>
<td>Ohio</td>
<td>None</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>None*</td>
</tr>
<tr>
<td>Oregon</td>
<td>None*</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>None</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>None</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>None</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>South Dakota</td>
<td>None*</td>
</tr>
<tr>
<td>Tennessee</td>
<td>None*</td>
</tr>
<tr>
<td>Texas</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>U.S. Virgin Islands</td>
<td>None</td>
</tr>
<tr>
<td>Utah</td>
<td>Concealed weapons permits qualify.</td>
</tr>
<tr>
<td>Vermont</td>
<td>None</td>
</tr>
<tr>
<td>Virginia</td>
<td>None</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>None</td>
</tr>
<tr>
<td>Washington</td>
<td>None*</td>
</tr>
<tr>
<td>West Virginia</td>
<td>None</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>None</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Concealed weapons permits qualify.</td>
</tr>
</tbody>
</table>

*While certain permits issued in these states prior to November 30, 1998 were "grandfathered" as Brady alternatives, none of these grandfathered permits would still be valid under State law as of November 30, 2003.

The most up-to-date Permanent Brady Permit Chart can be found on the ATF website at:

http://atf.gov/firearms/brady-law/permit-chart.html
RELEVANCY CRITERIA

The following criteria were used in deciding which published State firearms laws and local ordinances are included in this publication.

RELEVANT

Firearms laws and ordinances published by State and local jurisdictions include those which:

1. Prohibit the sale, possession, or receipt of any type of firearm, or allow any exception to the prohibitions;
2. Prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts, persons convicted of misdemeanor crimes of domestic violence);
3. Restrict the sale, possession, or receipt of certain firearms, such as destructive devices (e.g., grenades and other explosive or incendiary devices), fully automatic weapons, short-barreled rifles, short-barreled shotguns, and/or silencers;
4. Require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers;
5. Require a permit, license, or a State/local ID card before a weapon may be sold or delivered to a purchaser or recipient;
6. Restrict the age at which it is lawful for a person to purchase or receive a firearm;
7. Restrict the sale or transfer of firearms e.g., requirement for a State or local license to sell firearms or recordkeeping or notice requirements imposed as a condition of lawful sale of firearms;
8. Require proper storage or safety equipment for firearms; and
9. Regulate gun shows.

NOT RELEVANT

Firearms laws and ordinances published by State and local jurisdictions NOT included are those which:

1. Prohibit the carrying of weapons, either concealed or not, such as legal handguns, long-barreled rifles or shotguns, slingshots, dirks, daggers, etc. on persons or in vehicles, or at other specific locations (e.g., where alcohol is sold, in public areas or buildings), except schools;
2. Prohibit the discharge of weapons within city limits, parks, on private property, or other specific locations;
3. Permit the carrying of concealed weapons, except those concealed weapons provisions that act as alternatives to the Brady background check;
4. Require notification to local police departments or other designated officials AFTER the sale and delivery have been made;
5. Concern the operation of shooting ranges; and
6. Concern the use or possession of weapons in conjunction with non-firearm crimes and the seizure and forfeiture of weapons as a consequence thereof.

UNLAWFUL ACTS

"It shall be unlawful for any licensed importer, licensed dealer, or licensed collector to sell or deliver any firearm to any person in any State where the purchase or possession by such person of such firearms would be in violation of any State law or any published ordinance applicable at the place of sale, delivery, or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance." [18 USC § 922(b)(2)] See: U.S. v. Decker, 335 F.Supp. 1168 (1970), affirmed, 446 F. 2d 164 (8th Cir. 1971), and Service Arms Co., Inc. v. U.S., 463 F.Supp. 21 (W.D. Okla. 1978).

FEDERAL AGE RESTRICTIONS

The following is provided due to lower age provisions in some State and local ordinances:

Federal law prohibits Federal firearms licensees from selling or delivering "... any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and if the firearm is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age." [18 USC § 922(b)(1)]

Where State or local law is MORE restrictive than the Federal law, the State/local law shall apply.

PUBLISHER’S NOTE:

Ammunition interchangeable between rifles and handguns (such as .22 caliber rimfire) may be sold to an individual 18 years of age or older, but less than 21, if the licensee is satisfied that the ammunition is being acquired for use in a rifle.
11-45-1. Handguns. No incorporated municipality shall have the power to enact any ordinance, rule, or regulation which shall tax, restrict, prevent, or in any way affect the possession or ownership of handguns by the citizens of this state. The entire subject matter of handguns is reserved to the State Legislature. This section shall not be construed to limit or restrict the power of a municipality to adopt ordinances which make the violation of a state handgun law a violation of a municipal ordinance or to limit or restrict the power of a municipal court to exercise concurrent jurisdiction with the district court over violations of state handgun laws which may be prosecuted as breaches of a municipal ordinance.

11-47-12. Gunpowder and explosives storage. It is the duty of the corporate authorities of every city or town to provide a suitable fireproof building without the limits of the town or city for the storage of gunpowder or other explosive material on such terms as the corporate authorities may prescribe.

11-80-11. Firearms. (a) No county or municipal corporation, instrumentality, or political subdivision thereof, by ordinance, resolution, or other enactment, shall regulate in any manner guns show, the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, registration or use of firearms, ammunition, components of firearms, fire-armars, ammunition, or any other like forms of conduct which involve the communication or expression of views or any other like forms of conduct which involve the communication or expression of views or all other like forms of conduct which involve the communication or expression of views.

(b)(1) Subsection (a) does not affect the authority a municipality has under law to regulate the discharge of firearms within the limits of the municipality or the authority a county has under law enacted prior August 1, 2000, to regulate the discharge of firearms within the jurisdiction of the county.

(2) Subsection (a) does not affect the authority of the state, a county, or a municipality to possess, enforce, and collect sales taxes, use taxes, and gross receipts taxes in the nature of sales taxes as defined by Section 40-2A-3(8), on the retail sale of fire-arms and ammunition or to assess, enforce, and collect business licenses from firearms or ammunition manufacturers, trade associations, dis-tributors, or dealers for the privilege of engaging in business.

Further, nothing herein shall exempt any business which uses firearms or ammunition in the conduct of its business or any business which leases or sells firearms or ammunition from the provisions of county and municipal planning and zoning laws, as long as the code, ordinance, or regulations are not used to circumvent the intent of subsection (a).

This section shall not be construed to limit or restrict the power of a municipality to adopt or enforce ordinances which make the violation of a state firearm law a violation of a municipal ordinance to the same extent as other state law violations…

Chapter 11. Offenses Against Public Order and Safety

Article 3. Offenses Relating to Firearms and Weapons


13A-11-57. Selling, giving or lending pistol or knife to minor. Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than $50.00 nor more than $500.00.

13A-11-58. Sale or purchase of rifles, shotguns and ammunition in adjoining state. (a) Any resident of Alabama authorized to sell or purchase in the state where the sale of the firearms and ammunition is legal may purchase the firearm or ammunition may take or send it out of the state or have it delivered to his or her place of residence.

(b) An incorporated resident of Alabama acting within the corporate authorities of such county may sell and deliver them to a resident of any state where the sale of the firearms and ammunition is legal. Any purchaser of the firearm or ammunition may take or send it out of the state or have it delivered to the weapons either in the state where they were purchased or in Alabama.

13A-11-59. Possession of firearm at or near demonstration. No person shall possess or carry for business, entertainment or other lawful purposes, within the city, county, or any other place of business, entertainment or other lawful purposes, within the city, county, or any other place, or city or town to provide a suitable fireproof building without the limits of the town or city for the storage of gunpowder or other explosive material on such terms as the corporate authorities may prescribe.

Division 1A. Rifles and Shotguns.

13A-11-60. Possession or sale of brass or steel teflon-coated handgun ammunition. (a) Except as provided in subsection (b) of this section, the possession or sale of brass or steel teflon-coated handgun ammunition is illegal anywhere within the State of Alabama. The possession or sale of said ammunition or any ammunition of like kind designed to penetrate bullet-proof vests, shall be unlawful and punishable as provided in subsection (c) of this section.

(b) The provisions of this section shall not apply to the possession or sale of teflon-coated lead or brass ammunition designed to expand upon contact.

(c) Any person who while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession teflon-coated ammunition designed to penetrate bullet-proof vests, shall be guilty of a Class C felony, or as defined in Section 13A-5-3.

13A-11-61.1 Discharging a firearm into an unoccupied school bus or school building. (a) No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.

(b) A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty of a Class B felony.

(c) A person who shoots or discharges a firearm into an unoccupied school bus or school building shall be guilty of a Class C felony.

(d) This section shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this section is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.
13A-11-62. Definitions. For purposes of this division, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) **Firearm.** Definition is same as provided in Section 13A-8-14(4) ["A weapon from which a shot is discharged by gunpowder."]

(2) **Rifle.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

(3) **Shotgun.** A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(4) **Short-barreled rifle.** A rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) **Short-barreled shotgun.** A shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

13A-11-63. Short-barreled rifle or shotgun; possession, sale, etc. (a) A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with his official duties.

(b) This section does not apply to a peace officer who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with his official duties.

13A-11-64. Identification number, mark or name; altering; possession after alteration. A person who either:

(1) Changes, alters, removes, or obliterates the name of the maker, model, manufacturer's number or other mark or identification of any firearm, or

(2) Possesses, obtains, receives, sells, or uses a firearm after the maker, model, manufacturer's number or other mark or identification has been changed, altered, removed, or obliterated, is guilty of a Class C felony.

13A-11-65. Violation in connection with commission of other felony. Violation of Section 13A-11-63(a) or Section 13A-11-64 in the course of, or in connection with the commission of any other felony shall be a Class B felony, and the punishment imposed therefor shall be in addition to the punishment imposed for the other felony.

13A-11-66. Supplement to other laws—Penalties provided by other laws. This division is supplemental to any other law and the penalties provided herein are in addition to any other penalties provided by law. This division shall not be used to limit or in any way reduce the minimum and maximum penalties provided in any other law.

Division 2. Pistols.

13A-11-70. Definitions. For the purposes of this division, the following terms shall have the respective meanings ascribed by this section:

(1) **Pistol.** Any firearm with a barrel less than 12 inches in length.

(2) **Crime of violence.** Any of the following crimes or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

(3) **Person.** Such term includes any firm, partnership, association or corporation.

(4) **Violent felons, drug addicts or drunks or possess a possession and ownership restrictions—School grounds; possession or carrying on prohibited.**

(a) No person who has been convicted in this state of a felony of the second or third degree, or who is under a sentence of imprisonment, or who is on probation, or who is a prisoner of the State, except a parolee, shall own a pistol or have one in his or her possession or under his or her control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his or her possession or under his or her control.

(c) Subject to the provisions provided by Section 13A-11-74, no person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school.

(d) Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school in violation of subsection (c) of this section is a Class C felony.

(e) Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from the provisions of subsection (c) of this section.

(f) The term "public school" as used in this section applies only to a school composed of grades K-12 and shall include a school bus used for grades K-12.

(g) The term "deadly weapon" as used in this section means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and such term includes but is not limited to a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, blackjack, bludgeon, or metal knuckles.

13A-11-73. License to carry pistol; generally. No person shall carry a pistol in any vehicle or concealed on or about his person, except on his land, in his own abode or fixed place of business, without a license therefor as hereinafter provided.

13A-11-74. License to carry pistol; exceptions. The provisions of Section 13A-11-73 shall not apply to marshals, sheriffs, prison wardens of the state, correction officers, prison guards, policemen and other law enforcement officers of any state or political subdivision thereof, or to the members of the army, navy or marine corps of the United States or of the national guard, or to the members of the national guard and any person employed by any organization when on duty or going to or from duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state; provided, that such members are at or are going to or from their places of assembly or target practices, or to officers or employees of the United States duly authorized to carry a pistol, or to any person engaged in manufacturing, repairing or dealing in pistols, or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, or to any common carrier except taxicab licensed as such by the department of public safety, or to any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business, or to or from a place of repair or in moving from one place of abode or business to another.

13A-11-76. Delivery to minors, violent felons, etc. No person shall deliver a pistol to any person under the age of 18 or to one who is a convicted violent felon, or to any minor under the age of 18, or to any person who has been convicted of a violent felony within the respective meanings ascribed by this section.
he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, an habitual drunkard or of unsound mind.

13A-11-78. License to sell pistol; generally.
No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

13A-11-79. License to sell pistol; granting; term; conditions; fee.
The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issuance, permitting the licensee to sell pistols at retail within this state subject to the following conditions, in addition to those specified in Section 13A-11-77, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this division. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this division, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the Secretary of State and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, manufacturer and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall be sent within six hours by registered or certified mail to the chief of police of the municipality or the sheriff of the county in which the dealer is a resident; the dealer shall within seven days send the duplicate to the Secretary of State; and the dealer shall retain the triplicate for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises open to the public or to be carried outside. The fee for issuing said license shall be $5.00, which fee shall be paid into the State Treasury.

13A-11-80. Loaning pistols. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this division, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this division.

13A-11-81. False information or identification; purchase of pistol; application for license.
No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or other false evidence of his identity.

13A-11-83. Applicability; pistols as curiosities or ornaments.
This division shall not apply to the purchase, possession or sale of pistols as curiosities or ornaments or to the transportation, a license to sell pistols unloaded and in a box or securely wrapped package, or concealed on the person.

13A-11-84. Penalty—Seizure of pistol—Destruction or use by law enforcement officer.
(a) Every violation of subsection (a) of Section 13A-11-72 or of Sections 13A-11-81 or 13A-11-82 shall be punishable by imprisonment for not more than five years. Every violation of subsection (b) of Section 13A-11-72 or of Sections 13A-11-73, 13A-11-74 and 13A-11-77 through 13A-11-80 shall be punishable by imprisonment for any term less than one year or by a fine of not more than $50.00. In the punishment for violating Section 13A-11-78 or 13A-11-79 may include revocation of license.
(b) It shall be the duty of any sheriff, policeman or other peace officer of the State of Alabama, arresting any person charged with violating Sections 13A-11-71 through 13A-11-73, or any other public officer of the state, to seize the pistol or pistols in the possession or under the control of the person or persons charged with violating said section or sections, and to deliver said pistol or pistols to one of the following named persons: if a municipal officer makes the arrest, to the city clerk or custodian of stolen property, and if a sheriff makes the arrest, to the sheriff of the county in which the arrest is made. The person receiving the pistol or pistols from the arresting officer shall keep it in a safe place in as good condition as received until disposed of as hereinafter provided. Within five days after the final conviction of any person or persons for violation of any of the above-numbered sections, the person receiving possession of the pistol or pistols, seized as aforesaid, shall report the seizure and detention of said pistol or pistols to the district attorney within the county where the pistol or pistols are seized, giving a full description thereof, the number, make and manufacturer thereof, the name of the person in whose possession it was found when seized, the person making claim to same or any interest therein, if the name can be ascertained or is known, and the date of the seizure. Upon receipt of the report from the person receiving possession of the pistol or pistols as aforesaid, it shall be the duty of the district attorney within the county wherein the pistol or pistols were seized to forthwith file a complaint in the circuit court of the proper county, praying that such seized pistol or pistols be declared contraband, be forfeited to the state and be destroyed. Any person, firm or corporation or association thereof, upon information given by the person receiving possession of the pistol or pistols or the owner thereof or any person or persons claiming to own the same or any interest therein shall be made a party defendant to said complaint, and thereupon such matter shall proceed and be determined in the circuit court of the proper county, praying that such seized pistol or pistols be declared contraband, be forfeited to the state and be destroyed. Any person, firm or corporation or association thereof, upon information given by the person receiving possession of the pistol or pistols or the owner thereof or any person or persons claiming to own the same or any interest therein shall be made a party defendant to said complaint, and thereupon such matter shall proceed and be determined in the circuit court of the proper county, praying that such seized pistol or pistols be declared contraband, be forfeited to the state and be destroyed.

(a) A person licensed to carry a handgun in any state whose laws recognize and give effect in that state to a license issued under the laws of the State of Alabama shall be authorized to carry a handgun in this state. This section shall apply to a licenseholder from another state only while the licenseholder is not a resident of this state. A licenseholder from another state shall carry the handgun in compliance with the laws of this state.
(b) The Attorney General shall periodically publish a list of states which meet the requirements of subsection (a).

13A-11-224. Keeping gunpowder or explosives in city or town.
Any person who keeps on hand, at any one time, within the limits of any incorporated city or town, for sale or for use, more than 50 pounds of gunpowder or other explosives shall, on conviction, be fined not less than $100.00.

Title 40. Revenue and Taxation

Chapter 12. Licenses

40-12-143. Weapons dealers.
Persons dealing in pistols, revolvers, maxim silencers, bowie knives, dirk knives, brass knucks or knucks of like kind, whether principal stock in trade or not shall pay the following license tax: in cities and towns of 35,000 inhabitants and over, $150; and in all other places, $100. All persons dealing in pistols, revolvers and maxim silencers shall be required to keep a permanent record of the sale of every pistol, revolver or maxim silencer, showing the date of sale, serial number or other identification to be kept by the dealer, the pistol or pistols may be seized or who claim to own the same or any interest therein shall be made a party defendant to said complaint, and thereupon such matter shall proceed and be determined in the circuit court of the proper county, in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided.

When any judgment of condemnation and forfeiture is made in any case filed under the provisions of this section, the judge making such judgment shall direct therein the destruction of the pistol or pistols by the person receiving possession of said pistol or pistols from the arresting officer in the presence of the clerk or register of the court, unless the judge is of the opinion that the nondestruction thereof is necessary or proper in the ends of justice, in which event and upon recommendation of the district attorney, the judge shall order said pistol or pistols to be destroyed. Such order shall, in the absence of the judge, be made by the landlord of the municipality to be used exclusively by the sheriff or the chief of police in the enforcement of law, and the sheriff of the county and the chiefs of police of the municipalities shall keep a permanent record of all pistols awarded to them as provided for herein, to be accounted for as other public property, and said order, in the event that no appeal is taken within 15 days from the rendition thereof, shall be carried out and executed before the expiration of 20 days from the date of the judgment. The court, at its discretion, shall direct in said judgment that the costs of the proceedings be paid by the person in whose possession said pistol or pistols were found when seized, or by any party or parties who claim to own said pistol or pistols, or any interest therein, and who contested the condemnation and forfeiture thereof.

40-12-158. Shotgun sales.
(a) Each person dealing in shotguns, rifles of .22 caliber or over, metallic ammunition or shotgun shells shall pay a license tax of $25 in cities of 100,000 inhabitants or over; $10 in cities or towns of 7,000 and less than 100,000 inhabitants; and $3 in all other places, whether incorporated or not.

(b) Regularly licensed rolling stores selling any or all of the articles enumerated in this section shall, in addition to the license provided in Section 40-12-174, pay a license tax of $5 to the state and $5 to the county in each county in which they sell or offer such articles for sale.

Title 41 State Government

Chapter 9 Boards and Commissions

Page 3
All transfers or purchases of firearms conducted by a licensed importer, licensed manufacturer, or licensed dealer shall be subject to the National Instant Criminal Background Check System (NICS) created by the federal "Brady Handgun Violence Prevention Act" (P.L. No. 103-159), the relevant portion of which is codified at 18 U.S.C.S. § 922(t). To the extent possible, all information from any state or local government agency that is necessary to complete an NICS check shall be provided to the Criminal Justice Information Center. The Criminal Justice Information Center Commission shall promulgate rules and regulations necessary to implement a complete NICS check. The commission shall also ensure that all information received shall be used solely for the purposes of compliance with NICS and every effort is made to protect the privacy of this information. All proposed rules shall go through the privacy and security committee of the commission which shall seek consultation from the President of the Probate Judges' Association and the Commissioner of the Department of Mental Health and consumer advocates as recommended by the commissioner.

[Current through End of 2010 First Special Session]
ered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person’s physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person’s body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued and filed under AS 18.66.100 - 18.66.180, or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one’s person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located; or

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than as described in AS 11.61.190(a)(2);


(b) The provisions of (1) (a)(1) of this section do not apply to a person if

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person’s unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) (a)(2) or (10) of this section do not apply to a person if

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person’s unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801 - 5872 (National Firearms Act).

(d) It is a defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer’s employment.

(f) Repealed by SLA 2010, ch. 100 § 2, eff. Sept. 20, 2010.

(g) Repealed by SLA 2010, ch. 100, § 2, eff. Sept. 20, 2010.

(h) As used in this section,

(1) Misconduct involving weapons in the third degree is a class C felony.

11.61.210. Misconduct involving weapons in the fourth degree

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person’s physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person’s body in circumstances other than described in AS 11.61.200(a)(7);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in AS 11.61.195(a)(3)(A); or

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) manufactures, sells, or transfers a switchblade or a gravity knife;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) Repealed

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer’s employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

11.61.220. Misconduct involving weapons in the fifth degree

(a) A person commits the crime of misconduct involving weapons in the fifth degree if the person

(1) is 21 years of age or older and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon,

(2) immediately informs the peace officer of that possession; or

(3) allows the peace officer to receive the deadly weapon, or fails to secure the weapon at the direction of the peace officer, during the duration of the contact,

(B) that is concealed on the person within the residence of another person unless the person has first obtained the express permission of an adult residing there to bring a concealed deadly weapon within the residence;

(2) knowingly possesses a loaded firearm in the person in any place into which intoxicating liquor is sold for consumption on the premises;

(3) being an unemancipated minor under 16 years of age, possesses a firearm without the consent of a parent or guardian of the minor;

(4) knowingly possesses a firearm

(A) within the grounds of or on a parking lot immediately adjacent an entity, other than a private residence, licensed as a child care facility under AS 47.32 or recognized by the federal government for the care of children, except that a person 21 years of age or older...
may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle; (B) within a
(i) courtroom or office of the Alaska Court System; or
(ii) courthouse that is occupied only by the Alaska Court System and other justice-related agencies; or
(C) within a domestic violence or sexual assault shelter that receives funding from the state; or
(D) possesses or transports a switchblade or a gravity knife; or possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person.

In a prosecution under (a)(6) of this section, it is an affirmative defense that the defendant, at the time of possession, was
(1) in the defendant’s dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or
(2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

The provisions of (a)(2) and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer’s employment.

In a prosecution under (a)(2) of this section, it is
(1) an affirmative defense that (A) [Repealed] (B) the loaded firearm was a concealed handgun as defined in AS 18.65.790; and (C) the possession occurred at a place designated as a restaurant for the purposes of AS 04.16.049 and the defendant did not consume intoxicating liquor at the place;
(2) a defense that the defendant, at the time of possession, was on business premises
(A) owned by or leased by the defendant; or
(B) in the course of the defendant’s employment for the owner or lessee of those premises.

For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms.

For purposes of (a)(2) and (e) of this section, a firearm is loaded if the
(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and
(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

Misconduct involving weapons in the fifth degree is a class B misdemeanor.

The provisions of (a)(1) and (6) of this section do not apply to a
(1) peace officer of this state or a municipality of this state acting within the scope and authority of the officer’s employment;
(2) peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is
(A) certified as a peace officer by the other state; and
(B) acting within the scope and authority of the officer’s employment; or
(3) police officer of this state or a police officer or chief administrative officer of a municipality of this state; in this paragraph, “police officer” and “chief administrative officer” have the meanings given in AS 18.65.290.

In a prosecution under (a)(4)(B) of this section, it is a defense that the defendant, at the time of possession, was authorized to possess the firearm under a rule of court;
(2) under (a)(4)(C) of this section, it is a defense that the defendant, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm; and
(j) In (a)(1) of this section, “contacted by a peace officer” means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.


11.81.900. Definitions
(a) For purposes of this title, unless the context requires otherwise,
(17) “deadly weapon” means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an expressions;
(20) “offensive weapon” means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury; ...
(26) “firearm” means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury; ...
(48) “possess” means having physical possession or the exercise of dominion or control over property; ...

Title 12. Code of Criminal Procedure
Chapter 62. Criminal Justice Information and Records Checks

Article 2. National Crime History Record Check

12.62.400 National criminal history record checks for employment, licensing, and other noncriminal justice purposes. To obtain a national criminal history record check for determining a person’s qualifications for a license, permit, registration, employment, or position, a person shall submit the person’s fingerprints to the department with the fee established by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check of the person for the purpose of evaluating a person’s qualifications for
(10) a concealed handgun permit under AS 18.65.701.

Title 29. Municipal Government
Chapter 35. Municipal Powers and Duties

29.35.145. Regulation of Firearms
(a) The authority to regulate firearms is reserved to the state, and, except as specifically provided by statute, a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms.

(b) Municipalities may enact and enforce ordinances
(1) that are identical to state law and that have the same penalty as provided for by state law;
(2) restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized; ordinances enacted or enforced under this paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of Alaska, to bear arms in defense of self or others;
(3) restricting the areas in their respective jurisdictions in which firearms may be sold; a business selling firearms may not be treated more restrictively than other businesses located within the same zone; and
(4) prohibiting the possession of firearms in the restricted access area of municipal government buildings; the municipal assembly shall post notice of the prohibition against possession of firearms at each entrance to the restricted access area.

The prohibition on taxation in (a) of this section does not include imposition of a sales tax that is levied on all products sold within a municipality.
(d) This section applies to home rule and general law municipalities.
(e) In this section, (1) “firearms” includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components;
(2) “restricted access area” means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public.

[Current through the 2010 Regular Session]

Anchorage Municipal Code

Title 8. Penal Code
Chapter 8.25. Weapon Crimes

8.25.060. Firearms on school grounds.
A. It is unlawful for any person to knowingly have in his possession or control within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high or high school:
1. A revolver, pistol or other firearm, except a person who is over 21 years of age, and who is not a preschool, elementary school, junior high, or secondary school student, may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;
2. A switchblade knife, gravity knife or any knife other than a folder pocket knife (one which requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger; or
3. A slingshot, metal knuckles, club, billy, blackjack or other instrument or thing the principal purpose or use of which is as a weapon.
B. Subsection A. of this section shall not apply to peace officers or persons who have express authorization of the school district superintendent or his designee or, in the case of a pri-
C. In the case of a conviction under subsection A. of this section the weapon shall be disposed of as provided in section 8.05.020.F.

D. Weapons possessed by persons under 18 years of age (minors) in violation of subsection A. of this section shall be seized and may be forfeited to the municipality in accordance with this section.

1. The legal owner of a weapon seized from a minor, if known, shall be notified by first class mail within 30 days of the seizure.

2. The legal owner may redeem the weapon upon providing the chief of police of designee with the following information:
   a. Proof of ownership.
   b. A description of precautions taken to prevent unauthorized access to the weapon.
   c. A statement that the juvenile in possession of the weapon did not have permission to have access to the weapon.
   d. A description of the steps the owner intends to take to prevent future incidents of unauthorized access.

3. The chief of police or designee may deny return of the weapon and order it forfeited if the chief, after considering information provided by the purported owner, police reports regarding the incident, information regarding prior incidents involving the weapon or the individuals, and such other relevant information as is presented, determines based upon a preponderance of the evidence that either:
   a. The person claiming the weapon is not the rightful owner.
   b. The owner failed to store the weapon in a manner which would reasonably be expected to prevent unauthorized access to the weapon; or
   c. The owner authorized the minor to access the weapon during school hours.

4. If the legal owner is unknown, or fails to request return of the weapon under subsection D.2 of this section within 30 days of mailing of the notice under subsection D.1. of this section, the weapon may be disposed of pursuant to Chapter 7.25, pertaining to abandoned property.

E. Violation of this section shall, upon conviction, be punished by a fine not more than $10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

8.25.090. Sale or furnishing of firearms to minors.

A. A person may not knowingly sell a firearm or defensive weapon to a minor under 18 years of age.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than $10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

[Anchorage Municipal Code current through March 31, 2009]

Code of Ordinances, City of Fairbanks

Chapter 46. Offenses

Article VI. Weapons Offenses

46-291. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous weapon means a firearm, an airgun or BB gun, a knife other than an ordinary pocketknife having a blade not more than 3½ inches in length, a dagger, slingshot, crossbow, metal knuckles, blackjack,比利 or any other instrument by the use of which physical injury may readily be inflicted upon any person, but does not include any instrument or tool which is not commonly used as or considered to be a weapon and which in the circumstances under which it is possessed or used is clearly not intended to be used, or to be available for use, as a weapon.

Firearm means a firearm, including a pistol, revolver, rifle, shotgun or airgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot or projectile capable of causing death or physical injury.

46-292. Failing to maintain a firearm transaction record.

(a) Except as provided in subsection (b) of this section, a pawnbroker, secondhand dealer or other person who, in the course of his business, buys, sells, rents, exchanges or otherwise receives or transfers firearms commits the offense of failing to maintain a firearm transaction record if he fails to record and make available to the city police, in a book permanently kept for the purpose, the following information concerning every receipt or transfer of a firearm in the course of his business:

1. The name, address, date and place of birth, height, weight and race of the person to whom the firearm was transferred or from whom it was received.

2. The number and state or other issuing agency of the driver's license or other identification card issued by the federal or any state government, or by any subdivision or agency of either government, bearing a picture of the issuee, which is used to confirm the identity of the person to whom the firearm was transferred or from whom it was received.

3. The manufacturer, type, model, caliber or gauge, and serial number of the firearm received or transferred.

4. The name of the employee or other person in the business of receiving or transferring firearms who transferred or received the firearm.

(b) A person does not commit the offense defined by subsection (a) of this section if:

(1) The firearm was received for the sole purpose of repair or customizing and such firearm is returned to the person from whom it was received;

(2) The person to whom he transferred or from whom he received the firearm is an importer, manufacturer, dealer or collector licensed under the provisions of 18 USC 921 - 928; or

(3) He maintains and makes available to the city police with respect to a particular transaction a permanent set of copies of the records of receipt, sale or other disposition of firearms as required by 18 USC 921 - 928.

46-294. Possession of a dangerous weapon on school grounds.

(a) A person other than a peace officer commits the offense of possession of a dangerous weapon on school grounds if he knowingly possesses a dangerous weapon inside a school or on school grounds.

(b) A dangerous weapon is possessed within the meaning of this section if a person has physical possession of the weapon or the exercise of dominion or control over the weapon.

(c) This section does not prohibit a person from transporting and possessing an unconst
corporation of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

(c) Carrying or placing destructive device. It is unlawful for any person, firm, or corporation purposely, knowingly, recklessly or negligently to:

(1) Carry any explosive or destructive device on any vessel, aircraft, car, or other vehicle that transports passengers for hire;
(2) Place or carry any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container;
(3) Place any explosive or destructive device in any baggage which is later checked with any vehicle.

(d) Possession of destructive device. It is unlawful for any person, firm, or corporation purposely, knowingly, recklessly or negligently to:

(1) Place any explosive or destructive device or other container; 
(2) Carry explosive or destructive materials, or any knife equipped with a blade over three inches in length.

(e) Exceptions. Nothing in subsections (a) - (e) of this section shall be construed to prohibit the legitimate possession or use of explosives by a person licensed by the state to handle explosives where such possession and use is in compliance with the Fire Prevention Code adopted under title 30 of this Code and the proper permits have been obtained, or where explosives are lawfully transported in interstate or intrastate commerce; nor shall a container be given which would prohibit the possession of hand loading materials of the type and quantity excepted by title 30 of this Code where such materials are lawfully possessed and used for hand loading purposes.

(f) Other exceptions. Violation of subsection (e) of this section is a Class A misdemeanor. Violation of any other subsection of this section is a Class B misdemeanor.

42.20.085. Weapons on school grounds. It is unlawful for any person except an authorized person to:

(a) Possess a deadly weapon, or a defensive weapon while in or upon school grounds, or
(b) Place a deadly weapon or a defensive weapon in any locker, desk, or other place in or upon school grounds.

(c) As used in this section, Authorized person means:

(A) A peace officer;
(B) A police reserve officer;

46.4201. Definitions. Weapons

(b) "Deface" means to alter or destroy the manufacturer's or importer's serial number or any distinguishing number or identification mark.

(c) "Explosive weapon" means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

(d) "Firearm" means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

(e) "Firearm silencer" means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

(f) "Gas gun" means any gas ejective device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects mace or other repellant or temporary incapacitating substance.

(g) "Intoxicated" means substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

(j) "Machine gun" means any firearm that is capable of firing more than 2 shots automatically without manual reloading, by a single function of the trigger.

(l) "Rifle" means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(m) "Short barrel" means any barrel length of less than 16" for a rifle and 18" for a shotgun, or an overall rifle and shotgun length of less than 26".

(n) "Shotgun" means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shot-gun shell to fire a number of shots or single projectile through a smoothbore barrel by a single function of the trigger.

46.4202. Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;
(2) a machine gun;
(3) a gas gun;
(4) a short-barreled rifle or shotgun;
(5) a firearm silencer;

(b) Penalties. Violation of this section is a Class A misdemeanor. Violation of any other subsection of this section is a Class B misdemeanor.

46.4203. Unlawful use of weapons.

(a) A person commits the crime of unlawful use of weapons if he knowingly:

(1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
(2) possesses or discharges a firearm or projects any other firearm intoxicated;

(b) Exemptions.

(1) Paragraphs (a)(1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:

(A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;
(B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;
(C) members of the armed forces while performing their official duty.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b). A person proceeding to, engaging in, or returning from target practice or other authorized activity at a place and time sanctioned by the superintendent of Schools.

(d) Deadly weapon means any firearm, or anything designed for and capable of causing death or serious physical injury, including metal knuckles, sharp-edged or pointed throwing devices, or any knife equipped with a blade over three inches in length.

(e) Defensive weapon means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury.

(f) School grounds means any City and Borough school building, school administration building or associated playground, parking lot, or any athletic field, where such athletic field is being used for an activity sponsored and supervised by the City and Borough school district.

46.4204. Defacing firearm. A person commits the crime of defacing a firearm if he knowingly defaces any firearm.

Page 8
Defacing firearm is a class A misdemeanor.

46.4205. Possession of a defaced firearm.
(a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer’s or governmental emblem, manufacturer’s or government logo or serial number engraved or cast on the receiver or frame of the firearm.
(b) Possession of a defaced firearm is a class B misdemeanor.

46.4206. Unlawful transfer of weapons.
(a) A person commits the crime of unlawful transfer of weapons if he:
(1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition to a person who, under the provisions of 46.4207, is not lawfully entitled to possess it;
(2) knowingly sells, leases, loans, gives away, or delivers a knife, rifle, shotgun or black-jack to a person less than 18 years old without the consent of the child’s custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or
(3) recklessly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.
(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

46.4207. Unlawful possession of firearms and firearm ammunition.
(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and
(1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or
(2) he is a fugitive from justice, a habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.
(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

46.4220. "Arms".
As used in 46.4220 through 46.4234, "arms" includes guns, rifles, pistols, air rifles, air pistols, gas rifles, gas pistols, ammunition, shells cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

46.4221. License - Required when.
(a) It is unlawful of any person to sell or in any other way transfer the right of possession of any arms without having obtained from the Commissioner of Public Safety a license to sell arms. The application for such license shall contain such information as may be required by the Commissioner of Public Safety.
(b) A license to sell arms shall not be issued by the Treasurer unless the application for the license has been approved by the Governor or his designated representative. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles as set out in 46.221(c) and ammunition therefor.

46.4224. License - Information required.
(a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.
(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it.

46.4225. License - Possession required when carrying arms.
Every person to whom a license to possess arms is issued, shall when carrying such arms or any part thereof, have with him the license to possess such arms, and shall produce the same for inspection upon demand of any officer or official of the government.

46.4226. License - Revocation. Any license issued under authority of this title may be altered or revoked by the Governor or his designated representative at any time for good cause.

46.4227. License - Renewal.
(a) Licenses to possess arms shall expire on 10 January of the year following their issue. Each holder of a license to possess arms shall, before the expiration of the license, issue the license to possess arms for the previous year, together with the annual license fee, to the Commissioner of Public Safety.
(b) The Commissioner of Public Safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the Commissioner of Public Safety, submit the arms to him for examination.

46.4228. Marking arms for identification.
Each person to whom a license to possess arms is issued shall, upon receipt of such arms, produce the license to the Commissioner of Public Safety his license to possess arms together with the arms specified in said license. Such arms shall be examined and compared with the license and, if found to correspond therewith, shall be marked with such letter as may be designated by the Commissioner of Public Safety and also marked with a number indicating the order of the license, and registration as specified in the license, unless the arm has plainly visible and distinctive serial number stamped on it. Such arms when duly marked shall be delivered to the licensee, together with license. If the provisions of this section are not complied with, the license shall be revoked, and the arms may be confiscated as though no license had been issued.

46.4229. Sales to persons without licenses - Grandfather clause.
(a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular arms to be sold.
(b) Arms no longer permitted to be licensed but for which current, valid licenses were issued prior to the effective date of section 46.4221(c) may, in the discretion of the Commissioner of Public Safety and in the manner provided in this chapter, be transferred to persons obtaining licenses therefor.

46.4233. Authorized possession and use of arms without license.
(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of the United States or employees if the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performance of official duties.
(b) The Governor or his designated representative may authorize the pulenu’u or police of any village to possess and use arms in connection with his official duties without first obtaining a license therefor.
(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty in the Territory to permit these law enforcement officers to carry firearms without registration.

46.4234. Violation - Penalty.
(a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced according to the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government.
(b) All arms confiscated as provided in subsection (a) shall be delivered to the Commissioner of Public Safety who shall, within thirty days of receipt of the confiscated arms, file a return under oath with the court ordering the condemnation for the purpose of determining the value of such arms. Any arms that have been destroyed or disposed of to the inventory of a territorial law enforcement agency. A copy of said report shall be filed with the Attorney General at the same time.
Title 13. Criminal Code

Chapter 9. Probation and Restoration of Civil Rights

13-904. Suspension of civil rights and occupational disabilities
A. A conviction for a felony suspends the following civil rights of the person sentenced:
   1. The right to vote.
   2. The right to hold public office of trust or profit.
   3. The right to serve as a juror.
   4. During any period of imprisonment any other civil rights the suspension of which is reasonably necessary for the security of the institution in which the person sentenced is confined or for the reasonable protection of the public.
   5. The right to possess a gun or firearm.

B. Persons sentenced to imprisonment shall not thereby be rendered incompetent as witnesses upon the trial of a criminal action or proceeding, or incapable of making and acknowledging a sale or conveyance of property.

C. A person sentenced to imprisonment is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if such person was not convicted and sentenced.

D. The conviction of a person for any offense shall not work forfeiture of any property, except if a forfeiture is expressly imposed by law. All forfeitures of the civil rights unless expressly imposed by law, are abolished.

E. A person shall not be disqualified from employment by this state or any of its agencies or political subdivisions, nor shall a person whose civil rights have been restored be disqualified to engage in any occupation for which a license, permit or certificate is required to be issued by this state solely because of a prior conviction for a felony or misdemeanor within or without this state. A person may be denied employment by this state or any of its agencies or political subdivisions or a person who has had his civil rights restored may be denied a license, permit or certificate to engage in an occupation by reason of the prior conviction of a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment or occupation for which the license, permit or certificate is sought.

F. Subsection E of this section is not applicable to any law enforcement agency.

G. Any complaints concerning a violation of subsection E of this section shall be adjudicated in accordance with the procedures set forth in title 41, chapter 6 and title 12, chapter 7, article 6.

H. A person who is adjudicated delinquent under section 8-341 for a felony does not have the right to carry or possess a gun or firearm.

13-905. Restoration of civil rights; persons completing probation
A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by the felony conviction restored by the judge who discharges him at the end of the term of probation.

B. On proper application, a person who has been discharged from probation either before or after adoption of this chapter may have any civil rights which were lost or suspended by the felony conviction restored by the superior court judge by whom the person was sentenced or the judge's successor in office from the county in which the person was originally convicted. The clerk of the superior court shall have the responsibility for processing the application on request of the person involved or the person's attorney. The superior court shall serve a copy of the application on the county attorney.

C. If the person was convicted of a serious offense under §13-704, the person may not file for the restoration of the right to possess or carry a gun or firearm. If the person was convicted of two or more felony offenses and whose period of probation which were lost or suspended by the felony conviction restored by an application filed with the clerk of the superior court in the county in which the person now resides, on filing of an affidavit of discharge from the judge who charged him at the end of the term of probation.

D. On proper application, a person who has been discharged from probation either before or after adoption of this chapter may have any civil rights which were lost or suspended by the felony conviction restored by an application filed with the clerk of the superior court in the county in which the person now resides, on filing of an affidavit of discharge from the judge who charged him at the end of the term of probation.

E. If the person was convicted of a dangerous offense under §13-704, the person may not file for the restoration of the right to possess or carry a gun or firearm. If the person was convicted of a dangerous offense under §13-704, the person may not file for the restoration of the right to possess or carry a gun or firearm for two years from the date of his absolute discharge from imprisonment. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for ten years from the date of the person's absolute discharge from imprisonment.

F. If the person was convicted of a serious offense as defined in §13-706 the person may not file for the restoration of the right to possess or carry a gun or firearm for ten years from the date of his absolute discharge from imprisonment. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for two years from the date of his absolute discharge from imprisonment. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for two years from the date of his absolute discharge from imprisonment in a federal prison may have any
civil rights which were lost or suspended by the conviction restored by the presiding judge of the superior court in the county in which the person now resides.

B. A person who is subject to subsection A of this section may file, no sooner than two years from the date of absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain such certificate. Such application shall be filed with the clerk of the superior court in the county in which the person now resides, and such clerk shall be responsible for processing applications for restoration of civil rights upon request of the person involved or the person's attorney.

C. If the person was convicted of an offense which would be a dangerous offense under §13-704, the person may not file for the restoration of the right to possess or carry a gun or firearm. If the person was convicted of an offense which would be a serious offense as defined in §13-706, the person may not file for the restoration of the right to possess or carry a gun or firearm for ten years from the date of the person's absolute discharge from imprisonment. If the person was convicted of any offense other than the above offenses, the person may not file for the restoration of the right to possess or carry a gun or firearm for two years from the date of the person's absolute discharge from imprisonment.

13-912. Restoration of civil rights for first offenders; exception

A. Any person who has not previously been convicted of any other felony shall automatically be restored any civil rights that were lost or suspended by the conviction if the person both:

1. Completes a term of probation or receives an absolute discharge from imprisonment.
2. Pays any fine or restitution imposed.

B. This section does not apply to a person's right to possess weapons as defined in §13301 unless the person applies to a court pursuant to §13-905 or 13-906.

13-912.01. Restoration of civil rights; persons adjudicated delinquent

A. A person who was adjudicated delinquent and whose probation or probation has been completed may have the right to possess or carry a gun or firearm restored by the judge who discharges the person at the end of the person's term of probation.

B. A person who was adjudicated delinquent and who has been discharged from probation, on proper application, may have the right to carry or possess a gun or firearm restored by the judge of the juvenile court in the county where the person was adjudicated delinquent or the judge's successors. The clerk of the superior court shall process the application on the request of the person involved or the person's attorney. The applicant shall serve a copy of the application on the county attorney.

C. If the person's adjudication was for a dangerous offense under §13-704, a serious offense as defined in §13-706, burglary in the first degree, burglary in the second degree or arson, the person may not file for the restoration of the right to possess or carry a gun or firearm until the person attains thirty years of age. If the person's adjudication was for any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for two years from the date of the person's discharge.

Chapter 31. Weapons and Explosives

13-3101. Definitions

A. In this chapter, unless the context otherwise requires:

1. "Deadly weapon" means anything that is designed for lethal use. The term includes a firearm.
2. "Deface" means to remove, alter or destroy the manufacturer's serial number.
3. "Explosive" means any dynamite, nitroglycerine, black powder or other similar explosive material, including plastic explosives. Explosive does not include an ignition device or down bi-components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.
4. "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.
5. "Improvised explosive device" means a device that incorporates explosives or destructive, lethal, noxious pyrotechnic or incendiary chemicals and that is designed to destroy, desfigure, terrify or harass.
6. "Occupied structure" means any building, object, vehicle, watercraft, aircraft or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation or storage and in which one or more human beings either are or are likely to be present or so near as to be in equivalent danger at the time the discharge of a firearm occurs. Occupied structure includes any dwelling house, whether occupied, unoccupied or vacant.
7. "Prohibited possessor" means any person:
   (a) Who has been found to constitute a danger to himself or to others or to be persistently or acutely disabled or gravely disabled pursuant to court order under §36-540, and whose right to possess a firearm has not been restored pursuant to §13-924.
   (b) Who has been convicted within or without this state of a felony or who has been adjudicated delinquent for a felony and whose right to possess or carry a gun or firearm has not been restored.
   (c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.
   (d) Who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in §13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or residence on any other basis or who is serving a term of probation or parole pursuant to the state's probation or parole services rules.
   (e) Who is an undocumented alien or a non-immigrant alien traveling with or without documentation in this state for business or pleasure or who is studying in this state and who maintains a foreign residence abroad. This subsection does not apply to Nonimmigrant aliens who possess a valid hunting license or permit that is lawfully issued by a state in the United States.
   (f) Nonimmigrant aliens who enter the United States to participate in a competitive target shooting event or to display firearms at a sports or hunting trade show that is sponsored by a national, state or local firearms trade organization, devoted to the competitive use or other sporting use of firearms.
   (g) Certain diplomats.
   (h) Officials of foreign governments or distinguished foreign visitors who are designated by the United States department of State.
   (i) Persons who have received a waiver from the United States attorney general.
8. "Prohibited weapon":
   (a) Includes the following:
      (i) An item that is a bomb, grenade, rocket having a propellant charge of more than four ounces or mine and that is explosive, incendiary or毒害物.
      (ii) A device that is designed, made or adapted to muffle the report of a firearm.
   (iii) A firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger.
   (iv) A rifle with a barrel length of less than six inches, or shotgun with a barrel length of less than eighteen inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than twenty-six inches.
   (v) An instrument, including a nunchaku, that consists of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense.
   (vi) A breakable container that contains a flammable liquid with a flash point of one hundred fifty degrees Fahrenheit or less and that has a wick or similar device capable of being ignited.
   (vii) A chemical or combination of chemicals, compounds or materials, including dry ice, that is possessed or manufactured for the purpose of generating a gas to cause a mechanical failure, rupture or bursting or an explosion or detonation of the chemical or combination of chemicals, compounds or materials.
   (viii) An improvised explosive device.
   (ix) Any combination of parts or materials that is designed and intended for use in making or converting a device into an item set forth in item (i), (vi) or (vii) of this subdivision.
   (b) Does not include:
      (i) The items set forth in subsection A, paragraph 8, subdivision (a), items (i), (ii), (iii) and (iv) of this section do not include any firearms or devices that are registered in the national firearms registry and transfer records of the United States treated as a delinquent or any firearm that has been classified as a curio or relic by the United States treasury department.
13-3102. Misconduct involving weapons; defenses; classification; definitions

A. A person commits misconduct involving weapons by knowingly:
   1. Carrying a deadly weapon except a pocket knife concealed on his person or within his immediate control in or on a means of transportation:
      (i) In the furtherance of a serious offense as defined in §13-706, a violent crime as defined in §13-901.03 or any other felony offense; or
When contacted by a law enforcement officer and failing to accurately answer the officer asks whether the person is carrying a concealed deadly weapon; or
2. Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or
3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon, except that if the violation involves dry ice, a person commits misconduct involving weapons by knowingly possessing who has any dry ice with intent to cause injury to or death of another person or to cause damage to the property of another person; or
4. Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or
5. Defacing a deadly weapon; or
6. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or
7. Using or possessing a deadly weapon during the commission of any felony offense included in chapter 34 of this title; or
8. Using or possessing a deadly weapon within the immediate control of any person; or
9. Displaying a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or
10. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to §13-3102.01; or
11. Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or
12. Possessing a deadly weapon on school grounds; or
13. Unless specifically authorized by law, entering a nuclear or hydroelectric generating station in or on a means of transportation if the person knows or has reason to know that the other person would use the firearm in the commission of any felony; or
14. Supplying, selling or giving possession or control of a firearm to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any felony; or
15. Using, possessing or exercising control over a deadly weapon in furtherance of any act of terrorism as defined in §13-2301 or possessing or exercising control over a deadly weapon knowing or having reason to know that it will be used to facilitate any act of terrorism as defined in §13-2301.

B. Subsection A, paragraph 2 of this section shall not apply to:

1. A person in his dwelling, on his business premises or on real property owned or leased by that person or that person's parent, grandparent or legal guardian.
2. A member of the sheriff's volunteer pose or reserve organization who has received and passed firearm training that is approved by the Arizona peace officer standards and training board and who is authorized by the sheriff to carry a concealed weapon pursuant to §11-441.
3. A firearm that is carried in:
   (a) A manner where any portion of the firearm or holster in which the firearm is carried is visible.
   (b) A holster that is wholly or partially visible.
   (c) A scabbard or case designed for carrying weapons that is wholly or partially visible
   (d) Luggage
   (e) A case, holster, scabbard, pack or luggage that is carried within a means of transportation or within a storage compartment, map pocket, truck or glove compartment of a means of transportation.

C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 13 of this section shall not apply to:
1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or
2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or
3. The regular, deputy warden, community correction officer, detention officer, special investigator or correctional officer of the state department of corrections or the department of juvenile corrections;
4. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States as a recipient of a charitable contribution; and
5. Reasonable precautions are taken with respect to theft or misuse of such material.

D. Subsection A, paragraphs 3 and 7 of this section shall not apply to:
1. The possessing, transporting, selling or transferring of weapons by a museum as a part of its collection or an educational institution for educational purposes or by an authorized employee of such museum or institution.
2. Such museum or institution is operated by the United States or this state or a political subdivision of this state, or by an organization described in 26 United States Code section 170(c) as a recipient of a charitable contribution; and
3. Acquisition by a person by operation of law such as by gift, devise or descent or in a fiduciary capacity as a recipient of the property or former property of an insolvent, incapacitated or deceased person.
4. In the United States, a paragraph 3 of this section shall not apply to the merchandise of an authorized manufacturer of or dealer in prohibited weapons, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer, a regularly constituted or appointed state, county or municipal police department or police officer, a detention facility, the military service of this or another state or the United States, a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.
5. Subsection A, paragraph 10 of this section shall not apply to shooting ranges or shooting events, hunting areas or similar locations or activities.
6. Subsection A, paragraph 3 of this section shall not apply to a weapon described in section 13-3101, subsection A, paragraph 8, subdivision(a), item (v), if such weapon is possessed for the purposes of preparing for, conducting or participating in lawful exhibitions, demonstrations, tests or other events involving the use of such weapon. Subsection A, paragraph 10 of this section shall not apply to a weapon if such weapon is possessed for the purposes of preparing for, conducting or participating in hunter or firearm safety courses.
7. Subsection A, paragraph 12 of this section shall not apply to the possession of:
   1. A firearm that is not loaded and that is carried within a means of transportation under the control of an adult provided that if the adult leaves the means of transportation the firearm shall be locked and the outside of the means of transportation and the means of transportation shall be locked.
   2. A firearm for use on the school grounds in a program approved by a school.
8. A firearm by a person who possesses a certificate of firearms proficiency pursuant to §13-2301 or subsection A, paragraph 11 of this section or subsection A, paragraph 1 of this section or subsection A, paragraph 11 of this section shall not apply to the merchandise of an authorized or dealer in prohibited weapons, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer, a regularly constituted or appointed state, county or municipal police department or police officer, a detention facility, the military service of this or another state or the United States, a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.
9. A law enforcement officer contacts a person who is in possession of a firearm, the law enforcement officer may take temporary custody of the firearm for the duration of that contact.

K. Misconduct involving weapons under subsection A, paragraph 15 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph 9 or 14 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates §13-2308, subsection A, paragraph 5, §13-2312, subsection C, §13-3409 or §13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (a) of this section or subsection paragraph 5, 6 or 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 11 of this section or subsection A, paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct involving weapons under subsection A, paragraph 2 of this section is a class 3 misdemeanor.

L. For the purposes of this section:
1. "Contracted by a law enforcement officers" means a lawful traffic or criminal investigation, arrest or detention or an investigatory stop by a law enforcement officer that is based on reasonable suspicion that an offense has been or is about to be committed.
2. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or political subdivision of this state.
3. "Public event" means a specifically named or sponsored event of limited duration that is either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.
4. "School" means a public or nonpublic kindergarten program, common school or high school.
5. "School grounds" means in, or on the grounds of, a school.
A. Except as provided in subsection E of this section, a political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition component or related accessories in this state.

B. A political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or related accessories or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components, or related accessories.

C. Apolitical subdivision of this state shall not require or maintain a record in any form, whether permanent or temporary, including a list, log or database, of any of the following:

1. Any identifying information of a person who leaves a weapon in temporary storage at any public establishment or public event, except that the operator of he establishment or the sponsor of the event may require that a person provide a government issued identification or a reasonable copy of a government issued identification or a record of ownership of the weapon. The operator or sponsor shall store any provided identification with the weapon and shall return the identification to the person when the weapon is retrieved. The operator or sponsor shall not retain records or copies of any identification provided pursuant to this paragraph after the weapon is retrieved.

2. Except if the course of a law enforcement investigation, any identifying information of a person who purchases, sells or transfers a firearm, unless the transaction involves a federally licensed firearms dealer.

3. The description, including the serial number, of a weapon that is left in temporary storage at any public establishment or public event.

D. A political subdivision of this state shall not enact any rule or ordinance that related to firearms and is more prohibitive than or that has a penalty that is greater than any state law pertaining to the possession of a permit or ordinance that relates to firearms and that is inconsistent with or more restrictive than state law, whether enacted before or after the effective date of the amendment to this section, is null and void.

E. This section does not prohibit a political subdivision of this state from enacting and enforcing any ordinance or rule pursuant to state law, to implement or enforce state law or relating to the regulation of land and structures, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components at a rate that applies to a political subdivision of this state in §13-3107.

F. A violation of any ordinance established pursuant to subsection E, paragraph 5 of this section is a class 2 misdemeanor unless the poison or rule that is adopted pursuant to this paragraph shall not apply to a minor who is fourteen, fifteen, sixteen or seventeen years of age and who is engaged in any of the following:

(a) Lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

(b) Lawful transportation of an unloaded firearm for the purpose of lawful hunting.

(c) Lawful transportation of an unloaded firearm for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

(d) Any activity that is related to the production of crops, livestock, poultry, livestock products, poultry products or ralities or storage of agricultural commodities.

3. The regulation of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law, this paragraph does not authorize a political subdivision to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a political subdivision shall not be considered a sale, conveyance or disposition of property.

4. Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract.

5. Limiting or prohibiting the discharge of firearms in parks and preserves except:

(a) As allowed pursuant to chapter 4 of this title.

(b) On a properly supervised range as defined in §13-3107.

(c) In an area approved as a hunting area by the Arizona game and fish department. Any such area may be closed when deemed unsafe by any law enforcement officer of the Arizona game and fish department.

(d) To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

(e) By special permit of the chief law enforcement officer of the political subdivision.

(f) As required by an animal control officer in performing duties specified in §9-499.04 and title 11, chapter 7, article 6.

(g) In self defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

F. A violation of any ordinance established pursuant to subsection E, paragraph 5 of this section is a class 2 misdemeanor unless the political subdivision designates a lesser classification by ordinance.

As required by an animal control officer in performing duties specified in §9-499.04 and title 11, chapter 7, article 6.

A. Except as provided in subsection C of this section, a person who sells or gives to a minor,
without written consent of the minor's parent or legal guardian, a firearm, ammunition or a toy pistol by which dangerous and explosive substances may be discharged is guilty of a class 6 felony.

B. Nothing in this section shall be construed to require reporting of sales of firearms, nor shall registration of firearms or firearms sales be required.

C. The temporary transfer of firearms and ammunition by firearms safety instructors, hunter safety instructors, competition coaches or their assistants shall be allowed if the minor's parent or guardian has given consent for the minor to participate in activities such as firearms or hunting safety courses, firearms competition or training. With the consent of the minor's parent or guardian, the temporary transfer of firearms and ammunition by an adult accompanying minors engaged in hunting or formal or informal target shooting activities shall be allowed for those purposes.

13-3111. Minors prohibited from carrying or possessing firearms; exceptions; seizure and forfeiture; penalties; classification
A. Except as provided in subsection B, an unemancipated person who is under eighteen years of age and who is unaccompanied by a parent, custodian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

B. This section does not apply to a person who is fourteen, fifteen, sixteen or seventeen years of age and who is any of the following:
1. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.
2. Engaged in lawful transportation of an unloaded firearm by which dangerous and explosive substances may be discharged.
3. Engaged in activities requiring the use of a firearm that are related to the production of crops, livestock, poultry, livestock products, poultry products, or raites or in the production or storage of agricultural commodities.
4. Engaged in activities requiring the use of a firearm.
5. Engaged in the lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
6. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.
7. Engaged in lawful transportation of an unloaded firearm by which dangerous and explosive substances may be discharged.
8. Engaged in activities requiring the use of a firearm.

C. If the minor is not exempt under subsection B and is in possession of a firearm, a peace officer shall seize the firearm at the time the violation occurs.

D. In addition to any other penalty provided by law, a person who violates subsection A shall be subject to the following penalties:
1. If adjudicated a delinquent juvenile for an offense involving an unloaded firearm, a fine of not more than five hundred dollars, and the court may order the suspension or revocation of the person's driver license until the person reaches eighteen years of age. If the person does not have a driver license or the vehicle on which the offense was committed as an adult would constitute:
   A. A violation of paragraph 1 of subsection A, paragraph 1 is a petty offense.
   B. A state, county or municipal judicial or other conductive means emitting from the electrodes on the device itself or remotely through records that are kept by the manufacturer.
   C. An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.
   D. A training program that is offered by the manufacturer.
   E. "Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.

13-3115. Forensics firearms identification system
The department of public safety is authorized to establish and maintain a forensics firearms identification system designed to provide investigative information on criminal street gangs and the unlawful use of firearms.

13-3117. Remote stun guns; sales records; use; classification; definitions
A. It is unlawful for a person or entity to do any of the following:
1. Sell an authorized remote stun gun without keeping an accurate sales record as to the identity of the purchaser with the manufacturer of the authorized remote stun gun. The identification that is required by this paragraph shall be verified with a government issued identification. This requirement does not apply to secondary sales.
2. Knowingly use or threaten to use a remote stun gun or an authorized remote stun gun against a law enforcement officer who is engaged in the performance of the officer's official duties.

B. This section does not:
1. Preclude the prosecution of any person for the use of a remote stun gun or an authorized remote stun gun during the commission of any criminal offense.
2. Preclude any justification defense under chapter 4 of this title.
3. The regulation of remote stun guns and authorized remote stun guns is a matter of statewide concern.
4. A violation of:
   1. Subsection A, paragraph 1 is a petty offense.
   2. Subsection A, paragraph 2 is a class 4 felony.

D. For the purposes of this section:
1. "Authorized remote stun gun" means a remote stun gun that has all of the following:
   a. An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.
   b. A serial or identification number on all projectiles that are discharged from the remote stun gun.
   c. An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.
   d. A training program that is offered by the manufacturer.
2. "Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.

13-3118. Possession or storage of firearms; restrictions prohibited; exceptions.
(a) Except for the legislature, this state and any agency or political subdivision of this state shall not enact or implement any law, rule or ordinance relating to the possession or storage of firearms other than as provided in this section.

(b) This section does not prohibit:
1. A state, county or municipal judicial department, law enforcement agency or prosecutorial agency from prohibiting a deadly weapon pursuant to §13-3102 subsection A paragraph 10.
Title 15. Education
Chapter 3. Local Governance of Schools
Article 3. Powers and Duties of School District Governing Boards

15-341. General powers and duties; immunity; delegation
A. The governing board shall: ...
23. Notwithstanding section 13-3108, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator.

Title 44. Trade and Commerce
Chapter 11. Regulations Concerning Particular Businesses
Article 3. Pawnbrokers

44-1627. Licensing; requirements
A. A person shall not act as a pawnbroker unless licensed by the sheriff of the county in which the person regularly conducts business.
B. A pawnbroker shall obtain a separate license for each pawnshop owned by that pawnbroker.

C. A pawnbroker license may not be sold or transferred without the approval of the sheriff or the sheriff's designee.
D. A pawnbroker shall not conduct business at a location other than a licensed location except for firearms transactions that are permitted by a federally licensed firearms dealer at an organized gun show.
E. Every pawnbroker shall be a bona fide resident of this state. If a partnership, each partner shall be a bona fide resident of this state. If a corporation, it shall be a domestic corporation or a foreign corporation which has qualified to do business in this state. The corporation shall hold its pawnbroker license through an agent.
F. The sheriff or the sheriff's designee shall require any person, other than a bank or licensed lending institution, having any interest, directly or indirectly, in a pawnshop to submit a full set of fingerprints, together with the applicable fingerprint processing fee, to the sheriff. The sheriff shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to §41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The sheriff shall forward the fee to the department of public safety.
G. A corporation shall own the entire equitable interest in its license through an agent if the agent is otherwise qualified to hold a pawnbroker license. The agent is subject to the penalties prescribed for any violation of law relating to pawnbrokers. On the death, resignation or discharge of an agent of a corporation holding a pawnbroker license, the corporation shall promptly assign the license to another qualified agent selected by the corporation.
H. The sheriff shall not issue a license to a person who, within one year before the application, has violated any provision of a previously issued pawnbroker license or has had a license revoked. The sheriff shall not issue to or renew a license of a person who, within five years before the application, has been convicted of a felony involving trafficking in stolen property, fraudulent schemes, forgery, theft, extortion or conspiracy to defraud or a felony involving moral turpitude. The sheriff shall not issue to or renew a license of a corporation unless it has on file with the sheriff of the county in which the license is issued a list of its officers and directors and any stockholders who own ten per cent or more of the corporation. The sheriff shall not issue to or renew a license of a corporation that has knowingly made any false statements or material misrepresentations in the license application.
J. A person shall not use the word “pawn”, “pawnshop” or “pawnbroker” in its business name, on any sign or in any advertisement unless the person is licensed as a pawnbroker pursuant to this article.

[Current through the Second Regular Session and Ninth Special Session of the Forty-Ninth Legislature (2010)]

ARKANSAS
ARK. CODE

Title 5. Criminal Offenses
Chapter 73. Weapons
Subchapter 1. Possession and Use Generally

5-73-101. Definitions. As used in this chapter:
(1) "Blasting agent" means any material or mixture consisting of fuel and oxidizer intended for blasting if finished product as mixed for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined;
(2) "Contraband" means any explosive material that was used with the knowledge and consent of the owner to facilitate a violation of this subchapter, as well as any explosive material possessed under circumstances prohibited by law;
(3) "Destruction Device" means:
(A) Any of the following:
(i) Any explosive, incendiary or poison gas;
(ii) Bomb;
(iii) Grenade;
(iv) Rocket having a propellant charge of more than four ounces (4 ozs);
(v) Missile having an explosive or incendiary charge of more than one-quarter ounce (.25 oz);
(vi) Mine; or
(vii) Similar device; and
(B) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (3)(A) of this section and from which a destructive device may be readily assembled for use as a weapon;
(4)(A) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation.
(B) A detonator may not contain more than ten grams (10 g) of total explosives by weight, excluding ignition or delay charges, and may include, without limitation, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and noninstantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric leg wires;
(5) "Distribute" means to sell, issue, give, transfer, or otherwise dispose of explosive material;
(6) "Explosive Material" means an explosive, blasting agent, or detonator;
(7)(A) "Explosive" means any chemical compound mixture or device, the primary or common purpose of which is to function by explosion.
(B) "Explosive" includes, without limitation:
(i) Dynamite and other high explosive;
(ii) Black powder;
(iii) Pellet powder;
(iv) An initiating explosive;
(v) A detonator;
(vi) A safety fuse;
(vii) A squib;
(viii) A detonating cord;
(ix) An igniter cord;
(x) An igniter;
(xi) Any material determined to be within the scope of 18 U.S. C. § 841 et seq; and
(xii) Any material classified as an explosive other than consumer fireworks, 1.4 (Class C, Common), by the hazardous regulations of the United States Department of Transportation.
(8) "Instrument of crime" means anything manifestly designed, made, adapted, or commonly used for a criminal purpose.
(9) "Minor" means any person under eighteen (18) years of age; and
(10) "Violent felony conviction" means a conviction for any felony offense against the person which is codified in § 5-10-101 et seq., § 5-11-101 et seq., §§ 5-12-101 et seq., §§ 5-13-201 et seq., §§ 5-13-301 et seq., § 5-14-201 et seq., and § 5-14-201., or any other offense containing as an element of the offense one (1) of the following:
(A) The use of physical force;
(B) The use or threatened use of serious physical force;
(C) The infliction of physical harm; or
(D) The creation of a substantial risk of serious physical harm.

5-73-102. Possessing instrument of crime.
(a) A person commits the offense of possessing an instrument of crime if he or she possesses an instrument of crime with a purpose to employ it criminally.
(b) Possessing an instrument of crime is a Class A misdemeanor.

5-73-103. Possession of firearms by certain persons.
(a) Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his or her designee, or the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice, or other bureau or office designated by the United States Department of Justice, no person shall possess any firearm who has been:
   (1) Convicted of a felony;
   (2) Adjudicated mentally ill; or
   (3) Committed involuntarily to any mental institution.
   (b)(1) Except as provided in subdivisions (b)(2) and (3) of this section, a determination by a judge or court that a person committed a felony constitutes a conviction for purposes of subsection (a) of this section even though the court suspended imposition of sentence or placed the defendant on probation.
   (2) Subsection (b)(1) of this section does not apply to a person whose case was dismissed and expunged under §16-93-301 et seq. or §16-98-303(g).
   (3) The determination by a judge or court that the person committed a felony does not constitute a conviction for purposes of subsection (a) of this section if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.
   (c)(1) A person who violates this section commits a Class B felony if:
      (A) The person has a prior violent felony conviction; or
      (B) The person’s current possession of a firearm involves the commission of another crime; or
      (C) The person has been previously convicted under this section or a similar provision from another jurisdiction.
   (2) A person who violates this section commits a Class D felony if he or she has been previously convicted of a felony and his or her prior conduct under the prior felony conviction does not fall within subdivision (c)(1) of this section.
   (3) Otherwise, the person commits a Class A misdemeanor.
   (d) The Governor may restore without granting a pardon the right of a convicted felon or an adjudicated delinquent to own and possess a firearm upon the recommendation of the chief law enforcement officer in the jurisdiction in which the person resides, so long as the underlying felony or delinquency adjudication:
      (1) Did not involve the use of a weapon; and
      (2) Occurred more than eight (8) years ago.

5-73-104. Criminal use of prohibited weapons.
(a) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he or she uses, possesses, makes, repairs, sells, or otherwise deals in any:
   (1) Bomb;
   (2) Machine gun;
   (3) Sawed-off shotgun or rifle;
   (4) Firearm specially made or specially adapted for silent discharge;
   (5) Metal knuckles; or
   (6) Other implement for the infliction of serious physical injury or death.
   (b) It is a defense to prosecution under this section that:
      (1) The defendant was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his or her duty at the time he or she used or possessed the prohibited weapon; or
      (2) Lawfully obtained or used, possessed, made, repaired, sold, or otherwise dealt in any article enumerated in subsection (a) of this chapter under circumstances negating any likelihood that the weapon could be used as a weapon.
(c) (1) Criminal use of prohibited weapons is a Class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge.
   (2) Otherwise, criminal use of prohibited weapons is a Class D Felony.

5-73-105. Legitimate manufacture, repair, and transportation of prohibited weapons.
Section 5-73-104 shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated in § 5-73-104 to or for an authorized representative of:
   (1) The armed forces; or
   (2) Any law enforcement agency.
5-73-106. Defacing a firearm.
(a) A person commits the offense of defacing a firearm if he or she knowingly removes, defaces, mars, covers, alters, or destroys the manufacturer’s serial number or identification mark of a firearm.
   (b) Defacing a firearm is a Class D felony.

(a) A person commits the offense of possession of a defaced firearm if he or she knowingly possesses a firearm with a manufacturer’s serial number or other identification mark required by law that has been removed, defaced, marred, altered, or destroyed.
   (b) It is a defense to a prosecution under this section that the person reported the possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.
   (c)(1) Possession of a defaced firearm is a Class D felony.
   (2) However, possession of a defaced firearm is a Class A misdemeanor if the manufacturer’s serial number or other identification mark required by law is merely covered or obstructed, but still retrievable.
(a)(1) A person commits the offense of criminal possession of explosive material or a destructive device if the person:
   (A) Sells, possesses, manufactures, transfers, or transports explosive material or a destructive device; and
   (A) Either:
      (i) Has the purpose of using that explosive material or destructive device to commit an offense; or
      (ii) Knows or should know that another person intends to use that explosive material or destructive device to commit an offense.
   (2) Criminal possession of explosive material or a destructive device is a Class B felony.
   (b)(1) A person commits the offense of criminal distribution of explosive material if he or she knowingly distributes explosive material to any individual who:
      (A) Has pleaded guilty or nolo contendere to or been found guilty of a crime in state or federal court punishable by imprisonment for a term exceeding one (1) year;
      (B) Is an habitual offender;
      (C) Is an unlawful user of or addicted to any controlled substance;
      (D) Has been adjudicated as having a mental disease or defect or has been committed to an institution or residential treatment facility because of a mental disease or defect; or
      (E) Is under the age of twenty-one (21) years of age;
      (F) Is an alien, other than an alien who is:
         (i) Lawfully admitted for permanent residence as defined in 8 U.S.C. §1101(a)(20), as it existed on January 1, 2009;
         (ii) In lawful nonimmigrant status, a refugee admitted under 8 U.S.C. §1157, as it existed on January 1, 2009, or in asylee status under 8 U.S.C. §1158, as it existed on January 1, 2009, and either:
            (a) A foreign law enforcement officer of a foreign government, as determined by the Secretary of State under 18 U.S.C. §842, entering the United States on official law enforcement business, and the distribution of explosive material in furtherance of this official law enforcement business; or
            (b) A person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed under 18 U.S.C. §843, as it existed on January 1, 2009, and the distribution of explosive material is in furtherance of the person’s power;
         (iii) A member of a North Atlantic Treaty Organization or other foreign military force, as determined by the Attorney General of the United States in consultation with the Secretary of Defense under 18 U.S.C. §842, who is present in the United States under military orders for training or other military purpose authorized by the United States and distribution of explosive material in furtherance of the military orders for training or authorized military purpose; or
         (iv) Lawfully present in the United States in cooperation with the Director of the Central Intelligence Agency, and the distribution of explosive material is in furtherance of the cooperation;
      (G) Has been dishonorably discharged from any branch of the United States armed forces; or
      (H) Has renounced his or her United States citizenship.
   (2) Criminal distribution of explosive material is a Class C felony.
   (c)(1) A person commits the offense of possession of stolen explosive material if he or she:
      (A) Receives, possesses, transports, ships, conveys, sells, barter, exchanges, or otherwise deals in or disposes of, or pledges or accepts as security for a loan an any stolen explosive materials; and
      (B) Knows or has reasonable cause to believe that the explosive material was stolen.
   (2) Possession of stolen explosive material is a Class C felony.
   (d)(1) A person commits the offense of unlawful receipt or possession of an explosive material if the person receives or possesses explosive material and:
      (A) Has pleaded guilty or nolo contendere to or has been found guilty in any state or federal
court of a crime punishable by imprisonment for a term exceeding one (1) year;
(B) Is a fugitive from justice;
(C) Is an unlawful user of or addicted to any controlled substance;
(D) Has been adjudicated to have a mental disease or defect or has been committed to an institution or residential treatment facility because of a mental disease or defect;
(E) Is under twenty-one (21) years of age;
(F) Is an alien, other than an alien who is:
(i) Lawfully admitted for permanent residence as defined in 8 U.S.C. §1101(a)(20), as it existed on January 1, 2009;
(ii) In lawful nonimmigrant status, a refugee admitted under 8 U.S.C. §1157, as it existed on January 1, 2009, or in asylum status under 8 U.S.C. §1158, as it existed on January 1, 2009, and either:
(a) A foreign law enforcement officer of a friendly foreign government, as determined by the secretary of state under 18 U.S.C. §842, entering the United States on official law enforcement business, and the receipt or possession of the explosive material is in furtherance of this official law enforcement business; or
(b) A person having the power to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed under 18 U.S.C. §843, as it existed on January 1, 2009, and the receipt or possession of the explosive material is in furtherance of the person’s power;
(iii) A member of a North Atlantic Treaty Organization or other friendly foreign military force, as determined by the Attorney General of the United States in consultation with the Secretary of Defense under 18 U.S.C. §842, who is present in the United States under military orders for training or other military purpose authorized by the United States, and the receipt or possession of the explosive material is in furtherance of the military orders for training or authorized military purpose; or
(iv) Lawfully present in the United States in cooperation with the Director of the Central Intelligence Agency, and the receipt or possession of the explosive material is in furtherance of the cooperation;
(G) Has been dishonorably discharged from any branch of the United States Armed Forces; or
(H) Has renounced his or her United States citizenship.
(2) Unlawful receipt or possession of explosive material is a class C felony.
(3) It is a defense to prosecution under this subsection if at the time of the receiving or possessing the explosive material the person was acting within the scope of his or her employment with a business authorized to use explosive material.
(4) It is a class A misdemeanor for any person to store any explosive material in a manner not in conformity with the Arkansas Fire Prevention Code.
(f) A person who commits theft of any explosive material with the purpose to cause harm to a person or property is guilty of a class B felony.
(g) Any explosive material determined to be contraband is subject to seizure by a law enforcement officer and to being destroyed in conformity with the Arkansas Fire Prevention Code.
(h) As used in this section, "alien" means a person not a citizen or national of the United States.
5-73-109. Minors, furnishing deadly weapons
(a) A person commits the offense of furnishing a deadly weapon to a minor if he or she sells, barter, leases, gives, rents, or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of the minor’s welfare.
(b)(1) Furnishing a deadly weapon to a minor is a Class A misdemeanor if the deadly weapon is:
(A) A handgun;
(B) A sawed-off or short-barreled shotgun, as defined in § 5-1-102;
(C) A short-barreled rifle, as defined in § 5-1-102;
(D) A firearm that has been specially made or specially adapted for silent discharge;
(E) A machine gun;
(F) An explosive or incendiary device, as defined in § 5-71-301;
(G) A metal knuckles;
(H) A defaced firearm, as defined in § 5-73-107; or
(I) Another implement for the infliction of serious physical injury or death that serves no common lawful purpose.
5-73-110. Disarming minors, mentally defective
(a) Subject to constitutional limitation, nothing in this section and §§ 5-73-101 – 5-73-109 shall be construed to prohibit a law enforcement officer from disarming, without arresting, a minor or person who reasonably appears to be mentally defective or otherwise mentally irresponsible, when that person is in possession of a deadly weapon.
(b) Property seized pursuant to subsection (a) of this section may be:
(1) Returned to the parent, guardian, or other person entrusted with care and supervision of the person so disarmed; or
(2) Delivered to the custody of a court having jurisdiction over criminal offenses, in which case the court shall:
(A) Treat the property as contraband under §§ 5-5-101 and 5-5-102; or
(B) Issue an order requiring that at a certain time the parent, guardian, or person entrusted with the care and supervision of the person disarmed show cause why the seized property should not be so treated.
(c) Notice of the show cause proceedings may be given in the manner provided for service of criminal summons under Rule 6.3 of Arkansas Rules of Criminal Procedure.
5-73-119. Handguns – Possession by minor or possession on school property.
(a)(1) No person in this state under eighteen (18) years of age shall possess a handgun.
(2)(A) A violation of subdivision (a)(1) of this section is Class A misdemeanor.
(B) A violation of subdivision (a)(1) of this section is a Class D felony if the person has previously:
(i) Been adjudicated delinquent for a violation of subdivision (a)(1) of this section;
(ii) Been adjudicated delinquent for any offense that would be a felony if committed by an adult; or
(iii) Plead guilty or nolo contendere to or been found guilty of a felony in circuit court while under eighteen (18) years of age.
(b)(1) No person in this state shall possess a firearm:
(A) Upon the developed property of the public or private schools or K-12; or
(B) In or upon any school bus; or
(C) At a designated bus stop as identified on the route list published by a school district each year.
(2)(A) A violation of subdivision (b)(1) of this section shall be a Class D felony.
(B) A violation of subdivision (b)(1) of this section shall be suspended or probated or treated as a first offense under § 16-93-301 et seq.
(c)(1) No person in this state shall possess a handgun upon the property of any private institution of higher education or a publicly supported institutions of higher education in this state on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to employ the handgun as a weapon against a person.
(2) A violation of subdivision (c)(1) of this section shall be a Class D felony.
(d) A "firearm" means a firearm capable of firing rimfire ammunition or centerfire ammunition and designed or constructed to be fired with one (1) hand.
(e) It is a defense to prosecution under this section that at the time of the act of possessing a handgun or firearm:
(1) The person is in his own dwelling or place of business or on property in which he or she has a possessory or proprietary interest, except upon the property of a public or private institution of higher learning;
(2) The person is a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties;
(3) The person is assisting a law enforcement officer, correctional officer, or member of the armed forces acting in the course and scope of his or her official duties pursuant to the direction or request of the law enforcement officer, correctional officer, or member of the armed forces;
(4) The person is a licensed security guard acting in the course and scope of his or her duties;
(5) The person is hunting game with a handgun or firearm that may be hunted with a handgun or firearm under the rules and regulations of the Arkansas State Game and Fish Commission or is en route to or from a hunting area for the purpose of hunting game with a handgun or firearm;
(6) The person is a certified law enforcement officer;
(7) The person is on a journey, unless the person is eighteen (18) years of age or less; or
(8) The person is participating in a certified hunting safety course sponsored by the commission or a firearm safety course recognized and approved by the commission or by a state or national nonprofit organization qualified and experienced in firearm safety;
(9) The person is participating in a school-approved educational course or sporting activity involving the use of firearms; or
(10) The person is a minor engaged in lawful marksmanship competition or practice or other lawful recreational shooting under the supervision of his or her parent, legal guardian, or other person twenty-one (21) years of age or
7-3-125. Interstate sale and purchase of shotguns, rifles, and ammunition. 

(a) The sale of shotguns and rifles and ammunition in this state to residents of other states is authorized under regulations issued by the Attorney General of the United States under the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., as in effect on January 1, 2009.

(b) A resident of this state may purchase a rifle, shotgun, or ammunition in another state as expressly authorized under the regulations issued under the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., as in effect on January 1, 2009.

7-3-129. Furnishing a deadly weapon to a felon. 

(a) A person commits the offense of furnishing a handgun to a felon if he or she sells, barters, leases, gives, rents, or otherwise furnishes a handgun to a person who he or she knows has been found guilty of or pleaded guilty or nolo contendere to a felony.

(b) A person commits the offense of furnishing a prohibited weapon to a felon if he or she sells, barters, leases, gives, rents, or otherwise furnishes:

1. A sawed-off shotgun or rifle;
2. A firearm that has been specially made or specially adapted for silent discharge;
3. A machine gun;
4. A bomb;
5. Metal knuckles;
6. A defaced firearm, as defined in § 5-73-107;
7. Other implement for the infliction of serious physical injury or death that serves no common lawful purpose.

(c) Furnishing a handgun or a prohibited weapon to a felon is a Class B felony.

7-3-131. Possession or use of weapons by incarcerated persons. 

(a) A person commits the offense of possession or use of weapons by incarcerated persons if, without approval of custodial authority he or she uses, possesses, makes, repairs, sells, or otherwise deals in any weapon, including, but not limited to, any bomb, firearm, knife, or other implement for the infliction of serious physical injury or death and that serves no common lawful purpose, while incarcerated in the Department ofCorrection, the Department of Community Correction, or a county or municipal jail or detention facility.

(b) Possession or use of weapons by incarcerated persons is a Class D felony.

(c) This section is not applicable to possession of a weapon by an incarcerated person before he or she completes the standard booking and search procedures in a jail facility after arrest.

7-3-132. Sale, rental, or transfer of firearm to prohibited person. 

(a) A person shall not sell, rent, or transfer a firearm to any person who he or she knows is prohibited by state or federal law from possessing the firearm.

(b) A violation of this section is a Class A misdemeanor, unless the firearm is:

1. A handgun;
2. A sawed-off or short-barreled shotgun, as defined in § 5-1-102;
3. A sawed-off or short-barreled rifle, as defined in § 5-1-102;
4. A firearm that has been specially made or specially adapted for silent discharge;
5. A prohibited weapon; 
6. An explosive or incendiary device, as defined in § 5-71-301;
7. A defaced firearm, as defined in § 5-73-107;
8. Other implement for the infliction of serious physical injury or death that serves no common lawful purpose.

(2) If the firearm is listed in subdivision (b)(1) of this section, a violation of this section is a Class B felony.

7-3-133. Purchase or Possession of a taser stun gun. 

(a) As used in this section, "taser stun gun" means any device that:

1. Is powered by an electrical charging unit such as a battery; and
2. Either:
   (A) Emits an electrical charge in excess of twenty thousand (20,000) volts; or
   (B) Is otherwise capable of incapacitating a person by an electrical charge.

(b) (1) No person who is eighteen (18) years of age or under may purchase or possess a taser stun gun.

   (2) No person shall sell, barter, lease, give, rent, or otherwise furnish a taser stun gun to a person who is eighteen (18) years of age or under.

   (3) Any law enforcement officer using a taser stun gun shall be properly trained in the use of the taser stun gun and informed of any danger or risk of serious harm and injury that may be caused by the use of the taser stun gun on a person.

   (d)(1) A person who violates subdivision (b)(1) of this section is deemed guilty of an unclassified misdemeanor punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

   (2) A person who violates subdivision (b)(2) of this section is deemed guilty of a Class B felony.

Subchapter 2. Uniform Machine Gun Act

5-73-201. Title.

This subchapter may be cited as the "Uniform Machine Gun Act:.

5-73-202 Definitions.

As used in this sub-chapter:

1. "Crime of violence" means any of the following crimes or an attempt to commit any of them:

   (A) Murder;
   (B) Manslaughter;
   (C) Kidnapping;
   (D) Rape;
   (E) child rape;
   (F) Assault to do great bodily harm;
   (G) Robbery;
   (H) Burglary;
   (I) Housebreaking;
   (J) Breaking and entering; and
   (K) Larceny.

2. "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be rapidly, or automatically, or semi- automatically, discharged from a magazine, by a single function of the firing device; and

3. "Person" includes a firm, partnership, association, or corporation.

5-73-203. Uniformity of interpretation. 

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

5-73-204. Machine Gun possession; imprisonment. 

Possession or use of a machine gun for offensive or aggressive purpose is declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than ten (10) years.

5-73-205. Presumption of offensive or aggressive purpose. 

(a) Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose:

1. When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

2. When in the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

3. (Repealed.)

4. When empty or loaded pistol shells of .30 in. or .763 mm., or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity of the machine gun.

(b) A machine gun is exempt from the presumption of offensive or aggressive purpose if:

1. The machine gun has been registered to a corporation in the business of manufacturing ammunition or a representative of the corporation under the National Firearms Act, 26 U.S.C. § 5801 et seq., or the Gun Control , 18 U.S.C. §921 et seq.;

2. The machine gun is being used primarily to test ammunition in a non-offensive and non-aggressive manner by the corporation or the corporation’s representative that the machine gun is registered to;

3. The corporation or the corporation’s representative is not prohibited from the possession of a firearm by any state or federal law.

5-73-206. Machinegun presence; evidence. 

The presence of a machine gun in any room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

5-73-207. Machine gun manufacture; exception. 

Nothing contained in this subchapter prohibits or interferes with:

1. The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision of the United States, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of .30 in. or 7.63 mm., or larger caliber, for a purpose manifestly not aggressive or offensive.
(a) Every manufacturer shall keep a register of all machine guns manufactured or handled by the manufacturer.
(b) This register shall show:
   (1) The model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and
   (2) The purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered, or from whom received.
(c) Upon demand every manufacturer shall permit any marshal, sheriff, or police officer to inspect the manufacturer's entire stock of machine guns, parts, and supplies therefor, and shall produce the register, required by this section, for inspection.
(d) A violation of this section is a violation punishable by a fine of not less than one hundred dollars ($ 100).

Title 14. Local Government
Chapter 16. Powers of Counties Generally
14-16-504. Regulation by local unit of government.
(a) As used in this section, "local unit of government" means a city, town, or county.
(b)(1)(A) A local unit of government shall not enact any ordinance or regulation pertaining to, or regulate in any other manner, the ownership, transfer, transportation, carrying, or possession of firearms, ammunition for firearms, or components of firearms, except as otherwise provided in state or federal law.
   (B) This shall not prevent the enactment of an ordinance regulating or forbidding the unsafe discharge of a firearm.
   (2)(A) A local unit of government shall have no authority to bring suit and shall have no right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.
   (B) The authority to bring any suit and the right to recover against any firearm or ammunition manufacturer, trade association, or dealer for damages, abatement, or injunctive relief shall be reserved exclusively to the State of Arkansas.

Chapter 54. Powers of Municipalities Generally
14-54-1411. Firearms and ammunition.
[Same as §14-16-504, above.]

[CALIFORNIA CODE]

California Penal Code
Part I. Of Crimes and Punishment
Title 15. Miscellaneous Crimes
Chapter 1. Schools
626.9. Gun-Free School Zone Act
(a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
(b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).
(c) Subdivision (b) does not apply to the possession of a firearm under any of the following circumstances:
   (1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
   (2) When the firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.
This section does not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in accordance with state law.
(3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trial of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.
(4) When the person is exempt from the prohibition against carrying a concealed firearm pursuant to subdivision (b), (d), (e), or (h) of Section 12026.1.
(5) Except as provided in subdivision (b), it shall be unlawful for any person, with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (1) of subdivision (e).
   (A) The prohibition contained in this subdivision does not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.
   (B) As used in this section, the following definitions shall apply:
   (1) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.
   (2) "Firearm" has the same meaning as that term is given in Section 12001.
   (3) "Locked container" has the same meaning as that term is given in subdivision (c) of Section 12026.1.
   (4) "Concealed firearm" has the same meaning as that term is given in Sections 12025 and 12026.1.
(f)(1) Any person who violates subdivision (b) by possessing a firearm in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished by imprisonment in the state prison for two, three, or five years.
(2) Any person who violates subdivision (b) by possessing a firearm within a distance of 1,000 feet from the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, shall be punished as follows:
   (A) By imprisonment in the state prison for two, three, or five years, if any of the following circumstances apply:
      (i) If the person previously has been convicted of a felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.
      (ii) If the person is a minor and has been convicted of a misdemeanor, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.
      (iii) If the person is a minor and has been convicted of a misdemeanor, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.
      (iv) If the person is a minor and has been convicted of a misdemeanor, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4.
   (B) By imprisonment in a county jail for not more than one year or by imprisonment in the state prison for two, three, or five years, in all cases other than those specified in subparagraph (A).
(3) Any person who violates subdivision (d) shall be punished by imprisonment in the state prison for three, five, or seven years.
(g)(1) Every person convicted under this section for a misdemeanor violation of subdivision (b) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6 shall be punished by imprisonment in a county jail for not less than three months, or if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.
(2) Every person convicted under this section of a felony violation of subdivision (b) or (d) who has been convicted previously of a misdemeanor offense enumerated in Section 12001.6, if probation is granted or if the execution of sentence is suspended, shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(3) Every person convicted under this section for a felony violation of subdivision (b) or (d) who has been convicted previously of any felony, or of any crime made punishable by Chapter 1 (commencing with Section 12000) of Title 2 of Part 4, if probation is granted or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three years. Notwithstanding subdivision (a) or (i) of Section 12027 or paragraph (1) or (8) of subdivision (b) of Section 12031, 626.95. Violations of §§ 417, 12025, or 12031; punishment; legislative intent

(a) Any person who is in violation of paragraph (2) of subdivision (a), or subdivision (b) of Section 1171, 12025 or 12031, upon the grounds of or within a playground, or a public or private youth center during hours in which the facility is open for business, or school-related programs, or at any time when minors are using the facility, knowing that he or she is or is within those grounds, shall be punished by imprisonment in the state prison for one, two, or three years, or in a county jail not exceeding one year.

(b) State and local authorities are encouraged to cause signs to be posted around playgrounds and youth centers giving warning of prohibition of the possession of firearms upon the grounds of or within playgrounds or youth centers.

(c) For purposes of this section, the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(1) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Part 4, a full-time peace officer of another state or the federal government in carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code or on or within those grounds.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Section 12031.

(n) This section does not apply to an existing shooting range at a public or private school or university campus.

(o) This section shall not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to subdivision (a) or (i) of Section 12027 or paragraph (1) or (8) of subdivision (b) of Section 12031.

626.95. Violations of §§ 417, 12025, or 12031; punishment; legislative intent

(a) Any person who is in violation of paragraph (2) of subdivision (a), or subdivision (b) of Section 1171, 12025 or 12031, upon the grounds of or within a playground, or a public or private youth center during hours in which the facility is open for business, or school-related programs, or at any time when minors are using the facility, knowing that he or she is or is within those grounds, shall be punished by imprisonment in the state prison for one, two, or three years, or in a county jail not exceeding one year.

(b) State and local authorities are encouraged to cause signs to be posted around playgrounds and youth centers giving warning of prohibition of the possession of firearms upon the grounds of or within playgrounds or youth centers.

(c) For purposes of this section, the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(k) This section does not require that notice be posted regarding the proscribed conduct.

(l) This section does not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Part 4, a full-time peace officer of another state or the federal government in carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code or on or within those grounds.

(m) This section does not apply to a security guard authorized to carry a loaded firearm pursuant to Section 12031.

(n) This section does not apply to an existing shooting range at a public or private school or university campus.

(o) This section shall not apply to an honorably retired peace officer authorized to carry a concealed or loaded firearm pursuant to subdivision (a) or (i) of Section 12027 or paragraph (1) or (8) of subdivision (b) of Section 12031.

626.95. Violations of §§ 417, 12025, or 12031; punishment; legislative intent

(a) Any person who is in violation of paragraph (2) of subdivision (a), or subdivision (b) of Section 1171, 12025 or 12031, upon the grounds of or within a playground, or a public or private youth center during hours in which the facility is open for business, or school-related programs, or at any time when minors are using the facility, knowing that he or she is or is within those grounds, shall be punished by imprisonment in the state prison for one, two, or three years, or in a county jail not exceeding one year.

(b) State and local authorities are encouraged to cause signs to be posted around playgrounds and youth centers giving warning of prohibition of the possession of firearms upon the grounds of or within playgrounds or youth centers.

(c) For purposes of this section, the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.
clude those persons dealing exclusively in grips, stocks, and other parts of firearms that are not frames or receivers thereof.

(i) As used in Section 12071 or 12072, "application to purchase" means any of the following:

(1) The initial completion of the register by the purchaser, transferee, or person being loaned the firearm as required by subdivision (b) of Section 12076.

(2) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

(j) For purposes of Section 12023, a firearm shall be deemed to be "loaded" whenever both the firearm and the un expended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.

(k) For purposes of Sections 12021, 12021.1, 12025, 12070, 12072, 12073, 12078, 12101, and 12801 of this code, and Sections 8100, 8101, and 8103 of the Wildlife and Institutions Code, notwithstanding the fact that the term "firearm" may be used in those sections, each firearm or the frame or receiver of the same shall consist of a distinct and separate offense under those sections.

(l) For purposes of Section 12020, a violation of that section as to each firearm, weapon, or device enumerated therein shall constitute a distinct and separate offense.

(m) Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this title shall include two copies of the applicant's fingerprints on forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.

(n) As used in this chapter, a "personal handgun importer" means an individual who meets all of the following criteria:

(1) He or she is not a person licensed pursuant to Section 12071.

(2) He or she is not a licensed manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(3) He or she is not a licensed importer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(4) He or she is the owner of a handgun.

(5) He or she acquired that handgun outside of California.

(6) He or she moves into this state on or after January 1, 1998, as a resident of this state.

(7) He or she intends to possess that handgun within this state on or after January 1, 1998.

(8) The handgun was not delivered to him or her by a person licensed pursuant to Section 12071 who delivered that firearm following the procedures set forth in Section 12071 and subdivision (c) of Section 12072.

(9) He or she, while a resident of this state, had not previously reported his or her ownership of that handgun to the Department of Justice in a manner prescribed by the department that included information concerning him or her and a description of the firearm.

(10) The handgun is not a firearm that is prohibited by subdivision (a) of Section 12020.

(11) The handgun is not an assault weapon, as defined in Section 12276 or 12276.1.

(12) The handgun is not a machinegun, as defined in Section 12200.

(13) The person is 18 years of age or older.

(o) For purposes of paragraph (6) of subdivision (b):

(1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to Section 12505 of the Vehicle Code.

(2) In the case of members of the Armed Forces of the United States, residency shall be deemed to be established if he or she was discharged from active service in this state.

(p) As used in this code, "basic firearms safety certificate" means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, prior to January 1, 2003.

(q) As used in this code, "handgun certificate" means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article is operative on or after January 1, 2003.

(r) As used in this title, "gunsmith" means any person who is primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

(s) As used in this title, "consultant-evaluator" means a consultant or evaluator who, in the course of his or her profession, is engaged primarily in the business of research or evaluation, and has a current certificate of eligibility issued to him or her pursuant to Section 12071.

12001.5. Manufacture, sale or possession of a short-barreled shotgun or short-barreled rifle

Except as expressly provided in Section 12020, and solely in accordance with Section 12020, a person who manufacture, imports into this state, keep for sale, offer for sale, give, lend, or possess any short-barreled shotgun or short-barreled rifle, as defined in Section 12020, and nothing else in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possessing any short-barreled shotgun or short-barreled rifle, as defined in Section 12020.

12001.6. Offenses involving violent use of firearm

As used in this chapter, an offense which involves the violent use of a firearm includes any of the following:

(a) A violation of paragraph (2) or (3) of subdivision (a) of Section 245 or a violation of subdivision (d) of Section 245.

(b) A violation of Section 246.

(c) A violation of paragraph (2) of subdivision (a) of Section 417.

(d) A violation of subdivision (c) of Section 417.

Article 2. Unlawful Carrying and Possession of Weapons

12020. Manufacture, import, sale, supply or possession of certain weapons and explosives; punishment; exceptions; definitions

(a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any ledged cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any military police practice handgun or metal replica handgun, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Carries concealed upon January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any military practice handgun or metal replica handgun shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, the Department of Corrections and Rehabilitation, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, the Department of Justice, or the Department of Corrections and Rehabilitation, when on duty, and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or
business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any firearm or ammunition that is a curio or relic as defined in Section 478.11 of Title 27

(6) Tracer ammunition manufactured for use in motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent to persons in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any person who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possession of firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant to such title, and no prohibition applies.

(13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent to persons who are in the business of selling firearms or ammunition pursuant to Chapter 44 (commencing with Section 12021) of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized removal, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending to, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city, and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large-capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The person loaning the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(C) The person who receives the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(D) The person possessing the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for the agency's disposition according to law.

(E) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(F) The person possesses the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(G) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(H) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(F) The person who possesses the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(G) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(H) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(I) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(24) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.
(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(30) (A) The manufacture of a large-capacity magazine for any federal, state, county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(B) The manufacture of a large-capacity magazine for export or for sale to government agencies or the military pursuant to applicable federal regulations.

(31) The loan of a large-capacity magazine for use solely as a prop for a motion picture, television, or video production.

(32) The purchase of a large-capacity magazine by the holder of a special weapons permit issued pursuant to Section 12095, 12230, 12250, 12286, or 12305, for any of the following purposes:

(A) For use solely as a prop for a motion picture, television, or video production.

(B) For export pursuant to federal regulations.

(C) For resale to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations.

(c)(1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(F) As used in this section, a "walet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(G) As used in this section, a "zip gun" means any firearm or tube ammunition feeding device constructed and designed so that when attached to a semiautomatic firearm which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a "zip gun" means any firearm or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and Subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches. ...
where the coloration of the entire exterior surface of the firearm is bright orange or bright green, either singly, in combination, or as the predominant color in combination with other colors in any pattern, is liable for a civil fine in an action brought by the city attorney of the city or the district attorney for a fine not exceeding one thousand dollars ($1,000).

**12020.5. Advertising unlawful weapons prohibited.**

It shall be unlawful for any person, as defined in Section 12277, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020, 12030, 12031, 12032, 12320, 12321, 12355, or 12520 in any newspaper, magazine, circular, form letter, or open publication that is published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device.

**12021. Specified convictions; narcotic addiction; conditions of probation; restrictions on firearms possession; punishment; employment needs; relief from prohibition; justifiable violations (a)(1)** Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or political subdivision, or who has been granted relief pursuant to subdivision (a), (b), or (d) of Section 12001.6, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

**12021.1.** Any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (b) of Section 148, Section 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, 12023, 12024, subdivision (b) or (d) of Section 12034, Section 12040, subdivision (b) of Section 12072, subdivision (a) of former Section 12100, Section 12220, Section 12590, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in paragraph (3) of subdivision (g) of Section 12072, and who, with in 10 years of the conviction, owns, purchases, receives, or has in his or her possession or under his or her custody or control, any firearm is guilty of a felony or shall be punished by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this subdivision. However, the prohibition in this paragraph may be reduced, eliminated, or conditioned as provided in paragraph (2) or (3).

**12022.** Any person employed as a peace officer described in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose employment or livelihood is dependent on the ability to legally possess a firearm, who is subject to the prohibition imposed by this subdivision because of a conviction under Section 273.5, 273.6, or 646.9, may petition the court only once for relief from this prohibition. The petition shall be filed with the court in which the petitioner was sentenced. If possible, the matter shall be heard before the same judge who sentenced the petitioner. Upon filing the petition, the clerk of the court shall set the hearing date and shall notify the petitioner and the prosecuting attorney of the date of the hearing. Upon making each of the following findings, the court may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the court deems appropriate.

**12024.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12025.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12026.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12027.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12028.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12029.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

**12030.** Any person employed as a peace officer described in paragraph (2) or (3) of subdivision (b) of Section 12021.1, and the court is not presented with any credible evidence that the peace officer is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.
adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code, an offense described in subdivision (b) of Section 1203.073, any offense enumerated in paragraph (1) of subdivision (c), or any offense described in subdivision (a) of Section 12025, subdivision (a) of Section 12031, or subdivision (a) of Section 12034, shall not own, or have in his or her possession or under his or her custody or control, any firearm until the age of 30 years. A violation of this subdivision shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine. The juvenile court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this subdivision. Notwithstanding any other law, the forms required to be used in submitting to the department pursuant to this subdivision may be used to determine eligibility to acquire a firearm.

(f) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless either of the following criteria is satisfied:

(1) Conviction of a felony offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both punishments.

(g)(1) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that he or she is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or by a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(2) Every person who owns or possesses a firearm knowing that he or she is prohibited from doing so by a temporary restraining order or injunction issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, or by a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

The Judicial Council shall provide notice on all protective orders that the respondent is a person described in subdivision (b) of Section 707 of the Welfare and Institutions Code, an offense described in subdivision (b) of Section 1203.073, any offense enumerated in paragraph (1) of subdivision (c), or any offense described in subdivision (a) of Section 12025, subdivision (a) of Section 12031, or subdivision (a) of Section 12034, is guilty of a public offense, which shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.

(b) As used in this section, a violent offense includes any of the following:

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape.

(4) Sodomy by force, violence, duress, menace, or threat of great bodily harm.

(5) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

(6) Lewd acts on a child under the age of 14 years.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any other felony in which the defendant inflicts great bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.

(9) Attempted murder.

(10) Assault with intent to commit rape or robbery.

(11) Assault with a deadly weapon or instrument.

(12) Assault by a life prisoner on a non-inmate.

(13) Assault with a deadly weapon by an inmate.

(14) Arson.

(15) Explosing a destructive device or any explosive with intent to injure.

(16) Exploiting a destructive device or any explosive causing great bodily injury.

(17) Exploiting a destruction device or any explosive with intent to murder.

(18) Robbery.

(19) Kidnapping.

(20) Taking of a hostage by an inmate of a state prison.

(21) Attempt to commit a felony punishable by death or imprisonment in the state prison for life.

(22) Any felony in which the defendant personally used a dangerous or deadly weapon.

(23) Escape from a state prison by use of force or violence.

(24) Assault with a deadly weapon or force likely to produce great bodily injury.

(25) Any felony violation of Section 186.22.

(26) Any attempt to commit a crime listed in this subdivision other than an assault.

(27) Any offense enumerated in subdivision (a), (b), or (d) of Section 12001.6.

(28) Any offense enumerated in subdivision (c) of Section 12001.6 if the person has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417.

(c) A person previously convicted of any of the offenses listed in subdivision (b) which conviction results from certification by the juvenile court for prosecution as an adult in adult court under the provisions of Section 707 of the Welfare and Institutions Code, who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony. If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.

(d) The court shall apply the minimum sentence as specified in subdivisions (a) and (e) except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the imprisonment required by subdivisions (a) and (e), or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivisions (a) and (e), in which case the court shall specify on the record and shall
enter on the minutes the circumstances indicating
that the interests of justice would best be
served by the disposition.

12029. Blackjacks, etc., as nuisances; confiscation and destruction; preparation as evidence
Except as provided in Section 12020, blackjacks, slungshots, billies, nunchakus, sandclubs, sandbags, shurikens, metal knuckles, short-barreled shotguns or short-barreled rifles as defined in Section 12020, and any other item which is listed in subdivision (a) of Section 12020 and is not listed in subdivision (a) of Section 12028 are nuisances, and the Attorney General, district attorney, or city attorney may bring an action to enjoin the manufacture of, importation of, keeping for sale of, offering or exposing for sale, giving, lending, or possession of, any of the foregoing items. These weapons shall be subject to confiscation and summary destruction whenever found within the state. If the weapon is destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, the weapon shall be preserved until the necessity for its use ceases.

12035. Storage of firearms accessible to children; criminal offense; punishment; legislative intent; notice
(a) As used in this section, the following definitions apply:
(1) "Locked container" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.
(2) "Load" means the same meaning as set forth in subdivision (g) of Section 12031.
(3) "Child" means a person under 18 years of age.
(4) "Great bodily injury" has the same meaning as set forth in Section 12022.7.
(5) "Inoperable" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.
(2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(c) Subdivision (b) shall not apply whenever any of the following applies:
(1) The child obtains the firearm as a result of an illegal entry to any premises by any person.
(2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.
(3) The firearm is carried on the person or within such a close proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.
(4) The firearm is locked with a locking device that has rendered the firearm inoperable.
(5) The person is a peace officer or a member of the armed forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the peace officer's duties.
(6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.
(7) The person who keeps a loaded firearm on any premise that is under his or her custody or control has no reasonable expectation, based on the objective facts and circumstances, that a child is likely to be present on the premises.
(8) Criminal storage of a firearm is punishable as follows:
(1) Criminal storage of a firearm in the first degree, by imprisonment in the state prison for 16 years, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.
(2) Criminal storage of a firearm in the second degree, by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or by both that fine and imprisonment.
(3) Criminal storage of a firearm is punishable as follows:
(1) Criminal storage of a firearm in the first degree, by imprisonment in the state prison for 16 years, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.
(4) Locked container has the same meaning as set forth in subdivision (d) of Section 12026.2.
(5) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.
(6) A person who keeps any firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, as set forth in subdivision (d) of Section 12022.7, shall be punished, by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars ($5,000), or by both that imprisonment and fine.
(7) A person who keeps any firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars ($5,000), or by both that imprisonment and fine.
(8) A person who keeps any firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars ($5,000), or by both that imprisonment and fine.
The person who keeps a firearm has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subdivision shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of this section.

If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, no arrest of the person for the alleged violation of this section shall occur until at least seven days after the date upon which the accidental shooting occurred. In addition to the limitation contained in this subdivision, a law enforcement officer shall consider the health status of a child who suffers great bodily injury as the result of an accidental shooting prior to arresting a person for a violation of this section, if the person to be arrested is the parent or guardian of the injured child. The intent of this subdivision is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or in a similarly critical medical condition.

(2) In any action or trial commenced under this section, the fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section shall be considered a mitigating factor by a district attorney when he or she is deciding whether to prosecute the alleged violation.

(3) The sale, lease, or transfer of a firearm by a person acting pursuant to operation of law, a court order, or pursuant to the Enforcement of Judgments Law (Title 9 (commencing with Section 680.50) of Part 2 of Division 7 of the Code of Civil Procedure), or by a person who liquidates a person-:

Article 4. Licenses to Sell Firearms

12070. Unlicensed persons; violations; exceptions.

(a) No person shall sell, lease, or transfer fire-arms unless he or she has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

(b) Subdivision (a) does not include any of the following:

(1) The sale, lease, or transfer of any firearm by a person acting pursuant to operation of law, a court order, or pursuant to the Enforcement of Judgments Law (Title 9 (commencing with Section 680.50) of Part 2 of Division 7 of the Code of Civil Procedure). (2) A person acting pursuant to subdivision (e) of Section 186.22a or subdivision (c) of Section 12028.

(3) The sale, lease, or transfer of a firearm by the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian beha...
As used in this section, “operation of law” includes, but is not limited to, any of the following:

(A) The executor or administrator of an estate, if the estate includes firearms.

(B) A secured creditor or an agent or employee thereof, if the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(C) A levy officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(D) A receiver performing his or her functions as a receiver, if the receivership estate includes firearms.

(E) A trustee in bankruptcy performing his or her duties, if the bankruptcy estate includes firearms.

(F) An assignee for the benefit of creditors performing his or her functions as an assignee, if the assignee includes firearms.

(G) A transmutation of property between spouses pursuant to Section 850 of the Family Code.

(H) Firearms received by the family of a police officer or deputy sheriff from a local agency pursuant to Section 50081 of the Government Code.

(I) The transfer of a firearm by a law enforcement agency to the person who found the firearm where the delivery is to the person as the finder of the firearm pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code.

(2) Includes, but is not limited to, any of the following:

(A) The department's records indicate that the applicant is not a person who is prohibited by state or federal law from possessing firearms.

(B) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

(C) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(i) In the form prescribed by the Attorney General.

(ii) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.

(iii) A letter from the duly constituted licensing authority having possession of the cant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(D) Local licensing authorities may assess fees to recover their full costs of processing applications for licensing.

(E) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1)(A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the law contained in paragraph (7) of subdivision (a) of Section 12316.

(C) Local licensing authorities shall inform applicants who are denied licenses of the reasons for the denial in writing.

(D) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(E) The license shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."
"(C) "IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A Misdemeanor, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS ($5,000), UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOOKING DEVICE."

(D) "DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER HANDLING FIREARMS OR AMMUNITION."

(E) "FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU MAY BE ATROUSS OF THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM."

(F) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD."

(G)(A) Commencing January 1, 1994, and until January 1, 2003, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(B) Commencing January 1, 2003, no dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. The firearms dealer shall retain a photocopy of the handgun safety certificate as proof of compliance with this requirement.

(C) Commencing January 1, 2003, no handgun may be delivered unless the purchaser, transferee, or person being loaned the firearm presents documentation indicating that he or she is a California resident. Satisfactory documentation shall include a utility bill from within the last three months, a residential lease, a property deed, or military permanent duty station orders indicating assignment within the state, or other evidence of residency as permitted by the Department of Justice. The firearms dealer shall retain a photocopy of the documentation as proof of compliance with this requirement.

(D) Commencing January 1, 2003, except as authorized by this department, no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that handgun. The demonstration shall commence with the handgun unloaded and locked with the firearm safety device with which it is required to be delivered, if applicable. While maintaining muzzle awareness, that is, the firearm is pointed in a safe direction, preferably down at the ground, and trigger discipline, that is, the trigger finger is outside of the trigger guard and along side of the handgun frame, at all times, the handgun recipient shall correctly and safely perform the following:

(i) If the handgun is a semiautomatic pistol:
   (I) Remove the magazine.
   (II) Lock the slide back. If the model of firearm does not allow the slide to be locked back, pull the slide back, visually and physically check the chamber to ensure that it is clear.

(ii) If the handgun is a double-action revolver:
   (I) Open the cylinder.
   (II) Visually and physically inspect each chamber.
   (III) Visually and physically inspect each chamber.
   (IV) Remove the firewall safety device, if applicable. If the firewall safety device prevents any of the previous steps, remove the firewall safety device during the appropriate step.

(iii) If the handgun is a single-action revolver:
   (I) Open the cylinder.
   (II) Visually and physically inspect each chamber.
   (III) Remove the firewall safety device, if applicable. This requirement shall not apply to a firewall competition pistol if no firewall safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in paragraph (2) of subdivision (h) of Section 12132 or is subject to paragraph (3) of subdivision (h) of Section 12132.

(D) The recipient shall receive instruction regarding how to render that handgun safe in the event of a jam.

(F) The firearms dealer shall sign and date an affidavit stating that the requirements of subparagraph (D) have been met. The firearms dealer shall additionally obtain the signature of the handgun purchaser on the same affidavit. The firearms dealer shall retain the original affidavit as proof of compliance with this requirement.

(G) The recipient shall perform the safe handling demonstration for a department certified instructor.

(H) No demonstration shall be required if the dealer is returning the handgun to the owner of the handgun.

(I) Department certified instructors who may administer the safe handling demonstration shall meet the requirements set forth in subdivision (j) of Section 12804.

(J) The persons who are exempt from the requirements of subdivision (b) of Section 12801, pursuant to Section 12807, are also exempt from performing the safe handling demonstration.

(9) Commencing July 1, 1992, the licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

(10) The licensee shall not commit an act of collusion as defined in Section 12072.

(11) The licensee shall post conspicuously within the licensed premises a detailed list of each of the following:

(A) All charges required by governmental agencies for processing firearm transfers required by Sections 12076, 12082, and 12806.

(B) All fees that the licensee charges pursuant to Sections 12082 and 12806.

(12) The licensee shall not misrepresent the amount of fees charged by a governmental agency pursuant to Sections 12076, 12082, and 12806.
(13) Except as provided in subparagraphs (B) and (C) of paragraph (1) of subdivision (b), all firearms that are in the inventory of the licensee shall be kept within the licensed location. The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that is taken possession of pursuant to Section 12082, or any firearm kept at the licensee’s place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee’s business premises are located.

(14) Except as provided in subparagraphs (B) and (C) of paragraph (1) of subdivision (b), any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All firearms shall be secured using one of the following methods as to each particular firearm:

(A) The firearm in a secure facility that is a part of, or that constitutes, the licensee’s business premises.

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from theft or use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(C) Store the firearm in a locked fireproof safe or vault in the licensee’s business premises.

(15) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in paragraph (14).

(16) Commencing January 1, 1994, the licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice, the Attorney General, the Department of Motor Vehicles, and any regulations issued pursuant to Section 12082.

(17) The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearms transaction record as prescribed by the department.

(18)(A) On the date of receipt, the licensee shall report to the Department of Justice in a format prescribed by the department the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person.

(B) The provisions of this paragraph shall not apply to any of the following transactions:

(i) A transaction subject to the provisions of subdivision (n) of Section 12078.

(ii) The dealer acquired the firearm from a wholesale dealer.

(iii) The dealer acquired the firearm from a person who is licensed as a manufacturer or importer to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(iv) The dealer acquired the firearm from a person who resides outside this state who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(v) Until July 1, 2010, the dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code, acquires a handgun, and reports its acquisition pursuant to Section 21628 of the Business and Professions Code.

(vi) Commencing July 1, 2010, the dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code, acquires a handgun, and reports its acquisitions pursuant to Section 21628.2 of the Business and Professions Code.

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is received within the time period set forth in Section 478.102(c) of Title 27 of the Code of Federal Regulations.

(20)(A) Firearms dealers may require any agent who handles, sells, or delivers firearms to obtain and provide to the dealer a certificate of eligibility from the department pursuant to paragraph (4) of subdivision (a). The agent or employee shall provide on the application, the name and California firearms dealer number of the firearms dealer with whom he or she is employed.

(B) The department shall notify the firearms dealer in the event that the agent or employee who has a certificate of eligibility is or becomes prohibited from possessing firearms.

(C) If the local jurisdiction requires a background check of the agents or employees of the firearms dealer, the agent or employee shall obtain a certificate of eligibility pursuant to subparagrap (A).

(D) Nothing in this paragraph shall be construed to preclude a local jurisdiction from conducting an additional background check pursuant to Section 11105 or prohibiting employment based on criminal history that does not appear as part of obtaining a certificate of eligibility, provided however, that the local jurisdiction may not charge a fee for the additional criminal history check.

(E) The licensee shall prohibit any agent who the licensee knows or reasonably should know is within a class of persons prohibited from possessing firearms pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code, from handling, selling, or delivering firearms.

(F) Nothing in this paragraph shall be construed as preventing a local government from enacting an ordinance imposing additional conditions on licensees with regard to agents.

(G) For purposes of this section, the following definitions shall apply:

(i) An “agent” is an employee of the licensee.

(ii) “Secured” means a firearm that is made inoperable in one or more of the following ways:

(I) The firearm is inoperable because it is secured by a firearms safety device listed on the department’s roster of approved firearms safety devices pursuant to subdivision (d) of Section 12088 of this chapter.

(II) The firearm is stored in a locked gun safe or long-gun safe which meets the standards for department-approved gun safes set forth in Section 12088.2.

(III) The firearm is stored in a distinct locked room or area in the building that is used to store firearms that can only be unlocked by a key, a combination, or similar means.

(IV) The firearm is secured with a hardened steel rod or cable that is at least one-eighth of an inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(c)(1) As used in this article, “clear evidence of his or her identity and age” means either of the following:

(A) A valid California driver’s license.

(B) A valid California identification card issued by the department of Motor Vehicles.

(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least 1/2-inch diameter or metal grating of at least 9 gauge affixed to the exterior or interior of the door.

(iii) A metal grate is padlocked and affixed to the licensee’s premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(G) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(4) For purposes of paragraph (17) of subdivision (b):

(A) “Firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 478.124, Section 478.124a, and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 478.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e)(1) Except as otherwise provided in this paragraph, the Department of Justice shall keep...
a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be made promptly to the local law enforcement and licensing authorities in the jurisdiction where the dealer’s business is located.

(2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.

(3) Information compiled from the list shall be made available, upon request, for the following purposes only:

(A) For law enforcement purposes.

(B) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(C) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 476.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to paragraph (1) of subdivision (b) of Section 12071, unless that person is requested to determine eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b).

(4) Information provided pursuant to paragraph (3) shall be limited to information necessary to corroborate an individual’s current license status as being one of the following:

(A) A person licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

(B) A person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and who is not subject to the requirement that he or she be licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may request an inspection fee that relates to the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from this portion of the department’s fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request all information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or with gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit corporation organized pursuant to Part 2 (commencing with Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer’s license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or raffles at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not pistols, revolvers, or other firearms capable of being concealed upon the person.

(i) Gun shows; certificate of eligibility; violations; punishment; list of show participants

(a) No person shall produce, promote, sponsor, operate, or otherwise organize a gun show or event, as specified in subparagraph (B) of paragraph (1) of subdivision (b) of Section 12071, unless the applicant, pursuant to subdivision (a) of Section 12071, is exempt from that portion of the Department of Justice to an applicant provided the applicant does all of the following:

(i) Certifies that he or she is familiar with the provisions of this section and Section 12071.4

(ii) Ensures that liability insurance is in effect for the duration of an event or show in an amount of not less than one million dollars ($1,000,000).

(iii) Provides an annual list of the gun shows or events that the applicant plans to promote, produce, sponsor, operate, or otherwise organize during the year for which the certificate of eligibility is issued, including the date, time, and location of the gun shows or events.

(iv) If the gun show or event will be conducted in or on the premises of a facility, a listing of the exempted jurisdictions, and the amount of fees collected pursuant to subparagraph (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may assess an annual fee, not limited to, antique or general firearms.

(v) The department’s records indicate that the applicant is a person prohibited from possessing firearms, a certificate of eligibility shall be issued by the director of the Department of Justice to an applicant provided the director of the Department of Justice no later than 30 days prior to the gun show or event.

(vi) The department’s records indicate that the applicant is a person who has been issued an antiques or general firearms.

(vii) No regulations shall be required to implement this subdivision.

(d) The Department of Justice shall adopt regulations to administer the certificate of eligibility program under this section and shall recover the full costs of administering the program by fees assessed, applicants who apply for certificates. A licensed gun show producer shall be assessed an annual fee of eighty-five dollars ($85) by the department.

(e)(1) A willful failure by a gun show producer to comply with any of the requirements of this section, except for the posting of required signs, shall be a misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000), and shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(2) A willful failure of a gun show producer to post signs as required by this section shall be a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000) for the first offense and not to exceed two thousand dollars ($2,000) for the second or subsequent offense, and with respect to the second or subsequent offense, shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(f) Multiple violations charged pursuant to paragraph (1) arising from more than one gun show or event shall be grounds for suspension of a producer’s certificate of eligibility pending adjudication of the violations.

(i) Prior to the commencement of a gun show or event, the show producer shall, upon written request, within 48 hours, or a later time specified by the requesting law enforcement agency, make available to the requesting law enforcement agency with jurisdiction over the facility, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms.

The producer shall thereafter, upon written request, for every day the gun show or event operates, within 24 hours, or a later time specified by the requesting law enforcement agency with jurisdiction over the facility, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms.

This subdivision applies to persons, entities, and organizations whether or not they participate in the entire gun show or event, or only a portion thereof.

(g) The information that may be requested by the law enforcement agency with jurisdiction over the facility, and that shall be provided by the producer upon request, may include, but is not limited to, the following information relative to a vendor who offers for sale firearms manufactured after December 31, 1898: his or her complete name, and a driver’s license or identification card number.

(h) The producer and facility manager shall prepare an annual event and security plan and schedule that shall include, at a minimum, the following:

(1) The type of shows or events including, but not limited to, antique or general firearms.

(2) The estimated number of vendors offering firearms for sale or display.

(3) The estimated number of attendees.

(4) The number of entrances and exits at the gun show or event site.

(5) The location, dates, and times of the gun show or event.

(6) The contact person and telephone number for both the producer and the facility.

(7) The number of sworn peace officers employed by the producer or the facilities manager who will be present at the show or event.

(8) The number of nonsworn security personnel employed by the producer or the facility’s manager who will be present at the show or event.

(i) The annual event and security plan shall be submitted by either the producer or the facility’s manager to the Department of Justice and the law enforcement agency with jurisdiction over the facility. Not later than 15 days prior to the commencement of the gun show or event, the producer shall submit to the department, the law enforcement agency with jurisdiction over the facility site, and the facility’s manager a revised event and security plan if significant changes have been made since the annual plan was submitted, including a revised list of vendors that the producer knows, or reasonably
should know, will be renting tables, space, or otherwise participating in the gun show or event. The event and security plan shall be approved by the facility's manager prior to the event or show after consultation with the law enforcement agency with jurisdiction over the facility. No gun show or event shall commence unless the requirements of this subdivision are met.

(j) The producer shall be responsible for informing prospective gun show vendors of the requirements of this section and of Section 12071.4 that apply to vendors.

(k) The producer shall, within seven calendar days of the commencement of the show or event, but not later than noon on Friday for a show or event held on a weekend, submit a list of all prospective vendors and designated firearms transfer agents who are licensed firearms dealers to the Department of Justice for the purpose of determining whether these prospective vendors and designated firearms transfer agents possess valid licenses and are thus eligible to participate as licensed dealers at the show or event. The department shall examine its records and if it determines that a dealer's license is not valid, it shall notify the show or event producer of that fact prior to the commencement of the show or event.

(l) If a licensed firearms dealer fails to cooperate with a producer or fails to comply with the applicable requirements of this section or Section 12071.4, that person shall not be allowed to participate in that show or event.

(m) If a producer fails to comply with subdivision (j) or (k), the gun show or event shall not commence until those requirements are met.

(n) All producers shall have written contracts with all gun show vendors selling firearms at the show or event.

(o) The producer shall require that signs be posted in a readily visible location at each public entrance to the show containing, but not limited to, the following notices:

1. This gun show follows all federal, state, and local firearms and weapons laws without exception.
2. All firearms carried onto the premises by members of the public will be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm prior to the person being allowed admittance to the show.
3. No member of the public under the age of 18 years shall be admitted to the show unless accompanied by a parent, grandparent, or legal guardian.
4. All firearms transfers between private parties at the show shall be conducted through a licensed firearms dealer in accordance with applicable state and federal laws.
5. Except for purposes of showing ammunition to a prospective buyer, ammunition at a gun show or event may be displayed only in closed original factory boxes or other closed containers.
6. Prior to the commencement of a gun show or event, each vendor shall provide to the producer of all of the following information relative to the vendor, the vendor's employees, and other persons, compensated or not, who will be working at the vendor's display space if firearms manufactured after December 31, 1898, will be offered for sale:
   - His or her complete name.
   - His or her driver's license or state-issued identification card number.
   - His or her address.
   - The authentication.
   - The producer shall keep the information at the show's or event's on-site headquarters for the duration of the show or event, and at the producer's regular place of business for two weeks after the conclusion of the show or event, and shall make the information available upon request to any sworn peace officer for purposes of the officer's official law enforcement duties.
7. Vendors and employees of vendors shall wear name tags indicating first and last name.
8. No person at a gun show or event, other than security personnel or sworn peace officers, shall possess at the same time both a firearm and ammunition that is designed to be fired in the firearm. Vendors having those items at the show for sale or exhibition are exempt from this prohibition.
9. No member of the public who is under the age of 18 years shall be admitted to, or be permitted to remain at, a gun show or event unless accompanied by a parent or legal guardian. Any member of the public who is under the age of 18 shall be accompanied by his or her parent, grandparent, or legal guardian while at the show or event.
10. Persons other than show or event security personnel, sworn peace officers, or vendors, who bring firearms onto the gun show or event premises shall sign in the tag or sticker that is attached to the firearm prior to being allowed admittance to the show or event, as provided for in subdivision (j).
11. All firearms carried onto the premises of a gun show or event by members of the public shall be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm, prior to the person being allowed admittance to the show.
12. The identification tag or sticker shall state that all firearms transfers between private parties at the show or event shall be conducted through a licensed firearms dealer in accordance with applicable state and federal laws. The person possessing the firearm shall complete the following information on the tag before it is attached to the firearm:
   - The gun owner's signature.
   - The gun owner's address.
   - The identification number from the gun owner's government-issued photo identification.
13. All persons possessing firearms at the gun show or event shall have in his or her immediate possession, government-issued photo identification, and display it upon request, to any security officer, or any peace officer.
14. Unless otherwise specified, a first violation of this section is an infraction. Any second or subsequent violation is a misdemeanor. Any person who commits an act which he or she knows to be a violation of this section is guilty of a misdemeanor for a first offense.

12072. Restrictions on transfer of firearms; Act of collusion; Punishment for violations

(a)(1) No person, corporation, or firm shall knowingly supply, deliver, sell, or give possession or control of a firearm to any person within any of the classes prohibited by Section 12021 or 12021.1.

(2) No person, corporation, or dealer shall sell, loan, or transfer a firearm to any person whom he or she has cause to believe to be within any of the classes prohibited by Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(A) No person, corporation, or firm shall sell, loan, or transfer a firearm to any person whom he or she knows or has cause to believe is not the actual purchaser or transferee of the firearm, or to any person who is not the person actually being loaned the firearm, if the person, corporation, or dealer has either of the following:
   - Knowledge that the firearm is to be subsequently loaned, sold, or transferred to avoid the requirements of subdivision (c) or (d).
   - Knowledge that the firearm is to be subsequently loaned, sold, or transferred to avoid the requirements of any exemption to the provisions of subdivision (c) or (d).

(2) No person, corporation, or dealer shall acquire a firearm for the purpose of selling, transferring, or loaning the firearm, if the person, corporation, or dealer has either of the following:
   - In the case of a dealer, intent to violate subdivision (b) or (c).
   - In any other case, intent to avoid either of the following:
   - The provisions of subdivision (d).

12071.4. Gun Show Enforcement and Security Act of 2000

(a) This section shall be known, and may be cited as, the Gun Show Enforcement and Security Act of 2000.

(b) All gun show or event vendors shall certify in writing to the producer that they:
   1. Will not display, possess, or offer for sale any firearms, knives, or weapons for which possession or sale is prohibited.
   2. Will not engage in activities that incite or encourage hate crimes.
   3. Will process all transfers of firearms through licensed firearms dealers as required by state law.
   4. Will display the following information:
      - The gun owner's signature.
      - The gun owner's address.
      - The identification number from the gun owner's government-issued photo identification.
   5. Will make the information available upon request to any security officer or any peace officer.
   6. Unless otherwise specified, a first violation of this section is an infraction. Any second or subsequent violation is a misdemeanor. Any person who commits an act which he or she knows to be a violation of this section is guilty of a misdemeanor for a first offense.
No person shall make an application to purchase more than one handgun within any 30-day period.

(ii) The requirements of any exemption to the provisions of subdivision (d).

(b) No person licensed under Section 12071 shall supply, sell, deliver, or give possession or control of a handgun to any person under the age of 21 years or any other firearm to a person under the age of 18 years. (c) No dealer, whether or not acting pursuant to Section 12082, shall deliver a firearm to a person, as follows:

(1) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(2) Unless unloaded and securely wrapped or unloaded and in a locked container.

(3) Unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(B) Commencing January 1, 2002, no handgun shall be delivered unless the purchaser, transferee, or person being loaned the handgun presents a handgun safety certificate to the dealer.

(6) No handgun shall be delivered whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(C) If the department finds that the reviews specified in subparagraph (B) that the intended recipient is authorized to receive the firearm shipment, the department shall issue the Unique Verification Number to the firearm dealer. One verification number shall be issued for each delivery, sale, or transfer, which may involve multiple firearms. In addition to the unique verification number, the department may provide to the inquiring party information necessary for determining the eligibility of the intended recipient to receive the firearm. The person intending to deliver, sell, or transfer the firearm shall provide the unique verification number to the recipient along with the firearm upon delivery, in a manner to be determined by the department.

(D) If the department finds that the reviews specified in subparagraph (B) that the intended recipient is not authorized to receive the firearm shipment, the department shall notify the inquiring party that the intended recipient is ineligible to receive the shipment.

(E) The department shall prescribe the manner in which the verification numbers may be transmitted via the Internet or by any other means of communication, such as by facsimile or telephone, including all required enrollment information and procedures.

(2)(A) On or after January 1, 1998, within 60 days of bringing a handgun into this state, a personal handgun importer shall do one of the following:

(i) Forward by prepaid mail or deliver in person to the Department of Justice, a report prescribed by the department including information concerning that individual and a description of the firearm in question.

(ii) Sell or transfer the firearm in accordance with the provisions of subdivision (d) or in accordance with the provisions of an exemption from subdivision (d).

(iii) Sell or transfer the firearm to a dealer licensed pursuant to Section 12071.

(iv) Sell or transfer the firearm to a sheriff or police department.

(b) The personal handgun importer sells or transfers the handgun pursuant to subdivision (d) of Section 12072 and the sale or transfer cannot be completed by the dealer to the purchaser or transferee, and the firearm can be returned to the personal handgun importer, the personal handgun importer shall have complied with the provisions of this paragraph.
(C) The provisions of this paragraph are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of the Penal Code shall not be punished under more than one provision.

(D)(i) On and after January 1, 1998, the department shall conduct a public education and notification program regarding this paragraph to ensure a high degree of publicity of the provisions of this paragraph.

(ii) As part of the public education and notification program in this subparagraph, the department shall do all of the following:

(I) Work in conjunction with the Department of Motor Vehicles to ensure that any person who is subject to this paragraph is advised of the provisions of this paragraph, and provided with blank copies of the report described in clause (i) of subparagraph (A) at the time that person applies for a California driver’s license or registers his or her motor vehicle in accordance with the Vehicle Code.

(II) Make the reports referred to in clause (i) of subparagraph (A) available to dealers licensed pursuant to Section 12071.

(III) Make the reports referred to in clause (i) of subparagraph (A) available to law enforcement agencies.

(IV) Make persons subject to the provisions of this paragraph aware of the fact that reports referred to in clause (i) of subparagraph (A) may be completed at either the licensed premises of dealers licensed pursuant to Section 12071 or at law enforcement agencies, that it is advisable to do so for the sake of accuracy and completeness of the reports, that prior to transporting a handgun to a law enforcement agency in order to comply with subparagraph (A), the person should give prior notice to the law enforcement agency that he or she is doing so, and that in any event, the handgun should be transported unloaded and in a locked container.

(iii) Any costs incurred by the department to implement this paragraph shall be absorbed by the department within its existing budget and the fees in the Dealers’ Record of Sale Special Account allocated for implementation of this subparagraph pursuant to Section 12071.

(3) Where a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, acquires a handgun that is a curio or relic, as defined in Section 476.11 of Title 27 of the Code of Federal Regulations, outside of this state, takes actual possession of that firearm outside of this state pursuant to the provisions of subsection (j) of Section 923 of Title 18 of the United States Code, as amended by Public Law 104-208, and transports that firearm into this state, within five days of that licensed collector transporting that firearm into this state, he or she shall report to the department in a format prescribed by the department his or her acquisition of that firearm.

(A) It is the intent of the Legislature that a violation of paragraph (2) or (3) shall not constitute a “criminal transaction” and the statute of limitations for committing a prosecution for a violation of paragraph (2) or (3) commences on the date that the applicable grace period specified in paragraph (2) or (3) expires if evidence of that violation arises only as the result of the person submitting the report described in paragraph (2) or (3).

(B) Paragraphs (2) and (3) shall not apply to a person who reports his or her ownership of a handgun after the applicable grace period specified in paragraph (2) or (3) expires if evidence of that violation arises only as the result of the person submitting the report described in paragraph (2) or (3).

(E) A violation of paragraph (2) or (3) is a misdemeanor.

(2) If any of the following circumstances apply, a violation of this section is punishable by imprisonment in the state prison for two, three, or four years.

(A) If the violation is of paragraph (1) of subdivision (a).

(B) If the defendant has a prior conviction of violating the provisions, other than paragraph (9) of subdivision (a), of this section or former Section 12100 of this code or Section 8101 of the Welfare and Institutions Code.

(C) If the defendant has a prior conviction of violating any offense specified in subdivision (b).

(D) A violation of paragraph (3) of subdivision (a) involving the sale, loan, or transfer of a handgun to a minor.

(E) A violation of subdivision (b) involving the delivery of a handgun.

(F) A violation of subdivision (c) involving a pistol, revolver, or other firearm capable of being concealed upon the person.

(G) A violation of subdivision (d) involving a handgun.

(H) If both of the following circumstances apply, an additional term of imprisonment in the state prison for one, two, or three years shall be imposed in addition and consecutive to the sentence prescribed.

(A) A violation of paragraph (2) of subdivision (a) or subdivision (b).

(B) The firearm transferred in violation of paragraph (2) of subdivision (a) or subdivision (b) is used in the subsequent commission of a felony for which a conviction is obtained and the prescribed sentence is imposed.

(E) A first violation of paragraph (9) of subdivision (a) is an infraction punishable by a fine of fifty dollars ($50).

(F) A second violation of paragraph (9) of subdivision (a) is a misdemeanor.

(D) For purposes of this paragraph each application to purchase a handgun in violation of paragraph (9) of subdivision (a) shall be deemed a separate offense.
application at a cost to be determined by the Department of General Services for each 100 leaves in quadruplicate, one original and three duplicates for the making of carbon copies. The original and duplicate copies shall differ in color, and shall be in the form provided by this article.

(b) Where the electronic transfer of applicant information is used, the Department of Justice shall develop the standards for all appropriate electronic and telephonic equipment and telephone numbers to effect the transfer of information to the department.

12075. Register of sales; notice of issuance of transferee. The State Printer upon receiving a register shall forward to the Department of Justice the name and business address of the dealer together with the series and sheet numbers of the register. The register shall not be transferable. If the dealer moves his business to a different location he shall notify the department of such fact in writing within 48 hours.

12076. Transmission of firearm purchaser information; formats; procedures; fakes, illegible or incomplete information; fees

(a)(1) Before January 1, 1998, the Department of Justice shall determine the method by which a dealer shall submit firearm purchaser information to the department and the information shall be in one of the following formats:

(A) Submission of the register described in Section 12077.

(B) Electronic or telephonic transfer of the information contained in the register described in Section 12077.

(2) On or after January 1, 1998, electronic or telephonic transfer, including voice or facsimile transmission, shall be the exclusive means by which purchaser information is transmitted to the department.

(3) On or after January 1, 2003, except as permitted by the department, electronic transfer shall be the exclusive means by which information is transmitted to the department. Telephonic transfer shall not be permitted for information regarding sales of any firearms.

(b)(1) Where the register is used, the purchaser of any firearm shall be required to present clear evidence of his or her identity and age, as defined in Section 12071, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register in quadruplicate. The salesperson shall affix his or her signature to the register in quadruplicate as a witness to the signature and identification of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the electronic or telephonic transfer and any person violating any provision of this section is guilty of a misdemeanor, provided however, that any person who is prohibited from obtaining a firearm pursuant to Section 12021 or 12021.1 of this code, or Section 8100 or 8103 of the Welfare and Institutions Code who knowingly furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided for the register shall be punished by imprisonment in the county jail not exceeding one year or imprisonment in the state prison for a term of 8, 12, or 18 months.

(2) The record of applicant information shall be transmitted to the Department of Justice by electronic or telephonic transfer on the date of the application to purchase.

(3) The original of each record of electronic or telephonic transfer shall be retained by the dealer in consecutive order. Each original shall become the permanent record of the transaction that shall be retained for not less than three years from the date of the last transaction and shall be available for the inspection of any peace officer, Department of Justice employee designated by the Attorney General, or agent of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives upon the presentation of proper identification, but no information shall be transferred therefrom regarding the purchasers or other transferees of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person.

(4) If requested, a photocopy of the original shall be provided to the purchaser by the dealer.

(5) If the transaction is a private party transfer conducted pursuant to Section 12082, a copy of the record of electronic or telephonic transfer shall be provided to the purchaser by the dealer.

(6) If the transaction is a private party transfer conducted pursuant to Section 12082, the copy shall be provided to the seller or purchaser by the dealer, upon request. The dealer shall retain a copy of the purchaser's information, as required pursuant to paragraph (1) of subdivision (b) and paragraph (1) of subdivision (c) of Section 12077, from the seller's copy, and the seller's personal information from the purchaser's copy.

(c) Where the department determines that the purchaser is a person described in subparagraph (A) of paragraph (9) of subdivision (a) of Section 12072, or is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or is a person described in subparagraph (A) of paragraph (9) of subdivision (a) of Section 12072, it shall immediately notify the dealer and the chief of the police department of the city or county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact.

(d) If the department determines that the copies of the register submitted to it pursuant to paragraph (3) of subdivision (b) contain any blank spaces or inaccurate, illegible, or incomplete information, preventing identification of the purchaser or the pistol, or if any fee required pursuant to subdivision (e) is not submitted by the dealer in conjunction with submission of copies of the register, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall submit corrected copies of the register to the department, or shall submit any fee required pursuant to subdivision (e), or both, as appropriate and, if notification by the department is received by the dealer at any time prior to delivery of the firearm to be purchased, the dealer shall withhold delivery until the conclusion of the waiting period described in Sections 12071 and 12072.

(e) If the department determines that the information transmitted to a purchaser pursuant to subdivision (c) contains inaccurate or incomplete information preventing identification of the purchaser or the pistol, revolver, or other firearm capable of being concealed upon the person to be purchased, or if the fee required pursuant to subdivision (e) is not transmitted by the dealer in conjunction with transmission of the electronic or telephonic rec-
ord, the department may notify the dealer of that fact. Upon notification by the department, the dealer shall transmit corrections to the record of electronic or telephonic transfer to the department, or shall transmit any fee required pursuant to subdivision (e), or both, as appropriate, and if notified by the department is incapable of being conveyed upon the person, the department shall charge a reduced fee pursuant to this section for the second and subsequent firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person, the department's acts or omissions shall be deemed to be discretionary within the meaning of the California Tort Claims Act pursuant to Division 3 (commencing with Section 810) of Title 1 of the Government Code.

(1) As used in this section, the following definitions apply:

(a) "Purchase" means the purchase or transfer of a firearm.

(b) "Purchase" means the purchase, loan, or transfer of a firearm.

(c) "Sale" means the sale, loan, or transfer of a firearm.

(d) "Seller" means, if the transaction is being conducted pursuant to Section 12082, the person selling, loaning, or transferring the firearm.

(2) Only one fee shall be charged pursuant to this section for a single transaction on the same date for taking title or possession of any number of firearms pursuant to paragraph (18) of subdivision (b) of Section 12071 or subdivision (c) of Section 12078.

(3) In a single transaction on the same date for the delivery of any number of firearms that are pistols, revolvers, or other firearms capable of being concealed upon the person, the department shall charge a reduced fee pursuant to this section for the second and subsequent firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person or for the taking of possession of those firearms.
(d) If the department determines that the information submitted to it in the application contains any blank spaces, or inaccurate, illegible, or incomplete information, preventing identification of the applicant, or if the required fee is not submitted, the department shall not be required to perform the authentication checks.

(e) The department shall make applications to conduct a firearms eligibility check as described in this section available to licensed firearms dealers and on the department's Web site.

(f) The department shall be immune from any liability arising out of the performance of the firearms eligibility check, or any reliance upon the firearms eligibility check.

(g) No person or agency may require or request another person to obtain a firearms eligibility check or notification of a firearms eligibility check pursuant to this section. A violation of this subdivision is a misdemeanor.

(h) The department shall include on the application specified in subdivision (a) and the notification of eligibility specified in subdivision (c) the following statements:

“No person or agency may require or request another person to obtain a firearms eligibility check or notification of a firearms eligibility check pursuant to Section 12077.5 of the Penal Code. A violation of these provisions is a misdemeanor.

If the applicant for a firearms eligibility check purchases, transfers, or receives a firearm through a licensed dealer as required by law, a waiting period and background check are both required.”

12077.5 Exempted deliveries, sales, transfers or loans

(a)(1) The waiting periods described in Sections 12071 and 12072 shall not apply to deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as an individual authorized to carry firearms while in the performance of his or her duties, and authorizing the purchase or transfer. The certification shall be delivered to the dealer at the time of purchase or transfer and the purchaser or transferee shall identify himself or herself as the person authorized in the certification. The dealer shall keep the certification with the record of sale. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.5.

(2) Subdivision (b) of Section 12081 and the preceding provisions of this article do not apply to deliveries, transfers, or sales of firearms made to authorized law enforcement representatives of cities, counties, and state or federal governments for those governmental agencies where the entity is acquiring the weapon as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals and the entity is not a law enforcement representative of that public or private nonprofit historical society, museum, or institutional collection.

(3) Subdivision (b) of Section 12081 and the preceding provisions of this article do not apply to the loan of a firearm by an authorized law enforcement representative of a city, county, or city and county, or the state or federal government to a peace officer employed by that agency in the performance of their duties. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(4) Subdivision (b) of Section 12081 and the preceding provisions of this article do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a public or private nonprofit historical society, or institutional collection or the purchase or receipt of a handgun by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm prior to delivery is deactivated or rendered inoperable.

(C) The firearm is not subject to Section 12028, 12028.5, 12030, or 12032.

(D) The firearm is not subject to other provisions of law from being sold, delivered, or transferred to the public at large.

(E) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, purchased or transferred, or sold to an individual other than a law enforcement representative or state agency that sold, transferred, or delivered the firearm made by any person other than a representative of the law enforcement agency.

(F) The firearm must be aged, stored, and disposed of in accordance with the provisions of this article and, if applicable, Section 12081.

(G) In the event of a change in the status of the designated representative, the entity shall notify the department of a new representative within 30 days.

(5) Subdivision (b) of Section 12081 and the preceding provisions of this article do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a public or private nonprofit historical society, or institutional collection or the purchase or receipt of a handgun by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm is deactivated or rendered inoperable prior to delivery.

(C) The firearm is not a type prohibited from being sold, delivered, or transferred to the public.

(D) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, purchased or transferred, or sold to an individual other than a law enforcement representative or state agency that sold, transferred, or delivered the firearm made by any person other than a representative of the law enforcement agency.

(E) If title to a handgun is being transferred to the public or private nonprofit historical society, museum, or institutional collection within 30 days of taking possession of that handgun, the firearm shall be delivered by an authorized law enforcement representative of that public or private nonprofit historical society, museum, or institutional collection in a manner prescribed by the department.

(F) The department shall maintain records of the火复活な代表者，根据《中华人民共和国枪支管理法》及其他相关法律法规，该代表者应当向该机构提交一套完整的枪支信息，包括但不限于以下内容：

(A) The entity receiving the firearm is open to the public.

(B) The firearm is deactivated or rendered inoperable.

(C) The firearm is not subject to Section 12028, 12028.5, 12030, or 12032.

(D) The firearm is not subject to other provisions of law from being sold, delivered, or transferred to the public at large.

(E) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, purchased or transferred, or sold to an individual other than a law enforcement representative or state agency that sold, transferred, or delivered the firearm made by any person other than a representative of the law enforcement agency.

(F) The firearm must be aged, stored, and disposed of in accordance with the provisions of this article and, if applicable, Section 12081.

(G) In the event of a change in the status of the designated representative, the entity shall notify the department of a new representative within 30 days.

(5) Subdivision (b) of Section 12081 and the preceding provisions of this article do not apply to the sale, delivery, or transfer of a firearm by a law enforcement agency to a public or private nonprofit historical society, or institutional collection or the purchase or receipt of a handgun by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm is deactivated or rendered inoperable prior to delivery.

(C) The firearm is not a type prohibited from being sold, delivered, or transferred to the public.

(D) Prior to delivery, the entity receiving the firearm submits a written statement to the person selling, loaning, or transferring the firearm stating that the firearm will not be restored to operating condition, purchased or transferred, or sold to an individual other than a law enforcement representative or state agency that sold, transferred, or delivered the firearm made by any person other than a representative of the law enforcement agency.

(E) If title to a handgun is being transferred to the public or private nonprofit historical society, museum, or institutional collection within 30 days of taking possession of that handgun, the firearm shall be delivered by an authorized law enforcement representative of that public or private nonprofit historical society, museum, or institutional collection in a manner prescribed by the department.

(F) The department shall maintain records of
(F) The person being loaned the firearm is 18 years of age or older.
(e) (1) Section 12071, subdivisions (c) and (d) of Section 12072, paragraph (1) of subdivision Section 12072, and subdivision (b) of Section 12081 shall not apply to the delivery of a firearm to a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant to such title. (2) Paragraph (1) of subdivision (f) of Section 12072 shall not apply to the delivery, sale, or transfer of any firearm in any of the following circumstances:
(A) Where the transferee and the transferencee are the same person or corporation
(B) Where the transfer is to or from a person engaged in a hand gun business pursuant to Section 12081 and the transfer involves the loan or return of firearms used solely as props in television, film, or theatrical productions.
(f) Subdivision (d) of Section 12072 and subdivision (b) of Section 12081 shall not apply to the sale, delivery, transfer, or loan of firearms by persons who reside in this state to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
(g)(1) Subdivision (d) of Section 12072 shall not apply to the infrequent sale or transfer of a firearm, other than a handgun, at auctions or similar events conducted by nonprofit mutual or public benefit corporations organized pursuant to the Corporations Code.

As used in this paragraph, the term "infrequent" shall not be construed to prohibit different local chapters of the same nonprofit corporation from conducting auctions or similar events, provided the individual local chapter conducts the auctions or similar events infrequently. It is the intent of the chapter or chapters, representing different localities, to be entitled to invoke the exemption created by this paragraph, notwithstanding the frequency with which other chapters of the same nonprofit corporation may conduct auctions or similar events.

(2) Subdivision (d) of Section 12072 shall not apply to the transfer of a firearm other than a handgun, if the firearm is donated for an auction or similar event described in paragraph (1) and the firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or similar event.

(i) The waiting period described in Sections 12071 and 12072 shall not apply to a dealer who delivers a firearm handgun at an auction or similar event described in paragraph (1) and the firearm is delivered to the nonprofit corporation immediately preceding, or contemporaneous with, the auction or similar event.

(j) Subdivision (d) of Section 12072 shall not apply to a person who takes title or possession of a firearm that is not a handgun by operation of law if the person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(k) Subdivision (d) of Section 12072 shall not apply to a person who takes title or possession of a handgun by operation of law if the person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and all of the following conditions are met:

(A) If the person taking title or possession is neither a levying officer as defined in Section 481.140, 511.060, or 680.210 of the Code of Civil Procedure, nor a person who is receiving firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2) of subdivision (u), the person shall, within 30 days of taking possession, forward by prepaid mail or deliver in person to the Department of Justice, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(B) If the person taking title or possession is receiving the firearm pursuant to subparagraph (G) of paragraph (2) of subdivision (u), the person shall do both of the following:

(i) Within 30 days of taking possession, forward by prepaid mail or deliver in person to the department, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(ii) Prior to taking title or possession of the firearm, the person shall obtain a handgun safety certificate.

(C) Where the person receiving title or possession of the handgun is a person described in subparagraph (I) of paragraph (2) of subdivision (u), on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics, shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETs) by the law enforcement officer or state agency that transferred or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(D) Where the person receiving title or possession of the handgun is a person described in
ship, or disposal of a handgun or who moves out of this state with his or her handgun may submit a report of the same to the Department of Justice in a format prescribed by the department.

(m) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business by manufacturers or importers licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler. The delivery, sale, or transfer is made in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(n)(1) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a handgun by a dealer in either of the following situations:

(A) The dealer is delivering the firearm to another dealer and it is not intended as merchandise in the receiving dealer's business.

(B) The dealer is delivering the firearm to himself or herself and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following conditions shall be met:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section 12071 by complying with paragraph (1) of subdivision (f) of Section 12072.

(B) Whether the dealer is delivering, selling, or transferring the firearm to himself or herself or to another dealer, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the same as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077.

(o) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275) or Chapter 2.5 (commencing with Section 12301).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or legal guardian of the minor, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(2) Paragraph (3) of subdivision (a) of Section 12072, subdivision (h) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by a person who is not the parent or legal guardian of the minor if all of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(D) The duration of the loan does not exceed 10 days.

(3) Paragraph (3) of subdivision (a), and subdivisions (c) and (d) of Section 12072 shall not apply to the transfer or loan of a firearm that is not a handgun to a minor by his or her parent or legal guardian if both of the following circumstances exist:

(A) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(4) Paragraph (3) of subdivision (a), and subdivision (d) of Section 12072 shall not apply to the transfer or loan of a firearm that is not a handgun to a minor by his or her parent or legal guardian if both of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(5) Paragraph (3) of subdivision (a), and subdivision (d) of Section 12072 shall not apply to the transfer or loan of a firearm that is not a handgun to a minor by his or her parent or legal guardian if both of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, agricultural, hunting, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.
indicated in subdivision (b) or (c) of Section 12077.

(s)(1) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the infrequent loan of an unloaded firearm by a person who is neither a dealer as defined in Section 12020, nor a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, to a person who is not a dealer as defined in Section 12071 who is a federal firearms licensee pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The person loaning the firearm pursuant to this paragraph shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(3) Subdivision (b) of Section 12071, subdivision (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a dealer as defined in Section 12071 to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(4) Subdivision (b) of Section 12071, subdivision (c) and Paragraph (1) of subdivision (f) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm to a consultant-valuator by a person licensed pursuant to Section 12071 if the loan does not exceed 45 days from the date of delivery. If the loan is made, the consultant-valuator shall provide the following information, which the dealer shall retain for two years:

(a) A photocopy of a valid, current, government-issued identification to determine the consultant-valuator's identity, including, but not limited to, a California driver's license, identification card, or passport.

(b) A photocopy of the consultant-valuator's valid, current certificate of eligibility.

(c) A letter from the person licensed as an importer, manufacturer, or dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, with whom the consultant-valuator has a bona fide business relationship. The letter shall detail the bona fide business purposes for which the firearm is being loaned and confirm that the consultant-valuator is being loaned the firearm as part of a bona fide business relationship.

(d) The signature of the consultant-valuator on a form indicating the date the firearm is loaned and that the firearm may be returned.

(f)(1) The waiting period described in Section 12071 or 12072 shall not apply to the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. If the sale, delivery, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12072.

(t) Subdivision (d) and paragraph (1) of subdivision (f) of Section 12072 shall not apply to the infrequent sale, loan, or transfer of a firearm that is not a handgun, which is a curio or relic manufactured at least 50 years prior to the current date, but not including replicas thereof, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor.

(u) As used in this section:

(1) "Infrequent" has the same meaning as in paragraph (1) of subdivision (c) of Section 12070.

(2) "A person taking title or possession of firearms by operation of law" includes, but is not limited to, any of the following instances wherein an individual receives title to, or possession of, firearms:

(A) The executor or administrator of an estate if the estate includes firearms.

(B) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(C) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(D) A receiver performing his or her functions as a receiver if the receivership estate includes firearms.

(E) A trustee in bankruptcy performing his or her duties if the bankruptcy estate includes firearms.

(F) An assignee for the benefit of creditors performing his or her functions as an assignee, if the assignment includes firearms.

(G) A transmutation of property consisting of firearms pursuant to Section 850 of the Family Code.

(H) Firearms passing to a surviving spouse pursuant to Chapter 1 (commencing with Section 13500) of Part 2 of Division 8 of the Probate Code.

(I) Firearms received by the family of a police officer or deputy sheriff from a local agency pursuant to Section 50081 of the Government Code.

(J) The transfer of a firearm by a law enforcement agency to the person who found the firearm where the delivery is to the person as the finder of the firearm pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Division 3 of the Civil Code.

12079. Permit for possession, Large capacity magazines; permits for possession, transportation, or sale

(a) Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to Section 12071 and an out-of-state client, of large capacity magazines.

(b) For purposes of this section, "large capacity magazine" shall have the same meaning as that set forth in paragraph (25) of subdivision (c) of Section 12020.

12080. Pamphlet summary of firearms laws; contents; sale; immunity from liability

(a) The Department of Justice shall prepare a pamphlet which summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed forces.

(b) The pamphlet shall include the following matters:

(1) Lawful possession.

(2) Licensing procedures.

(3) Transportation and use of firearms.

(4) Acquisition of hunting licenses.

(5) Safe handling and use of firearms.

(6) Various methods of safe storage and childproofing of firearms.

(7) The availability of firearms safety programs and devices.

(8) The responsibilities of firearms ownership.

(9) The operation of various types of firearms.

(10) Laws applicable to dealers.

(c) The department shall offer copies of the pamphlet at actual cost to firearms licensees pursuant to Section 12071 who shall have copies of the most current version available for sale to retail purchasers or transferees of firearms. The cost of the pamphlet, if any, may be added to the sale price of the firearm.

(d) The Department of Justice or any other public entity shall be immune from any liability arising from the drafting, publication, or dissemination of the pamphlet or any reliance upon it. All receipts from the sale of these pamphlets shall be deposited as reimbursements to the support appropriation for the Department of Justice.

[Publisher's Note: The pamphlet is available online at http://caag.state.ca.us/firearms/index.html.]
require applicant information, including, but not limited to, the following:

(A) Complete name.
(B) Residential and mailing address.
(C) Telephone number.
(D) Date of birth.
(E) Place of birth.
(F) County of citizenship and, if other than United States, alien number or admission number.

(G) Valid driver’s license number or valid identification card number issued by the California Department of Motor Vehicles.
(H) Social security number.
(I) Signature.

(2) All applications must be submitted with the appropriate fee as specified in subdivision (c).

(3) An initial application for an entertainment firearms permit shall require the submission of fingerprint images and related information in a manner prescribed by the department, for the purpose of obtaining information as to the existence and nature of a record of state or federal level convictions and state or federal level arrests for which the department establishes that the individual was released on bail or on his or her own recognizance pending trial as needed to determine whether the applicant is an appropriate candidate for a federal level criminal offender record information received by the Department of Justice pursuant to this section shall be forwarded by the department to the Federal Bureau of Investigation.

(4) The Department of Justice shall review the criminal offense and record information specified in subdivision (l) of Section 11105 for entertainment firearms permit applicants.

(5) The Department of Justice shall review subsequent arrests, pursuant to Section 11105.2, to determine the continuing validity of the permit as specified in subdivision (d) for all entertainment firearms permitholders.

(6) Any person who furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided on this application is guilty of a misdemeanor.

(c) The Department of Justice shall recover the full costs of administering the program by assessing the following application fees:

(1) For the initial application: one hundred four dollars ($104). Of this sum, fifty-six dollars ($56) shall be deposited into the Fingerprint Fee Account, and forty-eight dollars ($48) shall be deposited into the Dealer Record of Sale Account.

(2) For each annual renewal application: twenty-nine dollars ($29), which shall be deposited into the Dealer Record of Sale Account.

(d) The implementation of subdivisions (a), (b), and (c) by the department is exempt from the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) The department shall annually review and shall adjust the fees specified in subdivision (c), if necessary, to fully fund, but not to exceed the actual costs of, the permit program provided for by this section, including enforcement of the program.

(f) An entertainment firearms permit issued by the Department of Justice shall be valid for one year from the date of issuance. If at any time during that year the permitholder becomes prohibited from possessing or receiving firearms pursuant to any federal, state, or local law, his or her entertainment firearms permit shall be no longer valid.

12082. Sale, loan, or transfer through dealers; inability to legally deliver firearm; disposal; fees; regulations and requirements; register or record of transfer; offense.

(a) A person shall complete any sale, loan, or transfer of a firearm through a person licensed pursuant to Section 12071 in accordance with this section in order to comply with subdivision (d) of Section 12072. The seller or transferor or the person loaning the firearm shall deliver the firearm to the transferee or the person loaning the firearm, if it is not prohibited, in accordance with subdivision (c) of Section 12072. If the seller cannot legally deliver the firearm to the transferee or the person loaning the firearm, the dealer shall then deliver the firearm to the purchaser or transferee or the person loaning the firearm. The dealer shall not return the firearm to the seller or transferor or the person loaning the firearm when it is impossible to do so pursuant to subdivision (a) of Section 12072. If the dealer cannot legally return the firearm to the transferee or seller or the person loaning the firearm, then the dealer shall forthwith deliver the firearm to the sheriff of the county or the chief of police or other head of a municipal police department of any city or county who shall then dispose of the firearm in the manner provided by Sections 12028 and 12032. The purchaser or transferee or person being loaned the firearm may be required by the dealer to pay a fee not to exceed ten dollars ($10) per firearm, and no other fee may be charged by the dealer for a sale, loan, or transfer of a firearm conducted pursuant to this section, except for the applicable fees that may be charged pursuant to Sections 12076, 12076.5 and 12088.9 and forwarded to the Department of Justice, and the fees set forth in Section 12805. Nothing in these provisions shall prevent a dealer from charging a smaller fee. The dealer may not charge any additional fees.

(b) The Attorney General shall adopt regulations under this section to do all of the following:

(1) Allow the seller or transferor or the person loaning the firearm, and the purchaser or transferee or the person being loaned the firearm, to complete a sale, loan, or transfer through a dealer, and to allow those persons and the dealer to comply with the requirements of this section and Sections 12071, 12072, 12076, and 12077 and to preserve the confidentiality of those records.

(2) Where a personal handgun importer is selling or transferring a pistol, revolver, or other firearm capable of being concealed upon the person to comply with clause (ii) of paragraph (A) of paragraph (2) of subdivision (f) of Section 12072, to allow a personal handgun importer’s ownership of the pistol, revolver, or other firearm capable of being concealed upon the person being sold or transferred to be recorded in a manner that if the firearm is returned to that personal handgun importer it can be sold or transferred to another person, the Department of Justice will have sufficient information about that personal handgun importer so that a record of his or her ownership can be maintained in the registry provided by subdivision (c) of Section 11106.

(3) Ensure that the register or record of electronic transfer shall state the name and address of the seller or transferor of the firearm or the person loaning the firearm and whether or not the person is a personal handgun importer in addition to any other information required by Section 12072.

(c) Notwithstanding any other provision of law, a dealer who does not sell, transfer, or keep an inventory of handguns is not required to process private party transfers of handguns.

(d) A violation of this section by a dealer is a misdemeanor.

(b) There shall be a centralized list of exempted federal firearms licensees; applicant qualification; fee; restriction on importation and receipt of firearms; Record maintenance; availability of records; inspections; violations; regulations.

(a) Commencing January 1, 2008, the department shall maintain a centralized list of persons who identify themselves as being licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, importer, or manufacturer of firearms whose licensed premises are within this state and who declare to the department an exemption from the firearms dealer licensing requirements of Section 921, effective January 1, 2008, shall be known as the centralized list of exempted federal firearms licensees. To qualify for placement on the centralized list, an applicant shall do all of the following:

(1) Possess a valid federal firearms license pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, importer, or manufacturer of firearms.

(2) Possess a current, valid certificate of eligibility pursuant to Section 12071.

(3) Maintain with the department a signed declaration enumerating the applicant’s statutory exemptions from licensing requirements of Section 920, and Section 12071, who has been issued a permit pursuant to Section 12095, 12228, 12230 or 12305. The applicant’s declaration is null and void if the person furnishing a fictitious name, knowingly furnishing any incorrect information, or knowingly omitting any information for the declaration shall be guilty of a misdemeanor.

(b) Commencing January 1, 2008, the department shall assess an annual fee of one hundred fifteen dollars ($115) to cover its costs of maintaining the centralized list of exempted federal firearms licensees prescribed by subdivision (a), conducting inspections in accordance with this section, and for the cost of maintaining the firearm shipment verification number system described in subdivision (c) of Section 12072. A person who is not licensed pursuant to Section 12071, who has been issued a permit pursuant to Section 12095, 12228, 12230 or 12305, and who is placed on the centralized list of exempted federal firearms licensees shall not be charged the fee. The department may increase the fee at a rate not to exceed the increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations. The fees collected shall be deposited in the Dealers’ Record of Sale Special Account.

(c) (1) Any person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code as a dealer, pawnbroker, importer, or manufacturer of firearms whose licensed premises are within this state shall not import or receive firearms from any source unless listed on the centralized list of firearms dealers pursuant to Section 12071, or the centralized list of exempted federal firearms.
licensors pursuant to subdivision (a), or the
centralized list of firearms manufacturers
pursuant to subdivision (f) of Section 12086.
(2) A violation of this subdivision is a
misdemeanor.
(d)(1) All persons on the centralized list
of exempted federal firearms licensees prescribed
by subdivision (a) shall record and keep on file
for three years, the verification number that shall
accompany firearms received from other federal
firearms licensees pursuant to subdivision (f)
of Section 12072.
(2) A violation of this subdivision is cause
for immediate removal from the centralized list.
(e) Information compiled from the list
described in subdivision (a) shall be made
available for the following purposes:
(1) Requests from local, state, and federal law
enforcing agencies and the duly constituted city,
county, and city and county licensing authorities.
(2) When the information is requested by a
person licensed pursuant to Chapter 44
(commencing with Section 921) of Title 18 of the
United States Code for determining the validity
of the license for firearm shipments.
(f) The department may conduct onsite
inspections at the business premises of a
person on the centralized list described in
subdivision (a) to determine compliance with
firearms laws pursuant to Article 4 (commencing
with Section 12070) of Chapter 1 of Title 2 of
Part 4 of the Penal Code. The department shall
work in consultation with the Bureau of Alcohol,
Tobacco, Firearms, and Explosives to ensure
that licensees are not subject to duplicative
inspections. During the inspection the following
firearm records shall be made available for
review:
(1) Federal records referred to in subdivision
(a) of Section 478.125 of Title 27 of the Code of
Federal Regulations and the bound book
containing the same information referred to in
Section 478.124a and subdivision (e) of Section
478.125 of Title 27 of the Code of Federal
Regulations.
(2) Verification numbers issued pursuant to
subdivision (f) of Section 12072.
(3) Any other records requested by the
department to determine compliance with this
article.
(g) The department may remove from the
centralized list described in subdivision (a), any
person who violates this article.
(h) The department may adopt regulations as
necessary to carry out the provisions of this
section, subdivision (f) of Section 12072, and
Section 12071. The department shall work in
consultation with the Bureau of Alcohol,
Tobacco, Firearms, and Explosives to ensure
that state regulations are not duplicative of
federal regulations.
12085 Manufacturing; violation
(a) Commencing July 1, 1999, no person,
firm, or corporation licensed to manufacture fire-
arms pursuant to Chapter 44 (commencing with
Section 921) of Title 18 of the United States
Code may manufacture firearms within this state
unless licensed pursuant to Section 12086.
(b) Subdivision (a) does not apply to a person
licensed to manufacture firearms pursuant to
Chapter 44 (commencing with Section 921) of
Title 18 of the United States Code who manufac-
tures fewer than 100 firearms in a calendar year
within this state.
(c) If a person, firm, or corporation required to
be licensed pursuant to Section 12086 ceases
operations, then the records required pursuant
to paragraphs (6) and (10) of subdivision (c) of
Section 12086 shall be forwarded to the federal
Bureau of Alcohol, Tobacco, and Firearms within	hree days of the closure of business.
(d) A violation of this section is a mis-
demeanor.
(e)(1) As used in this section and Section
12086, the term "firearm" includes the frame or
receiver of the weapon.
(2) As used in this section and Section 12086,
the term "firearm" includes the unfinished frame
or receiver of a weapon that can be readily con-
verted to the functional condition of a finished
frame or receiver.
(f) For purposes of this section and Section
12086, the term "firearm" does not include an
unloaded firearm that is defined as an "antique
firearm" in paragraph (16) of subsection (a) of
Section 921 of Title 18 of the United States
Code.
12086. License; application process
eligibility; prohibitions and requirement for
licensee
(a)(1) As used in this section, "licensure"
means a person, firm, or corporation that satis-
fies both of the following:
(A) Has a license issued pursuant to para-
graph (2) of subdivision (b).
(B) Is among those recorded in the cen-
tralized list described in subdivision (f).
(2) As used in this section, "department"
means the Department of Justice.
(b)(1) The Department of Justice shall accept
applications for, and shall grant licenses permit-
ting, the manufacture of firearms within this
state. The department shall inform applicants
who are denied licenses of the reasons for the
denial in writing.
(2) No license shall be granted by the depart-
ment unless and until the applicant presents
proof that he or she has all of the following:
(A) A valid license to manufacture firearms
issued pursuant to Chapter 44 (commencing
with Section 921) of Title 18 of the United States
Code.
(B) Any regulatory or business license, or
licenses, required by local government.
(C) A valid seller's permit or resale certificate
issued by the State Board of Equalization, if
applicable.
(D) A certificate of eligibility issued by the De-
partment of Justice pursuant to paragraph (4) of
subdivision (a) of Section 12071.
(3) The department shall adopt regulations to
administer this section and Section 12085 and
shall recover the full costs of administering the
program by collecting fees from license appli-
cants. Recoverable costs shall include, but not
be limited to, the costs of inspections and main-
taining a centralized list of licensed firearm manu-
facters. The fee for licensed manufacturers
who produce fewer than 500 firearms in a calendar
year within this state shall not exceed two
hundred fifty dollars ($250) per year or the
actual costs of inspections and maintaining a
centralized list of firearm manufacturers and any
other duties of the department required pursuant
to this section and Section 12085, whichever is
less.
(4) A license granted by the department shall
be valid for no more than one year from the date
of issuance, but shall be renewed upon receipt in the
form prescribed by the Attorney General.
(c) A licensee shall comply with the following
prohibitions and requirements:
(1) The business shall be conducted only in
the buildings designated in the license.
(2) The license or a copy thereof, certified
by the department, shall be displayed on the premi-
ises where it can easily be seen.
(3) Whenever a licensee discovers that a
firearm has been stolen or is missing from the
licensee's premises, the licensee shall report the
loss or theft within 48 hours of the discovery to
all of the following:
(A) The Department of Justice, in a manner
prescribed by the department.
(B) The federal Bureau of Alcohol, Tobacco,
and Firearms.
(C) The police department in the city or
city and county where the building designated in
the license is located.
(D) If there is no police department in the
city or city and county where the building designated
in the license is located, the sheriff of the county
where the building designated in the license is
located.
(4)(a) The licensee shall require that each
employee obtain a certificate of eligibility pursu-
ant to paragraph (4) of subdivision (a) of Section
12071, which shall be renewed annually, prior to
being allowed to come into contact with any fire-
arm.
(B) The licensee shall prohibit any employee
who the licensee knows or reasonably should
know is prohibited by state or federal law from
possessing, receiving, owning, or purchasing a
firearm from coming into contact with any fire-
arm.
(5)(A) Each firearm the licensee manufac-
tures in this state shall be identified with a
unique serial number stamped onto the firearm
utilizing the method of compression stamping.
(B) Licensed manufacturers who produce
fewer than 500 firearms in a calendar year within
this state may serialize long guns only by utiliz-
ing a method of compression stamping or by en-
graving the serial number onto the firearm.
(C) The licensee shall stamp the serial
number on the firearm within one business day of
the time the receiver or frame is manufactured.
(D) The licensee shall not use the same serial
number for more than one firearm.
(6)(A) The licensee shall record the type,
model, caliber, or gauge, and serial number of
each firearm manufactured or acquired, and the
date of manufacture or acquisition, within
one business day of the manufacture or
acquisition.
(B) The licensee shall maintain permanently
within the building designated in the license the
records required pursuant to subparagraph (A).
(C) Backup copies of the records described in
subparagraph (A), whether electronic or hard
copy, shall be made at least once a month.
These backup records shall be maintained in a
facility separate from the one in which the pri-
mary records are stored.
(7)(A) The licensee shall allow the department
to inspect the building designated in the license
to ensure compliance with the requirements of
this section.
(B) The licensee shall allow any peace officer,
authorized law enforcement employee, or De-
partment of Justice employee designated by the
Attorney General, upon the presentation of
proper identification, to inspect facilities and
records during business hours to ensure com-
pliance with the requirements of this section.
(8) The licensee shall store in a secure facility
all firearms manufactured and all barrels for
firearms manufactured.
(9)(A) The licensee shall notify the chief of
police or other head of the municipal police de-
partment in the city or city and county where the

building designated in the license is located that the licensee is manufacturing firearms within that city or county and the location of the licensed premises.

(B) If there is no police department in the city or county where the building designated in the license is located or there is no sheriff of the county where the building designated in the license is located that the licensee is manufacturing firearms within that county and the location of the licensed premises.

(10) For at least 10 years, the licensee shall maintain records of all firearms that are lost or stolen, and from which a security plan is approved by the department, and the amount of fees collected pursuant to paragraphs (2) of subdivision (a) and (3) of subdivision (b), the number of licensees removed from the centralized list described in subdivision (f), and the number of licensees found to have violated this section.

Article 4.5. Firearms Safety Devices

12087. Short Title

This article shall be known and may be cited as the "Armer-Scott-Hayden Firearms Safety Act of 1999."

12087.6. Definitions

As used in this article:

(a) "Firearms safety device" means a device other than a gun safe that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

(b) "Gun safe" means a locking container that fully contains and secures one or more firearms, and that meets the standards for gun safes adopted pursuant to Section 12088.2.

(c) "Long-gun safe" means a locking container designed to fully contain and secure a rifle as defined in paragraph (20) of subdivision (c) of Section 12020 or a shotgun as defined in paragraph (21) of subdivision (c) of Section 12020, that has a locking system consisting of either a mechanical or electronic combination lock that has at least 1,000 possible unique combinations consisting of a minimum of three numbers, letters, or symbols per combination, and that is not listed on the roster maintained pursuant to subdivision (d) of Section 12088.

12088.1. Firearm sales or transfers to include approved firearms safety device; warning language or label; long-gun safe warning labels; exemptions

(a) All firearms sold or transferred in this state by a licensed firearms dealer, including private transfers through a dealer, and all firearms manufactured in this state, shall include or be accompanied by a firearms safety device that is listed on the Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the firearm. The roster shall not be listed on the roster maintained pursuant to Section 12088.2, is in violation of this section, and is punishable as provided in subdivision (e), unless

(2) The sale or transfer of a firearm shall be exempt from subdivision (a) if all of the following apply:

(1) The purchaser or transferee purchases a gun safe that meets the standards set forth in Section 12088.2. Gun safes shall not be required to be tested, and therefore may meet the standards or criteria appearing on the Department of Justice roster.

(2) The purchaser or transferee presents an original receipt for purchase of the gun safe, or other proof of purchase or ownership of the gun safe as authorized by the Attorney General, to the firearms dealer. The dealer shall maintain a copy of this receipt or proof of purchase with the dealers' record of sales of firearms.

(e) The sale or transfer of a firearm shall be exempt from subdivision (a) if all of the following apply:

(1) The purchaser or transferee purchases an approved safety device no more than 30 days prior to the sale or transfer of the firearm and takes possession of the firearm.

(2) The purchaser or transferee presents the approved safety device to the firearms dealer when picking up the firearm.

(3) The purchaser or transferee presents an original receipt to the firearms dealer which shows the date of purchase, the name, and the model number of the safety device.

(4) The firearms dealer verifies that the requirements in (1) to (3), inclusive, have been satisfied.

(5) The firearms dealer maintains a copy of the receipt along with the dealers' record of sales of firearms.
the long-gun safe is labeled pursuant to Section 12088.1.

(2) Any person who keeps for commercial sale, offers, or exposes for commercial sale, or who commercially sells a long-gun safe that does not comply with the standards for gun safes adopted pursuant to Section 12088.2, and who removes or causes to be removed from the long-gun safe, the label required pursuant to Section 12088.1, is in violation of this section, and is punishable as provided in subdivision (e).

(e) A violation of this section is punishable by a civil fine of up to five hundred dollars ($500). A second or subsequent violation that occurs within five years of the date of a previous offense is punishable by a civil fine of up to one thousand dollars ($1,000) and, if the violation is committed by a licensed firearms dealer, the dealer shall be ineligible to sell firearms in this state for 30 days. A third or subsequent violation that occurs within five years of two or more previous offenses is punishable by a civil fine of up to five thousand dollars ($5,000) and, if the violation is committed by a licensed firearms dealer, the firearms dealer shall be permanently ineligible to sell firearms in this state.

(f) The Attorney General, a district attorney, or a city attorney may bring a civil action for a violation of the provisions of this section.

12088.3. Firearm sale or transfer; packaging warning statement label

(a) The packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer, or licensed dealer, shall bear a label containing the following warning statement:

WARNING

Children are attracted to and can operate firearms that can cause severe injuries or death. Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison.

A yellow triangle containing an exclamation mark shall appear immediately before the word "Warning" on the label.

(b) If the firearm is sold or transferred without accompanying descriptive materials, the warning label or notice shall be affixed to the firearm itself by a method to be prescribed by regulation of the Attorney General.

(c) The warning statement required under subdivisions (a) and (b) shall be:

(1) Displayed in its entirety on the principal display panel of the firearm’s package, and on any descriptive materials that accompany the firearm.

(2) Displayed in both English and Spanish in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on that package or descriptive materials in a manner consistent with Part 1500.121 of Title 16, of the Code of Federal Regulations, or successor regulations thereto.

12088.4 Gun safe or firearm safety device nonconformity; recall or replacement; conformity requirement

If at any time the Attorney General determines that a gun safe or firearms safety device subject to the provisions of this article and sold after January 1, 2002, does not conform with the standards required by subdivision (a) of Section 12088.1 or Section 12088.2, the Attorney General may order the recall and replacement of the gun safe or firearms safety device, or order that the gun safe or firearm safety device be brought into conformity with those requirements.

If the firearms safety device cannot be separated from the firearm without damaging the firearm, the Attorney General may order the recall and replacement of the firearm. If the firearms safety device can be separated and reattached to the firearm without damaging the firearm, the licensed manufacturer or licensed firearms dealer shall immediately provide a conforming replacement as instructed by the Attorney General.

12088.6. Violations; punishment

Any violation of Section 12088.1 or Section 12088.2 is punishable as provided in subdivision (e).

12088.8. Application of article

(a) This article does not apply to the commerce of any firearm defined as an "antique firearm" in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.

(b) This article shall not apply to the commerce of any firearm intended to be used by a law enforcement agency in the course and scope of employment.

(c) The possession and disposition of a firearm described in subdivision (a) by any employee of a law enforcement agency for that agency's employment.

(d) The possession or acquisition of a firearm described in subdivision (a) by any employee of a forensic laboratory, while on duty and acting within the scope and course of his or her employment.

(e) The possession or acquisition of a firearm described in subdivision (a) by any employee of a law enforcement agency for the agency's disposal according to law.

Article 5. Obliteration of Identification Marks

12090. Unauthorized alteration; punishment

Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice on any pistol, revolver, or any other firearm, without first having secured written permission from the department to make such change, alteration or removal shall be punished by imprisonment in the state prison.

12091. Changing identification marks

Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same. [Publisher's Note: This section has been held unconstitutional in part in the case of In re Christopher K., 110 Cal.Rptr.2d 914, 91 Cal.App.4th 853 (App. 4 Dist. 2001).]

12092. Assigning number or mark; The Department of Justice upon request may assign a distinguishing number or mark of identification to any firearm whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

12093. Stamping number or identifying indicium on firearm

Any person may place or stamp on any pistol, revolver, or other firearm any number or identifying indicium, provided the number or identifying indicium does not change, alter, remove or obliterate the evidence’s name, number, model, or other mark of identification. This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when such restoration is authorized by the department, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new firearm.

12094. Unmarked firearms; purchase, sale or possession; offense; exceptions

(a) Any person with knowledge of any employed alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his or her possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

(b) Subdivision (a) does not apply to any of the following:

(1) The acquisition or possession of a firearm described in subdivision (a) by any member of the military forces of this state or of the United States, while on duty and acting within the scope and course of his or her employment.

(2) The acquisition or possession of a firearm described in subdivision (a) by any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, while on duty and acting within the scope and course of his or her employment.

(3) The acquisition or possession of a firearm described in subdivision (a) by any employee of a forensic laboratory, while on duty and acting within the scope and course of his or her employment.

(4) The possession and disposition of a firearm described in subdivision (a) by a person who meets all of the following:

(A) He or she is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(B) The person possessed the firearm no longer than was necessary to deliver the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency in order to deliver the firearm to the law enforcement agency for the agency's disposition according to law.

(D) If the person is transporting the firearm to a law enforcement agency, he or she has given prior notice to the law enforcement agency that he or she is transporting the firearm to that law enforcement agency for that agency's disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12065.
transportation or sale; good cause basis for permit; duration of permit validity

(a) If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year, and renewable annually thereafter, for the manufacture, possession, transportation, or sale of short-barreled shotguns or short-barreled rifles upon a showing that good cause exists for the issuance thereof to the applicant for the permit. No permit shall be issued to a person who is under 18 years of age.

(b) Good cause, for the purposes of this section, includes the following circumstances exists: (1) The permit is sought for the manufacture, possession, or use with blank cartridges, of a short-barreled rifle or short-barreled shotgun, solely as props for a motion picture, television, or video production or entertainment event. (2) The permit is sought for the manufacture of, exposing for sale, keeping for sale, sale of, importation or lending of short-barreled rifles or short-barreled shotguns to the entities listed in paragraph (1) of subdivision (b) of Section 12020 by persons who are licensed as dealers or manufacturers under the provisions of Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

12096. Applications; fees; renewals

Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the use to which the short-barreled shotguns or short-barreled rifles are to be put. Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

Each applicant for a permit shall pay at the time of filing his or her application a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice. A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a fee not to exceed the application processing costs of the Department of Justice. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

12097. Display; inspection; identification number on weapon

(a) Every person, firm, or corporation to whom a permit is issued shall keep it on his or her person or at the place where the short-barreled shotguns or short-barreled rifles are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

(b) Every short-barreled shotgun or short-barreled rifle possessed pursuant to the provisions of this article shall bear a unique identifying number. If a weapon does not bear a unique identifying number, the Department of Justice shall assign a number, and such number shall be placed or stamped on that weapon.

12098. Revocation

Permits issued in accordance with this article may be revoked by the issuing authority at any time when it appears that the need for the short-barreled shotguns or short-barreled rifles has ceased or that the holder of the permit has used the short-barreled shotguns or short-barreled rifles for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

12099. Annual inspection for security and safe storage, and to reconcile inventory

(a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.

(b) A person, firm, or corporation with an inventory of fewer than five devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.

Article 7. Juveniles

12101. Concealable firearm or live ammunition; possession by minor; punishment; parental education classes; self-defense or defense of others

(a) (1) A minor shall not possess a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Paragraph (1) shall not apply if one of the following circumstances exists:

(A) The minor is accompanied by his or her parent or legal guardian, and the minor is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(B) The minor is accompanied by a responsible adult, the minor has the prior written consent of his or her parent or legal guardian, and the minor is actively engaged in, or in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The minor is at least 16 years of age, the minor has the prior written consent of his or her parent or legal guardian, and the minor is actively engaged in, or in direct transit to or from, a lawful recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(D) The minor has the prior written consent of his or her parent or legal guardian, the minor is on lands owned or lawfully possessed by his or her parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(E) The minor has the written consent of his or her custodial parent or legal guardian of a minor who violates this section.

(F) If the minor is 16 years of age, the minor has the prior written consent of his or her parent or legal guardian, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(G) The minor has been found guilty previously of violating this section.

(H) The minor has been found guilty previously of violating this section.

(I) The minor has been found guilty of a violation of paragraph (1) of subdivision (a).

(J) Violations of this section other than those violations specified in paragraph (1) shall be punishable as a misdemeanor.

(k) In a proceeding to enforce this section brought pursuant to Article 14 (commencing with Section 6001) of Chapter 2 of Part 1 of the Welfare and Institutions Code, the court may require the custodial parent or legal guardian of a minor who violates this section to participate in classes on parenting education that meet the requirements established in Section 16507.7 of the Welfare and Institutions Code.

(l) (1) It is not the intent of the Legislature in enacting the amendments to this section or to Section 12078 to expand or narrow the application of current statutory or judicial authority as to the rights of minors to be loaned or to possess live ammunition or a firearm for the purpose of self-defense or the defense of others.

Chapter 1.3. Unsafe Handguns

12125. Offense; punishment

(a) Commencing January 1, 2001, any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.

(b) This section shall not apply to any of the following:

(1) The manufacture in this state, or importation into this state, of any prototype pistol, revolver, or other firearm capable of being concealed upon the person when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the Department of Justice pursuant to Section 12130 to conduct an independent test to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person is prohibited by this chapter, and, if not, allowing the department to add the firearm to the roster of pistols, revolvers, and other firearms capable of being concealed upon the person that may be sold in this state pursuant to Section 12131.

(2) The importation or lending of a pistol, revolver, or other firearm capable of being concealed upon the person by employees or author-
ized agents of entities determining whether the weapon is prohibited by this section.

(3) Firearms listed as curios or relics, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.

(4) The sale or purchase of any pistol, revolver, or other firearm capable of being concealed upon the person, if the pistol, revolver, or other firearm is sold to, or purchased by, the Department of Justice, any police department, any sheriff's official, any marshal's office, the Youth and Adult Correctional Agency, the California Highway Patrol, any district attorney's office, or the military, shall be determined as set forth in provisions of law that shall not be punished under the penalty of imprisonment for more than one year.

(5) Any firearm capable of being concealed upon the person.

(c) Violations of subdivision (a) are cumulative with respect to each handgun and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision, but the penalty to be imposed shall be determined as set forth in Section 12101, for each violation.

12126. "Unsafe handgun" defined

As used in this chapter, "unsafe handgun" means any pistol, revolver, or other firearm capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, for which any of the following is true:

(a) A firearm is not in a condition set forth in Section 12128.

(b) If a pistol or revolver fails the requirements of either paragraph (1) or (2) of subdivision (a) due to a malfunction that fails to detonate, the pistol or revolver shall be retested from the beginning of the "firing requirement for handguns" test.
The handgun shall pass this test if each of the three test guns does not fire the primer.

12129. Certification
Every person who is licensed as a manufacturer of firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code who manufactures, imports, or exposes for sale any firearm, shall certify under penalty of perjury and any other remedy provided by law that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures, imports, keeps, or exposes for sale is not an unsafe handgun as prohibited by this chapter.

12130. Testing of pistols, revolvers or other firearms; approval for sale; center-fire or rimfire semiautomatic pistols
(a) Any pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, shall be tested within a reasonable period of time by an independent laboratory certified pursuant to subdivision (b) to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, and who fails to pay any fee required pursuant to this paragraph (1), may be excluded from the roster.

(b)(1) Commencing January 1, 2006, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have either a chamber load indicator as defined in subdivision (c) of Section 12126, or a magazine disconnect mechanism as defined in subdivision (d) of Section 12126. (d)(1) Commencing January 1, 2006, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have both a chamber load indicator as defined in subdivision (c) of Section 12126, or a magazine disconnect mechanism as defined in subdivision (d) of Section 12126.

(2) Commencing January 1, 2007, no center-fire semiautomatic pistol may be submitted for testing pursuant to this chapter if it does not have both a chamber load indicator as defined in subdivision (c) of Section 12126 and a magazine disconnect mechanism as defined in subdivision (d) of Section 12126.

(3) Commencing January 1, 2006, no rimfire semiautomatic pistol may be submitted for testing pursuant to this chapter if it has a detachable magazine, and does not have a magazine disconnect mechanism as defined in subdivision (d) of Section 12126.

12131.5. Similar firearms
(a) A firearm shall be deemed to satisfy the requirements of subdivision (a) of Section 12131 if another firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm only in one or more of the following features:
   (1) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.
   (2) The material from which the grips are made.
   (3) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
   (4) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.
   (b) Any manufacturer seeking to have a firearm listed under this section shall provide to the Department of Justice all of the following:
      (1) The model designation of the listed firearm.
      (2) The model designation of each firearm that the manufacturer seeks to have listed under this section.
      (3) A statement, under oath, that each unlisted firearm for which listing is sought differs from the listed firearm only in one or more of the ways identified in subdivision (a) and is in all other respects identical to the listed firearm.
      (c) The department may, in its discretion and at any time, require a manufacturer to provide to the department any model for which listing is sought under this section, to determine whether the model complies with the requirements of this section.

12132. Matters to which the chapter does not apply
This chapter shall not apply to any of the following:
(a) The sale, loan, or transfer of any firearm pursuant to Section 12072 in order to comply with subdivision (d) of Section 12072.
(b) The sale, loan, or transfer of any firearm that is exempt from the provisions of subdivision (d) of Section 12072 pursuant to any applicable exemption contained in Section 12078, if the sale, loan, or transfer complies with the require-
ments of that applicable exemption to subdivision (d) of Section 12072.

(c) The sale, loan, or transfer of any firearm as described in paragraph (3) of subdivision (b) of Section 12125.

(d) The delivery of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to Section 12071 for the purposes of the service or repair of that firearm.

(e) The return of a pistol, revolver, or other firearm capable of being concealed upon the person to a person licensed pursuant to Section 12071 for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(f) The sale, loan, or transfer of any pistol, revolver, or other firearm capable of being concealed upon the person listed as a curio or relic, as defined in Section 178.11 of the Code of Federal Regulations.

(h)(1) The Legislature finds a significant public purpose in exempting pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the list adding this subdivision is enacted, and that fall within the definition of "unsafe handgun" pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

<table>
<thead>
<tr>
<th>MANUFACTURER</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSCHUTZ</td>
<td>FP</td>
<td>.22LR</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP90</td>
<td>.22LR</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP90</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP95</td>
<td>.22LR</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP95</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>DRULOV</td>
<td>FP</td>
<td>.22LR</td>
</tr>
<tr>
<td>GREEN</td>
<td>ELECTROARM</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>100</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>101</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>102</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>162</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>280</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>280</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>FP10</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>MP33</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>SP20</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>SP20</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>MORINI</td>
<td>CM102E</td>
<td>.22LR</td>
</tr>
<tr>
<td>MORINI</td>
<td>22M</td>
<td>.22LR</td>
</tr>
<tr>
<td>MORINI</td>
<td>32M</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>MORINI</td>
<td>CM80</td>
<td>.22LR</td>
</tr>
<tr>
<td>PARDINI</td>
<td>GP</td>
<td>.22 SHORT</td>
</tr>
<tr>
<td>PARDINI</td>
<td>GPO</td>
<td>.22 SHORT</td>
</tr>
<tr>
<td>PARDINI</td>
<td>GP-SCHUMANN</td>
<td>.22 SHORT</td>
</tr>
<tr>
<td>PARDINI</td>
<td>HP</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>PARDINI</td>
<td>K22</td>
<td>.22LR</td>
</tr>
<tr>
<td>PARDINI</td>
<td>MP</td>
<td>.32 S&amp;W LONG</td>
</tr>
<tr>
<td>PARDINI</td>
<td>PG75</td>
<td>.22LR</td>
</tr>
<tr>
<td>PARDINI</td>
<td>SP</td>
<td>.22LR</td>
</tr>
<tr>
<td>PARDINI</td>
<td>SPE</td>
<td>.22LR</td>
</tr>
<tr>
<td>SAKO</td>
<td>FINMASTER</td>
<td>.22LR</td>
</tr>
<tr>
<td>STEYR</td>
<td>FP</td>
<td>.22LR</td>
</tr>
<tr>
<td>VOSTOK</td>
<td>IZH NO. 1</td>
<td>.22LR</td>
</tr>
</tbody>
</table>

VOSTOK MU55 .22LR
VOSTOK TOZ35 .22LR
WALTHER FP .22LR
WALTHER GSP .22LR
WALTHER GSP .32 S&W LONG
WALTHER OSP .22 SHORT
WALTHER OSP/000 .22 SHORT

(3) The department shall create a program that is consistent with the purpose stated in paragraph (1) to exempt new models of competitive firearms from this chapter. The exempt competitive firearms may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(i) The sale, loan, or transfer of any semiautomatic pistol that is to be used solely as a prop during the course of a motion picture, television, or radio production, and that fall within the definition of "unsafe handgun" pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

12133. single-action revolvers; single-shot pistols; exclusion from chapter

(a) The provisions of this chapter shall not apply to a single-shot pistol with a barrel length of not less than three inches, and meets any of the following specifications:

(1) Was originally manufactured prior to 1900 and is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.

(2) Has an overall length measured parallel to the barrel of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled.

(3) Has an overall length measured parallel to the barrel of at least 7 1/2 inches when the handle, frame or receiver, and barrel are assembled and that is currently approved for importation into the United States pursuant to the provisions of paragraph (3) of subsection (d) of Section 925 of Title 18 of the United States Code.

(b) The provisions of this chapter shall not apply to a single-shot pistol with a barrel length of not less than six inches and that has an overall length of at least 101/2 inches when the overall, handle, frame or receiver, and barrel are assembled.

Chapter 2. Machineguns


12200. Definition The term "machinegun" as used in this chapter means any weapon which shoots, is designed to shoot, or can readily be restored to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. The term also includes any weapon deemed by the federal Bureau of Alcohol, Tobacco, and Firearms as readily convertible to a machinegun under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code.

12201. Exceptions Nothing in this chapter shall affect or apply to any of the following:

(a) The sale to, purchase by, or possession of machineguns by police departments, sheriffs' offices, marshals' offices, district attorneys' offices, the California Highway Patrol, the Department of Justice, the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit, or the military or naval forces of this state or of the United States for use in the discharge of their official duties, provided, however, that any sale to these entities be transacted by a person who is permitted pursuant to Section 12230 and licensed pursuant to Section 12250.

(b) The possession of machineguns by regular, salaried, full-time peace officer members of a police department, sheriff's office, marshal's office, district attorney's office, the California Highway Patrol, the Department of Justice, or the Department of Corrections for use by the department's Special Emergency Response Teams and Law Enforcement Liaison/Investigations Unit when on duty and if the use is within the scope of their duties.

Article 2. Unlawful Possession of Machine Guns

12220. Unauthorized possession, transportation, manufacture or sale; punishment

(a) Any person, firm, or corporation, who within this state possesses or knowingly transports a machinegun, except as authorized by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison, or by a fine not to exceed ten thousand dollars ($10,000), or by both such fine and imprisonment.

(b) Any person, firm, or corporation who within this state intentionally converts a firearm into a machinegun, or who sells, or offers for sale, or knowingly manufactures a machinegun, except as authorized by this chapter, is punishable by imprisonment in the state prison for four, six, or eight years.

Article 3. Permits

12230. Authority to issue; showing necessary

The Department of Justice may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for the permit, but no permit shall be issued to a person who is under 18 years of age.

12231. Applications; contents; uniformity; fees; renewal
Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the machinegun shall be put.

Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

Each applicant for a permit shall pay at the time of filing his or her application a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice. The department shall establish fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

12232. Keeping and inspection of permit
Every person, firm or corporation to whom a permit is issued shall keep it on his or her premises and at the place where the firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

12233. Revocation; grounds
Permits issued in accordance with this chapter may be revoked by the issuing authority at any time when it appears that the need for the firearms has ceased or that the holder of the permit has used the firearms for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

12234. Annual inspection for security and safe storage, and to reconcile inventory
(a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of machine guns.
(b) A person, firm, or corporation with an inventory of fewer than five devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.


12275. Short title
This chapter shall be known as the Roberti-Roos Assault Weapons Control Act of 1989 and the .50 Caliber BMG Regulation Act of 2004.

12275.5. Legislative findings and declarations
(a) The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state, The Legislature has restricted the assault weapons specified in Section 12276 based upon finding that each firearm has such a high rate of fire and capacity for fire-power that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.
(b) The Legislature hereby finds and declares that the proliferation and use of .50 BMG rifles, as defined in Section 12278, poses a clear and present danger to the health, safety, and security of all residents of, and visitors to, this state, based upon findings that those firearms have such a high capacity for long distance and highly destructive firepower that they pose an unacceptable risk to the death and serious injury of human beings, destruction or serious damage of vital public and private buildings, civilians, police and military vehicles, power generation and transmission facilities, petrochemical production and storage facilities, and transportation infrastructure. It is the intent of the Legislature in enacting this chapter to place restrictions on the use of these rifles and to establish a registration and permit procedure for their lawful sale and possession.

12276. Assault Weapon
As used in this chapter, "assault weapon" shall mean the following designated semiautomatic firearms:
(a) All of the following specified rifles:
(1) All AK series including, but not limited to, the models identified as follows:
   (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.
   (B) Norinco 56, 56S, 84S, and 86S.
   (C) Poly Technologies AKS and AK47.
   (D) MAADI AK47 and ARM.
   (E) UZI and Galli.
   (F) Beretta AR-70.
   (G) CETME Sporter.
   (H) Colt AR-15 series.
   (I) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
(2) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
(3) MAS 223.
(4) SIG, HK K-93, HK-94, and HK-PSG-1.
(5) The following MAC types:
   (A) RPB Industries Inc. sM10 and sM11.
   (B) SWD Incorporated M11.
   (C) SKS with detachable magazine.
   (D) SIG AMT, PE-57, SG 550, and SG 551.
   (F) Sterling MK-6.
   (G) Steyer AUG.
   (H) Valmet M62S, M71S, and M78S.
   (I) Amalite AR-180.
   (J) Bushmaster Assault Rifle.
   (K) Calico M-900.
   (L) J&R ENG M-68.
   (M) Weaver Arms Nighthawk.
(b) All of the following specified pistols:
   (1) UZI
   (2) Encom MP-9 and MP-45.
   (3) The following MAC types:
      (A) RPB Industries Inc. sM10 and sM11.
      (B) SWD Incorporated M11.
      (C) Advanced Armament Inc. M-11.
      (D) Military Armament Corp. Ingram M-11.
      (E) Intratec TEC-9.
      (F) Sites Spectre.
      (G) Sterling MK-7.
      (H) Calico M-950.
      (I) Bushmaster Pistol.
   (J) All of the following specified shotguns:
(1) Franchi SPAS 12 and LAW 12.
(2) Striker 12.
(3) The Streetsweeper type S/S Inc. SS/12.
(4) Any firearm declared by the court pursuant to Section 12276.5 to be an assault weapon that is specified as an assault weapon in a list promulgated pursuant to Section 12276.5.
(5) The term "series" includes all other models that are only variations, with minor differences, of those models listed in subdivision (a), regardless of the manufacturer.

(f) This section is declaratory of existing law, as amended, and a clarification of the law and the Legislature's intent which bans the weapons enumerated in this section, the weapons included in the list promulgated by the Attorney General pursuant to Section 12276.5, and any other models which are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this section because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.

12276.1. Assault weapon; Further definition
(a) Notwithstanding Section 12276, "assault weapon" shall also mean any of the following:
(1) A pistol grip that protrudes conspicuously beneath the action of the weapon.
(2) A thumbhole stock.
(3) A folding or telescoping stock.
(4) A forward pistol grip or flare launcher.
(5) A flash suppressor.
(6) A forward pistol grip.
(7) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:
(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
(B) A thumbhole stock.
(C) A folding or telescoping stock.
(D) A forward pistol grip or flare launcher.
(E) A flash suppressor.
(F) A forward pistol grip.
(8) Any other combination of features that makes the weapon more effective in6
(a) "Assault weapon" does not include either of the following:
(1) Any antique firearm.
(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (d):
(e) This section becomes operative January 1, 2000.

12276.5. Preparation and distribution of description of assault weapons; list of firearms designated as assault weapons; regulations
(a) The Attorney General shall prepare a description for identification purposes, including a picture or diagram, of each assault weapon listed in Section 12276, and any firearm declared to be an assault weapon pursuant to this section, and shall distribute the description to all law enforcement agencies responsible for enforcement of this chapter.
(b) Any firearm declared to be an assault weapon pursuant to this section shall be implemented by the Attorney General who, within 90 days, shall promulgate an amended list which shall include the specified firearm declared to be an assault weapon. The Attorney General shall file the amended list with the Secretary of State for publication in the California Code of Regulations. Any firearm declared to be an assault weapon prior to January 1, 2007, shall remain on the list filed with the Secretary of State.

(b) Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code, pertaining to the adoption of rules and regulations, shall not apply to any list of assault weapons promulgated pursuant to this section.
(c) The Attorney General shall adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this chapter.

12277. Person As used in this chapter, "person" means an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created.

12278. Definitions; .50 BMG rifle or cartridge
(a) As used in this chapter, a ".50 BMG rifle" means a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon pursuant to Section 12276.5, or a machinegun, as defined in Section 12220.
(b) As used in this chapter, a ".50 BMG cartridge" means a cartridge that is designed and intended to be fired from a center fire rifle and that meets all of the following criteria:
(1) It has an overall length of 5.54 inches from the base to the lip of the bullet.
(2) The bullet diameter for the cartridge is from .510 to, and including, .511 inch.
(3) The case base diameter for the cartridge is from .800 inch to, and including, .804 inch.
(4) The cartridge case length is 3.91 inches.
(c) A ".50 BMG rifle" does not include any "antique firearm," nor any curio or relic as defined in Section 17181.11 of Title 27 of the Code of Federal Regulations.
(d) As used in this section, "antique firearm" means any firearm manufactured prior to January 1, 1899.

2 Article 2. Unlawful Activities
12280. Manufacture, distribution, transportation, importation, sale, possession or lending of assault weapon or .50 BMG rifle; punishment; commission of other crime; exceptions
(a) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon or any .50 BMG rifle, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.
(b) In addition and consecutive to the punishment imposed under paragraph (1), any person who transfers, lends, sells, or gives any assault weapon or any .50 BMG rifle to a minor in violation of paragraph (1) shall receive an enhancement of one of the above penalties.
(2) Except in the case of a first violation involving not more than two firearms as provided in subdivisions (b) and (c), for purposes of this section, if more than one assault weapon or .50 BMG rifle is involved in any violation of this section, there shall be a distinct and separate offense for each.
Any person who, within this state, possesses any assault weapon, except as provided in this chapter, shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment in the state prison. However, a first violation of these provisions shall be punishable by a fine not exceeding five hundred dollars ($500) if the person was found in possession of no more than two firearms in compliance with subdivision (c) of Section 12285 and the person meets all of the following conditions:

1. The person proves that he or she lawfully possessed any .50 BMG rifle, except as provided in this chapter, shall be punished by a fine of one thousand dollars ($1,000), imprisonment in a county jail for a period not to exceed one year, or by both that fine and imprisonment. However, a first violation of these provisions is punishable by a fine not exceeding five hundred dollars ($500) if the person was found in possession of no more than two firearms in compliance with subdivision (a) of Section 12285 and the person meets the conditions set forth in paragraphs (1), (2), and (3):

   1. The person proves that he or she lawfully possessed the .50 BMG rifle prior to January 1, 2005.
   2. The person has not previously been convicted of a violation of this section.
   3. The person was found to be in possession of the assault weapon within one year following the end of the one-year registration period established pursuant to subdivision (a) of Section 12285.

(4) The person relinquished the firearm pursuant to Section 12288, in which case the assault weapon shall be destroyed pursuant to Section 12208.

(5) Any person who, within this state, possesses any .50 BMG rifle, except as provided in this chapter, shall be punished by a fine of one thousand dollars ($1,000), imprisonment in a county jail for a period not to exceed one year, or by both that fine and imprisonment. However, a first violation of these provisions is punishable by a fine not exceeding five hundred dollars ($500) if the person was found in possession of no more than two firearms in compliance with subdivision (a) of Section 12285 and the person meets the conditions set forth in paragraphs (1), (2), and (3):

1. The person proves that he or she lawfully possessed the .50 BMG rifle prior to January 1, 2005.
2. The person has not previously been convicted of a violation of this section.
3. The person was found to be in possession of the .50 BMG rifle within one year following the end of the .50 BMG rifle registration period established pursuant to subdivision (a) of Section 12285.

(4) Firearms seized pursuant to this subdivision from persons who meet all of the conditions set forth in paragraphs (1), (2), and (3) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the .50 BMG rifle should be destroyed pursuant to Section 12028. Firearms seized from persons who do not meet the conditions set forth in paragraphs (1), (2), and (3) shall be destroyed pursuant to Section 12028.

1. Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

2. Subdivisions (a), (b), and (c) shall not apply to the sale to, purchase by, importation of, or possession of assault weapons or a .50 BMG rifle by the Department of Justice, police departments, sheriffs’ offices, marshals’ offices, the Department of Corrections and Rehabilitation, the Department of the California Highway Patrol, district attorneys’ offices, Department of Fish and Game, Department of Parks and Recreation, or the military or national forces of this state or of the United States, or any federal law enforcement agency for use in the discharge of their official duties.

3. Entities outside the state who have, in effect, a federal firearms dealer’s license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.

4. Federal military and law enforcement agencies.

5. Law enforcement and military agencies of other states.

(6) Foreign governments and agencies approved by the United States State Department.

(j) Subdivision (a) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon or a .50 BMG rifle registered under Section 12285 or that was possessed pursuant to paragraph (1) of subdivision (f) that is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.

(k) Subdivisions (b) and (c) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon or a .50 BMG rifle registered under Section 12285 or that was possessed pursuant to paragraph (1) of subdivision (f) if the assault weapon or .50 BMG rifle is possessed at a place set forth in paragraph (1) of subdivision (c) of Section 12285 or as authorized by the probate court.

(l) Subdivision (a) shall not apply to either of the following:

1. A person who lawfully possesses and has registered an assault weapon or .50 BMG rifle pursuant to this chapter who lends that assault weapon or .50 BMG rifle to another if all the following apply:

   A. The person to whom the assault weapon or .50 BMG rifle is lent is 18 years of age or over and is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

   B. The person to whom the assault weapon or .50 BMG rifle is lent remains in the presence of the registered possessor of the assault weapon or .50 BMG rifle.

   C. The assault weapon or .50 BMG rifle is possessed at any of the following locations:

      I. While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

      II. While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

      III. While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

   2. The return of an assault weapon or .50 BMG rifle to the registered possessor, or the lawful possessor, which is lent by the same pursuant to paragraph (1).

(m) Subdivisions (a), (b), and (c) shall not apply to the possession of an assault weapon or .50 BMG rifle by a person to whom an assault weapon or .50 BMG rifle is lent pursuant to subdivision (k).

(n) Subdivisions (a), (b), and (c) shall not apply to the possession and importation of an assault weapon or a .50 BMG rifle by a nonresident if all of the following conditions are met:

1. The person is attending or going directly to an additional, competitive match or league competition that involves the use of an assault weapon or a .50 BMG rifle.

2. The competition or match is conducted on the premises of one of the following:
(A) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(B) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(C) A range burner operation is sponsored, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(D) The assault weapon or .50 BMG rifle is transported in accordance with Section 12206.1 or 12206.2.

(E) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(F) Subdivisions (b) and (c) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12286 or 12287.

(2) A person who has a permit to possess an assault weapon or a .50 BMG rifle issued pursuant to Section 12286 or 12287 when he or she is acting in accordance with Section 12285, 12286, or 12287.

(G) Subdivisions (a), (b), and (c) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12285.

(2) A person acting in accordance with Section 12286, 12287, or 12290.

(H) Subdivisions (b) and (c) shall not apply to the registered owner of an assault weapon or a .50 BMG rifle possessing that firearm in accordance with subdivision (c) of Section 12285.

(I) Subdivision (a) shall not apply to the importation into this state of an assault weapon or a .50 BMG rifle by the registered owner of that assault weapon or a .50 BMG rifle if it is in accordance with the provisions of subdivision (c) of Section 12286.

(J) Subdivision (a) shall not apply during the first 180 days of the 2005 calendar year to the importation into this state of a .50 BMG rifle by a person lawfully possessing that .50 BMG rifle in this state prior to January 1, 2005.

(K) Subdivision (a) shall not apply to the possession of a .50 BMG rifle that is not defined or specified as an assault weapon pursuant to this chapter, by any person prior to May 1, 2006, if all of the following are applicable:

(1) The person is eligible under this chapter to register that .50 BMG rifle.

(2) The person lawfully possessed the .50 BMG rifle prior to January 1, 2005.

(3) The person is otherwise in compliance with this chapter.

(L) Subdivisions (a), (b), and (c) shall not apply to the sale of assault weapons or .50 BMG rifles by persons who are issued permits pursuant to Section 12286 or 12287.

(M) Exempt entities listed in subdivision (e).

(N) Entities and persons who have been issued permits pursuant to Section 12286 or 12287.

(O) Federal military and law enforcement agencies.

(P) Law enforcement and military agencies of other states.

(Q) Foreign governments and agencies approved by the United States State Department.

(R) Officers described in subdivision (f) who are authorized to possess assault weapons or .50 BMG rifles pursuant to subdivision (f).

(S) As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

(1) The effective date of an amendment to Section 12276 that adds the designation of the specified firearm.

(2) The operative date of the list promulgated pursuant to Section 12276.5 that adds or changes the designation of the specified firearm.

(3) The operative date of Section 12276.1, as specified in subdivision (d) of that section.

(Publisher’s Note: 2003 Cal. Stat. 499 (SB 238), §6.5 provides: “It is the intent of the Legislature, acting pursuant to Section 12290 of this code to delete the exemption allowing retired peace officers to obtain an assault weapon from their employing agency upon retirement. These amendments are intended to make Section 122820 of the Penal Code consistent with the holding in Silveira v. Lockyer (2003) 312 F.3d, which held that exemption to be unconstitutional. The amendments deleting the exemption are therefore declaratory of existing law.”)

12281. SKS rifle violations under §12280; immunity from prosecution and reopening of prior actions; relinquishment or disposition of rifles purchased by department

(a) Any person who, or firm, company, or corporation that, operated a retail or other commercial firm, company, or corporation, and manufactured, distributed, transported, imported, possessed, possessed for sale, offered for sale, or transferred, for commercial purpose, an SKS rifle in California between January 1, 1992, and December 19, 1997, shall be immune from criminal prosecution under Section 12280. The immunity provided in this subdivision shall apply retroactively to any person who, or firm, company, or corporation that, is or was charged by complaint or indictment with a violation of Section 12280 for conduct related to an SKS rifle, whether or not the case of that person, firm, company, or corporation is final.

(b) Any person who possessed, gave, loaned, or transferred an SKS rifle in California between January 1, 1992, and December 19, 1997, shall be immune from criminal prosecution under Section 12280.

(c) Any person, firm, company, or corporation, convicted under Section 12220 for conduct relating to an SKS rifle, whether or not the case of that person, firm, company, or corporation is final.

(d) Any person who, or firm, company, or corporation, convicted under Section 12220 for conduct relating to an SKS rifle, shall be permitted to withdraw his or her plea of guilty or nolo contendere, or to reopen his or her case and have the charges and the conviction set aside, and the court shall enter a declaration of no penalty.

(e) Any person, firm, company, or corporation, convicted under Section 12220 for conduct relating to an SKS rifle, shall be required to comply with subparagraph (A) or (B) of paragraph (1) of this subdivision unless he or she otherwise complies with paragraph (1) of subdivision (b) of Section 12285.

(f) Any SKS rifle relinquished to the department pursuant to paragraph (1) shall be in a manner prescribed by the department.

(g) The department shall conduct a public education and notification program as described in Section 12289, commencing no later than January 1, 1999.

(h) Any person who complies with subdivision (f) shall be exempt from the prohibitions set forth in subdivision (c) of Section 12290 for those acts by that person associated with complying with the requirements of subdivision (f).

(i) The department shall purchase any SKS rifle relinquished pursuant to subdivision (f) from funds appropriated for this purpose by the act amending this section in the 1997-98 Regular Session of the Legislature or by subsequent budget acts or other legislation. The department shall adopt regulations for this purchase program that include, but are not limited to, the manner of delivery, the reimbursement to be paid, and the manner in which persons shall be informed of the state purchase program.

(j) Any person who relinquished possession of an SKS rifle to a law enforcement agency pursuant to Section 12288 prior to the effective date of the purchase program set forth in paragraph (1) shall be eligible to be reimbursed from the purchase program. The procedures for reimbursement pursuant to this paragraph shall be the same as provided by the department pursuant to paragraph (1).

(k) Notwithstanding paragraph (11) of subdivision (a) of Section 12276, an “SKS rifle” under this section means all SKS rifles commonly referred to as “SKS Sporter” versions, manufactured to accept a detachable AK-47 magazine and imported into this state and sold by a licensed gun dealer, or otherwise lawfully possessed in this state by a resident of this state who is not a licensed gun dealer, between January 1, 1992, and December 19, 1997.

(l) Failure to comply with subdivision (f) is a public offense punishable by imprisonment in the state prison, or in a county jail, not exceeding one year.

(m) In addition to the regulations required pursuant to subdivision (h), emergency regulations for the purchase program described in subdivision (h) shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

12282. Possession of assault weapon or .50 BMG rifle; public nuisance; civil action and penalty; disposal of weapon

(a) Except as provided in Section 12280, possession of any assault weapon, as defined in Section 12276, 12276.1, or 12276.5, or of any .50 BMG rifle, as defined in Section 12278, in
violation of this chapter is a public nuisance, solely for purposes of this section and subdivision (d) of Section 12028. The Attorney General, any district attorney, or any city attorney, may, in lieu of criminal prosecution, bring a civil action or seek a civil compromise in any superior court to enjoin the possession of the assault weapon or .50 BMG rifle that is a public nuisance.  

(b) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed three hundred dollars ($300) for the first assault weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a) and up to one hundred dollars ($100) for each additional assault weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a).  

(c) Any assault weapon or .50 BMG rifle deemed a public nuisance under subdivision (a) shall be destroyed in a manner so that it may no longer be used, except upon a finding by a court, or a declaration from the Department of Justice, district attorney, or city attorney stating that the preservation of the assault weapon or .50 BMG rifle is in the interest of justice.  

(d) Upon conviction of any misdemeanor or felony involving the illegal possession or use of an assault weapon, the assault weapon shall be deemed a public nuisance and disposed of pursuant to subdivision (d) of Section 12028.

12285. Registration; fee; sale transfer or possession of weapons; conditions restrictions; forgiveness period  
(a)(1) Any person who lawfully possesses an assault weapon, as defined in Section 12276, prior to June 1, 1989, shall register the firearm by January 1, 1991, and any person who lawfully possesses an assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.5 shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish. Except as provided in subdivision (a) of Section 12280, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.1, and which was not specified as an assault weapon under Section 12276 or 12276.5, shall register the firearm within one year of the effective date of Section 12276.1, with the department pursuant to those procedures that the department may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate. The department may charge a fee for registration of twenty-five dollars ($25) per person to cover the actual processing and public education campaign costs of that proceeding. The fees shall be deposited into the Dealers' Record of Sale Special Account. Data-processing costs associated with modifying the department's data system to accommodate .50 caliber BMG rifles shall not be paid from the Dealers Record of Sale Special Account.  

(b)(1) Except as provided in paragraph (2), no weapon pursuant to subdivision (c) of Section 12286.5 may alter- 

natively register the firearm within 90 days of the declaration issued pursuant to subdivision (f) of Section 12276.5.  

(2) A person moving into this state, otherwise in lawful possession of an assault weapon, shall do one of the following:  

(a) Prior to bringing the assault weapon into this state, that person shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 12230) of Chapter 2, or remove the weapon from this state. A person who lawfully possessed a firearm that was subsequently declared to be an assault weapon pursuant to Section 12276.5, or subsequently defined as an assault weapon pursuant to Section 12276.1, shall, within 90 days, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer, as defined in subdivision (c) of Section 12230, or remove the weapon from this state. If the licensed gun dealer, as defined in subdivision (c) of Section 12230, in good faith believes that the dealer is unable to ascertain whether the weapon is an assault weapon, the dealer may refuse to purchase the weapon.  

(b) Except as provided in paragraph (4), no .50 BMG rifle possessed pursuant to this section may be sold or transferred on or after January 1, 2005, to anyone within this state other than to a licensed gun dealer, as defined in subdivision (c) of Section 12290, or as provided in Section 12288. Any person who obtains title by a bequest or intestate succession, or (B) lawfully possesses a firearm subsequently declared to be an assault weapon pursuant to Section 12276.5, or subsequently defined as an assault weapon pursuant to Section 12276.1, shall, within 90 days, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer, as defined in subdivision (c) of Section 12230, or remove the weapon from this state. If the licensed gun dealer, as defined in subdivision (c) of Section 12290, in good faith believes that the dealer is unable to ascertain whether the weapon is an assault weapon, the dealer may refuse to purchase the weapon.  

(c) A person who has registered an assault weapon or .50 BMG rifle under this section may possess it only under any of the following conditions unless a permit allowing additional uses is first obtained under Section 12286:  

(1) At that person's residence, place of business, or other property owned by that person, or property owned by another with the owner's express permission.  

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.  

(3) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.  

(4) While on the premises of a shooting club which is licensed pursuant to the Fish and Game Code.  

(5) While attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.  

(6) While on publicly owned land if the possession and use of a firearm described in Section 12276, 12276.1, 12276.5, or 12286, is specifically permitted by the managing agency of the land.  

(7) While transporting the assault weapon or .50 BMG rifle between any of the places mentioned in this subdivision, or to any licensed gun dealer, as defined in subdivision (c) of Section 12290, for servicing or repair pursuant to subdivision (b) of Section 12290, if the assault weapon is transported as required by Section 12026.1.  

(d) No person who is under the age of 18 years, and no person who is prohibited by state or federal law from possessing, receiving, owning, purchasing a firearm may register or possess an assault weapon or .50 BMG rifle.
(e) The department's registration procedures shall provide the option of joint registration for assault weapons or .50 BMG rifle owned by family members residing in the same household.

(f) For 90 days following January 1, 1992, a forgiveness period shall exist to allow persons specified in subdivision (b) of Section 12280 to register with the Department of Justice assault weapons that they lawfully possessed prior to June 1, 1989.

(g)(1) Any person who registered a firearm as an assault weapon pursuant to the provisions of law in effect prior to January 1, 2000, where the assault weapon is thereafter defined as an assault weapon pursuant to Section 12276.1, shall be deemed to have registered the weapon for purposes of this chapter and shall not be required to reregister the weapon pursuant to this section.

(2) Any person who legally registered a firearm and wishes to keep it after January 1, 1990, or between June 1, 1989, and January 1, 1990, and wishes to use it in a manner different than the Penal Code prior to January 1, 1992, professional or law enforcement agencies.

(3) Any person who registered his or her assault weapon during the 90-day forgiveness period described in subdivision (f), and any person whose registration form was received by the Department of Justice after January 1, 1991, and who was issued a temporary registration prior to the end of the forgiveness period, shall not be charged with a violation of subdivision (b) of Section 12280, if law enforcement becomes aware of that violation only as a result of the registration of the assault weapon. This subdivision shall have no effect upon persons charged with a violation of subdivision (b) of Section 12280 of the Penal Code prior to January 1, 1992, provided that law enforcement was aware of the violation before the weapon was registered.

12286. Permits Any person who lawfully acquired an assault weapon before June 1, 1989, or a .50 BMG rifle before January 1, 2005, and wishes to use it in a manner different than specified in subdivision (c) of Section 12285, who lawfully registered an assault weapon before June 1, 1989, and January 1, 1990, and wishes to keep it after January 1, 1990, or who wishes to acquire an assault weapon after January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 12230) of Chapter 2.

12287. Permits for manufacture or sale of assault weapons or .50 BMG rifles

(a) The Department of Justice may, upon a finding of good cause, issue permits for the manufacture or sale of assault weapons or .50 BMG rifles for the sale to, purchase by, or possession of an assault weapon or .50 BMG rifles by, any of the following:

(1) The agencies listed in subdivision (e), and the officers described in subdivision (f) of Section 12280.

(2) Entities and persons who have been issued permits pursuant to this section or Section 12288.

(3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.

(4) Federal law enforcement and military agencies.

(5) Law enforcement and military agencies of other states.

(6) Foreign governments and agencies approved by the United States State Department.

(b) Application for the permits, the keeping and inspection thereof, and the revocation of permits shall be undertaken in the same manner as specified in Article 3 (commencing with Section 12230) of Chapter 2.

12288. Relinquishment of assault weapon or .50 BMG rifle

Any individual may arrange in advance to relinquish an assault weapon or a .50 BMG rifle to the justice system; however, the assault weapon or .50 BMG rifle shall be transported in accordance with Section 12206.1.

12289.5. Annual inspection for security and safe storage, and to reconcile inventory

(a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of assault weapons.

(b) A person, firm, or corporation with an inventory of fewer than five devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.

Article 4. Licensed Gun Dealers

12290. Transportation; display; sale; sending or giving away

(a) Any licensed gun dealer, as defined in subdivision (c), who lawfully possesses an assault weapon or .50 BMG rifle pursuant to Section 12285, in addition to the uses allowed in Section 12285, may transport the firearm between dealers or out of the state if that person is permitted pursuant to the National Firearms Act, displays it at any gun show licensed by a state or local governmental entity, sell it to a resident outside the state, or sell it to a person who has been issued a permit pursuant to Section 12286. Any transporting allowed by this section must be done as required by Section 12026.1.

(b)(1) Any licensed gun dealer, as defined in subdivision (c), may take possession of any assault weapon or .50 BMG rifle for the purposes of servicing or repair from any person to whom it is legally registered or who has been issued a permit to possess it pursuant to this chapter.

(2) Any licensed gun dealer, as defined in subdivision (c), may transfer possession of any assault weapon or .50 BMG rifle received pursuant to paragraph (1), to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to the following persons:

(A) A gunsmith who is in the dealer's employ.

(B) A gunsmith with whom the dealer has contracted for gunsmithing services of the order for this subparagraph to apply, the gunsmith receiving the assault weapon or .50 BMG rifle shall hold all of the following:

(i) A dealer's license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(ii) Any business license required by a state or local governmental entity.

(c) The term "licensed gun dealer," as used in this article, means a person who is licensed pursuant to Section 12071 and who has a permit to sell assault weapons or .50 BMG rifles pursuant to Section 12287.

Chapter 2.5. Destructive Devices

12301. Definitions

(a) The term "destructive device," as used in this chapter, shall include any of the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.
(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than 0.60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun (smooth or rifled bore) conforming to the definition of a "destructive device" as defined in subdivision (b) of Section 479.11 of Title 27 of the Code of Federal Regulations, shotgun ammunition (single projectile or shot), antique rifle, or an antique cannon. For purposes of this section, the term "antique cannon" means any cannon manufactured before January 1, 1899, which has been rendered incapable of firing or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. The term "antique rifle" means a firearm conforming to the definition of an "antique firearm" in Section 479.11 of Title 27 of the Code of Federal Regulations.

(4) Any rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for that device, except those devices as are designed primarily for emergency or distress uses and are used or sold for that purpose.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(6) Any device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

12302. Exemptions.

Nothing in this chapter shall prohibit the sale to, purchase by, or possession, transportation, storage, or use of, destructive devices or explosives by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice.

(b) Any member of the National Guard, while on duty and acting within the scope and course of his or her employment.

(c) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his or her employment.

(d) Any member of a fire department or fire protection or fire-fighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or public subdivision of this state, while on duty and acting within the scope and course of his or her employment, of any equipment used by that department or agency in the course of fire suppression.

12303. Possession; other than fixed ammunition; punishment.

Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison, or by a fine not to exceed ten thousand dollars ($10,000) or by both such fine and imprisonment.

12303.1. Carrying or placement of explosive or destructive device on passenger vessel, aircraft, car or other vehicle; penalty.

Every person who willfully does any of the following is guilty of a felony and is punishable by imprisonment in the state prison for two, four, or six years:

(a) Carries any explosive or destructive device on any vessel, aircraft, car or other vehicle that transports passengers for hire.

(b) Places or carries any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container

(c) Places any explosive or destructive device in any baggage which is later checked with any explosive or destructive device.

Every person who willfully transports any fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and punishable by imprisonment in the state prison for two, four, or six years.

12303.2. Possession of destructive devices or explosives in or near certain places; felony; punishment.

Every person who recklessly or maliciously has in his possession any destructive device or any explosive on a public street or highway, in or near any theater, hall, school, college, church, hotel, restaurant, race track, road, railroad, train, car, cable road or cable car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of a felony, and shall be punishable by imprisonment in the state prison for a period of one year or over.

12303.6. Sale or transportation; other than fixed ammunition; punishment.

Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison for two, three or four years.

12304. Sale, possession, or transportation of fixed ammunition; punishment; subsequent conviction.

Any person, firm, or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punishable by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison, or by a fine not to exceed three thousand dollars ($3,000), or by both such fine and imprisonment.

12305. Permit to conduct business, possess or transport; persons unqualified to receive permit; applications, fees; inspections for security and safe storage.

(a) Every dealer, manufacturer, importer, and exporter of destructive devices, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of that business from the Department of Justice.

(b) Any person, firm, or corporation not mentioned in subdivision (a) shall obtain a permit from the Department of Justice in order to possess or transport any destructive device. No permit shall be issued to any person who meets any of the following criteria:

(1) Has been convicted of any felony.

(2) Is addicted to the use of any narcotic drug.

(3) Is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(c) Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the destructive devices are to be put.

(d) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

(e) Each applicant for a permit shall pay at the time of filing his or her application a fee not to exceed the application processing costs of the Department of Justice. A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee not to exceed the application processing costs of the Department of Justice. After the department establishes a sufficient fund in the state code, the processing costs shall be increased to cover the cost of processing applications.

(f) Except as provided in subdivision (g), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of destructive devices.

(g) A person, firm, or corporation with an inventory of fewer than five devices that require the application for a permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.

12307. Unlawful possession; public nuisance; injunction; destruction of device.

The possession of any destructive device in violation of this chapter shall be deemed to be a public nuisance and the Attorney General or district attorney of any city, county, or city and county may bring an action before the superior court to enjoin the possession of any destructive device.

Any destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, or to the sheriff or chief of police, if the sheriff or chief of police has elected to perform the services required by this section. The department, sheriff, or chief of police shall destroy the destructive device so as to render it unusable and unrepairable as a destructive device.

Every person upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of the destructive device is necessary to serve the ends of justice.

12312. Possession of materials with intent to make explosive or destructive device.

Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make such destructive device or explosive, is guilty of a felony, and is punishable by imprisonment in the state prison for two, three, or four years.
Chapter 2.6. Ammunition

12316. Sale of ammunition or reloaded ammunition to a minor; defense; possession of ammunition by person prohibited from having firearm; school grounds; exceptions to prohibitions; violations; punishment.

(a)(1) Any ammunition, reloaded ammunition, or dealer who does either of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars ($1,000), or by both the imprisonment and fine:

(A) Sells any ammunition or reloaded ammunition to a person under 18 years of age.

(B) Sells any ammunition or reloaded ammunition designed and intended for use in a handgun to a person under 21 years of age. As used in this subparagraph, "ammunition" means handgun ammunition as defined in subdivision (a) of Section 12233. Whether ammunition or reloaded ammunition may be used in both a rifle and a handgun, it may be sold to a person who is at least 18 years of age, but less than 21 years of age, if the vendor reasonably believes that the ammunition is being acquired for use in a rifle and not a handgun.

(2) No person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this subdivision. As used in this subdivision, "bona fide evidence of majority and identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, California state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(b)(1) No person prohibited from owning or possessing a firearm under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code shall own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(2) For purposes of this subdivision, "ammunition" shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

(3) A violation of paragraph (1) of this subdivision is punishable by imprisonment in a county jail not to exceed one year or in the state prison, by a fine not to exceed one thousand dollars ($1,000), or by both the fine and imprisonment.

(4) A person who is not prohibited by paragraph (1) from owning, possessing, or having under his or her custody or control, any ammunition or reloaded ammunition, who is enjoined from engaging in activity pursuant to an injunction issued pursuant to Section 3479 of the Civil Code against that person as a member of a criminal street gang, as defined in Section 186.22, may not own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(5) A violation of paragraph (4) of this subdivision is a misdemeanor.

(c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under sub-paragraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 1 of Division 2.5 of the Penal Code or the Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the authority of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties.

(d)(1) A violation of paragraph (1) or (4) of subdivision (b) is justifiable where all of the following conditions are met:

(A) The person found the ammunition or reloaded ammunition or took the ammunition or reloaded ammunition from a person who was committing a crime against him or her.

(B) The person possessing ammunition or reloaded ammunition no longer than was necessary to deliver or transport the ammunition or reloaded ammunition to a law enforcement agency for that agency's disposition according to law.

(C) The person is not prohibited from possessing any ammunition or reloaded ammunition solely because that person is prohibited from owning or possessing a firearm designed primarily to penetrate metal or armor by a person who found the ammunition, if he or she is not prohibited from possessing firearms or ammunition pursuant to Section 12021, 12021.1, or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code and is transporting the ammunition to a law enforcement agency for disposition according to law.

12323. Definitions; exceptions.

In this chapter, the following definitions shall apply:

(a) "Handgun ammunition" means ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, notwithstanding that the ammunition may also be used in some other manner.

(b) "Handgun ammunition designed primarily to penetrate metal or armor" means any ammunition, except a shotgun shell or ammunition primarily designed for use in rifles, that is designed primarily to penetrate a body vest or body shield, and has either of the following characteristics:

(1) Has projectile or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness.

(2) Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, ammunition commonly known as "KTV" ammunition, to breach or penetrate a body vest or body shield when fired from a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) "Body vest or shield" means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer or holder.

(d) "Rifle" shall have the same meaning as defined in paragraph (20) of subdivision (c) of Section 12020.

12324. Propellant removal and primer deactivation: exceptions.

Nothing in this chapter shall prohibit the possession, importation, sale, attempted sale, or transport of ammunition from which the propellant has been removed and the primer has been permanently deactivated.

12325. Manufacture under government contract.

Nothing in this chapter shall prohibit the manufacture of ammunition under contracts approved by agencies of the state or federal government.

Chapter 5. Firearm Devices


12500. Silencer. The term "silencer" as used in this chapter means any device or attachment of any kind designed, used, or intended for use in silencing, diminishing, or muffling the report of a firearm. The term "silencer" also includes any
combination of parts, designed or redesigned, and intended for use in assembling a silencer or fabricating a silencer and any part intended only for use in such assembly or fabrication.

12501. Possession of silencer; exemptions
Section 12520 shall not apply to, or affect, any of the following:
(a) The sale to, purchase by, or possession of silencers by agencies listed in Section 830.1, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.
(b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in Section 830.1, or by the military or naval forces of this state or of the United States when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties.
(c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code, and the regulations issued pursuant thereto.

Article 2. Unlawful Possession of Firearm Silencers

12520. Possession; offense; punishment
Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison or by a fine not to exceed ten thousand dollars ($10,000) or by both.

Chapter 6. Miscellaneous

Article 1. BB Devices and Imitation Firearms

12550. Definitions
As used in this article, the following definitions apply:
(a) "BB device" is defined in subdivision (g) of Section 12001.
(b) "Firearm" is defined in subdivision (b) of Section 12001.
(c) "Imitation firearm" means any BB device, toy gun, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

12551. Sale to minors; misdemeanor
Every person who sells to a minor any BB device is guilty of a misdemeanor.

12552. Furnishing of BB device to minor without parental consent; violation
(a) Every person who furnishes any BB device to any minor, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.
(b) As used in this section, "furnishes" means any of the following:
(1) A loan.
(2) A transfer that does not involve a sale.

12553. Change, alteration, removal or obliteration of any required coloration or markings; misdemeanor; exceptions; violation of federal law
(a) (1) Any person who changes, alters, removes, or obliterates any coloration or markings that are required by any applicable state or federal law or regulation, for any imitation firearm, or device described in subdivision (c) of Section 12555, in any way that makes the imitation firearm or device look more like a firearm is guilty of a misdemeanor.
(2) This subdivision shall not apply to manufacturer, importer, or distributor of imitation firearms or to the lawful use in theatrical productions, including motion pictures, television, and stage productions.
(b) Any manufacturer, importer, or distributor of imitation firearms that fails to comply with any applicable federal law or regulation governing the marking of a toy, look-alike or imitation firearm as defined by federal law or regulation is guilty of a misdemeanor.

12554. Conspicuous advisory required on imitation firearms; civil fines
(a) Any imitation firearm manufactured after July 1, 2005, shall, at the time of offer for sale in this state, be accompanied by a conspicuous advisory in writing as part of the packaging, but not necessarily affixed to the imitation firearm, to the effect that the product may be mistaken for a firearm by law enforcement officers or others, that altering the coloration or markings required by state or federal law or regulations so as to make the product look more like a firearm is dangerous, and may be a crime, and that brandishing or displaying the product in public may cause confusion and alarm to a reasonable person.
(b) Any manufacturer, importer, or distributor that fails to comply with this advisory for any imitation firearm manufactured after July 1, 2005, shall be liable for a civil fine for each action brought by a city attorney or district attorney of not more than one thousand dollars ($1,000) for the first action, five thousand dollars ($5,000) for the second action, and ten thousand dollars ($10,000) for the third action and each subsequent action.

12555. Purchasing, selling, manufacturing, shipping, transporting, distributing, or receiving imitation firearms prohibited for commercial purposes; civil fines; exceptions
(a) (1) Any person who, for commercial purposes, purchases, sells, manufactures, ships, transports, distributes, or receives, by mail order or in any other manner, an imitation firearm except as authorized by this section shall be liable for a civil fine in an action brought by the city attorney or the district attorney of not more than ten thousand dollars ($10,000) for each violation.
(b) The manufacture, purchase, sale, shipping, transport, distribution, or receipt, by mail or in any other manner, of imitation firearms is authorized if the device is manufactured, purchased, sold, shipped, transported, distributed, or received for any of the following purposes:
(1) Solely for export in interstate or foreign commerce.
(2) Solely for lawful use in theatrical productions, including motion picture, television, and stage productions.
(3) For use in a certified or regulated sporting event or competition.
(4) For use in military or civil defense activities, or ceremonial activities.
(5) For public displays authorized by public or private schools.
(c) As used in this section, "imitation firearm" does not include any of the following:
(1) A rifle, shotgun, or handgun that is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case.
(2) A BB device, as defined in subdivision (g) of Section 12001.
(3) A device where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, as provided by federal regulations governing imitation firearms, or where the entire device is constructed of transparent or translucent materials which permits unmistakable observation of the device's complete contents, as provided by federal regulations governing imitation firearms.

12556. Open display or exposure in public place prohibited; violation; exceptions
(a) No person may openly display or expose any imitation firearm, as defined in Section 12554, in a public place.
(b) Violation of this section, except as provided in subdivision (c), is an infraction punishable by a fine of one hundred dollars ($100) for the first offense, and three hundred dollars ($300) for a second offense.
(c) A third or subsequent violation of this section is a misdemeanor.
(d) Subdivision (a) shall not apply to the following, when the imitation firearm is:
(1) Packaged or concealed so that it is not subject to public viewing.
(2) Displayed or exposed in the course of commerce, including commercial film or video productions, or for service, repair, or restoration of the imitation firearm.
(3) Used in a theatrical production, a motion picture, video, television, or stage production.
(4) Used in conjunction with a certified or regulated sporting event or competition.
(5) Used in conjunction with lawful hunting, or lawful pest control activities.
(6) Used or possessed at certified or regulated public or private shooting ranges.
(7) Used at fairs, exhibitions, expositions, or other similar activities for which a permit has been obtained from a local or state government.
(8) Used in military, civil defense, or civic activities, including flag ceremonies, color guards, parades, award presentations, historical reenactments, and memorials.
(9) Used for public displays authorized by public or private schools or displays that are part of a museum collection.
(10) Used in parades, ceremonies, or other similar activities for which a permit has been obtained from a local or state government.
(11) Displayed on a wall plaque or in a presentation case.
(12) Used in areas where the discharge of a firearm is lawful.
(13) A device where the entire exterior surface of the device is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or where the entire device is constructed of transparent or translucent materials which permits unmistakable observation of the device's complete contents. Merely having an orange tip as provided in federal law and regulations does not satisfy this requirement. The entire surface must be colored or transparent or translucent.
(e) For purposes of this section, the term "public place" means an area open to the public and includes streets, sidewalks, bridges, alleys, driveways, parks, drives, front yards, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those that serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings, and shall include public schools and a public or private college or university.
Article 8. Handgun Safety Certificate

12800. Legislative intent
It is the intent of the Legislature in enacting this article to require that persons who obtain handguns have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms. It is not the intent of the Legislature to require a handgun safety certificate for the mere possession of a firearm.

12801. Definitions
(a) As used in this article, the following definitions shall apply:
(1) “Department” means the Department of Justice.
(2) “DOJ Certified Instructor” or “certified instructor” means a person designated as a handgun safety instructor by the Department of Justice pursuant to subdivision (d) of Section 12804.
(b) No person shall do either of the following:
(1) Purchase or receive any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, without a valid handgun safety certificate.
(2) Sell, deliver, loan, or transfer any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, to any person who does not have a valid handgun safety certificate.
(c) Any person who violates subdivision (b) is guilty of a misdemeanor.
(d) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.

12802. Prohibited acts
(a) No person may commit an act of collusion as specified in Section 12072.
(b) Any person who altering, counterfeits, or falsifies a handgun safety certificate, or who uses or attempts to use any altered, counterfeited, or falsified handgun safety certificate to purchase a handgun is guilty of a misdemeanor.
(c) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of this code shall not be punished under more than one provision.

12804. Instructional materials and requirements
(a) The department shall develop an instructional manual available to instructors licensed pursuant to Section 12071, who shall make it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.
(b) The department shall develop audiovisual materials in English and in Spanish by March 1, 2003, to be issued to instructors certified by the department.
(c) The department shall develop a written handbook for the course of training administered by an instructor certified by the department. If the person taking the test is unable to read, the examination shall be administered orally. The test shall cover, but not be limited to, all of the following: ...
(d) If a dealer licensed pursuant to Section 12071 or his or her employee, or where the managing officer or partner is certified as an instructor pursuant to this article, he or she shall also designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to assure that no acts of collusion occur while the objective test is being administered.
(e) The department shall solicit input from any reputable association or organization, including any law enforcement association that has, as one of its objectives the promotion of firearms safety, in the development of the handgun safety certificate instructional materials.
(f) The department shall develop handgun safety certificates to be issued by instructors pursuant to this article, to those persons who have complied with this article.
(g) The department shall be immune from any liability arising from implementing this section.
(h) No person shall use immunity; storage fee; order content; exemption; sale; penalty
(i) No person who has successfully completed the course of training specified in Section 832.
(j) A firearms dealer licensed pursuant to Section 12071, who is acting in the course and scope of his or her activities as a person licensed pursuant to Section 12071.
ive order is in effect. Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to subdivision (g) of Section 12021 of the Penal Code.

(b) On all forms providing notice that a protective order has been requested or granted, the Judicial Council shall include a notice that, upon service of the order, the respondent shall be ordered to relinquish possession or control of any firearms and not to purchase or receive or attempt to purchase or receive any firearms for a period not to exceed the duration of the restraining order.

(c)(1) Upon issuance of a protective order, as defined in Section 6218, the court shall order the respondent to relinquish any firearm in the respondent’s immediate possession or control, or subject to the respondent’s immediate possession or control:

(2) The relinquishment ordered pursuant to Paragraph (1) shall occur by immediately surrendering the firearm in a safe manner, upon request of any law enforcement officer, to the control of the officer, after being served with the protective order. Alternatively, if no request is made by a law enforcement officer, the relinquishment required within 24 hours of being served with the order, by either surrendering the firearm in a safe manner to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer, as specified in Section 12071 of the Penal Code. The law enforcement officer or licensed gun dealer taking possession of the firearm pursuant to this subdivision shall issue a receipt to the person relinquishing the firearm at the time of relinquishment. A person ordered to relinquish any firearm pursuant to this subdivision shall file with the court that issued the protective order, within 48 hours after being served with the order, the receipt showing the firearm was surrendered to a local law enforcement agency or sold to a licensed gun dealer. Failure to timely file a receipt shall constitute a violation of the protective order.

(d) The application forms for protective orders adopted by the Judicial Council and approved by the Attorney General shall provide that the court shall require the petitioner to describe the number, types, and locations of any firearms presently known by the petitioner to be possessed or controlled by the respondent.

(e) It is recommended that every law enforcement agency in the state develop, adopt, and implement written policies and standards for law enforcement officers who request immediate relinquishment of firearms.

(f) If the respondent declines to relinquish a firearm pursuant to subdivision (c) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect and that the firearm shall be relinquished to the law enforcement agency that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment.

(2) The restraining order requiring a person to relinquish a firearm pursuant to subdivision (c) shall prohibit the person from possessing or controlling any firearm for the duration of the order. At the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm to the respondent within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that (1) the firearm has been stolen, (2) the respondent is prohibited from possessing a firearm because the respondent is in any prison, jail, or other institution or possession of firearms, as defined in Sections 12021 and 12021.1 of the Penal Code and Sections 8100 and 8103 of the Welfare and Institutions Code, or (3) another successive restraining order is used against the respondent under this section. If the local law enforcement agency determines that the respondent is the legal owner of any firearm deposited with the local law enforcement agency and is prohibited from possessing any firearm, the respondent shall be entitled to sell or transfer the firearm to a licensed dealer as defined in Section 12071 of the Penal Code. If the firearm has been stolen, the firearm shall be restored to the lawful owner upon his or her identification of the firearm and proof of ownership.

(h) The court may, as part of the relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm if the respondent can show that a particular firearm is necessary as a condition of continued employment and that the firearm is not otherwise available to the respondent. The court may grant an exemption to a respondent to another position where a firearm is unnecessary. If an exemption is granted pursuant to this subdivision, the order shall provide that the firearm shall be in the physical possession of the respondent only during scheduled work hours and during travel to and from his or her place of employment. In any case involving a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, a court may allow the peace officer to continue to carry a firearm, either on duty or off duty, if the court finds by a preponderance of the evidence that the officer does not pose a threat of harm. Prior to making this finding, the court shall require the mandatory psychological evaluation of the peace officer and may require the peace officer to enter into counseling or other remedial treatment program to deal with any propensity for domestic violence.

(i) A local law enforcement agency may charge the respondent a fee for the storage of any firearm pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 12071 of the Penal Code or to the respondent.

(j) The restraining order requiring a person to relinquish a firearm pursuant to subdivision (c) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect and that the firearm shall be relinquished to the law enforcement agency that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment. Nothing in this section shall limit a respondent’s right under existing law to petition the court at a later date for modification of the order.

(k) The restraining order requiring a person to relinquish a firearm pursuant to subdivision (c) shall prohibit the person from possessing or controlling any firearm for the duration of the order. At the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm to the respondent within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that (1) the firearm has been stolen, (2) the respondent is prohibited from possessing a firearm because the respondent is in any prison, jail, or other institution or possession of firearms, as defined in Sections 12021 and 12021.1 of the Penal Code and Sections 8100 and 8103 of the Welfare and Institutions Code, or (3) another successive restraining order is used against the respondent under this section. If the local law enforcement agency determines that the respondent is the legal owner of any firearm deposited with the local law enforcement agency and is prohibited from possessing any firearm, the respondent shall be entitled to sell or transfer the firearm to a licensed dealer as defined in Section 12071 of the Penal Code. If the firearm has been stolen, the firearm shall be restored to the lawful owner upon his or her identification of the firearm and proof of ownership.

(l) The court may, as part of the relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm if the respondent can show that a particular firearm is necessary as a condition of continued employment and that the firearm is not otherwise available to the respondent. The court may grant an exemption to a respondent to another position where a firearm is unnecessary. If an exemption is granted pursuant to this subdivision, the order shall provide that the firearm shall be in the physical possession of the respondent only during scheduled work hours and during travel to and from his or her place of employment. In any case involving a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, a court may allow the peace officer to continue to carry a firearm, either on duty or off duty, if the court finds by a preponderance of the evidence that the officer does not pose a threat of harm. Prior to making this finding, the court shall require the mandatory psychological evaluation of the peace officer and may require the peace officer to enter into counseling or other remedial treatment program to deal with any propensity for domestic violence.

(m) A local law enforcement agency may charge the respondent a fee for the storage of any firearm pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 12071 of the Penal Code or to the respondent.

A local law enforcement agency may charge the respondent a fee for the storage of any firearm pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 12071 of the Penal Code or to the respondent.

A local law enforcement agency may charge the respondent a fee for the storage of any firearm pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 12071 of the Penal Code or to the respondent.
(c) of Section 8105, the Department of Justice shall notify by certified mail, return receipt requested, a person subject to this subdivision of the following:

A. That he or she is prohibited from possessing, having custody or control over, receiving, or purchasing any firearm or other deadly weapon.

B. That he or she is prohibited from possessing, having custody or control over, receiving, or purchasing firearms. At the time the petition is filed, the clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The people of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or upon its own motion, the superior court may transfer the petition to the county in which the person resided at the time of the statements, or the county in which the person made the statements. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in Section 8105 with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date not later than 14 days after the district attorney is notified of the hearing date by the clerk of the court. The court, upon motion of the petitioner establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison, or in a county jail for a period of not exceeding one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

C. "Danger to self," as used in subdivision (a), means a voluntary person who has made a serious threat of, or attempted, suicide with the use of a firearm or other deadly weapon.

D. "Mental disordered sex offender," as used in subdivision (a), means a person who is subject to paragraph (1) of subdivision (b) of Section 8103 if the court finds by a preponderance of material and relevant evidence that is not excluded under Section 352 of the Evidence Code, by this section, as amended by Chapter 1090 of the Statutes of 1990, that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison, or in a county jail for a period of not exceeding one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

E. "Deadly weapon," as used in this section, includes any weapon, the possession of which is prohibited by Section 12020 of the Penal Code.

F. "Danger to self," as used in subdivision (a), means a voluntary person who has made a serious threat of, or attempted, suicide with the use of a firearm or other deadly weapon.

G. Any violation of subdivision (a) of, or paragraph (1) of subdivision (b) of, this section shall be a public offense, punishable by imprisonment in the state prison, or in a county jail for not more than one year, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and a fine.

H. The prohibitions set forth in this section shall be in addition to those set forth in Section 8103.

I. Any person admitted and receiving treatment prior to January 1, 1992, shall be governed by this section, as amended by Chapter 1090 of the Statutes of 1990, until discharged from the facility.

8101. Supplying, selling, giving or allowing control of firearms or deadly weapons; persons described in §8100 or 8103; punishment

A. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm or other deadly weapon to any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison, or in a county jail for a period of not exceeding one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

B. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison for two, three, or four years.

C. "Deadly weapon," as used in this section, includes any weapon, the possession of which is prohibited by Section 12020 of the Penal Code.

8103. Certificate for possession required for specified classes of people; Prohibition against possession for specified persons; Violation as felony

A. Any person who, after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated by a court of any state to have committed any act which, if committed by reason of insanity of any crime other than those described in subdivision (b) shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon unless there has been a finding with respect to the person that the possession of a firearm or any other deadly weapon would be better served by conducting the hearing in public. Any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison for not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

B. Any person who, after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated by a court of any state to have committed any act which, if committed by reason of insanity of any crime other than those described in subdivision (b) shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon unless there has been a finding with respect to the person that the possession of a firearm or any other deadly weapon would be better served by conducting the hearing in public. Any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison for not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

C. Any person who has been found, pursuant to Section 5350 of the law of any other state or the United States, shall be punishable by imprisonment in the state prison for not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

D. Any person who has been placed under conservatorship by a court, pursuant to Section 5350 of the law of any other state or the United States, shall be punishable by imprisonment in the state prison for not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.

E. Any person who has been found, pursuant to Section 5350 of the law of any other state or the United States, shall be punishable by imprisonment in the state prison for not more than one year, by a fine of not exceeding one thousand dollars ($1,000), or by both the fine and imprisonment.
possession by the person, the court shall notify the person of this prohibition.

(2) The court shall immediately notify the Department of Justice of the court order placing the person under conservatorship and prohibiting firearm or any other deadly weapon possession on the person pursuant to paragraph (1). The notice shall include the date that the conservatorship was imposed and the date the conservatorship is to be terminated. If the conservatorship is subsequently terminated before the date listed in the notice to the Department of Justice or the court subsequently finds that possession of a firearm or any other deadly weapon possession by the person, the court shall notify the Department of Justice of the court order placing the person under conservatorship.

(3) All information provided to the Department of Justice pursuant to paragraph (2) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice, and shall be used only to determine eligibility to purchase or possess firearms or other deadly weapons. Any person who knowingly furnishes that information for any other purpose is guilty of a misdemeanor. All the information concerning any person shall be destroyed upon receipt by the Department of Justice of notice of the termination of conservatorship as to that person pursuant to paragraph (2).

(9)(1) No person who has been (A) taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, (B) assessed within the meaning of Section 5151, and (C) admitted to a designated facility that he or she may own, possess, control, receive, or purchase firearms shall be given a hearing. The clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The People of the State of California have not met their burden as set forth in paragraph (6), the court shall set the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the hearing to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after the request for a hearing, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The court shall set the hearing within 30 days of receipt of the request for a hearing. Upon showing good cause, the district attorney shall be entitled to a continuance not to exceed 14 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the total length of time for continuances shall not exceed 60 days. The district attorney may notify the county mental health director of the hearing who shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (3) of subdivision (f) evaluating or treating the person, the Department of Justice, and the district attorney. The People of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the petition to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 14 days after the district attorney was notified of the hearing date by the clerk of the court. The district attorney may notify the county mental health director of the petition, and the county mental health director shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That in-
formation shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera and shall not permit cross examination, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other provision of law, any declaration, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code shall be admissible at the hearing under this section. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court may order that the person may own, control, receive, possess, or purchase firearms. A copy of the order shall be made available to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(h) For all persons identified in subdivisions (f) and (g), facilities shall report to the Department of Justice those as specified in those subdivisions, except facilities shall not report persons under subdivision (g) if the same persons previously have been reported under subdivision (f).

Additionally, all facilities shall report to the Department of Justice upon the discharge of persons from whom reports have been submitted pursuant to subdivision (f) or (g). However, a report shall not be filed for persons who are discharged within 31 days after the date of admission.

(i) Every person who owns or possesses or has under his or her custody or control, or purchases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by imprisonment in the state prison or in a county jail for not more than one year.

(j) "Deadly weapon," as used in this section, has the meaning prescribed by Section 8100.

8104. Records necessary to identify persons
8100. [repealed by Stats 2009, Ch 6, §7103;] 8103; availability to Department of Justice

The State Department of Mental Health shall maintain in a convenient central location and shall make available to the Department of Justice those records that the State Department of Mental Health has in its possession that are necessary to identify persons who come within Section 8100 or 8103. These records shall be made available to the Department of Justice upon request. The Department of Justice shall make these requests only with respect to its duties with regard to applications for permits for, or to carry, or the possession, purchase, or transfer of, explosives as defined in Section 12000 of the Health and Safety Code, devices defined in Section 12001 of the Penal Code, machineguns as defined in Section 12200 of the Penal Code, short-barreled shotguns or short-barreled rifles as defined in Section 12202 of the Penal Code, assault weapons as defined in Section 12300 of the Penal Code, and destructive devices as defined in Section 12301 of the Penal Code, or to determine the eligibility of a person to acquire, carry, or possess a firearm, explosive, or destructive device by a person who is subject to a criminal investigation, a part of which involves the acquisition, carrying, or possession of a firearm by that person. These records shall not be furnished or made available to any person unless the department determines that disclosure of any information in the records is necessary to carry out its duties with respect to applications for permits for, or to carry, or the possession, purchase, or transfer of, explosives, destructive devices as defined in Section 12001 of the Penal Code, short-barreled shotguns, short-barreled rifles, assault weapons, and machineguns, or to determine the eligibility of a person to acquire, carry, or possess a firearm, explosive, or destructive device by a person who is subject to a criminal investigation, a part of which involves the acquisition, carrying, or possession of a firearm by that person.

California Government Code

Title 5. Local Agencies

Division 2. Cities, Counties, and Other Agencies

Part 1. Powers and Duties Common to Cities, Counties, and Other Agencies

Chapter 1. General

Article 4. Miscellaneous

53071. Registration and licensing of firearms; exclusive regulation by legislature

It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

53071.5. Manufacture, sale or possession of imitation firearms; exclusive regulation by legislature

By the enforcement of this section, the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined in Section 12550 of the Penal Code, and that section shall pre-empt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles described in subdivision (g) of Section 12001 of the Penal Code.

Publisher's Notes

Attorney General Opinion 94-212 (online at http://caag.state.ca.us/opinions/index.htm) provides:

- With regard to firearms registration and licensing, the Legislature has explicitly preempted the adoption of local ordinances, citing Government Code section 53071.
- As to firearms possession at one's residence, business, or other property, state law has preempted the field.
- The state has so thoroughly occupied the field that the Attorney General has no doubt that regulating firearms sales is beyond the reach of local governments; cities and counties have been charged with the execution of the state's program for the licensing of firearms dealers, but their role is ministerial in nature.
- The Attorney General concluded that the language of Penal Code sections 12026 and 12304, construed together, precludes a local entity from prohibiting the sale of handgun ammunition.
- A city ordinance which requires ammunition vendors within the city to record and maintain identification information with respect to each purchaser is not preempted.
- As to firearms use, the state has not preempted the field.

The Department of Justice, Firearms Division prepares a pamphlet that summarizes California firearms laws, and it is available online at http://caag.state.ca.us/firearms/index.html.

Current with all 2009 Regular and Extraordinary Session laws, Governor’s Reorganization Plan No. 1 of 2009, Prop. 1F, approved at the May 19, 2009 election, and propositions on the June 8, 2010 ballot received as of January 1, 2011]

Publisher's Note

California Municipal and County Codes and Ordinances may be accessed online at http://www.igs.berkeley.edu/library/calcodes and http://california.lp.findlaw.com/ca01_codes/municode.html. Note that with the passage of AB 962, local ordinances regarding ammunitions sales will be superceded by State law. AB 962 is effective July 1, 2010.

Anaheim Municipal Code

Title 4. Business Regulation

Chapter 4.99 Retail Sale of Concealable Firearms

4.99.010. Duty Constituted Licensing Authority. The Finance Director of the City of Anaheim, or his or her designated representative, is designated the City's licensing authority, and is authorized to issue licenses for the retail sale of concealable firearms pursuant to Article 4 of the California Penal Code, commencing with Section 12070. The term "Finance Director" as used herein shall include any representative designated by the Finance Director pursuant to this section.

4.99.020. License Required. No person shall conduct, engage in or carry on the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer concealable firearms without having first obtained a license from the Finance Director. The license shall not be transferable. The initial license or any renewal thereof shall be valid from the date of issuance through December 31st of the same calendar year. Notwithstanding any other provision of this section, no license shall be required by the City pursuant to this chapter for any activity which is exempt from such licensing by any provision of Section 12070 of the Penal Code or any other provision of state law.


.010. The Finance Director shall issue a license to an applicant who satisfies all the requirements contained in Penal Code Sections 12070, et seq., and shall deny a license to an applicant who fails to satisfy any one or more of those requirements.

.020. Any license issued pursuant to this chapter may be revoked by the Finance Director for breach of any of the conditions set forth in Penal Code Section 12071(a).

.030. If an application for a license is denied, the Finance Director shall notify the applicant by
certified mail of such denial within thirty days of the date of receipt of the application. .040. If a license issued pursuant to this chapter is revoked, the Finance Director shall notify the licensee by certified mail of such revocation within ten days of the date of revocation. .050. Any applicant who is denied a license or any licensee whose license is revoked may appeal such action to the Manager or his designee within fifteen days after receipt of notice of denial or revocation by filing a written notice of appeal and paying any appeal fee as prescribed by resolution of the City Council within such fifteen day period. The City Manager or his designee shall review the circumstances of such denial or revocation and shall render a written decision. The action of the City Manager or his designee shall be final and conclusive.

Title 6. Public Health and Safety

Chapter 6.32. Dangerous Weapons

6.32.010. "Dangerous or Deadly Weapons" Defined. The term DANGEROUS OR DEADLY WEAPONS as used in Sections 6.32.010 through 6.32.050 of this chapter includes, but is not limited to, any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof, and any firearm other than:

.010. One carried pursuant to valid permit issued by duly authorized governmental authority; or
.020. Any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful purpose.

6.32.020. Loitering or Hiding With Concealed Dangerous or Deadly Weapons - Prohibited. It shall be unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon, to loiter or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.

6.32.050. Dangerous or Deadly Weapons in Automobiles For Improper Purposes - Prohibited. It shall be unlawful for any person to have in his possession in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business, or for the purpose of legitimate sport or recreation.

6.32.110. Exception for Bona Fide Educational and Recreational Programs. Nothing contained in Chapter 6.32 shall prohibit the use of the weapons specified therein in connection with a bona fide educational or recreational program under the supervision of a qualified instructor; provided that such program shall have been approved either by the Board of Trustees of any School District or the City Council of the City of Anaheim.

[Current through Anaheim Ord. 6169 passed April 27, 2010]

Bakersfield Municipal Code

Title 9 Public Peace, Morals and Welfare

VIII. Weapons Offenses

Chapter 9.52. Weapons in Public Buildings

9.52.020. Weapons in owner’s place of business or residence allowed. Nothing in this chapter shall be construed to prohibit any citizen of the United States over the age of eighteen years who resides or is temporarily within this city and who is not exempt by Section 9.52.010, from owning, possessing, or keeping within his place of residence or place of business any pistol, revolver, or other firearm, and no permit or license to own, possess or keep such firearm at his place of residence or place of business shall be required of him.

Title III. Public Safety, Welfare and Morals

Chapter 3. Firearms

3-3100. Sale of weapons to minors. Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

3-3101. Sale of ammunition to minors. Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

3-3102. Possession and use of weapons by minors. Except as otherwise provided in section 3-3103 of this Code, no person under the age of sixteen years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

3-3103. Prohibition does not apply to licensed hunters. Nothing in section 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of sixteen years from firing, discharging, shooting, or operating any article mentioned in section 3-3102 of this Code, when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trapshooting device while accompanied by, and under the direct care and control of some responsible adult person, at an established shooting range with a safe background.

Title V. Businesses, Professions and Trades

Chapter 8. Permit Requirements for Firearms Dealers

5-8100. Citation of chapter. This chapter may be referred to as the "Firearms Dealer Permit Ordinance."

Purpose and findings. The declared purpose of this chapter is to provide uniform regulations applicable to all firearm dealers in the city.

5-8102. Definitions. The following words and phrases, whenever used in this chapter, are defined as follows:

(a) Person shall mean any person, firm, corporation, organization, any duly authorized governmental authority, or any firearms dealer.

(b) Firearms dealer shall mean a person engaged in the business of selling, transferring, or advertising for sale, trading, or lease any firearm, with the exception of a Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics) and Type 01 (limited to those who engage only in gunsmith activities and does not conduct any sales transactions). Included in this definition are persons involved solely in the warehousing and storage of firearms.

(c) Gunsmith shall mean a person whose occupation is to design, modify, make or repair firearms. For the sales of firearms, refer to "firearms dealer" under section 5-8102(b) of this chapter.

(d) Engaged in business shall mean the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business as evidenced by the securing of applicable federal and state licenses; or the holding of one’s self out as engaged in the business of selling, transferring, or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

(e) Person shall mean any natural person, firm, corporation, organization, any duly authorized governmental authority, business trust, joint-stock company, partnership, joint venture, club, or the agent, servant, manager, officer, employee, or lessee of any of them, and any municipal, political, or governmental corporation, district, body, or agency, other than the city.

(f) Chief of police shall mean the chief of police of the city or his/her designee charged with the administration of this chapter, subject to the administrative direction of the city manager.

(g) Collector of curios and relics shall mean a person who is a collector of any antique firearm or any firearm which is a curio or relic as defined in Section 178.11 et seq. of Title 27 of the Code of Federal Regulations and who only possesses a valid Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics).

(h) Applicant shall mean the firearms dealer as defined in this chapter who is making application to the city for a firearms dealers permit or gunsmith permit as required by section 12071 (a)(1) of the California Penal Code.

5-8103. Permit required.
(a) Firearms dealers: No person, partnership, cooperative, corporation, firm, or association will engage in the business of operating or managing any business in the city, which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm without first obtaining a firearms dealer permit from the chief of police. Application for any such permit shall be made in writing to the chief of police in such form as shall be prescribed by him/her. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws, or the application will not be deemed complete. The applicant has no prior revocation, or denial of similar permit, for good cause within the last two years. The applicant has provided accurate and true data regarding all firearms, and the applicant is free of a conviction for any of the following offenses:

(1) Any offense that would disqualify the applicant from owning or possessing a firearm under federal, state, and local laws.

(2) Any offense involving the making, manufacturing, sale, possession, use, or registration of any firearm or dangerous or deadly weapon.

(3) Any offense involving the use of force or violence against the person of another.

(4) Any offense involving the manufacturing, sale, possession, or use of any controlled substance as defined in the California State Health and Safety Code.

The application is not an unlawful user of any controlled substance as defined by the California State Health and Safety Code, or an excessive user of alcohol to the extent that it would impair his/her ability to be a dealer in firearms.

The applicant is not a mental patient in a hospital or institution, or on leave of absence from any hospital or institution, or adjudicated by a court to be a danger to others as a result of a mental disorder or illness, or a mentally disordered sex offender, or suffers from any psychological disturbance which would impair his/her ability to be a dealer in firearms.

(i) The applicant proposes to operate the business in a manner which complies with all federal, state, and local laws.

(j) The applicant operates his or her business:

(1) Within a zoning district where the proposed use is permitted by zoning regulations; or

(2) Within a zoning district where the applicant has obtained required permits or approvals as prescribed by this Code and general law.

(k) The applicant can provide evidence of passability interest in the property at which he/she proposes to conduct business.

(l) The chief of police shall deny the application of a chief of police authority to adopt administrative regulations. The chief of police shall deny the application of a chief of police authority to adopt administrative regulations. The chief of police shall deny the application of a chief of police authority to adopt administrative regulations.

(m) The applicant has evidence of an adequate security system in accordance with permitted city security regulations and/or apprehended by the chief of police. The chief of police is hereby authorized to adopt all necessary administrative regulations to carry out the intent of this section.

(n) The chief of police shall adopt firearms security regulations requiring, but not limited to, the following:

(1) The provision of secure locks, windows and doors, adequate lighting and an alarm security system in accordance with permitted city security regulations and/or specified by the chief of police.

(2) The storage of all firearms on the premises out of reach of customers in secure, locked locations, so that the access to the firearms is controlled by the dealer and/or owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business and to the exclusion of others. Storage of ammunition, gunpowder or other flammable or explosive material shall be in accordance with the Uniform Fire Code and the city’s hazardous material storage [management] ordinance (Title III, Chapter 12).

Sec. 5-8108. Permit forms.

All permits issued pursuant to this chapter shall expire one year after the date of issuance, unless suspended or revoked prior to the expiration date.

Sec. 5-8109. Permit duration.

(a) All permits issued pursuant to this chapter shall expire one year after the date of issuance, unless suspended or revoked prior to the expiration date.

(b) Permits issued pursuant to this chapter shall be subject to renewal after one year. The permittee shall file a renewal application and pay all applicable fees as specified in the City of Fremont Master Fee Resolution. Such application will then be reviewed by the chief of police for compliance with the provisions of this chapter. A permit will be issued by the chief of police for a renewal application which meets the provisions specified in this chapter. The permit will be valid for one year.

(c) Applications for renewal of an existing valid permit must be completed and received by the chief of police in completed form, no later than thirty days prior to the expiration of the current permit.

5-8111. Permit conditions.

(a) All permits issued pursuant to this chapter shall be subject to the following conditions. The violation of any of the listed conditions will be grounds for suspension or revocation of the permit by the chief of police.

(1) No firearms dealer permit will be issued to a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer, or lease any firearm from a residence.

(2) The business shall be conducted only in the building located at the street address indicated on the permit.

(3) The sales of firearms shall be conducted only by the person(s) listed on the firearms dealer permit issued by the city, known as the “permittee.” If the permittee is to be assisted by another person such as an owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business of the sale of firearms, these individuals must be reviewed under the requirements of subsections 5-8106(a), (e), (f), (g), and (h) of this chapter.

(4) The permittee shall comply with sections 12073, 12074, 12076, 12077, and 12082 and subdivision (b) of section 12072 of the California State Penal Code, to the extent that the provisions remain in effect.

(5) The permittee shall comply with all sections of this chapter.

(b) Any permit pursuant to this chapter shall be subject to additional conditions as the chief of police deems reasonably related to the purpose of this chapter.

5-8112. Permit denial, suspension, conditioning, revocation, denial of renewal.

(a) The chief of police may deny a new permit application or suspend, revoke or deny renewal of an existing permit for failure of the applicant or permittee to satisfy any of the criteria provided in section 5-8106 (permit criteria provisions, conditions and revocation criteria), section 5-8107 (security requirements; chief of police authority to adopt administrative regulations), section 5-8110 (permit transition period), section 5-8111 (permit conditions), section 5-8115 (permit liability insurance), and section 5-8116 (inspection authority) of this chapter.
(b) Any decision to deny a new permit application, suspend, revoke, modify or deny renewal of an existing permit shall be given to the applicant or permittee in writing, addressed to the permittee or applicant at the address on the application, and shall set forth the factual and legal grounds for the decision.

5-8115. Permit liability insurance.

(a) No firearms dealer permit shall be issued or renewed pursuant to this chapter unless there is in full force and effect prior to issuance of a permit or renewal a policy of insurance in such form that the city attorney and city risk manager deems proper, and approved by the city attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or advertising for lease, any firearm. The minimum liability limits shall not be less than one million dollars for damages to or destruction of property in any one incident, and one million dollars for each person for death or injury of any one person provided, however, that additional amounts may be required by the city attorney if deemed necessary. Person(s) engaged in the business of operating or managing a gunsmith business which designs, modifies or repairs firearms will not be required to obtain and maintain liability insurance as discussed in this section.

(b) The policy of insurance shall name the city, its officers, agents and employees as additional insureds. Applicants and permittees shall indemnify, defend and hold harmless the city, its officers, agents, and employees, from claims arising from the negligence of the applicant or permittee. Such policy of insurance shall contain an endorsement providing that the policy will not be cancelled until notice in writing has been given to the chief of police sixty days prior to cancellation.

(c) A federally licensed firearms dealer possessing a home occupation permit for the sale of firearms from his/her residence shall be exempted from this requirement.

5-8116. Inspection authority.

The chief of police or his/her designee shall have the right to enter any firearms dealer establishment, at any time during regular business hours to make reasonable inspections to ascertain whether the provisions of this chapter are being complied with. A warrant shall be obtained whenever required by law.

5-8117. Compliance.

Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering for sale, transfer, or lease, any firearm on the effective date of this chapter shall have sixty days from the effective date to comply with the provisions of this chapter.

5-8118. Temporary suspension.

(a) If a firearm dealer violates any federal, state or local county or city law, the chief of police may immediately suspend the right of the dealer to sell firearms.

(b) The temporary suspension will not exceed three days. If the violation results in a criminal charge filed by a federal, state, or county district attorney such permit to sell firearms may be suspended until the case is adjudicated in a court of law.

(c) Notice of suspension and rights to appeal and costs shall be the same as provided in section 5-8112 (permit denial, suspension, conditioning, revocation, denial of renewal), section 5-8113 (appeal of adverse action) and section 5-8114 (costs of appeal and attorney fees) of this chapter.

[Codified through Ord. No. 11-2009, adopted May 12, 2009]

Municipal Code and Charter of Fresno

Article 26 Crimes Against Public Health and Safety

9-2601. Use and Possession of Weapons.

(a) No person shall discharge a firearm into or within the city limits.

(b) No person shall propel a missile by, or possess a sling shot, slung shot, bow or other instrument commonly used or which is designed for the throwing of any shot, bullet, rock, stone, arrow, or other missile.

(c) No person shall hunt wildlife with any weapon described in this section.

(d) No person under the age of eighteen years shall have in his or her possession any firearm within the city limits unless he or she, at all times during the possession, (1) has on his or her person the written consent of his or her parent or legal guardian, or (2) is accompanied by his or her parent or legal guardian, or (3) is participating in and going to and from an organized, lawful recreational or competitive shooting activity or lawful hunting activity. As used in this subdivision, “firearm” means any firearm except (1) any pistol, revolver or firearm capable of being concealed upon the person as described in California Penal Code Section 12001, or (2) a B-B gun, pellet gun or spot-marking gun as described in California Penal Code Section 12001.1, or (3) any other firearm the possession of which by minors is regulated by State law.

(e) This section shall not be deemed to make punishable the act of carrying or discharging a weapon in the lawful discharge of his or her duties by a public officer, or private person duly licensed therefor.

(f) This section shall not apply to the keeping of weapons at a place of business or residence by a person eighteen years of age or older lawfully in possession of the property.

(g) This section shall not apply to the keeping or use of weapons on the premises of any shooting gallery, practice range, skeet field, archery range, or similar place conducted at a fixed location and with regard to which adequate safeguards have been provided to protect persons and property from injury.

(h) This section shall not apply to an organized hunt for the purpose of ridding premises larger than one acre of vermin, when the setting of traps or poison is impractical and the Chief of Police has approved the time, place, and method of the hunt.

(i) No parent, guardian, or any adult person having the control, custody, or charge of any person under the age of eighteen years shall knowingly permit, allow, or let said person to use or possess a weapon in violation of this section.

(j) The Chief of Police is authorized to seize and impound any weapon which is kept, possessed or used in violation of this section, or the missile thereof, and to hold such weapon for a period not to exceed thirty days and until thereafter claimed by its owner. Such articles may not be returned to any person under the age of eighteen years but may be returned to his or her guardian or parent.

(k) This section shall not be deemed to make punishable an act or acts which are allowed or prohibited by any law of the State.

[Fresno Municipal Code Codified through Ordinance No. 2009-19, effective May 31, 2009]

Fresno County Ordinance Code

Title 10 Public Peace, Morals and Welfare

Chapter 10.44 Possession and Discharge 10.44.010 By minors.

It is unlawful for any person under the age of fourteen years, unless accompanied by an adult person, to carry on his person or have in his possession any pistol, rifle, gun or other firearm, unless such minor is regularly enlisted in some military organization of this state or the United States or is taking a course in military instruction. (Ord. 371-N § 1 (part), 1974.)

[Fresno County Ordinance Code current through Ordinance 09-14, passed May 5, 2009]

Glendale Municipal Code

Title 9. Public Peace and Welfare

Chapter 9.24. Weapons


Persons under age eighteen not to possess firearms or ammunition. Any person under the age of eighteen years shall have in his or her possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

9.24.070 Firearms and weapons generally--issuance of permit required.

The chief of police shall have power to issue to any person a permit in writing to shoot or discharge any weapon when, in the judgment of the chief of police, such person is suitable to discharge weapons, is likely to handle the same so as not to endanger any person, and when a reasonable necessity exists for the weapon to be discharged. Any person desiring such a permit shall make written application to the chief of police. Any permit issued by the chief of police hereunder shall be in effect for such period as may be therein stated, but not more than twelve (12) months from the date thereof, and shall state the name, address and occupation of the person to whom the same is issued, the date of its issuance and the date of its expiration, and the kind and description of weapon authorized to be discharged.

[Glendale Municipal Code current through Ordinances through 5648, passed March 24, 2009]

Long Beach Municipal Code
7.46.010. Permit-Required. No person shall engage in, carry on or conduct the business of a firearms dealer without first having obtained a permit in accordance with this Chapter and complying with any and all requirements and regulations set forth in this Chapter.

7.46.020. Permit application. Each person, before obtaining a permit to carry on the business of selling firearms, shall make a written application on forms furnished by the Chief of Police, which shall be signed by the applicant. Every applicant must provide all documents required pursuant to Section 12071 of the California Penal Code.

Title 9. Public Peace, Morals and Welfare

Chapter 9.52. Firearms

9.52.010. Sale of ammunition prohibited. No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any gun, revolver, pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description to any person under the age of eighteen years.

9.52.020. Possession prohibited. No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

[Current through Ord. No. ORD-10-0024, enacted August 17, 2010]

Los Angeles County Code

Title 7. Business Licenses

Division 2. Specific Businesses

Chapter 7.46. Gun Dealers

7.46.010. Gun dealer defined. "Gun dealer" means any person, firm or corporation who sells or otherwise transfers to the public any pistol, revolver, rifle, shotgun, or other firearm, including those persons required by Section 12070(a) of the California Penal Code to obtain a license under California Penal Code Section 12071. "Gun dealer" also includes any person, firm or corporation, or agent thereof, taking in trade or accepting on consignment from the public any firearm of any type, including, but not limited to pistols, revolvers, rifles and shotguns.

7.46.020. License - Required. Every gun dealer shall first procure a license and pay an annual license fee in the amount set forth in Section 7.14.010 of this title, under the appropriate heading.

7.46.030. License - Granted subject to specific conditions. If a license is granted under this chapter, it shall be subject to the conditions set forth in Penal Code Section 12071, for breach of any of which the license shall be subject to forfeiture.

7.46.040. Records and reporting requirements. In addition to properly maintaining all records and documents required by state and federal laws, a gun dealer, upon purchasing, taking in trade, or accepting on consignment from the public any firearm of any type, shall comply with buy-form requirements as enumerated in Part 7 of Chapter 7.76 of this title, beginning with Section 7.76.310. A gun dealer shall also be required to report every sale, lease, or other transfer of a firearm to the sheriff on a form prescribed by the sheriff.

7.46.050. Inspection. Upon the request of any designated sheriff representative or any peace officer, a gun dealer shall (1) furnish all records pertaining to the gun dealer's transactions, including, but not limited to, all records required to be maintained by law, and (2) shall permit an inspection of those portions of the licensed premises where the firearms and firearm accessories are located.

7.46.060. Conditions for granting license. No license or renewal license shall be issued under this chapter unless, in addition to the requirements set forth in Section 7.46.030 and Section 7.46.040 above, the gun dealer satisfies each of the following conditions:

A. The gun dealer, and all officers, employees, and agents of said gun dealer, are at least 21 years of age;
B. Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has had a similar type license previously revoked or denied within the immediately preceding two years;
C. Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has been convicted of:
   1. Any offense disqualifying said individual from owning or possessing a firearm under applicable federal, state, or local laws;
   2. Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,
   3. Any offense involving the use of force or violence upon the person of another,
   4. Any offense involving theft, fraud, dishonesty, or deceit;
   5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code, as said definition now reads or may hereafter be amended to read;
D. The gun dealer has a fixed place of business where all licensed activities will be conducted as required by Section 7.04.060 of this code. The storing of all firearms and munitions shall occur at said fixed place of business. Under no circumstance may the address of the fixed place of business be either a United States Post Office box or a private commercial mailbox. The gun dealer shall provide evidence as owner, lessee or other legal occupant of said fixed place of business. The license shall specify the Post Office address of said fixed place of business;
E. The gun dealer's fixed place of business shall not be located in any area or district that is zoned for residential use;
F. The gun dealer has agreed to indemnify, defend and hold harmless the county of Los Angeles, its officers, agents and employees, from claims arising from the negligent or intentional acts of said gun dealer;
G. In connection with every firearm sold, leased, or otherwise transferred by a gun dealer, said gun dealer must also sell or otherwise provide a trigger lock or similar device reviewed and approved by the sheriff that is designed to prevent the unintentional discharge of the firearm;
H. The gun dealer has obtained a policy of insurance as provided in Section 7.46.070 below.
I. The gun dealer has complied with the security requirements as provided in Section 7.46.080 below.

7.46.070. Liability insurance. A. No license or renewal license shall be issued under this chapter unless the gun dealer maintains, in full force and effect a policy of insurance, as described in this subsection, in a form approved by the county of Los Angeles and executed by an insurance company admitted to do business in the state of California. This policy of insurance shall insure the gun dealer against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer, or the offering for sale, lease, or transfer, of a firearm. The minimum liability limits shall not be less than $1,000,000.00 for each incident of damage to property or incident of injury or death to a person. The policy shall name the county of Los Angeles as an additional insured.
B. The policy of insurance shall contain an endorsement providing that said policy shall not be canceled until notice in writing has been given to the office of the treasurer and tax collector at least 30 days prior to the time the cancellation becomes effective.
C. If at any time the gun dealer's policy of insurance expires, said gun dealer's license under this chapter will automatically be suspended pursuant to Section 7.08.240 and Section 7.08.250 of this code.

7.46.080. Security requirements. A. No license or renewal license shall be issued under this chapter unless the gun dealer adheres to security measures as required by the sheriff. These security measures shall include, but not be limited to, the following:
   1. The provision of adequate lighting, secure locks, windows, and doors, and fire and theft alarms, as each such item is specified and approved by both the sheriff and the fire department;
   2. The storing of all firearms and munitions on the premises out of reach of customers in secure, locked facilities, so that access to firearms and munitions shall be controlled by the gun dealer or employees of the gun dealer to the exclusion of all others.
B. Upon written request by the gun dealer, the sheriff may approve alternative security measures which he/she determines will provide equivalent or superior security to the premises as the measures required under subsection A above.

7.46.095. Officers, employees and agents of gun dealers defined. Any reference in this chapter to an officer, employee or agent of a gun dealer shall apply only to persons who directly participate in firearm sale transactions.

7.46.100. Penalty. Any gun dealer violating the provisions of this chapter is guilty of a misdemeanor, punishable by a fine not to exceed $1,000.00, or imprisonment for a term not to exceed six months, or both. This penalty is in addition to all other penalties provided by law, and to the immediate revocation of the gun dealer's license granted under this chapter.
Article 5. Firearms - Dangerous Weapons

55.09. Ammunition Sales.
(a) The term "ammunition", as used in this section, shall include any ammunition for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion.
(b) Except as specified in Subsection (c) and (d), no person, including retail gun dealers, shall sell, give, lend or transfer ownership of any firearm ammunition during the period of seven days prior to the first day of January of each year or on the first day of January of each year, or during the seven days prior to the Fourth of July of each year or on the Fourth of July of each year.
(c) Nothing in this section shall prohibit the sale or transfer of ownership of firearm ammunition by a wholesale gun dealer to another wholesale gun dealer, or by a wholesale gun dealer to a retail gun dealer, or of ammunition requested by Section 12324 of the Penal Code of the State of California.
(d) Nothing in this section shall prohibit sale to or acquisition by any person described in Section 12302 or 12322 of the Penal Code of the State of California.
(e) Nothing in this section shall apply to: (1) any firearm ammunition when such sale is prohibited by Sections 12303, 12303.6, 12304 or 12321 of the Penal Code of the State of California, or is otherwise prohibited by Chapter 2.5, Title 2, Part 4, of the Penal Code of the State of California.

55.11. Requirements for Ammunition Sales.
(a) "Firearm Ammunition" means any self-contained unit consisting of the case, primer, propellant charge, and projectile for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion. "Firearm Ammunition" shall not include blank ammunition used solely in the course of motion picture, television, video, or theatrical productions.
(b) The term "vendor", as used in this section, shall mean any person who is engaged in the retail sale of firearm ammunition and retail firearms dealers.
(c) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Board of Police Commissioners:
1. the date of the transaction,
2. the name, address and date of birth of the transferee,
3. the transferee’s driver’s license or other identification number and the state in which it was issued,
4. the brand, type and amount of ammunition transferred,
5. the transferee’s signature, and
6. the name of the sales person who processed the transaction.
The vendor shall also at the time of purchase or transfer obtain the right thumbprint of the purchaser or transferee on the above form.
(d) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without complying with all requirements of subsection (c) in a face-to-face transaction.
(e) The records required by this section shall be maintained on the premises of the vendor for a period of not less than two (2) years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.
(f) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to obtain the required thumbprint, or fail to maintain the required records prepared in accordance herewith. No person shall refuse to permit a police department employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information therefrom by the police department.
(g) The requirements of this section shall not apply to:
1. any person described in Section 12302 or 12322 of the Penal Code of the State of California;
2. any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer;
3. any person who has been issued a permit to carry a concealed weapon under the authority of Section 12050 of the Penal Code of the State of California.
4. any security guard licensed under the authority of Section 12033 of the Penal Code of the State of California.
5. any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California and a Seller of Firearms Police Permit by the City of Los Angeles.
6. any firearm ammunition vendor who has been issued a Seller of Ammunition Police Permit by the City of Los Angeles.
(g) Violation of this section shall constitute a misdemeanor.

A. Any person who owns or possesses a firearm (as defined in Penal Code Section 12001(b) or as amended) shall report the theft or loss of the firearm to the Los Angeles Police Department within 48 hours of becoming aware of the theft or loss, whenever: (1) the person resides in the City of Los Angeles; or (2) the theft or loss of the firearm occurs in the City of Los Angeles.
B. Any person who has experienced the theft or loss of a firearm within the five years prior to the effective date of this ordinance without the firearm having been recovered during that period, and who otherwise meets the reporting requirements in Section A. above, is required to report the loss or theft of the firearm to the Los Angeles Police Department within 60 days of the effective date of this ordinance.
C. Any person who fails to report the theft or loss of a firearm as required in Subsections A. or B., when the person knew or should have known of the theft or loss, shall be guilty of a misdemeanor.
D. Persons licensed to sell or manufacture firearms pursuant to Penal Code Sections 12071 or 12086 are exempt from this section, if the firearm lost or stolen was business merchandise, was lost or stolen from their firearm-related business, or was in their possession pursuant to Penal Code Section 12082.
E. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions, which can be implemented without the invalid

Los Angeles County Code current through Ordinance No. 2009-0026

Chapter V. Public Safety and Protection

(a) Definitions.
1. "Firearm," as used in this section, means any pistol, shot gun, or other device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or any other form of combustion, or any device that is capable of being altered so as to expel a projectile in that manner. The term firearm includes the frame of such weapon and any component part of the weapon that is essential to its function as a firearm.

2. "Ammunition," as used in this section, means any projectile designed to be expelled through the barrel of a firearm by the force of any explosion or other form of combustion, including, but not limited to, cartridge cases, primers, bullets, or propellant powder.

(b) Disposition if a Firearm and/or Ammunition in the City of Los Angeles shall only be accomplished in either of the following two ways:
1. By selling, giving away or otherwise transferring the firearm and/or ammunition in accordance with all applicable provisions of the California Penal Code, Welfare and Institutions Code, and this Code; or

2. By surrendering the firearm and/or ammunition to a California law enforcement agency for the purpose of destruction.

(c) Any person in the City of Los Angeles who disposes of a firearm and/or ammunition in any manner other than as required by this section, including, but not limited to, by depositing those item(s) in a public trash receptacle or leaving in any public place, is guilty of a misdemeanor.


(a) No person shall sell or otherwise transfer to any other person a clip, magazine, belt, drum, feed strip or similar device which has a capacity of, or which can be readily restored or converted to accept, more than ten rounds of ammunition.

(b) The provisions of this section shall not apply to:
1. the sale or transfer of such devices to any person described in Section 12302 or 12322 of the Penal Code of the State of California, or the lawful owner of such a device by a wholesale gun dealer to another wholesale gun dealer or by a wholesale gun dealer to a retail gun dealer, or
3. any entity or establishment engaged in the business of motion picture, television, video, theatrical, or re-enactment production, provided the clip, magazine, belt, drum, feed strip or similar device is used solely as a prop in the course of motion picture, television, video, theater, or re-enactment production by an authorized participant or by an authorized agent or employee of the entity or establishment, and only if the entity or establishment properly secures such clip, magazine, belt, drum, feed strip or similar device from unauthorized use, or
4. any federal, state or local historical society, museum or institutional collection which is open to the public provided any such clip, magazine, belt, drum, feed strip or similar device is properly housed, secured from unauthorized handling and is used only for the purpose of archiving and research.

55.14. Sale or Purchase of More Than One Handgun within a Thirty Day Period Prohibited.

(a) The term "dealer" shall mean a retail firearms dealer licensed by the City of Los Angeles.

(b) No person shall make application to a dealer, as provided in Section 12072 of the California Penal Code, to purchase a pistol, revolver or other firearm capable of being concealed upon the person, herein referred to as "handgun", within thirty (30) days of making a prior application for the purchase of a handgun within the State of California. In computing the thirty (30) day period, the date the application is made shall be counted, but not the date of the receipt of the application.

(c) No dealer shall transfer the title of any handgun to any person whom the dealer knows has made application to purchase more than one handgun within the State of California within a thirty (30) day period prior thereto, nor shall any individual, other than a handgun manufacturer, sell or convey one handgun to another between unlicensed parties pursuant to California Penal Code Section 12072 if the dealer knows that the one receiving the handgun has made application to purchase more than one handgun within the State of California within a thirty (30) day period prior thereto.

(d) No dealer shall transfer the title of any handgun, or process a handgun transaction between unlicensed parties pursuant to California Penal Code Section 12072 if the dealer prior to transfer has received notice from the California Department of Justice, herein referred to as the "DOJ," that DOJ has received an application for handgun purchase from the handgun owner within the State of California within a thirty (30) day period prior thereto.

(e) For the purposes of this subsection, the date of application of purchase shall be the date the DOJ receives the Dealer Record of Sale or receives the transmission of required information by any medium of communication authorized under state law.

(f) For the purposes of this section, the re-depoment of a handgun pledged to a pawnbroker shall not be deemed the sale, purchase or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the purchaser provides proof that the transaction was the redemption of a handgun pawned to a pawnbroker by the purchaser.

(g) Each dealer shall maintain records of each sale of a handgun to include the name of the purchaser, type of handgun, date of sale, and any other information required by the Board of Police Commissioners. Such records shall be maintained on the premises of the dealer for a period of not less than five (5) years and shall be subject to inspection at any time during normal business hours.

(h) Each dealer shall post a sign in a conspicuous place with letters at least one inch high stating the obligations and restrictions of purchasers and dealers under this ordinance, pursuant to direction by the Board of Police Commissioners.

(i) The dealer shall require the purchaser, at the time of application for purchase, to indicate, on a form prescribed by the Board of Police Commissioners, whether he or she has or has not made an application for the purchase of a handgun within the last thirty (30) days, and which if any of the exemptions set forth in Subsection (j) is applicable to the purchaser. If any of the exemptions is checked, the restrictions of this section shall not apply, provided all necessary information is supplied to the dealer. The form shall be signed by the purchaser under penalty of perjury. Such application shall be maintained on the premises of the dealer for a period of not less than two (2) years from the date of signing and shall be subject to inspection at any time during normal business hours.

(j) The provisions of this section shall not apply to the following:

1. Any person who is licensed to sell firearms pursuant to Article 4, commencing with Section 12070, of the Penal Code of the State of California.
2. Any law enforcement agency.
3. Any agency duly authorized to perform law enforcement duties.
4. Any state or local correctional facility.
5. Any private security company licensed to do business in the State of California.
6. Any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the State of California, and who is authorized to, and does, carry a firearm during the course and scope of his or her employment as a peace officer.
7. Any antique firearm, as defined in Paragraph (16) of Subsection (a) of Section 921 of Title 18 of the United States Code.
8. Any person or entity who purchases firearms in a consists of series or a bulk purchase from an estate sale.
9. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a handgun, and which secures such handgun from unauthorized use.
10. Any person who is exempt from the waiting period in Subdivision (c) of Section 12072 of the Penal Code of the State of California.
11. Any person who is exempt from the provisions of Subdivision (d) of Section 12072 of the Penal Code of the State of California.
12. Any person or entity conducting a transaction through a law enforcement agency pursuant to Section 12084 of the Penal Code of the State of California.
13. Any person or entity conducting a transaction described in Subdivision (k) of Section 12078 of the Penal Code of the State of California.
14. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the State of California.
15. Any person or entity acquiring a handgun by bequest or intestate succession.
16. Any person or entity replacing a single handgun where the handgun was lost or stolen, and the person reported that firearm lost or stolen to the Los Angeles Police Department or appropriate law enforcement agency and presents the dealer with evidence of such reporting.
17. Any seller's exchange or replacement of a handgun for a handgun purchased from that seller within the thirty (30) day period immediately preceding the date of exchange or replacement.
18. Violation of Subsection (b) shall be punishable as an infraction subject to a fine of $50.00 for the first violation of that subsection, as an infraction subject to a fine of $100.00 for the second violation of the subsection and as a misdemeanor for the third or subsequent violations of that subsection. Each handgun applied for shall be deemed a separate violation.
19. Any person or entity engaging in a business of motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a handgun, and which secures such handgun from unauthorized use.
the fact that a provision or provisions are declared invalid or unconstitutional.

55.15. Fingerprinting of Firearms Purchasers.
(a) As used in this section, the term "firearm" shall mean any pistol, revolver, shotgun, rifle, or other firearm, that term is defined in Section 103.314 of this Code.
(b) As used in this section, the term "dealer" shall mean any person who is engaged in the retail sale of firearms and any retail firearms dealer, as that term is defined in Section 103.314 of this Code.
(c) A dealer shall sell or otherwise transfer ownership of any firearm without obtaining the real thumbprint of the purchaser or transferee on the California Department of Justice Dealer Record of Sale of Firearm worksheet signed by the purchaser or transferee. The thumbprint shall be recorded at the lower right hand corner on the back side of the worksheet at the time that the worksheet is signed by the purchaser or transferee.
(d) The thumbprint record required by this section shall be maintained on the premises of the dealer throughout the time period during which the Dealer Record of Sale is required to be maintained by the dealer. Such record shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.
(e) No person shall knowingly fail to obtain a required thumbprint, or knowingly fail to maintain the record of a thumbprint required by this section. No person shall refuse to permit a law enforcement employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any such record or information in such record by a law enforcement agency.
(f) The requirements of this section shall not apply when the purchaser or transferee is any of the following:
(1) Any person described in Section 12302 or 12322 of the California Penal Code;
(2) Any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer;
(3) Any person who has been issued a permit to carry a concealed weapon issued pursuant to this section, or refuse to permit the use of any such record or information in such record by a law enforcement agency.
(g) Every dealer shall maintain separate records as to any sales exempted pursuant to Subsection (f) of this section, showing each sale of an ultracompact firearm, including as to each sale the name of the purchaser, type of handgun, date of sale, and documentation of any exemption pursuant to Penal Code Section 12050 or any other exemption set forth in Subsection (f). Such records shall be maintained on the premises of the dealer for a period of not less than two years and shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.
(h) Any violation of this section shall constitute a misdemeanor.

55.18. Sale of Large Caliber Firearms Prohibited.
(a) As used in this section, the term "large caliber firearm" shall mean any firearm, as defined in Section 103.314 of this Code, capable of firing a centerfire cartridge of .50 caliber or larger either by designation or by actual measurement. The term "large caliber firearm" shall include any rifle or handgun.
(b) As used in this section, the term "rifle" shall mean any firearm that is designed or redesigned, made or remade, and intended to be fired from the shoulder and is designed to fire only a single projectile through a rifled bore for each single pull of the trigger. The term "rifle" shall not include any shotgun.
(c) As used in this section, the term "handgun" shall mean any firearm with a barrel less than 16 inches in length. The term "handgun" shall include any pistol, revolver, or concealed firearm as such terms are defined in the California Penal Code.
(d) No person shall sell, give, transfer ownership of, transfer, offer for sale, or display for sale any large caliber firearm.
(e) The provisions of this section shall not apply to any sale or transfer of a firearm which is prohibited under state law, of any destructive device as defined in Section 12301 of the California Penal Code, of any assault weapon as defined in the California Penal Code, or of any .50 BMG rifle as defined in the California Penal Code. The provisions of this section shall not apply to any firearm obtained in any periodical, solicitation by mail, or use of the internet by a seller or offeror located outside the City of Los Angeles.
(f) The provisions of Subsection (d) of this section shall not apply where the purchaser or transferee is any of the following:
(1) A law enforcement agency;
(2) An agency duly authorized to perform law enforcement duties;
(3) A state or local correctional facility;
(4) A state or local correctional facility;
(5) A person described in Section 12302 or 12322 of the California Penal Code;
(6) Any person who is exempt from the provisions of Subsection (d) of Section 12072 of the California Penal Code;
(7) Any person or entity conducting a trans-
section described in Subdivision (k) of Section 12078 of the California Penal Code;
(8) Any person licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto, who has a current certificate of eligibility issued to him or her by the state Department of Justice pursuant to Section 12071 of the California Penal Code;
(9) Any person or entity acquiring a firearm by bequest or by intestate succession;
(10) A person redeeming a firearm pledged to a pawnbroker, provided that such person provides proof that he or she is the person who pledged the firearm.
(g) Any sales of a firearm to a person described in subdivision (d), (e), (f), (g), (h), (i), (j), (k), or (l) of Section 12302 shall be prohibited.
(h) Any violation of this section shall constitute a misdemeanor.
Title 5. Business Taxes and Regulations

Chapter 5.26. Firearms Dealers

5.26.010. Title. This chapter shall be known as the firearms dealer or ammunition seller permit ordinance.

5.26.030. Definitions. The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

“Ammunition” means projectiles, cartridge cases, primers, bullets, or propellant powder, designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an “antique firearm” as that term is defined in section 921 (a)(16) of Title 18 of the United States Code.

“Engaged in the business” means the conduct of a business by the selling, transferring, or leasing of any firearm or ammunition; or the preparation for such conduct of business as evidenced by the securing of applicable federal or State licenses; or the holding of one’s self out as engaged in the business of selling, transferring, or leasing of any firearm or ammunition, or the selling, transferring, or leasing of firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

“Firearm” means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

“Firearms dealer” means a person engaged in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm.

“Permit” means a license to sell or transfer firearms or ammunition under this Chapter.

“Permittee” means a person or entity licensed to sell or transfer firearms or ammunition under this Chapter.

“Person” means natural person, association, partnership, firm, or corporation.

5.26.040. Permit required. It is unlawful for any person, partnership, cooperative, corporation, firm, or association to engage in the business of operating or managing any business which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm or ammunition under this Chapter, without first obtaining a permit from the Chief of Police of the Oakland Police Department.

5.26.050. Application - Forms, fees. An applicant for a permit under this Chapter shall file with the Chief of Police a sworn application in writing, on a form to be furnished by the City. The application shall be accompanied, including proof of compliance with all applicable federal, State, and local laws when required by the Chief of Police, or the application will not be deemed complete. The application shall be accompanied by a nonrefundable fee as set forth in the City municipal license/permit fee schedule.

5.26.060. Security. In order to discourage the theft of firearms or ammunition stored on the premises, any business licensed under this Chapter must adhere to security regulations promulgated by the Chief of Police and any permit issued pursuant to the authorization provided by this Chapter. Security measures shall include but not be limited to:

A. The provision of secure locks, windows and doors, storage lockers, adequate lighting, video surveillance and alarm systems installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code Section 7590 et seq., with additional requirements as specified by the Chief of Police;

B. Storing of all firearms and ammunition not principally used in handguns on the premises out of the reach of customers in secure, locked facilities, so that access to firearms and ammunition not principally used in handguns shall be controlled by the dealer or employees of the dealer, to the exclusion of all others. Ammunition principally used in handguns shall be stored pursuant to the requirements of Penal Code section 12061(a)(2).

5.26.100. Permit - Assignment. Any permit issued pursuant to this Chapter is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

5.26.120. Permit - Conditions. Any permit issued pursuant to this Chapter shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the Chief of Police. Any permit issued pursuant to this Chapter shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Chapter:

A. The business shall be carried on only in the building located at the street address shown on the license.

B. The permittee shall comply with all federal, State, and local laws relating to the sale of firearms or ammunition.

C. The permittee shall post conspicuously within the licensed premises the following warning: "IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OPTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON."

D. Persons Under the Age of 18 Excluded from Establishments Displaying Firearms. No person who maintains or operates any place of business in which firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of 18 years, unless all firearms are completely and wholly inaccessible to and concealed from persons under the age of 18 years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than one inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure in that persons under the age of 18 are excluded.

E. Persons Under the Age of 21 Excluded from Establishments Displaying Concealable Firearms. No person who maintains or operates any place of business in which concealable firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of 21 years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than one inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure in that persons under the age of 21 are excluded.
dence of identity of persons to prevent the entry of persons not permitted to purchase concealable firearms under State law by reason of age. Bona fide evidence of identity of the person is a document issued by a federal, State, county, or municipal government, or subdivision or agency thereof, including, but not limited to a driver license or vehicle identification number or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person.

F. Persons Prohibited from Possessing Firearms and/or Ammunition Excluded from Establishments Displaying Firearms and/or Ammunition. Person's prohibited from possessing or purchasing firearms pursuant to California Penal Code Section 12021 and 12021.1 or possessing or purchasing ammunition pursuant to Penal Code Section 12316(b), or otherwise prohibited by federal, state or local law from possessing or purchasing firearms, shall not enter into or loiter about any firearms dealership, defined as a place of business in which firearms are openly kept, displayed or offered in any manner, sold, furnished or transferred pursuant to Penal Code Section 12070. Each entrance to such an establishment shall be signposted in block letters not less than one inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code Section 12021 are excluded from the premises.

When a firearms dealer displays or offers for sale firearms within a separate room or enclosure that segregates the firearms, and firearms related accessories (including but not limited to ammunition, ammunition clips, and holsters) from other general merchandise, each entrance to such a separate room or enclosure shall be signposted in block letters not less than one inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code Section 12021 are excluded from entering the separate rooms or enclosures.

Any dealer engaging in the business of selling, transferring, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition within the City who knowingly violates this Chapter, including but not limited to an affidavit signed by an authorized agent or employee on behalf of the permittee under penalty of perjury stating that within the first five business days of that April or October, as the case may be, the signer personally confirmed the presence of the firearms reported on the inventory. The permittee shall maintain a copy of the inventory on the premises for which the law enforcement permit was issued for a period of not less than five years from the date of the inventory and shall make the copy available for inspection by federal, State or local enforcement upon request.

H. Background Investigation and Verification. Employees (including but not limited to the applicant, or permittee may not have access to or control over workplace firearms or ammunition until those persons have undergone a law enforcement investigation and background verification process as required by the Chief of Police. A new law enforcement investigation and background verification of such persons must be conducted each time the permittee transfers his or her permit or applies for a new permit. The Chief of Police shall deny the issuance or renewal of a law enforcement permit, or shall revoke an existing permit, if the applicant or permittee allows any employee, agent or supervisor to have access to or control over workplace firearms or ammunition prior to the completion of the law enforcement investigation and background verification of those persons, or if those persons have not undergone the law enforcement investigation and background verification process within the last 365 days.

5.26.140 Permit - Grounds for revocation. In addition to any provisions constituting grounds for denial shall also constitute grounds for revocation.

5.26.150 Permit - Liability insurance and Indemnification. No permit shall be issued or continued pursuant to this Chapter unless there is in full force and effect a policy of insurance in such form as the City Attorney deems proper, executed by an insurance company approved by the City Attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or offering or exposing for sale, transfer, or lease, any firearm. The minimum liability limits shall not be less than $1,000,000.00 for damage to or destruction of property in any one incident, and $1,000,000.00 for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, addressed in care of the Chief of Police, 455 - 7th Street, Oakland, California, 94607, at least 30 days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the City, its officers, agents, and employees as additional insureds. Additionally, applicants and permittees shall indemnify, defend, and hold harmless the City, its officers, agents, and employees from claims arising from the negligence of the applicant or permittee.

No permit shall be issued or continued pursuant to this Chapter unless the applicant agrees to indemnify, defend and hold harmless the City its officers, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind pursuant to the operation of the business, including attorneys fees, arising in any manner out of the negligence or intentional or willful misconduct of the applicant, the applicant's officers, employees, agents and/or supervisors, or if the business is a corporation, partnership or other entity, the officers, agents, employees of and/nor others, and the board of directors of said entity.

5.26.160 Permit - Authority to inspect. Any and all investigating officials of the City shall have the right to enter the building designated in the permit from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing, health regulations, and provisions of this Chapter.

A police investigator may conduct compliance inspections from time to time during regular business hours to insure conformance to all federal, State, and local law, and all provisions of this Chapter.

5.26.170 Compliance. Any person engaging in the business of selling, transferring, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm or ammunition on the effective date of this Chapter shall have a period of 60 days after such effective date to comply with the provisions of this Chapter.

5.26.180 Suspension or Revocation of Permit.

A. If the dealer violates any federal, State or local county or City law, the Chief of Police may immediately suspend the right of the dealer to sell firearms or ammunition. If the violation results in a criminal charge filed in court by a federal, state, or county District Attorney, such permit to sell firearm or ammunition may be suspended until the case is adjudicated in a court of law. If the person is convicted, such permit must be immediately revoked.

B. Notice of suspension shall be mailed to the person(s) who made application for the permit and shall be delivered to the address listed on the permit.

C. In addition to any other penalty or remedy, the City Attorney shall report any person or entity whose law enforcement permit is suspended or revoked pursuant to this Article to the Bureau of Firearms of the California Department of Justice and the Bureau of Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice.

Title 9. Public Peace, Morals and Welfare

Chapter 9.20. Ammunition Sales Registration

9.20.010. Title. This chapter shall be known as the ammunition sales registration ordinance.

9.20.020. Findings and purpose. The intent of the City Council in enacting the ordinance codified in this chapter is to implement a requirement that ammunition vendors within the City record and maintain records with respect to each individual purchase of ammunition for use by law enforcement in identifying ineligible purchasers of ammunition and removing firearms and ammunition from persons ineligible to possess them.

The City Council further finds that, with the passage of AB 962, there will remain the need to
maintain a record of ammunition sales involving ammunition not principally used in handguns that is not covered under AB 962.

The City Council further finds that the requirement for ammunition purchasers to submit a thumbprint at the time of sale will allow more effective screening of purchasers who are not eligible to possess firearms.

9.20.030 Definitions. As used in this Chapter,

"Ammunition" means projectiles, cartridge cases, primers, bullets, or propellant powder designated for use in any firearm, and any component thereof, but shall not include blank cartridge cases or ammunition that can be used solely in an "antique firearm" as that term is defined in section 921(a)(16) of Title 18 of the United States Code.

As used in this Chapter, "ammunition principally used in handguns" means ammunition designed or suited for use in revolvers, pistols or other firearms capable of being concealed upon the person, as that term is defined in Penal Code section 12001(a).

"Vendor" means any individual, person, gun dealer, store, firm or corporation engaged in the business of selling ammunition within the City.

The requirements of this Section shall apply to all ammunition sales in Oakland up until February 1, 2011. Effective February 1, 2011, the requirements of this Section, shall not apply to the sale or transfer of ammunition that is principally for use in pistols, revolvers, or other firearms capable of being concealed upon the person, as that term is defined in Penal Code section 12001(a).

Every vendor who sells ammunition in the City shall maintain a record of ammunition sales as prescribed by this Chapter. The record shall be maintained on the vendor's premises, on forms supplied by, or approved by, the Oakland Police Department (OPD). All ammunition sales must be conducted with the actual purchaser present in a face-to-face transaction. An ammunition purchaser must provide to the vendor and the vendor shall record the following information:

A. The date of the transaction;
B. The purchaser's name, address and date of birth;
C. The purchaser's valid driver's license number or other identification number from a valid photographic ID such as a passport;
D. The brand of ammunition purchased;
E. The type and amount of ammunition purchased; and
F. The purchaser's signature and vendor's initials.

The thumbprint of the purchaser on the above record.

The information required to be recorded shall be maintained in chronological order by date of sale of the ammunition and shall be retained on the business premises of the vendor for a period not less than five years following the date of the recorded sale of the ammunition. In addition, the required information in Subsections A-G above, shall be transmitted electronically within five business days of sale to OPD by means determined by the Chief of Police.

Federal and local law enforcement officers may enter a vendor's premises during regular business hours for the purpose of examining, inspecting or copying records required by this Chapter.

This Section shall not apply if the purchaser is a "peace officer" as that term is defined in Penal Code Section 830 et seq., or a federal law enforcement officer or a person licensed as a dealer or collector in firearms pursuant to Chapter 44 (commencing with Sec. 921) of Title 18 of the United States Code and regulations pursuant thereto.

9.20.050 Violation - Penalty. It is unlawful for any vendor engaged in the business of selling ammunition in Oakland to knowingly make a false entry in, or fail to make appropriate entry, or fail to properly maintain any such record, or refuse to immediately provide the ammunition sales log for inspection to a federal, State or local law enforcement officer upon request.

Violation of any provision of this Chapter shall be a misdemeanor, subject to fines and penalties as provided by law. Additionally, failure to abide by the requirements of this Chapter shall be grounds for the revocation of a vendor's permit, pursuant to Chapter 5.26.

Chapter 9.36. Weapons

Article II. Firearms and Weapons Violence Prevention

9.36.050 Title. This article shall be known as the firearms and weapons violence prevention ordinance.

9.36.060 Definitions. The following words and phrases, wherever used in this article, shall be construed as defined in this section:

A. "Firearms" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

B. "Projectile weapon" means any device or instrument capable of launching a projectile, and/or the projectiles specifically intended to be launched by said device or instrument, which is in possession of a minor in violation of this article, is declared to be a nuisance, and shall be surrendered to the Police Department of the City. The Police Department, except upon the certificate of a judge of a court of record or of the District Attorney of Alameda county that the preservation thereof is necessary or proper to the ends of justice, shall destroy any such device or instrument.

9.36.070 Definitions.

9.36.080 Enforcement. Violations of this article shall result in arrest as a misdemeanor. The District Attorney shall review the circumstances surrounding the violation and shall charge the suspect with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas-operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

9.36.090 Violation of this article occurring within a period of not more than one year, or by the same person, shall be a misdemeanor subjecting the owner to prosecution.

9.36.131 Theft or loss of firearms - Reporting requirements. A. Any person owning a firearm or possession of a firearm is required to report the theft or loss of such firearm to the Oakland Police Department when:
1. owner resides in Oakland, AND/OR
2. the theft or loss of the firearm occurs in Oakland.

B. A person subject to the reporting requirements in Subsection A is required to report the theft or loss of a firearm within 48 hours of when he or she knew or reasonably should have known that the firearm has been stolen or lost.

9.36.141 Penalty - Misdemeanor. A. Failure to report firearms theft or loss within 48 hours of the effective date of the Amendment under which this new section was adopted.

B. Failure to report firearms theft or loss within 48 hours of the effective date of the Amendment under which this new section was adopted.
Exclusions.

The term "Saturday night special" as used in this article shall be considered in noncompliance with the requirements of Chapter 5.26 of this code, and subject to the suspension and or revocation of a firearms dealer permit.

Article V. Prohibition on the Sale of Compact Handguns

9.36.400. Title. This article shall be known as the City of Oakland Compact Handgun Sales Limitation Act.

9.36.410. Purpose and intent. The purpose and intent of this article is to ensure the health, safety, and general welfare of the citizens of the city. This section shall not preclude the disposition of any firearm by the purchaser.


A. "Dealer" means a retail firearms dealer licensed by the city.

B. "Compact handgun" means a pistol, revolver, or firearm designed to be concealed upon the person that has a length of six and three quarter inches (6.75") or less or a height of four and one-half inches (4.5") or less, measured with the magazine detached.

9.36.430. Prohibition on the sale of compact handguns. As of the effective date of this article, any and every firearm dealer in Oakland shall cease selling any and every compact handgun covered by this article pledged to a pawnbroker prior to the effective date of this ordinance shall not be deemed the sale or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the transaction involved the re-deemption of a handgun pawned to a pawnbroker by the purchaser.

C. Each dealer shall post a sign in a conspicuous place with letters at least one inch high stating the obligations and restrictions of dealers under this ordinance, pursuant to direction by the Oakland Police Department.

D. The provisions of this section shall not apply to the following:

1. Any law enforcement agency;
2. Any agency duly authorized to perform law enforcement duties;
3. Any state or local correctional facility;
4. Any private security company licensed to do business in the state of California;  
5. Any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the state of California, and who is authorized to carry a firearm during the course and scope of his or her employment as a peace officer;  
6. Any antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code;  
7. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a ultracompact firearm, and which secures such from unauthorized use;  
8. Any person who is exempt from the provisions of subdivision (d) of Section 12072 of the Penal Code of the state of California;  
9. Any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the Penal Code of the state of California;  
10. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the state of California;  
11. Any person or entity acquiring a compact handgun by bequest or intestate succession.

9.36.440. Penalties. Violation of this article by a firearms dealer shall subject the dealer to civil penalties as provided for in Chapter 1.8 and 9.36.440. Penalties.

Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a ultracompact firearm, and which secures such from unauthorized use;  
8. Any person who is exempt from the provisions of subdivision (d) of Section 12072 of the Penal Code of the state of California;  
9. Any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the Penal Code of the state of California;  
10. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the state of California;  
11. Any person or entity acquiring a compact handgun by bequest or intestate succession.

9.36.440. Penalties. Violation of this article by a firearms dealer shall subject the dealer to civil penalties as provided for in Chapter 1.8 and 1.12 of the OMC, and in addition shall subject the dealer to suspension or revocation of the dealer's firearms dealer permit. Each instance wherein a compact handgun is sold, conveyed, transferred or distributed in violation of this article shall be deemed a distinct and separate offense.

[Riverside County Code current through Ordinance No. 779.11, passed May 12, 2009]

Sacramento City Code

Title 5. Business Licenses and Regulations

Chapter 5.64. Firearm and Ammunition Sales

5.64.010. Definitions.  
"Applicant," when the applicant is other than a natural person, includes any officer, director, employee or agent of the applicant who may be engaged in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition.

"Engaging in the business" means the conduct of a business by the selling, leasing or transferring of any firearm or firearm ammunition, or the preparation for such conduct of business as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaged in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition, or the selling, leasing or transferring of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile through a barrel by the force of an explosion or other form of combustion.

"Firearm ammunition" means any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

5.64.020. License requirement and penalty for violation.  
A. It is unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition, without first having obtained a license from the chief of police. Gunsmiths, craftsmakers and firearms collectors shall not be required to obtain such a license unless they sell, lease or transfer firearms.

The chief of police shall make available application forms requiring applicants to provide the information set forth in Section 5.64.030 of this chapter, and shall collect a nonrefundable application fee from each applicant. Upon receiving the application fee, the chief of police shall issue a receipt to the applicant showing that such application has been paid. The issuance of such a receipt shall not authorize an employee to engage in the sale, lease or transfer of firearms or firearm ammunition until the necessary license has been lawfully issued.

B. The application fee shall be established by resolution of the city council and shall be the exclusive source of city funds from which recovery of all costs associated with this chapter may be obtained, including but not limited to, processing applications, monitoring licenses, and enforcing the provisions of this chapter.

C. Any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition without first having obtained a license from the Sacramento police department or, once having obtained a license, violates any of the conditions set forth in Section 5.64.10 of this chapter or continues to engage in the business after such license is revoked or suspended, shall be in violation of this chapter and guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars ($1,000.00), or by both. The chief of police shall issue a receipt to the applicant showing that such application has been paid. The issuance of such a receipt shall not authorize an employee to engage in the sale, lease or transfer of firearms or firearm ammunition until the necessary license has been lawfully issued.

[Riverside County Code current through Ordinance No. 779.11, passed May 12, 2009]

Sacramento City Code

Title 5. Business Licenses and Regulations

Chapter 5.64. Firearm and Ammunition Sales

5.64.010. Definitions.  
"Applicant," when the applicant is other than a natural person, includes any officer, director, employee or agent of the applicant who may be engaged in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition.

"Engaging in the business" means the conduct of a business by the selling, leasing or transferring of any firearm or firearm ammunition, or the preparation for such conduct of business as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaged in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition, or the selling, leasing or transferring of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile through a barrel by the force of an explosion or other form of combustion.

"Firearm ammunition" means any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

5.64.020. License requirement and penalty for violation.  
A. It is unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition, without first having obtained a license from the chief of police. Gunsmiths, craftsmakers and firearms collectors shall not be required to obtain such a license unless they sell, lease or transfer firearms.

The chief of police shall make available application forms requiring applicants to provide the information set forth in Section 5.64.030 of this chapter, and shall collect a nonrefundable application fee from each applicant. Upon receiving the application fee, the chief of police shall issue a receipt to the applicant showing that such permit application fee has been paid. The issuance of such a receipt shall not authorize an employee to engage in the sale, lease or transfer of firearms or firearm ammunition until the necessary license has been lawfully issued. The chief of police shall issue a receipt to the applicant showing that such permit application fee has been paid. The issuance of such a receipt shall not authorize an employee to engage in the sale, lease or transfer of firearms or firearm ammunition until the necessary license has been lawfully issued.

B. The application fee shall be established by resolution of the city council and shall be the exclusive source of city funds from which recovery of all costs associated with this chapter may be obtained, including but not limited to, processing applications, monitoring licenses, and enforcing the provisions of this chapter.
5. All information relating to suspension(s) or revocation(s) of licenses or permits relating to firearms, including but not limited to the date and circumstances of the suspension(s) or revocation(s);

6. Other reasonable conditions deemed appropriate by the chief of police.

D. The chief of police shall take the fingerprints of the employee and shall confirm the information submitted.

E. The chief of police shall act upon and either approve or deny the application for an employee work permit at the earliest of the following: (1) within five hundred eighty (580) days of receipt of the application; or (2) within fifteen (15) days of receipt of fingerprint verification by the State Department of Justice.

F. The chief of police shall deny the issuance of an employee work permit when any of the following conditions specified in Sections 5.64.060(D)(1) through (G) of this chapter exist.

G. Duration and renewal of work permit. Unless revoked on an earlier date, an employee work permits issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such work permits may be renewed by the chief of police for additional one-year periods upon the approval of an application for renewal by the chief of police and payment of the renewal fee established by resolution of the city council. Such renewal application shall set forth the information listed herein, and must be received by the chief of police, in completed form, no later than forty-five (45) days prior to the expiration of the current employee work permit.

H. Nonassignability. The assignment of any employee work permit issued pursuant to this chapter is unlawful and any such assignment shall render the license null and void. In addition, the attempt to transfer or assign any employee work permit issued pursuant to this chapter shall be further grounds for revocation.

I. Grounds for Revocation of Work Permit. In addition to any other provisions of this section, any circumstances constituting grounds for denial of an employee work permit shall also constitute grounds for revocation of an employ-ee work permit.

J. License - Conditions. In addition to all other requirements and conditions stated in this chapter, each licensee shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause of revocation of the license by the chief of police:

A. The business shall be carried on only in the building located at the street address shown on the license, except for gun shows as permitted under state and federal law.

B. The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, as those sections now read or may hereafter be amended to read.

C. The licensee shall verify that each employee engaged in the sale, lease or other transfer of any firearm or firearm ammunition has obtained either of the following: (1) a valid employee work permit from the chief of police; or (2) a valid certificate of eligibility issued by the California Department of Justice. An employee shall not engage in the foregoing activities if a work permit is denied or revoked by the chief of police. An employee who permits an employee to work without a valid work permit or valid certificate of eligibility shall be in violation of this section.

D. The licensee shall not sell, lease or otherwise transfer any firearm, except for leases or transfers for theatrical purposes, without also selling or otherwise providing with each firearm a nonreturnable trigger lock. If the use of a trigger lock on a particular type of firearm is infeasible, then the licensee shall do the following: (1) demonstrate such infeasibility to the satisfaction of the chief of police; and (2) make such other provision as a similar device which is approved by the chief of police, that is designed to prevent the unintentional discharge of the firearm.

E. The licensee shall not sell, offer to expose for sale, give, lease or otherwise transfer to any person, any ammunition feeding device with the capacity to accept more than ten (10) rounds of ammunition.

F. The licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee reasonably believes is within any of the classes prohibited by California Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections 8100 to 8103, inclusive, as those sections now read or may hereafter be amended to read.

G. The licensee shall comply with all federal, state, and local laws, and all provisions of this chapter.

H. Any license issued pursuant to this title shall be subject to such additional conditions as the chief of police determines are reasonably related to the purpose of this chapter.

5.64.120. Grounds for revocation. In addition to any other provisions of this chapter, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

5.64.150. Authority to inspect. Any and all investigating officials of the city shall have the right to enter the building and entire premises designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, or plumbing regulations to the extent provided by law. Police department employees, as designated by the chief of police, may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this chapter.

5.64.160 Compliance by existing dealers. Any person engaging in the business of selling, leasing, or otherwise transferring any firearm or firearm ammunition on the effective date of the ordinance codified in this chapter shall have a period of ninety (90) days after such effective date to comply with the provisions of this chapter.

5.64.170 Delivery to revenue manager. Upon granting said license, the police department shall forward said license to the revenue manager, to be received by the police department to effectuate the purposes of this chapter. Failure to comply with such rules and regulations, or with any other requirements imposed by this chapter, shall constitute grounds for revocation of licenses issued hereunder.

Title 9. Public Peace, Morals and Welfare

Chapter 9.32. Weapons and Explosives

Article I. In General

9.32.010. "Dangerous or deadly weapon" defined. The term "dangerous or deadly weapon" includes, but is not limited to … any firearm other than one carried pursuant to a valid permit, issued by a duly authorized governmental authority, or any other rifle or shotgun lawfully manufactured for purposes of hunting or other lawful sport.

9.32.090. Prohibiting sale of air guns to minors.

A. It is unlawful for any person to sell, give or loan to any person under eighteen (18) years of age, any BB gun, air gun, pellet gun, or spring gun, within the city.

B. No person, under the age of eighteen (18) years, shall have in his or her possession or control any BB gun, air gun, pellet gun, or spring gun, within this city, except while in immediate custody of his or her parents as hereinafter provided.

C. Any chief of police is authorized to establish training programs for minors, and also to license the establishment of shooting ranges and galleries in proper locations.

D. Any person under the age of eighteen (18) years may, while in custody of and under imme-diate control of his or her parent or guardian, use a BB gun, air gun, pellet gun, or spring gun, to shoot at a shooting gallery which has been authorized by the chief of police.

E. Any person desiring to operate and main-tain a shooting range for BB guns, air guns, pellet guns, or spring guns, within the city, shall first apply to the chief of police for a permit, on an application form to be furnished by the chief of police. If, upon investigation, it appears the range can be maintained at the location specified in the application, without danger to the public, then and in that event the chief of police may issue a permit.

9.32.110. Explosives generally - Storage for sale in the city. There shall not be kept within the city more than fifty (50) pounds of powder, or other explosive substance, by any one person, and every person keeping such articles shall keep all they have in one metal case, with metal cover and handles, plainly marked "POWDER," which shall be kept near the front door of the premises and shall be displayed conspicuously upon the front of the building a sign plainly marked "GUN-POWDER KEPT HERE."

9.32.120. Explosives generally - Applicabil-ity of two preceding sections. Nothing in the two preceding sections shall apply to metallic cartridges or percussion caps.

9.32.150. Public grounds - Discharge of firearms, sales, shows, etc. No person shall, in or upon any public grounds, discharge any cannon or firearm, expose for sale any goods, wares or merchandise or erect or maintain any booth, stand or show; except, in accordance with a permit from the city manager.

9.32.180. Reporting of stolen and/or lost firearms required.

It is unlawful for any person who owns or possesses a firearm to knowingly or negligently fail to report the theft or loss of such firearm to the Sacramento police department within forty-eight (48) hours of the time he or she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city. As used in this section, "firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, which expels a projectile through a barrel by the force of an explosion or other form
of combustion. Any person violating this section is guilty of a misdemeanor.

[Sacramento City Code current through Ordinance 2009-019 and the May 2009 code supplement] San Diego County Code
Title 2. Licenses, Business Regulations and Business Taxes

Division 1. Business Regulations

Chapter 12. Firearms Dealers

21.1201. Purpose and Intent. California Penal Code sections 12070-12083 regulate the sale of firearms and provide that the duly constituted licensing authority of a county shall accept applications for and may grant licenses permitting licensees to sell firearms at retail within its jurisdiction. This chapter appoints the Sheriff as the licensing authority for retail firearms sales in the unincorporated area of the County and implements these sections of the Penal Code applicable to the County.

21.1202. Definitions., For the purposes of this chapter the following definitions shall apply:

(a) "Firearm" means any device defined as a firearm in Penal Code section 12001.

(b) "Firearms dealer" means a person who meets the requirements of Penal Code section 12071(a)(1) and to whom a license has been issued pursuant to this chapter.

(c) "Firearms dealer employee" means a person who works for a firearms dealer as an agent, employee or representative.

21.1203. License Required. The licensing authority for firearm dealers in the unincorporated area of the County is the Sheriff. It shall be unlawful for any person to sell, lease or transfer a firearm in the unincorporated area of the County without a license issued by the Sheriff pursuant to Penal Code section 12071. This section shall not apply to a firearms transaction excluded under Penal Code section 12070. A person requesting a license under this chapter shall submit an application on a form provided by the Sheriff. A firearms dealer's license is governed by sections 21.101-21.117 and any additional conditions in this chapter.

21.1204. Minimum Age for Firearms Dealer. The minimum age to be a firearms dealer is 21.

21.1205. Additional Grounds for Denial of License. In addition to the grounds for denial of a license under section 21.108 the Sheriff may deny a firearms dealer's license if the dealer fails to meet any requirement under Penal Code section 12071 or if the Sheriff determines the applicant:

(a) is disqualified from owning or possessing a firearm under federal, State or County laws or regulations.

(b) has within five years preceding the date of the application been convicted of any offense relating to the manufacture, sale, possession, use or transfer of any firearm or any "dangerous weapon" or "deadly weapon," as those terms are defined under federal law, or the law of any state.


(a) No person shall be employed as an employee of a firearms dealer without a written clearance from the Sheriff. An employee of a firearms dealer is required to renew the written clearance from the Sheriff annually.

(b) A person seeking to be employed by a firearms dealer shall submit fingerprints and complete a form provided by the Sheriff. A person requesting clearance under this section shall be subject to investigation under section 21.107. The Sheriff may deny the clearance based upon any of the grounds in sections 21.106 and 21.105. The Sheriff shall issue or deny the clearance in writing within 30 days after a completed request for clearance has been submitted. The Sheriff may suspend or revoke a person's clearance under this section on any of the grounds for which a license or permit may be suspended or revoked under section 21.112.

(c) It shall be unlawful for a firearms dealer to employ any person who does not have a current clearance from the Sheriff to be a firearms dealer employee.

21.1207. No Transactions at Unauthorized Locations. Except as provided in Penal Code section 12071(b)(1)(B) and (C), a firearms dealer shall only conduct firearms transactions at the location specified in the license.

21.1208. Transaction Records and Inspection. A firearms dealer shall maintain all firearms transaction records required by federal and State law and have them available for inspection. During business hours, a firearms dealer shall allow any Sheriff's Department employee and any peace officer to inspect firearms transaction records, firearms, firearm accessories and all places where transaction records, firearms and firearm accessories are stored.

21.1209. – Compliance with Requirement for Secondhand Goods Dealers. A firearms dealer licensed under this chapter who acquires a secondhand or used firearm for resale shall comply with sections 21.701-21.707 and State law requirements for acquisition and sales of secondhand goods.

[San Diego County Code current through July 23, 2009]

San Diego Municipal Code

Chapter 3. Business Regulations, Business Taxes, Permits and Licenses

Article 3. Police Regulated Business Regulations

Division 42. Regulation of Firearm Dealers

33.4201. Permit Required. (a) It is unlawful for any person to engage in business as a Firearm Dealer without a Firearm Dealer permit issued by the Chief of Police.

(b) It is unlawful for any person to sell, deliver, or otherwise transfer any firearm in violation of state or federal law or without the permit required by Section 33.4201.

33.4202. Definitions. For the purpose of this Division, the following words mean:

"Chief of Police" means the Chief of Police or the Chief's designated representative.

"Firearm" means any device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion. A "Firearm" includes any device defined as a firearm in California Penal Code section 12001.

"Firearm Dealer" means any person who obtains a Federal Firearms Dealers License for the business of:

(a) Selling, transferring, or leasing any new or used Firearms at wholesale or retail; or

(b) advertising for sale, transfer, or lease any new or used Firearms at wholesale or retail; or

(c) offering or exposing for sale, transfer, or lease, any new or used Firearms at wholesale or retail.

"Person" has the same meaning as that in San Diego Municipal Code section 11.0210.

33.4203. Application for Permit. (a) The Chief of Police shall prescribe the application form for a Firearm Dealer permit.

(b) Any person proposing to engage in business as a Firearm Dealer within the City of San Diego shall secure the applicable federal license and the local license and comply with the requirements of this Division.

33.4204. Issuance or Denial of Permit. Except as otherwise provided in this Code, upon completion of the background investigation of the applicant, the Chief of Police or designated representative shall issue the permit unless:

(a) The applicant has knowingly made false or misleading statements of a material fact or omitted a material fact in the application;

(b) The operation of the Firearm Dealer business as proposed in the application for the permit will violate any applicable building, fire, health, or zoning requirement set forth in this Code;

(c) The applicant is under twenty one (21) years of age;

(d) The applicant had a similar permit or license previously revoked or denied for good cause within one year immediately preceding the date of the filing of the application;

(e) The applicant has not been licensed as a Firearms Dealer as required federal law and the State of California;

(f) The applicant, within five (5) years immediately preceding the date of the filing of the application has been convicted in a court of competent jurisdiction of any of the following offenses:

(1) Any offense involving the use of force or violence upon the person of another; or

(2) Any offense of theft, embezzlement or receiving of stolen property; or

(3) Any felony offense involving the sale, manufacture, purchase, possession or use of any controlled substance as defined by the California Health and Safety Code; or

(4) Any offense committed in another state which, if committed in this state, would have been punishable as one of the offenses specified above and immediately preceding; or

(g) The applicant is under indictment for, or has been convicted of, any violation of any federal, state, or local law relating to manufacture, sale, transfer, lease, registration, use or possession of any firearm or ammunition; or

(h) The applicant fails to remove the authority of any officer, agent or employee to act on behalf of the applicant in the Firearms Dealer business within five (5) working days after the applicant receives written notification by certified mail or personal delivery from the Chief of Police, that:

(1) any officer, employee, or agent of the applicant is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, registration, use or possession of any firearm or ammunition; or

(2) any officer, employee or agent of the applicant is a person in a prohibited class described in section 12021 or 12021.1 of the Public Safety Code.
California Penal Code or section 8100 or 8103 of the Welfare and Institutions Code; or

(i) The applicant is a person in a prohibited class described in section 12021 or 12021.1 of the California Penal Code or section 8100 or 8103 of the Welfare and Institutions Code; or

(j) The applicant has failed to provide evidence of a possessory interest, such as the interest of an owner, tenant, lessee or sublessee, in the property where the proposed business will be conducted; or

(k) The applicant has failed to obtain a zoning use certificate required by this Code.

33.4207. Permit Not Transferable. A Firearm Dealer permit may be issued only to a specific person to conduct business as a dealer at a specific location and at gun shows in accordance with California Penal Code section 12071. It is unlawful for any person to transfer a Firearm Dealer permit to another person or from one location to another without prior written approval of the Chief of Police. Any attempted transfer shall be ineffective.

33.4208. Permit Restricted to One Location. The Firearm Dealer business may be carried on only in the location designated in the permit. Only one Firearm Dealer permit may be issued per location.

33.4209. Display of Permit Required. The Firearm Dealer permit or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.


(a) All Firearm Dealers and officers, employees or agents of the Firearm Dealers, shall comply with all provisions of California Penal Code section 12071, which include business regulations and the building specifications for Firearm security.

(b) All sellers of Firearms shall protect such Firearms from theft during business hours in the following manner:

(1) All Firearms shall be in locked cabinets, a secure rack, or a storage area so that access to Firearms is controlled by the dealer or an employee, to the exclusion of all others.

(2) The Firearm Dealer, agent, or employee shall be present when a prospective buyer or seller is handling any Firearm.

33.4212. Provision of Trigger Locks.

(a) It is unlawful for any firearm dealer to sell, give, lend or transfer ownership of any firearm without also providing with the firearm a trigger locking or similar device approved by the Chief of Police. The trigger locking or similar device shall be designed to prevent the unintentional discharge of the firearm. The trigger locking or similar device shall be attached to the firearm prior to the completion of the sale, gift, lending or transfer transaction, and the firearm must leave the premises of the firearms dealer with the trigger locking or similar device attached. If a trigger locking or similar device cannot be attached because the firearm lacks a trigger guard, a lockable bag or box shall be used in lieu of a trigger locking or similar device. Nothing in this section shall prevent the firearms dealer from recovering the cost of the trigger locking or similar device by charging a price for the lock, either separately or as part of the price of the firearm.

(b) It is unlawful for any firearm dealer to sell, give, lend or transfer ownership of any firearm, without providing with the firearm printed material, approved by the Chief of Police, that advises the buyer of the presence of a trigger locking or similar device required by section 33.4212 of this Municipal Code, and the printed material required by section 33.4212(b), has been provided with the firearm. The acknowledgment shall be in a form approved by the Chief of Police. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

(c) A firearm dealer who has fully complied with the provisions of this section relating to trigger locking or similar devices shall not be presumed to have made any representation to the transferee regarding the safety or appropriate- ness of the use of the trigger locking or similar device, nor shall the firearm dealer be liable in any civil action brought against the firearm dealer, or, in the case of a temporary lending transaction, would be based solely upon the act of furnishing the trigger locking or similar device to a person in compliance with this section.

(e) The requirements of section 33.4212 shall be in force and effect, and shall apply to all fire- arms dealers now or hereafter licensed, ninety days after the date on which the Chief of Police sends written notice to currently-licensed fire- arms dealers of the approved trigger locking or similar devices, printed safety material and form of acknowledgment.

(f) The provisions of this section shall not apply to temporary lending transaction in which the firearm does not leave the premises of the fire- arms dealer.

(g) The requirements in sections 33.4212 (a), (b), and (c) shall not apply to firearms that are curios or relics, as defined by federal law, Title 27 Code of Federal Regulations section 178.

(h) The requirements in sections 33.4212(a), (b), and (c) shall not apply to private party transfers conducted pursuant to California Penal Code section 12082.

Chapter 5. Public Safety, Morals and Welfare

Article 3. Firearms - Dangerous Weapons - Explosives - Hazardous Trades

53.15. Possession of Air Guns, Pointed Missiles, Etc. by Minors.

(a) Except as provided in this section, it is un- lawful for any person under the age of eighteen to have in his or her possession, upon any pub- lic street or sidewalk or in any public gathering place within the corporate limits of the City any air gun, sharp pointed missile, dart or arrow, described in Municipal Code section 53.15.

(b) This section shall not apply to any minor engaged in supervised or otherwise lawful activity involving such weapons, or who is going to or returning from a place where the minor was en- gaged in such supervised or otherwise lawful activity.

53.16. Penalties for Firearms and Other Weapons Offenses. ...
Article 9. Miscellaneous Conduct Regulations

613. Regulating Sale of Firearms. It shall be unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing, or otherwise transferring any firearm, fireworks, ammunition, or firearms ammunition component to sell, lease or otherwise transfer any firearm, fireworks ammunition or firearms ammunition component without first having obtained a license from the San Francisco Police Department. The Department shall make available application forms requiring applicants to provide the information set forth in Section 613.2, and shall collect a nonrefundable application fee from each applicant.

The Chief of Police shall recommend to the Board of Supervisors, on or before April 1, 1994, a fee which shall be sufficient to recover all costs associated with regulating the sale of firearms under this Article, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this Article. The fee shall be set by the Board of Supervisors.

613.1. Definitions. (a) "Firearm" shall mean any device, designed to be fired from the muzzle by the force of an explosion or other form of combustion.

(b) "Firearm ammunition" shall mean any cartridge or incendiary containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

(c) "Firearm ammunition component" shall mean any cartridge or incendiary, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

(d) "Firearm capable of being concealed upon the person" shall mean any such firearm as defined in California Penal Code Section 12001(a).

(e) "Transfer" shall include, but shall not be limited to, the redemption of a pawned or pledged firearm by an individual including the individual who pawned or pledged the firearm.

(f) "Ultracompact firearm" shall mean any pistol, revolver, handgun or other firearm that is less than 6.75 inches in length or 4.5 inches or less in height, measured with the magazine detached, but shall not include any such firearm that is an unsafe handgun defined by Section 12126 of the California Penal Code.

613.2. Application Form and Background Check Requirements. (a) The application for a license to engage in the business of selling, leasing or otherwise transferring any firearm, fireworks ammunition, or firearms ammunition component shall be signed under penalty of perjury and shall set forth:

(i) The name, age and address of the applicant, as well as the name, age and address of all persons who will have access to or control of workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and/or supervisors, if any;

(ii) The address of the location for which the license is requested, together with the business name of such location, if any;

(iii) All convictions of the applicant for any of the offenses listed in Section 613.3(e);

(iv) All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to date of application and whether such each application resulted in issuance of a license;

(v) All information relating to revocations of licenses or permits relating to firearms, including but not limited to date and circumstances of revocation;

(vi) The applicant's agreement to indemnify, defend, and hold harmless the City, its officers, agents, and employees, from and against any and all claims, losses, costs, damages and liabilities of any kind, arising in any manner out of the applicant's negligence or intentional or willful misconduct;

(vii) Any other matter that to the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to investigate and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, provisions of this Article, and all other applicable federal, state, and local laws.

Each application must be accompanied by evidence that the applicant has satisfied the insurance requirements stated in Section 613.13 of this Article.

(c) All persons listed on the application form as having access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and/or supervisors, if any, and shall determine whether such persons have been convicted of any offenses described in subsection (e) of Section 613.3, or are among the persons described in subsections (f) or (g) of Section 613.3. Where the Chief of Police determines that one or more of the applicants, employees, agents or supervisors have been convicted of an offense described in subsections (f) or (g) of Section 613.3, or are among the persons described in subsections (f) or (g) of Section 613.3, the applicant shall have 21 days from the mailing of written notification from the Chief of Police to provide evidence in a form acceptable to the Chief of Police that such persons have been removed or reassigned so that they no longer have access to or control of workplace firearms, firearm ammunition, or firearm ammunition components. In the event that an applicant fails to comply with this subsection, the Chief of Police shall deny the license.

(e) As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components.

613.3. Denial of License. The Chief of Police shall deny the issuance of a license when any of the following conditions exist:

(a) The applicant is under the age of 21 years.

(b) The applicant is not licensed as required by all applicable federal, state and local laws.

(c) The applicant has had a firearms license previously revoked or denied for good cause within the immediately preceding two years.
(d) The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, the applicant shall be prohibited from reapplying for a license for a period of two years.

(e) The applicant has been convicted of:
(1) Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, State, and local laws, including but not limited to the offenses listed in California Penal Code Section 12021;
(2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon;
(3) Any offense involving the use of force or violence upon the person of another;
(4) Any offense involving theft, fraud, dishonesty, or deceit, including but not limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and Title 13, Chapters 4 ( Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8 (False Personation), 13 and 14 (Fraud) of the California Penal Code;
(5) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by the California Health and Safety Code now reads or may hereafter be amended by read;
(f) The applicant is within the classes of persons defined in California Welfare and Institutions Code Sections 8100 or 8103.

(g) The applicant is (1) currently, or has been within the past two years, an unlawful user of or addicted to any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read; or (2) an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

(h) The operation of the business as proposed would not comply with all applicable federal, State, and local laws.

(i) The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:
(1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of the exterior limits of any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;
(2) Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;
(3) On or within 1,500 feet of the exterior limits of any other premises used as a place of business by a dealer in firearms;
(4) Within 1,000 feet of a community center, church, neighborhood center, recreational center, whether public or private, where regularly scheduled activities are conducted for people under 18 years of age.

(j) The applicant, or an officer, employee, or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted.

(k) Any other ground for denial exists under any applicable provision of federal, State or local law.

1. The applicant fails to comply with the requirements of subsections (c) or (d) of Section 613.2.

As used in this Section, the term “applicant” when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition or firearm ammunition components.

613.8. Nonassignability of License. The assignment or attempt to assign any license issued pursuant to this Article is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

613.9. Security. In order to discourage the theft of firearms stored on the premises of a firearms dealer, each business licensed under this Article must adhere to security measures as required by the Chief of Police. Security measures shall include but not be limited to:
(a) Provision of secure locks, windows and doors, adequate lighting, and alarms as specified by the Chief of Police;
(b) Storage of all firearms on the premises out of the reach of customers in secure, locked facilities, so that access to firearms shall be controlled by the dealer or employees of the dealer, to a purchaser of all others.

613.10. License—Conditions. In addition to all other requirements and conditions stated in this Article, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:
(a) The business shall be conducted only in the building located at the street address shown on the license, except as otherwise authorized under Section 12071(b)(1) of the California Penal Code.

(b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

(c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than 10 days after the application for the purchase, lease or transfer, unless otherwise provided by State or federal law.

(d) The licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.

(e) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee specifies on the application for the transfer, the firearm shall be used for a sporting purpose.

(f) The licensee shall not display in any part of the premises where it can be readily seen from the street or a public or private road, any firearm, firearm ammunition or imitation thereof, and any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.

(g) The licensee shall not sell, lease or otherwise transfer to any person any firearm that:
(1) Serves no sporting purpose;
(2) Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or
(3) Is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs).

The provisions of this section do not apply to conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and the purchaser is authorized to make such purchase by the director of a public law enforcement agency such as the Chief of the San Francisco Police Department or the Sheriff of the City and County of San Francisco.

The licensee shall post within the licensee’s premises a notice stating the following:
"THE CALIFORNIA PENAL CODE PROHIBITS THE SALE OF FIREARMS OR FIREARMSammunition TO PERSONS UNDER THE AGE OF 18, AND FURTHER GENERALLY PROHIBITS THE SALE OF A PISTOL, REVOLVER, OR FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON TO ANY PERSON UNDER THE AGE OF 21."

The posted notice shall be in a conspicuous location, shall be in 36 point type block letters in black ink on a white or other color background, and shall be so located so that the notice can easily and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

(j) The licensee shall not sell, lease or otherwise transfer any ultracompact firearm except as authorized by Section 613.10-2 or any 50 caliber firearm or 50 caliber cartridge except as authorized by Section 613.10-1.

(k) Any license issued pursuant to this Article shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

(l) The licensee shall comply with the requirements of Section 613.10-3 and shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous location at the entrance of the licensee’s premises (or at the entrance to the separate room or, enclosure pursuant to Section 613.10-3(c)). Such notice shall be in 36 point type block letters in black ink on a white background.

(1) Licensees that sell, lease or otherwise transfer firearms, other than firearms capable of being concealed on the person, shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-3(c)) stating the following:
"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO THE SAN FRANCISCO POLICE CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(2) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure containing such firearms

Page 79
pursuant to Section 613.10-3(c) stating the following:

"THE SAN FRANCISCO POLICE CODE
REQUIRES THAT FIREARMS DEALERS
PROHIBIT ENTRY BY PERSONS UNDER AGE
21, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS
WHO HAVE BEEN ADJUDICATED AS MENTALLY
OFFENSE WHO ARE PROHIBITED FROM
POSSESSING FIREARMS PURSUANT TO
CALIFORNIA PENAL CODE SECTIONS 12021
OR 12021.1; AND (2) PERSONS WHO ARE
CURRENTLY PROHIBITED FROM
POSSESSING FIREARMS BECAUSE THEY
HAVE BEEN ADJUDICATED AS MENTALLY
DISORDERED, NOT GUILTY BY REASON OF
INSANITY OR INCOMPETENT TO STAND
TRIAL."

(3) Licensees that sell, lease or otherwise
transfer firearms capable of being concealed on
the person, but who keep such firearms in a
separate room or enclosure in accordance with
Section 613.10-3(c) shall post the notice
required by paragraph (1) at the entrance to the
premises or separate room or enclosure containing
firearms that are not capable of being
concealed on the person, and shall post the
notice required by paragraph (2) at the entrance
to the separate room or enclosure containing
firearms capable of being concealed on the
person.

(l) The licensee shall notify the Chief of Police
of the name, age and address of, and submit a
certificate of eligibility under Penal Code Section
12071 from the State Department of Justice for,
any person not listed on the licensee's
application under Section 613.2(a)(1) who will
be given access to, or control of, workplace
firearms, firearm ammunition, or firearm
ammunition components. The licensee shall
submit the required information and certificate
within 10 days of such person being employed
or otherwise being given access to, or control
over workplace firearms, firearm ammunition,
or firearm ammunition components.

(m) Within the first five business days of April
and October of each year, licensees shall cause a
physical inventory to be taken that includes a
listing of each firearm held by the licensee by
make, model, and serial number, together with a
listing of the firearm's ammunition components
since the last inventory period. In addition, the
inventory shall include a listing of each firearm
lost or stolen that is required to be reported
pursuant to Penal Code Section 12071(b)(13).
Licensees shall maintain a copy of the inventory
on the premises for which the license was
issued. Immediately upon completion of the
inventory, licensees shall forward a copy of the
inventory to the address specified by the
Chief of Police, by such means as specified by the
Chief of Police. With each copy of the inventory,
licensees shall include an affidavit signed by the
licensee (or, if the licensee is not a natural
person, by an officer, general manager, or other
principal of the licensee) stating under penalty of
perjury that within the first five business days of
that April or October, as the case may be, the
signer personally confirmed the presence of the
firearms reported on the inventory.

613-10.1. Sale or Transfer of 50 Caliber
Firearms and Cartridges Restricted.

(a) Findings.

(b) Purpose and Intent. The purpose and intent
of this Section is to protect the health,
safety, security and general welfare of the
citizens of the City and County of San Francisco
and the City's law enforcement personnel by
reducing the risk of personal injury, death or
property damage caused by 50 caliber firearms.
Specifically with respect to regulating 50 caliber
handguns, it is the purpose and intent of this
Section to protect of the citizens of the City
and County of San Francisco and the City's law
enforcement personnel by reducing the risk of
personal injury, death or property damage caused
by persons using 50 caliber handguns.

It is not the intent of this Section to address
the problem of handgun safety, as addressed,
for example in Sections 12125 through 12133 of
the California Penal Code, or to otherwise regulate
50 caliber handguns based on consumer product
safety considerations for the person using the
handgun.

(c) Definitions.

(1) As used in this section, the term "50 caliber
firearm" shall mean any firearm, as defined in
Section 613.1 of this Article, capable of firing a
centerfire 50 caliber cartridge.

(2) As used in this section, the term "50 caliber
cartridge" shall mean a firearm ammunition
cartridge in 50 caliber, either by designation or
actual measurement, or any metric
exchangeable, including but not limited to a
.50 BMG cartridge, that is capable of being
fired from a centerfire rifle or a handgun. The
term "50 caliber cartridge" does not include any
mercurial or display item that is filled with a
permanent inert substance or that is otherwise
permanently altered in a manner that prevents
ready modification for use as live ammunition.

(3) As used in this section, the term "rifled"
shall mean any firearm that is designed or
redesigned, made or remade, and intended to
be fired from the shoulder, and which is
designed or redesigned, made or remade to use
the energy in a fixed cartridge to fire only a
single projectile through a rifled bore for each
single pull of the trigger. The term "rifled"
shall not include any shotgun.

(4) As used in this section, the term "handgun"
shall mean any firearm with a barrel
less than 16 inches in length. The term
"handgun" shall include any pistol, revolver, or
concealable firearm as such terms are defined in
the California Penal Code.

(d) Sale or Transfer of 50 Caliber Firearm
and Cartridges Restricted. No person shall sell,
give, or transfer any 50 caliber firearm, or any
50 caliber firearm or 50 caliber cartridge
except as authorized by paragraph (e) of this
Section.

(e) Exceptions.

(1) The provisions of Subsection (d) of this
Section shall not apply to:

(A) the sale or other transfer of a 50 caliber
firearm or 50 caliber cartridge which is
prohibited under state law, including, but not
limited to, the delivery of a 50 caliber firearm
to a person licensed pursuant to California
Penal Code Section 12071 from the State
Department of Justice for, any person not
listed on the licensee's application under
Section 613.2(a)(1) who will be given access
to, or control of, workplace firearms, firearm
ammunition, or firearm ammunition components.

(B) the sale or other transfer of a 50 caliber
handgun which is an antique firearm, as
defined in paragraph (16) of subsection (a) of
Section 921 of Title 18 of the United States
Code.

(C) the delivery of a 50 caliber firearm to a
licensed gunsmith, as defined in California
Penal Code Section 12001(r), or to a person
licensed pursuant to California Penal Code
Section 12071, for purposes of service or repair,
or to the return of a firearm to its owner by
the gunsmith, or the licensee following the
completion of service or repairs.

(D) the return of a 50 caliber firearm to
its owner by a person licensed pursuant to this
Article where the firearm was initially
delivered to the licensee for the purpose of a
consignment sale or as collateral for a pawnbroker
loan; or

(E) the offer for sale or display in any
periodical, solicitation by mail or use of the
internet of a 50 caliber firearm or 50 caliber
cartridge by any person or entity where the
seller or offeror is located outside of the City
and County of San Francisco.

(F) A non-profit entity that is authorized to
acquire a 50 caliber firearm and/or 50 caliber
cartridges and does so while acting within the
course and scope of his or her employment.

(G) A non-profit entity that is authorized to
acquire a 50 caliber firearm and/or 50 caliber
cartridges and does so while acting within the
course and scope of his or her employment.

(H) A person or entity conducting a
transaction described in subdivision (k) of
Section 12078 of the California Penal Code:

(I) A person acquiring a 50 caliber firearm or
50 caliber cartridge, or 50 caliber firearm
succession, or otherwise by operation of law,
provided that such firearms or cartridges are
transferred to a law enforcement agency or to a
person licensed pursuant to California Penal
Code Section 12071 within 12 months from the
date that the person obtains title.

(J) A non-profit entity that is authorized to
destroy firearms, and which has agreed to
destroy the firearm being transferred;

(K) A federal, state, or local historical society,
museum, or institutional collection that is open to
the public; provided that the 50 caliber firearm
is used for display purposes, is unloaded, and is
restricted from unauthorized uses.

(f) Penalties.

(1) Violation of this Section shall be
punishable as a misdemeanor. In addition, in
the case of a violation of this section by a
firearms dealer licensed under this Article, each
violation of this Section shall constitute grounds
for suspension or revocation of the licensee's
firearms dealer license.

(2) Each transaction in violation of this
Section shall be deemed a distinct and separate
violation.
50 caliber handguns, or 50 caliber cartridges covered by this section, the requirements of this Section shall be suspended as of the date such legislation goes into effect with respect to any requirements of this Section that apply to the firearms or cartridges prohibited or restricted by state law. The suspension of California Penal Code, provided such any such legislation, the suspension shall expire by operation of law and the previously suspended provisions shall become operative.

613.10-2. Sale of Ultra compact Firearms Restricted.
(a) Findings... 
(b) Purpose and Intent. The purpose and intent of this Section is to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco by reducing the potential for death or injury to citizens and law enforcement personnel attributable to ultracompact firearms. It is not the intent of this Section to address the problem of handgun safety, as addressed, for example, in Sections 12125 through 12133 of the California Penal Code, or to otherwise regulate ultracompact firearms based on consumer product safety considerations for the person using the firearm.
(c) Sale of Ultra compact Firearm Restricted. No person pursuant to this Article shall sell, lease or otherwise transfer any ultracompact firearm except as authorized by paragraph (d) of this Section. Nothing in this section shall preclude any person licensed pursuant to this Article from processing firearms transactions between unlicensed parties pursuant to subdivision (d) of Section 12072 of the Penal Code of the State of California.
(d) Exceptions. The requirements of this Section shall not apply to the sale, lease or other transfer of an ultracompact firearm in the following circumstances:
(1) To any law enforcement agency;
(2) To any agency duly authorized to perform law enforcement duties;
(3) To any state or local correctional facility;
(4) To a federal law enforcement officer, provided such law enforcement officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;
(5) To a private security company licensed to do business in the State of California;
(6) To a person described in Sections 12302 or 12322(a) of the California Penal Code, provided such person is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;
(7) To any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;
(8) To the sale, lease or other transfer of any antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.
(9) To the loan of an ultracompact firearm to a person to use solely as a prop in a motion picture, television, or video, theatrical or other entertainment production or event, provided that such person is in compliance with Section 12081 of the California Penal Code;
(10) To any person or entity conducting a transaction that is exempt from the provisions of subdivision (d) of Section 12072 of the California Penal Code;
(11) To any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the Penal Code of the State of California.
(12) To a firearms dealer who has been issued a Federal Firearms License, and who is in compliance with the requirements of Section 12071 of the California Penal Code;
(13) To any person or entity acquiring an ultracompact firearm by bequest, intestate succession or otherwise by operation of law;
(14) To any non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred.
(15) To a federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the ultracompact firearm is used for display purposes, is unloaded, and is secured from unauthorized use;
(16) To the delivery of an ultracompact firearm to a licensed gunsmith, as defined in California Penal Code Section 12001(r), or to a person licensed pursuant to California Penal Code Section 12071, for purposes of service or repair, or to the return of the firearm to its owner by the gunsmith, or by licensee following the completion of service or repairs;
(17) To the return of an ultracompact firearm to its owner by a person licensed pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.
(e) Penalties.
(1) Violation of this section shall be punishable as a misdemeanor. In addition, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license under this Article.
(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.
(a) No person who is prohibited from possessing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Sections 8103 shall enter into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms and which displays the notices required by Section 613.10(r), except in accordance with paragraph (c) of this Section.
(b) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person who the licensee knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1, or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103, except in accordance with paragraph (c) of this Section.
(c) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms who and who keeps or displays for sale, lease or other transfer firearms capable of being concealed on the person shall permit the entry onto the premises that are the subject of the license by any person under 21 years of age, except in accordance with paragraph (c) of this section.
(1) The licensee and any of his or her agents, employees or other persons acting under the licensee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to purchase a firearm under state law by reason of age. Clear evidence of age and identity includes a driver's license, automobile operator's license, a State identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph, and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.
(c) Exceptions.
(1) It shall not be a violation of this section for any person who is otherwise prohibited pursuant to subsection (a) from entering or being present on the premises to enter or be present on the premises if the firearms and related accessories (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure.
(2) It shall not be a violation of this section for any person who the licensee is otherwise required to keep from entering or being present on the premises pursuant to subsection (b) to enter or be present on the premises if the firearms and related accessories (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure. Where a licensee's keeps or displays weapons capable of being concealed on the person in a separate room or enclosure that separates such firearms and related accessories from other firearms (including other firearms), it shall not be a violation of this section for persons at least 18 years old but less than 21 years old to enter or be present on the premises if such persons are excluded from the separate room or enclosure containing firearms capable of being concealed on the person.
(d) Penalty for violation.
(1) Any person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103 and who knowingly enters into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms in violation of subsection (a) shall be guilty of a misdemeanor.
(2) Any licensee or other person acting under the authority of a licensee, including, but not limited to, the owner of a business and any employee of the licensee, who knowingly allows a person to enter the licensee's premises in violation of this section shall be guilty of a misdemeanor.
613.11. License - Grounds For Revocation. In addition to any other provisions of this Article, any circumstances constituting grounds for
denial of a license shall also constitute grounds for revocation of a license.

613.13. License - Liability Insurance. No license shall be issued or reissued pursuant to this Article unless there is in full force and effect a policy of insurance in such form as the City Attorney and the City's Risk Manager deem proper, except that firearm, firearm ammunition or firearm ammunition component. The minimum liability limits shall not be less than $1,000,000 for damage to or destruction of property in any one incident, and $1,000,000 for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney or City's Risk Manager if deemed necessary to protect the interests of the City and its residents.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled or surrendered unless the person to whom the policy is issued is charged with any violation of this Article.

613.14. License - Authority to Inspect. Any and all investigating officials of the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this Article. A police investigator may conduct compliance inspections and make arrests of persons violating provisions of this Article.

A police investigator may conduct compliance inspections and make arrests of persons violating provisions of this Article.

613.16. Temporary Suspension of License. (a) If the Chief of Police has reason to believe that a licensee has (1) violated any federal, state or local law relating to the sale, lease, transfer, use or possession of firearms, firearm ammunition or firearms ammunition components, or (2) has committed any of the offenses set forth in Section 613.3(e), the Chief of Police may immediately suspend for a period not to exceed three days the right of the licensee to sell, lease or otherwise transfer firearms, firearm ammunition or firearm ammunition components. However, if the licensee is charged by a federal, state, or local prosecuting attorney with a violation of any such law the Chief of Police may suspend such license until the charges are dismissed or the licensee is found not guilty in a court of law. If the Chief of Police suspends a license pursuant to this subsection, the licensee shall be provided an opportunity to present evidence to the Chief of Police and his or her designee that the pending charges are without legal merit. The Chief's decision regarding whether to suspend a license pending the outcome of such charges shall be appealable to the Board of Permit Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

(b) Notice of suspension shall be mailed to the person(s) who applied for the license and shall be delivered to the address listed on the license.

613.17. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon payment of the license fee, payable in advance.

613.18. Rules and Regulations. The Police Department shall prescribe such rules and regulations after notice hearing as will enable the Police Department to effectuate the purposes of this ordinance. Failure to comply with such rules and regulations, or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of license.

613.19. Penalties. Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than $100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $500 or more than $1,000 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500 and not more than $1,000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

614. Exceptions. Sections 613 to 613.20 inclusive, shall not apply to (1) interstate wholesalers and retailers in wholesale or retail dealers by mail, express or other modes of shipment to points outside the City and County of San Francisco.

615. Records of Ammunition Sales. (a) Definitions. (1) "Firearm ammunition," as used in this Section, shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller. (2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle which utilizes the energy of the firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge. (3) "Assault weapon," as used in this Section, shall mean any of the weapons designated in California Penal Code Section 12276 or 12276.1. (4) "Vendor," as used in this Section, shall mean any person who is engaged in the sale of firearm ammunition, including any retail firearms dealer.

(b) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police: (1) the name of the specific individual transferring ownership to the transferee; (2) the place where the transfer occurred; (3) the date and time of the transfer; (4) the name, address and date of birth of the transferee; (5) the transferee's driver's license number, or other identification number, and the status in which it was issued; (6) the brand, type and amount of ammunition transferred; and (7) the transferee's signature.

(c) The records required by this Section shall be maintained on the premises of the vendor for a period of not less than two years from the date of such transfer. Said records shall be subject to inspection at any time during normal business hours.

(d) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to maintain in the required manner records prepared in accordance herewith. No person shall refuse to permit a police department employee to inspect any record prepared in accordance with this Section during any inspection conducted pursuant to this Section.

(e) Penalties. (1) First Conviction. Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a fine of not less than $50 nor more than $100.

(2) Subsequent Convictions. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $400 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

616. Reporting the Loss or Theft of Firearms. (a) Any person that owns or is otherwise in possession of a firearm shall report the theft or loss of such firearm to the San Francisco Police Department within 48 hours of becoming aware of the theft or loss whenever (1) the owner resides in San Francisco, or (2) the theft or loss of the firearm occurs in San Francisco.

(b) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms within 48 hours of when the violation or the owner becomes aware of the violation or should have become aware of the theft or loss shall be punishable in accordance with Section 613.19.

617. Prohibition Against Possession or Sale of Firearms or Ammunition on Property Controlled by the City and County of San Francisco.
A. Legislative Findings.
(1) The national and statewide statistical information available from numerous sources overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming and thus, unacceptable proportions; and
(2) Government at all levels has a substantial interest in protecting the people from those who acquire guns illegally and use them to commit crimes resulting in injury or death of their victims; and
(3) Recent events throughout the City and County have generated fears of random usage of guns to commit violence on unsuspecting residents, children and adults alike; and
(4) The Board of Supervisors finds that crimes and injuries committed with the use of a firearm are prevalent in San Francisco, with local statistics showing an increase in homicides by use of a gun increasing from 39 gun homicides out of 63 total homicides in 2001, which is a 63 percent increase, to 68 gun homicides out of 85 total homicides in 2006, which is an 80 percent increase. Local statistics also show that San Francisco Police Department has seized 1,158 guns in 2005, and 1,104 guns in 2006. In 2007, the number has soared to 25 gun homicides.
(5) In the City and County of San Francisco, the number of nonfatal injuries from guns has steadily increased. While, in 2001, 81 patients were admitted to SF General Trauma Center for serious injuries resulting from gun shots, the number of patients admitted for serious injuries rose to 226 by 2006. Similarly, the total number of shootings that resulted in nonfatal injuries documented by SFPD was 269 in 2005, 303 in 2006, and in 2007 this number has already reached 105 by May 10; and
(6) Gun crimes in and around schools and on busses carrying students to and from school have become increasingly common; and
(7) In 2003 and 2004, 52 percent of the City's gun violence victims were under the age of 25.
(8) Homicides committed with handguns are the leading cause of firearms related injuries and death in California; and
(9) The widespread availability of illegally obtained firearms has resulted in a significant rise in the number of shooting incidents across the County; and
(10) The Board of Supervisors has authority over the management and control of City and County property, and it may regulate, by ordinance, the manner in which the property of the City and County is accessed and used by members of the public; and
(11) Prohibiting the possession or sale of firearms and/or ammunition on City and County property will promote the public health and safety by contributing to the reduction in the presence of firearms and the potential for munshot fatalities and injuries in the county. It will increase the confidence of members of the public that they are not at risk of injury from firearms when they seek to use the property and facilities of the City and County. In particular, this Board of Supervisors finds that an enormous number of the general public utilizes the parks, playgrounds, and squares of San Francisco. This Board finds that prohibiting the possession or sale of firearms and ammunition on City and County property will help to ensure the safety of the general public and specifically children who are among the most vulnerable in our society; and
(12) The California Supreme Court has ruled that State Law does not preempt local laws banning the possession and sale of firearms and ammunition on their property. In Nordyke v. King (2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the possession of a firearm on any private property within the county owned property and in Great Western v. County of Los Angeles (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County Ordinance prohibiting all sales of firearms and ammunition on county property. These rulings uphold the legal ability of the Board of Supervisors to ban the possession and sale of firearms and ammunition on City and County property.
B. Legislative Intent. With passage of this ordinance, the City and County seeks to ensure that its property and facilities are used in a manner consistent with promoting the health, safety and welfare of all of its residents.
C. Definition
(1) City and County Property.
(a) As used in this section, the term “City property” means real property, including any buildings thereon, owned or leased by the City and County of San Francisco (hereinafter “City”), and in the City’s possession or in the possession of a public entity under contract with the City to perform a public purpose including but not limited to the following property: recreational and park property including but not limited to Golden Gate Park, the San Francisco Zoo, Hilltop Park and San Francisco’s parks and playgrounds, plazas including but not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella Hill Hutch Community Center, and property of the Department of Recreation and Parks, the Port, and the Public Utilities Commission.
(b) The term “City property” also does not include any “local public building” as defined in Penal Code Section 171b(c), where the state regulates possession of firearms pursuant to Penal Code Section 171b.
(c) The term “City property” also does not include the public right-of-way owned by the City and County of San Francisco including any area across, along, on, over, upon, and within the dedicated chartered streets, thoroughfares, avenues, courts, lanes, roads, sidewalks, streets, and ways within the City or any property owned by the City that is outside the territorial limits of the City and County of San Francisco.
(2) Firearms. As used in this section the term “firearm” is any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. “Firearm” does not include imitation firearms or BB guns and air rifles as defined in Government Code Section 53071.5.
(3) Ammunition. “Ammunition” is any ammunition as defined in California Penal Code Section 12316(b)(2).
C. Possession or Sale of Firearms or Ammunition on County Property Prohibited.
No person shall:
(1) Bring onto or possess on county property a firearm, loaded or unloaded, or ammunition for a firearm.
(2) Sell on county property a firearm, loaded or unloaded, or ammunition for a firearm.
D. Exceptions, Ban on Possession. Section C.(1) above shall not apply to the following:
(1) A peace officer, retired peace officer or person assisting a peace officer when authorized to carry a concealed weapon under Penal Code Section 12027(a) or a loaded firearm under Penal Code Section 12027(b)(1) and under 18 U.S.C. 926b or 926c.
(2) Members of the armed forces when on duty or other organizations when authorized to carry a concealed weapon under Penal Code Section 12027(c) or a loaded firearm under Penal Code Section 12031(b)(4).
(3) Military or civil organizations carrying unloaded weapons while parading or when going to and from their organizational meetings when authorized to carry a concealed weapon under Penal Code Section 12027(d).
(4) Guards or messengers of common carriers, banks and other financial institutions when authorized to carry a concealed weapon under Penal Code Section 12027(e) and armored vehicle guards when authorized to carry a loaded weapon under Penal Code Section 12031(b)(7).
(5) Persons attending the US Open at a target range.
(6) Honorably retired Federal officers or agents of Federal law enforcement agencies when authorized to carry a concealed weapon under Penal Code Section 12027(i) or a loaded weapon under Penal Code Section 12031(b)(8).
(7) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under State law.
(8) Patrol special police officers, animal control officers or zookeepers, and harbor police officers, when authorized to carry a loaded firearm under Penal Code Section 12031(c).
(9) A guard or messenger of a common carrier, bank or other financial institution; a guard of a contract carrier operating an armored vehicle; a licensed private investigator, patrol operator or alarm company operator; a uniformed security guard or night watch person employed by a public agency; a uniformed security guard or uniformed alarm agent; a uniformed employee of private patrol operator or a private investigator when any of the above are authorized to carry a loaded firearm under Penal Code Section 12031(d).
(10) Any authorized participant in a motion picture, television or video production or entertainment event when the participant lawfully uses a firearm as part of that production or event.
E. Exception, Ban on Sale. Section C(2) above shall not apply to the following:
(1) Purchase or sale of a firearm or ammunition for a firearm by a federal, state or local law enforcement agency or by any other Federal, State or local governmental entity.
(2) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under state law.
(3) Sale of ammunition at a target range for use at the target range.
F. Penalties for Violation. Any person who violates any of the provisions of this Section 617(c) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.
G. Severability. If any provision, clause or word of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this chapter are declared to be severable.
Article 13. Miscellaneous Regulations for Professions and Trades

840. Carrying Firearms, Etc. - Regulations Governing. Any person who in the course of employment or his livelihood carries a firearm or any other deadly or dangerous weapon as defined by said Section 1291-A, Article 17, Chapter VIII, Part II of the San Francisco Municipal Code, concealed or unconcealed, shall register with the Chief of Police in writing by signed statement, stating the name, occupation, residence and business address of the registrant, his age, height, weight, color of eyes and hair, and reason desired to carry such weapon, and shall submit therewith two sets of fingerprints and one photograph.

841. Carrying Firearms, etc.--Requirements. Any person carrying a firearm or any other deadly or dangerous weapon as defined by said Section 1291-A, Article 17, Chapter VIII, of the San Francisco Municipal Code, in the City and County of San Francisco, must:

(1) Be at least 21 years of age;
(2) Be a citizen of the United States;
(3) Be of good moral character;
(4) Be able to demonstrate a knowledge of Sections 197, 834, 835, 837 and 847 of the Penal Code of the State of California.

842. Carrying Firearms, Etc. - Penalty for Violation. Any person who shall violate any of the provisions of Section 840 to 842 of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding $500, or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

Article 35. Firearm Strict Liability Act

3501. Definitions. (a) "Firearm" shall have the same meaning as in San Francisco Police Code Section 613.1(a).
(b) "Dealer" means any person engaged in the business of selling firearms at wholesale or retail and specifically includes pawnbrokers who take or receive firearms as security for the payment or repayment of money.
(c) "Person" means any person engaged in the business of importing or bringing firearms into the United States for sale or distribution.
(d) "Manufacturer" means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.
(e) "Law enforcement agency" means a federal, state or local law enforcement agency, state militia or an agency of the United States government.
(f) "Law enforcement official" means any officer or agent of an agency defined in paragraph (e) of this section who is authorized to use a firearm in the course of his or her work.
(g) "Internal personalized safety feature" means any internal locking device or other mechanical or electrical device integral to the frame of the firearm that prevents any unauthorized use of the firearm. Such mechanical or electrical devices can include but are not limited to devices that use computer microchips, radio transmitters or other means to "recognize" an authorized user. A trigger lock or other external device shall not be considered an internal personalized safety feature.

3502. Imposition of Strict Liability.

(a) Each manufacturer, importer and/or dealer of a firearm shall be held strictly liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from bodily injury or death where the bodily injury or death results from the discharge within the jurisdiction of the City and County of San Francisco of any firearm manufactured, imported, distributed, sold, leased or otherwise transferred by the manufacturer, importer and/or dealer, except that no liability shall be imposed pursuant to this subsection for a discharge that occurs prior to the effective date of this section.

(b) Exemptions and Limitations. (1) No action may be commenced pursuant to this section by any person who is injured or killed by the discharge of a firearm such person is committing or attempting to commit a crime (whether or not such crime is actually charged), or while such person is attempting to evade arrest by a law enforcement official. This exemption shall be in the nature of an affirmative defense, and shall be proven by a preponderance of the evidence.
(2) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm by a law enforcement official.
(3) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.
(4) Nothing in this section shall prevent a manufacturer, importer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.
(5) No action may be commenced pursuant to this section by any person for a self-inflicted injury.
(6) No action may be commenced pursuant to this section where the firearm was equipped with an internal personalized safety feature at that time of its first retail sale.
(7) If any manufacturer, importer or dealer has purchased and has in effect at the time of the injury an insurance policy that covers any and all damages, including but not limited to bodily injury or death, resulting from the discharge of the specific firearm involved in the incident, the liability imposed under this section as to that manufacturer, importer or dealer is limited to the amount of coverage available under said policy provided that the total coverage available under the policy shall not be less than $700,000 per incident.
(8) No action may be commenced pursuant to this section where the firearm involved is either a) a shotgun without a magazine or having a fixed magazine of four or less rounds or b) a rifle without a magazine or having a fixed magazine of four or less rounds.

Article 45. Firearms and Weapons Violence Prevention Ordinance

4500. Title. This Article shall be known as the Firearms and Weapons Violence Prevention Ordinance.

4501. Definitions. The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:
(a) "Firearm" means any device designed to be used as a firearm or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.
(b) "Projectile weapon" means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

4503. Enforcement. (a) Except as otherwise provided in this Section, any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, and shall be filed with the office of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than $100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not more than $500 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.
(b) Any person violating any provision of this Article a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 for each violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.
(c) Any person violating any provision of this Article within 1,500 feet of a day care center, school or school yard, whether public or private, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 for each such violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.
(d) A person shall be guilty of a separate offense for each and every discharge of a firearm or firing of a projectile weapon, and shall be punished accordingly.
(e) Juveniles arrested pursuant to this Section shall be subject to Section 602 of the Welfare and Institutions Code.

4504. Parental Responsibility for Minors. Any parent or legal guardian, or a person over the age of 18, is also guilty of an offense punishable in accordance with Section 4503 if he or she shall be aware or reasonably be aware that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the City and County of San Francisco, in violation of Section 4502.

4505. Firearms and Projectile Weapons; Confiscation and Disposal of. Any firearm or projectile weapon discharged within the City and County of San Francisco in violation of the provisions of Section 4502 is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco. The Chief of Police or the Chief of the San Francisco Police Department shall, upon the certification of a judge of a court of record, or of the District Attorney that the preservation thereof is necessary or proper to the ends of justice, shall destroy or cause to be destroyed such firearms and projectile weapons, provided, however, that projectile weapons which are determined to have been stolen, the same shall not be destroyed but shall be returned to the lawful owner as soon as its use as evidence has been served, upon identification of the firearm or projectile weapon and proof of ownership thereof.
4506. Firearms and Projectile Weapons; Exceptions.

(a) Use of firearms and projectile weapons may be permissible when integral to the pursuit of specific competitive and sporting events, including but not limited to events such as target and skeet shooting upon approval of the person from the Chief of Police to persons conducting the event or engaged in the business of providing the location where the event is to take place. The Chief of Police shall formulate criteria for the application, issuance, and renewal of such permits, and may require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

4507. Firearms and Projectile Weapons; Possession of by Minors.

(a) It shall be unlawful for any person under the age of 18 to have in his or her possession within the City and County of San Francisco any firearm or projectile weapon, as defined in Section 4501. Possession of this provision shall be punishable in the manner provided in Section 4503.

(b) It shall be unlawful for any parent or legal guardian, or any person over the age of 18 years, to sell, give or otherwise transfer to any minor in the City and County of San Francisco under the age of 18, or to allow such minor to possess, any firearm or projectile weapon, as defined in Section 4501. Possession of this provision shall be punishable in the manner provided in Section 4503.

(c) Any firearm or projectile weapon, which is in possession of a minor in violation of this Article, is hereby declared to be a nuisance and shall be surrendered to the Police Department of the City and County of San Francisco and disposed of in accordance with the provisions of Section 4505 above.

4512. Handguns Located in a Residence To Be Kept in a Locked Container or Disabled with a Trigger Lock.

(a) Prohibition. No person shall keep a handgun within a residence owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

(b) Definitions.

(1) “Residence.” As used in this Section, “residence” is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in law units, motels, hotels, SRO’s, time-shares, recreational and other vehicles where human habitation occurs.

(2) “Locked container.” As used in this Section, “locked container” means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

(3) “Handgun.” As used in this Section, “handgun” means any pistol, revolver, or other firearm that is capable of being concealed upon the person, designed to be used as a weapons, capable of expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less than 16 inches in length.

(4) “Trigger lock.” As used in this Section, a “trigger lock” means a trigger lock that is listed in the California Department of Justice’s list of approved firearms safety devices and that is identified as appropriate for that handgun by reference to either the manufacturer and model of the handgun or to the physical characteristics of the handgun that match those listed on the roster for use with the device under Penal Code Section 12088(d).

(c) Exceptions. This Section shall not apply in the following circumstances:

(1) The handgun is carried on the person of an individual over the age of 18.

(2) The handgun is under the control of a person who is a peace officer under Penal Code Section 830.

(d) Lost or Stolen Handguns. In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to San Francisco Police Code Section 616, a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of Section 4512(a) above.

(e) Penalty. Every violation of this Section shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

(f) Severability. If any provision, clause or word of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this Section are declared to be severable.

[San Francisco Police Code as codified through Ord. 64-09 File No. 090024, approved April 23, 2009]

San José Municipal Code

Title 10. Public Peace, Morals and Welfare

Chapter 10.32. Weapons

Part 2. Weapons and Minors

10.32.020. Restrictions on weapons for persons under the age of eighteen years. No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, airgun or other weapon capable of receiving and discharging any ammunition in a crystal or explosive without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

Part 3. Concealable Firearms Dealers

10.32.030. License required. No person shall engage in the business of selling or transferring, shall advertise for sale, offer or expose for sale, any pistol, revolver or other firearm capable of being concealed upon a person without first obtaining and keeping in current effect the requisite license as provided under this part. A license shall be required for each location where selling or transferring of such firearms takes place.

10.32.040. Application for license. Each person applying for a license under this part shall submit an application and pay a fee in support of such application to the chief of police. Such application shall be accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. This fee shall be in addition to fees for processing noncriminal fingerprint cards. Each application shall specify only one location where the sale or transfer of concealable firearms shall take place. If a licensee changes his or her place or business, an application for the new location shall be submitted, accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. Such application shall be considered an initial application and not an application for renewal.

10.32.060. Procedure for renewal.

(a) Approval by chief of police. The chief of police shall have the authority to approve or not approve applications under this part. For the purposes of considering applications for licenses under this part, the chief of police shall apply the minimum written standards hereinbelow set forth in Section 10.32.060. If an applicant meets all such standards, the chief of police shall issue a license.

10.32.065. Business site standards.

A. Business location must be in compliance with city of San José zoning codes and regulations.

B. Business site must be a permanent building having four solid walls and a roof; constructed of wood, metal, cement or like materials and resting on a foundation of cement, stone, brick or metal or similar materials commonly used in the construction of foundations for permanent buildings.

C. Building doors and windows must be alarmed with a system of any manufacture which will cause an audible alarm to sound on the exterior of the building or a silent alarm to a centralized monitored facility signaling unauthorized entry during nonbusiness hours.

D. Business inventory of an explosive or flammable nature must be stored in compliance with federal, state of California and city of San José fire codes.

E. Inventory of firearms must conform to the type of federal firearms permit issued to the permittee.

F. Business must conform to Penal Code Section 12071, state of California, i.e.:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof (when issued), certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered:

a. Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; or

b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

10.32.066 Approval of application - Fitness standards. Any application submitted under Section 10.32.060 shall be approved if the applicant:
A. Fulfills all requirements of Section 10.32.060 of this part; and
B. Is not under indictment for, nor has ever been convicted of a crime involving fraud, dishonesty, or deceit; and
C. Has not done any unlawful act involving firearms with the intent to injure seriously another person; and
D. Has not done any act involving dishonesty, fraud or deceit with the intent substantially to benefit him or herself or another, or substantially to injure another; and
E. Is not a fugitive from justice; and
F. Is not an unlawful user of or addicted to marijuana or any depressant or stimulant drug, narcotic drug, or excessive use of alcohol, to the extent that such use would impair his or her fitness to deal in concealable firearms; and
G. Has not been adjudicated as a mentally defective, has not been committed to a mental institution, or does not suffer from any severe psychological disturbance which would seriously impair his or her fitness to deal in concealable firearms; and
H. Has not willfully violated any provisions of this chapter; and
I. Has not willfully made false statements as to any material fact in application for this license; and
J. Has not done any act which if done by a licensee would be grounds for suspension or revocation of license; and
K. Meets all business site standards under Section 10.32.065.

10.32.067. Maintenance and submission of records. Each licensed dealer shall maintain records of importation, shipment, receipt, sale or other disposition of firearms and ammunition, and shall make such records available at all reasonable times, and shall submit to the licensing authority all information upon reasonable request. The licensing authority may enter during business hours the premises (including places of storage) of any firearms or ammunition dealers for the purpose of inspecting or examining (1) any records or documents required to be kept; (2) any firearms or ammunition kept or stored at such premises.

10.32.100. Licenses nonassignable. Except as otherwise hereinafter provided, no license issued under this part may be sold, transferred or assigned by the licensee or by operation of law, to any other person or persons; and any such sale, transfer or assignment, or attempted sale, transfer or assignment, be deemed to constitute a voluntary surrender of such license and such license shall thereafter be deemed terminated and void.

10.32.110. Display of license. Every license issued under this part shall be displayed on the premises where the concealable firearms are sold in such a fashion that it can be easily read by patrons.

10.32.150 Weapons - Possession, sale and offering for sale prohibited. No person shall possess, sell, or offer for sale any device which is designed:
A. To propel any flechette or dart by means of compressed gas; and
B. To include in its operation the following:
1. Mechanical energy from an external source is supplied to the device;
2. The device compresses gas; and
3. The compressed gas propels the flechette or dart.

Title 20. Zoning
Chapter 20.80. Specific Use Regulations
20.80.720. Prohibited uses. The following are not permitted as home occupations:
A. Firearm sales and service.

[San José Municipal Code current through 2009 S-14 Supplement, including Local legislation current through 6-30-09]

Santa Ana Municipal Code


Article II. Minors
10-176. Possession of firearms or ammunition by a minor.
(a) No minor shall possess any firearm or ammunition in a public place.
(b) No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any firearm or ammunition to any person under the age of eighteen (18) years.
(c) For the purpose of this section, the term "firearm" means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
(d) For the purpose of this section, the term ammunition means any unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, or any device containing any explosive designed and intended for use in any firearm, or any device containing any explosive.
(e) Nothing in this section shall prohibit the possession of any firearm by a minor at a bona fide firing range or in an automobile vehicle while enroute to or from hunting any game, animal that may be legally hunted under the provisions of the Fish and Game Code, provided said minor has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

Article IX. Licensing of Firearms Sales
10-500. Purpose and scope. (a) The purposes of this article are as follows:
(1) To implement Article 4 (commencing with section 12070) of Title 2 of Part 4 of the Penal Code of the State of California.
(2) To provide procedures for the grant or denial of licenses for the sale, lease, or transfer of firearms and the suspension or revocation of the same.
(3) To regulate the sale, lease or transfer of firearms as necessary and appropriate for the protection of the public health, safety and welfare.
(b) This article applies to all sales, leases and transfers of firearms for which a license is required by Section 12070 of the Penal Code of the State of California.

10-501. Definitions. As used in this article the following terms shall have the following meanings:
Chief of police means the chief of police of the City of Santa Ana and any employee within the Santa Ana Police Department who is designated by the chief of police to act as his representative in the implementation of this article.
Penal Code means the Penal Code of the State of California, as it may from time to time be amended.
License and licensee mean the license required by Section 12070 of the Penal Code of the State of California and the person holding such a license, unless the context shows that a different type of license is meant.
Other terms used in this article shall have the same meanings as set forth in the Penal Code.
10-502. Chief of police as licensing authority. The chief of police is the duly authorized licensing authority for licenses granted pursuant to Sections 12070 and 12071 of the Penal Code.
10-503. Fixed place of business required. Each licensee must have a fixed place of business and possess all permits, licenses, certificates, variances or other instruments of approval or evidences that any conditions exist for the sale of firearms as required by section 12070 of this Code or by any statute or code provisions of the state. Except as may otherwise be provided by the Penal Code, all sales of firearms may only be made at said fixed location.
10-504. Branch establishments; multiple places of business; separate licenses required. A separate firearm seller's license must be obtained for each branch establishment of the business transacted and carried on within the city.
10-505. Overlapping business. If in addition to the business of selling firearms any person shall engage in, conduct, manage, or carry on at the same time and on the same premises any other business requiring any permit, license, certificate, variance or other instrument of approval or evidence that any conditions exist as required by any other section of this Code or by statute or code provisions of the state, such person shall comply with all of the provisions affecting each business.
10-506. Licensee responsible for the conduct of the business. It shall be the duty of the licensee to see that no firearms are sold or offered for sale in violation of this article or the Penal Code.
10-507. Retention and maintenance of sales information and sales records; inspection.
(a) All firearm and ammunition sales information and sales records shall be retained for a period of three (3) years and shall be maintained and stored within the licensed location during normal business hours. All such records shall be maintained in an orderly manner, consistent with federal, state and local laws and shall be located so that all records are immediately and readily accessible for inspection in a specific space allocated for record retention.
(b) All sales information and records relating to sales of firearms and/or ammunition shall be made available to any police officer or other duly authorized representative of police upon request. Stock in trade shall likewise be made available for inspection as appropriate to allow for comparison of such stock with business records. No licensee shall attempt to dissuade or impair said officers’ or duly authorized representative’s inspection.
10-508. Evidence of doing business as a seller of firearms. When any person shall by the use of signs, circulars, cards, telephone books, newspapers, or trade publications, advertise, hold out, or represent that he or she is a seller of firearms, or when any person holds an active license, certificate, or permit issued by a governmental agency indicating that he or she is a seller of firearms within the city and such person fails to deny in a sworn statement given to the chief of police that he or she is not a seller of firearms within the city, after being requested to do so by the chief of police, then these facts shall be considered prima facie evidence that such person is a seller of firearms within the city.

10-509. Rules and regulations. The chief of police shall adopt and enforce, by rules and regulations, security requirements for the protection from theft of fireARMS and ammunition sold and maintained by the licensee. Such rules may re-quire that licensee provide burglar alarm sys-tems, separate storage areas for ammunition and other measures designed to prevent the theft of such merchandise from the premises of licensee. The chief of police shall also have the power to aDopt other rules and regulations not inconsistent with the provisions of this article as may be necessary for all the business previously owned and operated by such licensee;

10-511. Application for license. (a) An application for a license shall be filed with the chief of police on forms furnished by the chief of police. Such application shall be accom-pa-nyed by a fee in an amount established by re-solution of the city council, and shall contain the following information: ... (b) The application submitted shall be accom-pa-nyed by copies of the following licenses, per-mits, and certificates:

10-519. Use of license by unlicensed person. No person holding a license required by this section 1-8 of this Code. Each day any violation thereof shall be punishable as provided for in any such request.

10-520. Duplicates. A duplicate license may be issued to any person who: (a) Is not of good moral character. (b) Any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

10-521. Posting. Every licensee shall keep the license prominently posted in a conspicuous and public place upon the premises specified in the license where such business is carried on. All other federal, state, and city licenses, certifi-cates, and permits relative to conducting the business of firearm sales shall likewise be posted together with the firearm seller's license.

10-522. Prohibition of display of sus-pended or revoked license. No person shall reproduce, duplicate, copy or alter an original firearm seller's license for the purpose of circum-vening the requirement of this section by giving a false or misleading impression that any dupli-cation of an original license is valid and that the appropriate fee therefor has been paid; neither shall any person exhibit a suspended or revoked license.

10-523. Transferability. (a) Licenses shall not be transferable except as provided in this section.

10-524. Change of location. Where no conflict exists with the city's zoning regulations, as evidenced by a new statement of zoning code compliance pursuant to subsection 10-511(c), a change of location may be endorsed on a fire-arm seller's license by the chief of police upon written application by a licensee, accompanied by a change of location fee equal to twenty (20) percent of the original fee for the firearm seller's license shall accompany the application.

10-525. No refund upon termina-tion of busi-ness. The license fee paid under the terms of this article is not refundable upon termination of a business or for any unused portion or term of a license period.

10-526. Right of entry. The chief of police or any police officer shall have the power and authority to enter the premises of any business engaging in firearms sales, leases or transfers for which a license is required during business hours, free of any charge, and at such other times as may be reasonable following due pro-cedure of, and upon request a display of the re-quired license together with any other federal, state, and city licenses, certificates, and permits relative to conducting the business of firearm sales. No person having custody or control of such place of business shall fail to comply with any such request.

10-527. Penalty for violation. Every violation of the provisions of this article shall be deemed to be a misdemeanor, and upon conviction thereof shall be punishable as provided for in section 1-8 of this Code. Each day any violation of any said provision of this article shall consti-tute a separate offense.


Stockton Municipal Code

Title 9 Public Peace And Welfare

Chapter 9.52 Dangerous Or Deadly Weapons

9.52.010 “Dangerous or deadly weapon,” defined. “Dangerous or deadly weapon” includes, but is not limited to: any dirk or dagger, any knife with a blade three (3) inches or more in length, and any snap-blade or spring-blade knife regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; and any cutting, stabbing, or bludgeoning weapon or device capable of inflicting grievous bodily harm; any firearm other than:

9.60.010 Sale of concealed firearms. It is unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City, without a license issued in the manner herein provided for.

9.60.020 License to sell. The City Manager is hereby authorized to issue licenses to sell, at retail, within the City, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than one (1) year from date of issue.

9.60.030 License - Chief of Police to approve. The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who:

9.60.040 License—Revocation. Any of the reasons which would prevent the original issuance of said license shall also make the revocation of said license mandatory by the City Manager.

[Current through Ordinance 008-09 C.S. and the July 2009 code supplement]
Title 12. Professions and Occupations
General

Article 26. Firearms - Dealers

12-26-101. Definitions As used in this article, unless the context otherwise requires:
(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or un-
loaded, from which any shot, bullet, or other mis-
sile can be discharged, the length of the barrel
of which, not including any revolving, detach-
able, or magazine breech, does not exceed

(b) "Firearms" does not include firearms, as
defined in paragraph (a) of this subsection (1),
for which ammunition is not sold or which there
is reasonable ground for believing are not cap-
able of being effectively used.

12-26-102. Retail dealers - record - inspec-
tion Every individual, firm, or corporation en-
gaged, within this state, in the retail sale, rental,
or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the pistol or revolv-
er is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a

city, the street and number therein where he re-
sides; the make, caliber, and finish of said pistol or revolver, together with its number and serial
letter, if any; the date of the sale, rental, or ex-
change of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly
authorized police officer.

12-26-103. Record - failure to make - pen-
alty Every individual, firm, or corporation who fails to keep the record provided for in section 12-26-102 or who refuses to exhibit such record when requested by a police officer and any pur-
chaser, or exchanger of a pistol or re-

(a) requires that a background check, in ac-
cordance with section 24-33.5-424, C.R.S., be

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a back-

12-26-104. Posted notice - penalty

12-26-105. Exemption The provisions of this article shall not apply to the transfer of an
antique firearm, as defined in 18 U.S.C. sec.
921(a)(16), as amended, or a curio or relic, as

12-26-106. Definitions As used in this article, unless the context otherwise requires:
(1) "Collection" means a trade, barter, or in-

(2) "Firearm" means any handgun, automatic,
revolver, pistol, rifle, shotgun, or other instru-
ment or device capable or intended to be cap-
able of discharging bullets, cartridges, or other

(3) "Gun show" means the entire premises
provided for an event or function, including but
not limited to parking areas for the event or func-
tion, that is sponsored to facilitate, in whole or in
part, the purchase, sale, offer for sale, or collec-
tion of firearms at which:

(a) twenty-five or more firearms are offered or
exhibited for sale, transfer, or exchange; or

(b) not less than three gun show vendors ex-
hibit, sell, offer for sale, transfer, or exchange
firearms.

(4) "Gun show promoter" means a person
who organizes or operates a gun show.

(5) "Gun show vendor" means any person
who exhibits, sells, offers for sale, transfers, or
exchanges, any firearm at a gun show, regard-
less of whether the person arranges with a gun
show promoter for a fixed location from which to
exhibit, sell, offer for sale, transfer, or exchange
any firearm.

(6) "Licensed gun dealer" means any person
who is a licensed importer, licensed manufactur-
er, or dealer licensed pursuant to 18 U.S.C. sec.
923, as amended, as a federally licensed fire-
arms dealer.

Article 27. Firearms - Purchase in
Contiguous State

12-27-101. Legislative declaration - nonresi-
dent (1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manu-
ufacturer, licensed dealer, or a licensed collector
(licensed under the federal "Gun Control Act of
1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a
state contiguous to this state, subject to the
following restrictions and requirements:

(a) The purchaser's state of residence must per-
mit such sale or delivery by law.

(b) The sale must fully comply with the legal
conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have
complied, prior to the sale or delivery for sale of
a rifle or shotgun, with all of the requirements of
section 922 (c) of the federal "Gun Control Act
of 1968" applicable to interstate transactions
other than those at the licensee's business
premises.

12-27-102. Legislative declaration - resi-
dents

(1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise
qualified, to purchase or receive delivery of a
rifle or shotgun in a state contiguous to this
state, subject to the following restrictions and
requirements:

(a) The sale must fully comply with the legal
conditions of sale in both such contiguous states;

(b) The purchaser and the licensee must have
complied, prior to the sale or delivery for sale of
a rifle or shotgun, with all of the requirements of
section 922 (c) of the federal "Gun Control Act
of 1968", applicable to interstate transactions
other than at the licensee's business
premises.

12-27-103. Definitions As used in this arti-
cle, unless the context otherwise requires:

(1) "A state contiguous to this state" means any
state having a common border with this state.

(2) All other terms shall be construed as such
 terms are defined in the federal "Gun Control Act of
1968".

12-27-104. Article does not apply - when

(1) The provisions of this article do not apply
to:

(a) Transactions between licensed importers,
licensed manufacturers, licensed dealers, and
licensed collectors;

(b) The loan or rental of a firearm to any
person for temporary use for lawful sporting pur-
poses;

(c) A person who is participating in any orga-

ized rifle or shotgun match or contest, or is en-
gaged in hunting, in a state other than his state of
residence and whose rifle or shotgun has been
lost or stolen or has become inoperative in
such other state, and who purchases a rifle or
shotgun in such other state from a licensed
Title 18. Criminal Code

Article 12. Offenses Relating to Firearms and Weapons

Part 1. Firearms and Weapons – General

18-12-101. Definitions – peace officer affirmative defense

(1) As used in this article, unless the context otherwise requires:

(a) "Adult" means any person eighteen years of age or older. ...

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device. ...

(e.5) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(f) "Juvenile" means any person under the age of eighteen years. ...

(g) "Military arm" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(j) "Snub nose" means a firearm having a barrel or barrels less than twenty inches long. ...

(k) "Stun gun" means a device capable of temporarily immobilizing a person by the infliction of an electrical charge. ...

(l) "Taser" shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense

(1) As used in this section, the term "dangerous weapons" means a firearm silencer, machine gun, short shotgun, short rifle, or ballotistic knife.

(2) As used in this section, the term "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.

(3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony.

(4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor.

(5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.

18-12-103. Possession of a defaced firearm

A person commits a class 1 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed, except by normal wear and tear.

18-12-105.5. Defaced firearms - contraband - destruction

(1) After a judgment of conviction under section 18-12-103 or 18-12-104 has become final, any defaced firearm upon which the judgment was based shall be deemed to be contraband, the possession of which is contrary to the public peace, health, and safety.

(2) Defaced firearms which are deemed to be contraband shall be placed in the possession of the Colorado bureau of investigation or of a local law enforcement agency designated by the Colorado bureau of investigation and shall be destroyed or rendered permanently inoperable.

18-12-104. Defacing a firearm

A person commits a class 1 misdemeanor if such person knowingly removes, defaces, covers, alters, or destroys the manufacturer's serial number or any other distinguishing number or identification mark of a firearm.

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds

(1) A person commits a class 6 felony if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901 (3) (e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, or high school; or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(2) [Deleted]

(3) It shall not be an offense under this section if:

(a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

(b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another person's property or while traveling; or

(d) The person, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(e) The person is a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-102, C.R.S.; or

(f) [Deleted]

(g) [Deleted]

(h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.

18-12-106. Prohibited use of weapons.

(1) A person commits a class 2 misdemeanor if:

(a) He knowingly and unlawfully aims a firearm at another person; or

(b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or

(c) He knowingly sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

(d) The person has in his or her possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance, as defined in section 12-22-303 (7), C.R.S. Possession of a permit issued under section 18-12-105.1, as it existed prior to its repeal, or possession of a permit or a temporary emergency permit issued pursuant to part 2 of this article is no defense to the violation of this subsection (1).

18-12-106.5. Use of stun guns

A person commits a class 5 felony if he knowingly and unlawfully uses a stun gun in the commission of a criminal offense.

18-12-108. Possession of weapons by previous offenders

(1) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as in section 18-1-901 (3) (h) or any other weapon that is subject to the provisions of this article subsequent to the person's conviction for a felony, or subsequent to the person's conviction for attempt or conspiracy to commit a felony, under Colorado or any other state's law or under federal law.

(2)(a) Except as otherwise provided by paragraphs (b) and (c) of this subsection (2), a person commits a class 6 felony if the person violates subsection (1) of this section.

(b) A person violates subsection (1), if the person knowingly possesses a class 5 felony, as provided by section 18-12-102, if the person violates subsection (1) of this section and the weapon is a dangerous weapon, as defined in section 18-12-102 (1).

(c) A person commits a class 5 felony if the person violates subsection (1) of this section and the person's previous conviction was for
burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the violation of subsection (1) of this section occurs as follows:

(I) From the date of conviction to ten years after the date of conviction, if the person was not incarcerated or, if subject to supervision imposed as a result of conviction, ten years after the date of release from supervision.

(II) From the date of conviction to ten years after the date of release from confinement, if such person was incarcerated or, if subject to supervision imposed as a result of conviction, ten years after the date of release from supervision.

Any sentence imposed pursuant to this subsection (2) shall run consecutively with any prior sentences being served by the offender.

(3) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901(3) (h) or any other weapon that is subject to the provisions of this article subsequent to the person's adjudication for an act which, if committed by an adult, would constitute a felony, or subsequent to the person's conviction for a felony, or subsequent to the person's conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. sec. 921(a) (33), or subsequent to the person's conviction for attempt or conspiracy to commit such misdemeanor crime of domestic violence, and the act of providing the written advisement described in subsection (6) occurred as follows:

(a) A person commits a class 6 felony if the person violates subsection (3) of this section.

(b) A person commits a class 5 felony, as provided by section 18-12-102, if the person violates subsection (3) of this section and the weapon is a dangerous weapon, as defined in section 18-12-102(1).

(c) A person commits a class 5 felony if the person commits the conduct described in subsection (3) of this section and the person's previous adjudication was based on an act that, if committed by an adult, would constitute burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the violation of subsection (3) of this section occurs as follows:

(I) From the date of adjudication to ten years after the date of adjudication, if the person was not committed to the department of human services, or

(II) From the date of adjudication to ten years after the date of release from commitment, if such person was committed to the department of institutions, or on or after July 1, 1994, to the department of human services; or

(III) From the date of conviction to ten years after the date of conviction, if the person was not committed to the federal internal revenue service which uses firearms or allow unsupervised possession of a firearm with or without remuneration to any person under the age of eighteen years in violation of section 18-12-108.5 or any person who knows of such juvenile's conduct which violates section 18-12-108.5 and fails to make reasonable efforts to prevent such violation commits the crime of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun.

(4) Repealed.

18-12-108.7. Unlawfully providing or permitting a juvenile to possess a handgun – penalty – unlawfully providing a firearm other than a handgun to a juvenile – penalty

(a) A person knowingly or recklessly provides a handgun or without remuneration to any person under the age of eighteen years in violation of section 18-12-108.5 or any person who knows of such juvenile's conduct which violates section 18-12-108.5 and fails to make reasonable efforts to prevent such violation commits the crime of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun.

(b) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun in violation of this subsection (1) is a class 4 felony.

(2)(a) Any person who intentionally, knowingly, or recklessly provides a handgun to a juvenile or permits a juvenile to possess a handgun, even though such person is aware of a substantial risk that such juvenile will use a handgun to commit a felony offense, or who, being aware of such substantial risk, fails to make reasonable efforts to prevent the commission of the offense, commits the crime of unlawfully providing a handgun or permitting a juvenile to possess a handgun. A person shall be deemed to have violated this paragraph (a) if such person provides a handgun to or permits the possession of a handgun by any juvenile who has been convicted of a crime of violence, as defined in section 18-1-3-406 or any juvenile who has been adjudicated a juvenile delinquent for an offense which would constitute a crime of violence, as defined in section 18-1-3-406, if such juvenile were an adult.

(b) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun in violation of this subsection (2) is a class 4 felony.

(3) With regard to firearms other than handguns, no person shall sell, rent, or transfer ownership or allow unsupervised possession of a firearm with or without remuneration to any juvenile without the consent of the juvenile's parent or legal guardian. Unlawfully providing a firearm other than a handgun to a juvenile in violation of this subsection (3) is a class 1 misdemeanor.

(4) It shall not be an offense under this section if a person believes that a juvenile will physically harm the person if the person attempts to disarm the juvenile or prevent the juvenile from committing a violation of section 18-12-108.5.
18-12-109. Possession, use, or removal of explosives or incendiary devices - possession of components thereof - chemical, biological, and nuclear weapons - persons exempt - hoaxes

(1) As used in this section:
   (a) "Explosive or incendiary device" means:
      (I) Dynamite and all other forms of high explosives, including, but not limited to, water gel, slurry, military C-3 (plastic explosives), blasting agents to include nitro-carbon-nitrate, and ammonium nitrate and fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding cords commonly called detonating cord or det-cord or prim-acord, picric acid explosives, T.N.T. and T.N.T. mixtures, and nitroglycerin and nitroglycerin mixtures;
      (B) Any explosive bomb, grenade, missile, or similar device; and
      (C) Any powder, granular or liquid explosive, incendiary bomb or grenade, fire bomb, or similar device, including any device except kerosene lamps, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one individual and also includes any explosive or incendiary parts.
   (b)(1) "Explosive or incendiary parts" means any substances or materials or combinations thereof which have been prepared or altered for use in the creation of an explosive or incendiary device. Such substances or materials may include, but shall not be limited to, any:
      (A) Timing device, clock, or watch which has been altered in such a manner as to be used as the arming device in an explosive;
      (B) Pipe, end caps, or metal tubing which has been prepared for a pipe bomb;
      (C) Mechanical timers, mechanical triggers, chemical time delays, electronic time delays, or commercially made or improvised items which, when used singly or in combination, may be used in the construction of a timing delay mechanism, to facilitate an explosion or for the creation of an explosive or incendiary device; and
      (II) "Explosive or incendiary parts" shall not include rifle, pistol, or shotgun ammunition, or the components for handling rifle, pistol, or shotgun ammunition.
   (b)(I) "Explosive or incendiary parts" means any substances or materials or combinations thereof which have been prepared or altered for use in the creation of an explosive or incendiary device. Such substances or materials may include, but shall not be limited to, any:
      (A) Timing device, clock, or watch which has been altered in such a manner as to be used as the arming device in an explosive;
      (B) Pipe, end caps, or metal tubing which has been prepared for a pipe bomb;
      (C) Mechanical timers, mechanical triggers, chemical time delays, electronic time delays, or commercially made or improvised items which, when used singly or in combination, may be used in the construction of a timing delay mechanism, to facilitate an explosion or for the creation of an explosive or incendiary device; and
      (II) "Explosive or incendiary parts" shall not include rifle, pistol, or shotgun ammunition, or the components for handling rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(2) Any person who knowingly possesses, controls, manufactures, gives, mails, sends, or causes to be sent an explosive or incendiary device commits a class 4 felony.

(3) Subsection (2) of this section shall not apply to the following persons:
   (a) A peace officer while acting in his official capacity transporting or otherwise handling explosives or incendiary devices;
   (b) A member of the armed forces of the United States or Colorado National Guard while acting in his official capacity;
   (c) An authorized employee of the office of active and inactive mines in the division of reclamation, mining, and safety while acting within the scope of his or her employment;
   (d) A person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment;
   (e) A person who is exempt from the necessity of possessing a permit under the provisions of section 9-7-106 (5), C.R.S., or an employee of such exempt person acting within the scope of his employment;
   (f) A person or entity authorized to use chemical, biological, or radiological materials in their lawful business operations while using the chemical, biological, or radiological materials in the course of legitimate business activities. Authorized users shall include clinical, environmental, veterinary, agricultural, public health, or radiological laboratories and entities otherwise licensed to possess radiological materials.
   (g) Any person who knowingly uses or causes to be used or gives, mails, sends, or causes to be sent an explosive or incendiary device or a chemical, biological, or radiological weapon or otherwise commits a commission of or in an attempt to:
      (i) Use an explosive or incendiary device to commit a felony commits a class 2 felony.
      (ii) Remove or causes to be removed or carries away any chemical, biological, or radiological weapon commits a class 3 felony.
      (iii) Use any explosive or incendiary device to commit a felony commits a class 2 felony.
      (iv) Any person who removes or causes to be removed or carries away any explosive or incendiary device from the premises where said explosive or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 3 felony. A person convicted of this offense shall be subject to a mandatory minimum sentence of two years in the department of corrections.
      (v) Any person who possesses or causes to be removed or carries away any chemical, biological, or radiological weapon or combination of chemicals, biologicals, or radiologicals which may be used or which may be incorporated into or used to make a chemical, biological, or radiological weapon commits a class 4 felony.
      (vi) Any person who possesses or causes to be removed or carries away any chemical, biological, or radiological weapon or combination of chemicals, biologicals, or radiologicals which may be used or which may be incorporated into or used to make a chemical, biological, or radiological weapon commits a class 5 felony.
   (h) Any person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment, who knowingly dispenses, distributes, or sells explosive or incendiary devices to a person who is not authorized to possess or control such explosive or incendiary device commits a class 4 felony.
   (i) Any person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment commits a class 3 felony.
   (j) Any person who manufactures or possesses explosives, or who manufactures, possesses, or possesses to be sent any false, facsimile, or hoax explosive or incendiary device or chemical, biological, or radiological weapon is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 3 felony. A person convicted of this offense shall be subject to a mandatory minimum sentence of four years in the department of corrections.
   (k) Any person who possesses explosives or incendiary parts commits a class 4 felony.
   (l) Any person who possesses any chemical, biological, weapon, biological weapon, or radiological weapon parts commits a class 3 felony.
   (m) Any person who manufactures or possesses explosives or incendiary parts commits a class 3 felony.
   (n) Any person who possesses a chemical, biological, weapon, biological weapon, or radiological weapon parts commits a class 3 felony.
   (o) Any person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment, who knowingly dispenses, distributes, or sells explosive or incendiary devices to a person who is not authorized to possess or control such explosive or incendiary device commits a class 4 felony.

18-12-109. Possession, use, or removal of explosives or incendiary devices - possession of components thereof - chemical, biological, and nuclear weapons - persons exempt - hoaxes

(5) Any person who removes or causes to be removed or carries away any explosive or incendiary device from the premises where said explosive or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 3 felony. A person convicted of this offense shall be subject to a mandatory minimum sentence of two years in the department of corrections.

(6) Any person who possesses any explosive or incendiary parts commits a class 4 felony.

(7) Any person who manufactures or possesses explosives or incendiary parts commits a class 3 felony.

(8) Any person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment, who knowingly dispenses, distributes, or sells explosive or incendiary devices to a person who is not authorized to possess or control such explosive or incendiary device commits a class 3 felony.

18-12-111. Unlawful purchase of firearms

(1) Any person who knowingly purchases or otherwise obtains a firearm on behalf of or for transfer to a person whom the transferee knows or reasonably should know is ineligible to possess a firearm pursuant to federal or state law commits a class 6 felony.

(2)(a) Any person who is a licensed dealer, as defined in 18 U.S.C. sec. 921 (a) (7), shall post a sign displaying the provisions of subsection (1) of this section in a manner that is easily readable. The person shall post such sign in an area that is visible to the public at each location from which the person sells firearms to the general public.

Part 2. Permits to Carry Concealed Handguns

18-12-201. Legislative declaration

(1) The general assembly finds that:
   (a) There exists a widespread inconsistency among jurisdictions with regard to the issuance of permits to carry concealed handguns and identification of areas of the state where it is lawful to carry concealed handguns;
   (b) This inconsistency among jurisdictions creates public uncertainty regarding the areas of the state in which it is lawful to carry concealed handguns;
   (c) Inconsistency results in the arbitrary and capricious denial of permits to carry concealed handguns based on the jurisdiction of residence rather than the qualifications for obtaining a permit;
   (d) The criteria and procedures for the lawful carrying of concealed handguns historically has been regulated by statute and should be consistent throughout the state to ensure the consistent implementation of state law; and
   (e) It is necessary that the state occupy the field of regulation of the bearing of concealed handguns since the issuance of a concealed handgun permit is based on a person's constitutional right of self-protection and there is a prevailing state interest in ensuring that no citizen is arbitrarily denied a concealed handgun permit and in ensuring that the laws controlling the use of the permit are consistent throughout the state.

(2) Based on the findings specified in subsection (1) of this section, the general assembly hereby concludes that:
   (a) The permitting and carrying of concealed handguns is a matter of statewide concern; and
   (b) It is necessary to provide statewide uniform standards for issuing permits to carry concealed handguns for self-defense.

(3) In accordance with the findings and conclusions specified in subsections (1) and (2) of this section, the general assembly hereby instructs each sheriff to implement and administer the provisions of this part 2. The general assembly does not delegate to the sheriffs the authority to regulate or restrict the issuance of permits provided for in this part 2 beyond the provisions of this part 2. An action or rule that encumbers the permit process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this part 2 or that creates restrictions beyond those specified in this part 2 is in conflict with the intent of this part 2 and is prohibited.

18-12-202. Definitions

As used in this part 2, unless the context otherwise requires:
   (1) "Bureau" means the Colorado bureau of investigation within the department of public safety.
   (2) "Handgun" means a handgun as defined in section 18-12-101 (1) (e.5), except that the term does not include a machine gun as defined in section 18-12-101 (1) (g).
   (3) "Permit" means a permit to carry a concealed handgun issued pursuant to the provisions of this part 2; except that "permit" does not include a temporary emergency permit issued pursuant to section 18-12-209.

18-12-203. Criteria for obtaining a permit
(1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(a) Is a legal resident of the state of Colorado. For purposes of this part 2, a person who is a member of the armed forces and is stationed pursuant to permanent duty station orders at a military installation in this state, and a member of the person's immediate family living in Colorado, shall be deemed to be a legal resident of the state of Colorado.

(b) Is twenty-one years of age or older.

(c) Is not ineligible to possess a firearm pursuant to section 18-12-108 or federal law.

(d) Has not been convicted of perjury under section 18-8-503, in relation to information provided or deliberately omitted on a permit application submitted pursuant to this part 2;

(e)(I) Does not chronically and habitually use alcohol to the extent that the applicant's normal faculties are impaired.

(ii) The prohibition specified in this paragraph (e) shall not apply to an applicant who provides an affidavit, signed by a professional counselor who is licensed pursuant to article 43 of title 12, C.R.S., and specializes in alcohol addiction, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least three years.

(f) Is not an unlawful user of or addicted to a controlled substance as defined in section 18-18-102 (5).

Whether an applicant is an unlawful user of or addicted to a controlled substance shall be determined as provided in federal law and regulations.

(g) Is not subject to:

(I) A protection order issued pursuant to section 18-1-1001 or section 19-2-707, C.R.S., that is in effect at the time the application is submitted;

(II) A permanent protection order issued pursuant to article 14 of title 13, C.R.S.; or

(III) A temporary protection order issued pursuant to article 14 of title 13, C.R.S., that is in effect at the time the application is submitted;

(h) Demonstrates competence with a handgun by submitting:

(I) Evidence that the applicant has experience with a firearm through participation in organized shooting competitions or current military service;

(II) Evidence that, at the time the application is submitted, the applicant is a certified instructor;

(III) Proof of honorable discharge from a branch of the United States armed forces within the three years preceding submittal of the application;

(IV) Proof of honorable discharge from a branch of the United States armed forces that reflects pistol qualifications obtained within the ten years preceding submittal of the application;

(V) A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within the ten years preceding submittal of the application; or

(VI) A training certificate from a handgun training class obtained within the ten years preceding submittal of the application. The applicant shall submit the original training certificate or a photocopy thereof that includes the original signature of the class instructor. In obtaining a training certificate from a handgun training class, the applicant shall have discretion in selecting which handgun training class to complete.

(2) Regardless of whether an applicant meets the criteria specified in subsection (1) of this section, if the sheriff has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others if the applicant receives a permit to carry a concealed handgun, the sheriff shall deny the permit.

(3)(a) The sheriff shall deny, revoke, or refuse to renew a permit if an applicant or a permittee fails to meet one of the criteria listed in subsection (1) of this section and may deny, revoke, or refuse to renew a permit on the grounds specified in subsection (2) of this section.

(b) Following issuance of a permit, if the issuing sheriff has a reasonable belief that a permittee no longer meets the criteria specified in subsection (1) of this section or that the permittee presents a danger as described in subsection (2) of this section, the sheriff shall suspend the permit until such time as the matter is resolved and the issuing sheriff determines that the permittee is eligible to possess a permit as provided in this section.

(c) If the sheriff suspends or revokes a permit, the sheriff shall notify the permittee in writing, stating the grounds for suspension or revocation and informing the permittee of the right to seek a second review by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.

18-12-204. Permit contents - validity - carrying requirements

(1)(a) Each permit shall bear a color photog- raph of the permittee and shall display the sign- nature of the sheriff who issues the permit. In addition, the sheriffs of this state shall ensure that all permits issued pursuant to this part 2 contain the same items of information and are of the same size and the same color.

(b) A permit is valid for a period of five years after the date of issuance and may be renewed as provided in section 18-12-211. A permit is- sued pursuant to this part 2, including a tempo- rary emergency permit issued pursuant to section 18-12-209, is effective in all areas of the state, except as otherwise provided in section 18-12-214.

(c) A permittee, in compliance with the terms of a permit, may carry a concealed handgun as allowed by state law. The permittee shall carry the permit, together with valid photo iden- tification, at all times during which the permittee is in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer. Failure to produce a permit upon demand by a law en- forcement officer raises a rebuttable presump- tion that the person does not have a permit. Failure to carry and produce a permit and valid photo identification upon demand as required in this subsection (2) is a class 1 petty offense. A charge of failure to carry and produce a permit and valid photo identification upon demand pur- suant to this subsection (2) shall be dismissed by the court if, at or before the permittee's scheduled court appearance, the permittee ex- hibits to the court a valid permit and valid photo identification, both of which were issued to the permittee and upon which the permittee was charged with failure to carry and pro- duce a permit and valid photo identification upon demand.

(2) The provisions of paragraph (a) of this subsection (2) apply to temporary emergency permits issued pursuant to section 18-12-209.

(3)(a) A person who may lawfully possess a handgun may carry a handgun under the follow- ing circumstances without obtaining a permit and the handgun shall not be considered con- cealed:

(I) The handgun is in the possession of a per- son whose son, who is in a private automobile or in some other private means of conveyance and who carries the handgun for a legal use, including self-defense; or

(II) The handgun is in the possession of a per- son who is legally engaged in hunting activities within the state.

(b) The provisions of this subsection (3) shall not be construed to authorize the carrying of a handgun in violation of the provisions of section 18-12-105 or 18-12-105.5.

18-12-205. Sheriff - application - procedure - background check

(1)(a) To obtain a permit, a person shall submit a permit application on a statewide standardized form developed by the sheriffs and available from each sheriff. The permit application form shall solicit only the following information from the applicant:

(I) The applicant's full name, date of birth, and address;

(II) The applicant's birth name, if different from the name provided pursuant to subparagraph (I) of this paragraph (a), and any other names the applicant may have used or by which the applicant may have been known;

(III) The applicant's home address or addresses for the ten-year period immediately preceding submittal of the application;

(IV) Whether the applicant is a resident of this state as of the date of application and whether the applicant has a valid driver's license or other state-issued photo identification or military order proving residence; and

(V) Whether the applicant meets the criteria for obtaining a permit specified in section 18-12-203(1).

(b) The permit application form shall not require the applicant to waive or release a right or privilege, including but not limited to waiver or release of privileged or confidential information contained in medical records.

(c)(1) The permittee shall complete the permit application form and return it, in person, to the sheriff of the county or city and county in which the applicant resides, to the sheriff of the county or city and county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business, or to the sheriff that previously issued a permit to the applicant. The applicant shall sign the completed permit application form in person before the sheriff. The applicant shall provide his or her signature voluntarily upon a sworn oath that the applicant knows the contents of the permit application and that the information contained in the permit application is true and correct. An applicant who knowingly and intentionally makes a false or misleading statement on a permit application or deliberately omits any material information requested on the application commits perjury as described in section 18-8-503. Upon conviction, the applicant shall be punished as provided in section 18-1-3- 501. In addition, the applicant shall be denied the right to obtain or possess a permit, and the sheriff shall revoke the applicant's permit if issued prior to conviction.

(2) An applicant shall also submit to the sheriff a permit fee not to exceed one hundred dollars for processing the permit application. The
sheriff shall set the amount of the permit fee as provided in subsection (5) of this section. In addition, the applicant shall submit an amount specified by the director of the bureau, pursuant to section 24-72-306, C.R.S., for processing the applicant’s fingerprints through the bureau and through the federal bureau of investigation. Neither the permit fee nor the fingerprint processing fee shall be refundable in the event the sheriff denies the applicant’s permit application or suspends or revokes the permit subsequent to issuance.

(3) In addition to the items specified in subsection (b) of section 18-12-203, the sheriff shall immediately preceding submittal of the permit application; except that the applicant need not submit a photograph if the sheriff photographs the applicant for purposes of issuing a permit. Any photograph submitted shall show the applicant’s full head, including hair and facial features, and the depiction of the applicant’s head should not be wider and one and one-fourth inches high.

(b)(a) The sheriff shall witness an applicant’s signature on the permit application as provided in subsection (2) of this section and verify that the person making application for a permit is the same person who appears in any photograph submitted and the same person who signed the permit application form. To verify the applicant’s identity, the applicant shall present to the sheriff the applicant’s valid Colorado driver’s license or valid Colorado or military photo identification.

(b)(b) After verifying the applicant’s identity, the sheriff shall take two complete sets of the applicant’s fingerprints. The sheriff shall submit both sets of fingerprints to the bureau, and the sheriff shall not retain a set of the applicant’s fingerprints.

(c) After receipt of a permit application and the items specified in this section, the sheriff shall verify that the applicant meets the criteria specified in section 18-12-203 (1) (h); and the sheriff shall determine whether to grant or deny the permit application without considering the fingerprint check information. If, upon receipt of the information, the sheriff finds that the permit was issued or denied erroneously, based on the criteria specified in section 18-12-203 (1) and (2), the sheriff shall determine whether to grant or deny the permit without considering the fingerprint check information. If, upon receipt of the information, the sheriff finds that the permit was issued or denied erroneously, based on the criteria specified in section 18-12-203 (1) and (2), the sheriff shall determine whether to grant or deny the permit application without considering the fingerprint check information.

(2) If the sheriff does not receive the results of the fingerprint checks conducted by the bureau and by the federal bureau of investigation within ninety days after receiving a permit application, the sheriff shall determine whether to grant or deny the permit application without considering the fingerprint check information. If, upon receipt of the information, the sheriff finds that the permit was issued or denied erroneously, based on the criteria specified in section 18-12-203 (1) and (2), the sheriff shall determine whether to grant or deny the permit application without considering the fingerprint check information.

(3) The sheriff shall maintain a list of the persons to whom he or she issues permits pursuant to this part 2. Upon request by another criminal justice agency for law enforcement purposes, the sheriff may, at his or her discretion, share information from the list of permittees with a law enforcement agency for the purpose of determining the validity of a permit. A database maintained pursuant to this subsection (3) and any database operated by a state agency that includes permittees shall be searchable only by name.

(4) Notwithstanding the provisions of paragraph (a) of this subsection (3), on and after July 1, 2011, a sheriff shall not share information from the list of permittees with a law enforcement agency for the purpose of creating a statewide database of permittees, and any law enforcement agency that receives information concerning permittees from a sheriff shall not use or search a database of permittees for the purpose of determining the validity of a permit. A database maintained pursuant to this subsection (3) and any database operated by a state agency that includes permittees shall be searchable only by name.

(b)(b) Prior to the repeal in subparagraph (i) of this paragraph (b), the state auditor’s office shall conduct a performance audit of the statewide database of permittees as provided in section 2-3-118, C.R.S.

(c) Except for suspected violations of sections 18-12-105 and 18-12-105.5, a peace officer may not use or search a database of permittees maintained by a law enforcement agency to establish reasonable suspicion for a traffic stop, or when contacting an individual, to justify probable cause for a search or seizure of a person or a person’s vehicle or property.

(d) Each sheriff shall annually prepare a report stating, at a minimum, the number of permits issued during the year, the number of permits denied during the year, the reasons for denial, the number of revocations during the year, and the reasons for the revocations. The report shall not include the name of a person who applies for a permit, regardless of whether the person receives or is denied a permit. Each sheriff shall submit the report on or before March 1, 2004, and on or before March 1 each year thereafter, to the members of the general assembly. In addition, each sheriff shall provide a copy of the annual report prepared pursuant to this subsection (4) to a member of the public upon request.

18-12-208. Colorado bureau of investigation - duties

(1) Upon receipt of a permit applicant’s fingerprints from a sheriff pursuant to section 18-12-207, the bureau shall forward the full set of fingerprints to obtain any available state criminal justice information or federal information pursuant to section 16-21-103 (5), C.R.S., and shall report any information received to the sheriff. In addition, within ten days after receiving the fingerprints, the bureau shall forward one set of the fingerprints to the federal bureau of investigation for processing to obtain any available state criminal justice information or federal information.

(2) The bureau shall use the fingerprints received pursuant to this part 2 solely for the purpose of:

(a) Obtaining information for the issuance or renewal of permits; and

(b) Notifying an issuing sheriff that a permittee has been arrested for or charged with an offense that would require revocation or suspension of the permit or that a permittee has been convicted of such an offense.

(3) On or before January 15, 2004, and on or before January 15 each year thereafter until January 15, 2007, the bureau shall provide to the general assembly a list of the jurisdictions in which the sheriff provides to the bureau the names of persons to whom the sheriff issues permits.

18-12-210. Maintenance of permit - address change - invalidity of permit

(a) Within thirty days after a permittee changes the address specified on his or her permit or within three business days after his or her permit is lost, stolen, or destroyed, the permittee shall notify the issuing sheriff of the change of address. Failure to notify the sheriff pursuant to this subsection (1) is a class 1 petty offense.

(b) If a permit is lost, stolen, or destroyed, the permit is automatically invalid. The person to whom the permit was issued may obtain a duplicate or substitute therefor upon payment of fifteen dollars to the issuing sheriff and upon submission of a notarized statement to the issuing sheriff that the permit has been lost, stolen, or destroyed.

(3) The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

18-12-211. Renewal of permits

(1) Within one hundred twenty days prior to expiration of a permit, the permittee may obtain a renewal form from the issuing sheriff and renew the permit by submitting to the issuing sheriff a completed renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in section 18-12-203 (1) (a) to (1) (g), and the required renewal fee not to exceed fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The renewal form shall meet the requirements specified in section 18-12-205 (1) for an application. The sheriff shall verify pursuant to section 18-12-205 (4) that the
permittee meets the criteria specified in section 18-12-203 (1) (a) to (1) (g) and is not a danger as described in section 18-12-203 (2) and shall either renew or deny the renewal of the permit in accordance with the provisions of section 18-12-206 (1). If the sheriff denies renewal of a permit, the permittee may seek a second review of the renewal application by the sheriff and may submit additional information for the record. The permittee may also seek judicial review as provided in section 18-12-207.

(2) A permittee who fails to file a renewal form on or before the permit expiration date may renew the permit by paying a late fee of fifteen dollars in addition to the renewal fee established pursuant to subsection (1) of this section. No permit shall be renewed six months or more after its expiration date, and the permit shall be deemed to have permanently expired. A person whose permit has permanently expired may reapply for a permit, but the person shall submit an application for a permit and the fee required pursuant to section 18-12-205. A person who knowingly and intentionally files false or misleading information or deliberately omits material information required under this section is subject to criminal prosecution for perjury under section 18-8-503.

18-12-213.5 Permits

(b)(I) A permit to carry a concealed handgun or a concealed weapon that is issued by a state that recognizes the validity of permits issued pursuant to this part 2 shall be valid in this state in all respects as a permit issued pursuant to this part 2 if the permit is issued to a person who is:

(a) Twenty-one years of age or older; and
(b) (l) A resident of the state that issued the permit, as demonstrated by the address stated on a valid picture identification that is issued by the state that issued the permit and is carried by the permit holder; or
(ii) A resident of Colorado for no more than ninety days, as determined by the date of issuance on a valid picture identification issued by Colorado and carried by the permit holder.

(2) For purposes of this section, a "valid picture identification" means a driver's license or a state identification issued in lieu of a driver's license.

18-12-214. Authority granted by permit-carrying restrictions

(1)(a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. …

(2) A permit issued pursuant to this Part 2 does no authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.

(3) A permit issued pursuant to this Part 2 does not authorize a person to carry a concealed handgun on the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty.

(c) A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports. …

18-12-216. Permits issued prior to May 17, 2003

(1) A permit issued pursuant to section 18-12-105.1, as it existed prior to its repeal, shall remain in effect until June 30, 2007, or on the expiration date specified on the permit, whichever occurs first. …

Title 24. Government - State
Article 33.5. Public Safety

Part 4. Colorado Bureau of Investigation

24-33.5-424. National instant criminal background check system - state point of contact - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - repeal

(1) For purposes of this section:

(a) "18 U.S.C. sec. 922 (t)" means 18 U.S.C. sec. 922 (t) as it exists as of March 7, 2000, or as it may be amended.

(b) "Firearm" has the same meaning as set forth in 18 U.S.C. sec. 921 (a) (3), as amended.

(c) "NICS system" means the national instant criminal background check system created by Public Law 103-159, known as the federal "Braady Handgun Violence Prevention Act," the relevant portion of which is codified at 18 U.S.C. sec. 922 (l).

(d) "Transfer" means the sale or delivery of firearm in this state by a transferee to a transferee. "Transfer" shall include redemption of a pawned firearm by any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, and firearms or any of its successor agencies. "Transfer" shall not include the return or replacement of a firearm that had been delivered to a federal firearms licensee for the sole purpose of repair or customizing.

(e) "Transferee" means any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, and firearms or any of its successor agencies, in accordance with the federal "Gun Control Act of 1968," chapter 44 of title 18 U.S.C., as amended, and to whom a transferor wishes to sell or deliver a firearm.

(f) "Transferor" means any licensed importer, licensed manufacturer, or licensed dealer as defined in 18 U.S.C. sec. 921 (a) (9), (a) (10), and (a) (11), as amended, respectively.

(2) The bureau is hereby authorized to serve as a state point of contact for implementation of 18 U.S.C. sec. 922 (l), all federal regulations and applicable guidelines adopted pursuant thereto, and the NICS system.

(3)(a) The bureau, acting as the state point of contact for implementation of 18 U.S.C. sec. 922 (l), shall transmit a request for a background check in connection with the prospective transfer of a firearm to the NICS system and may also search other databases. The bureau shall deny a transfer of a firearm to a prospective transferee if the transfer would violate 18 U.S.C. sec. 922 (g) or (n) or result in the violation of any provision of state law, including but not limited to section 18-12-108 (4) (c), C.R.S., involving acts which, if committed by an adult, would constitute a burglary, arson, or any felony involving the use of force or the use of a deadly weapon.

(b)(I) In addition to the grounds for denial specified in paragraph (a) of this subsection (3), the bureau shall deny a transfer of a firearm if, at any time the bureau transmits the request or searches other databases, information indicates that the prospective transferee:

(A) Has been arrested for or charged with a crime involving a firearm, or has been convicted of a crime for which the prospective transferee, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm and either there has been no final disposition of the case or the final disposition is not noted in the other databases; or

(B) Is subject to an indictment, an information, or a felony complaint alleging that the prospective transferee has committed a crime punishable by imprisonment for a term exceeding one year as defined in 18 U.S.C. sec. 921 (a) (20), as amended, and either there has been no final disposition of the case or the final disposition is not noted in the other databases.

(II) Repealed by Laws 2010, Ch. 363, § 1, eff. June 7, 2010

(c) The bureau is authorized to cooperate with federal, state, and local law enforcement agencies to perform or assist any other law enforcement agency in performing any firearm retrievals, and to assist in the prosecution of any reconstituted transfers.

(4) Pursuant to section 16-21-103 (4) (c), C.R.S., and section 19-1-304 (1) (b) (8), C.R.S., the bureau shall receive and process information concerning final case disposition data of any cases prosecuted in a court in this state within seventy-two hours after the final disposition of the case for purposes of carrying out its duties under this section.

(5)(a) Upon denial of a firearm transfer, the bureau shall notify the transferor and send notice of the denial to the NICS system, pursuant to 18 U.S.C. sec. 922 (l). In addition, the bureau shall immediately send notification of such denial and the basis for the denial to the federal, state, and local law enforcement agencies having jurisdiction over the area in which the transferee resides and in which the transferee conducts any business.

(b) Upon denial of a firearm transfer, the transferor shall provide the transferee with written information preparing concern- ing the procedure by which the transferee, within thirty days after the denial, may request a review of the denial and of the instant criminal background check records that prompted the denial. Within thirty days after receiving such request, the bureau shall:

(1) Perform a thorough review of the instant criminal background check records that prompted the denial; and

(II) Render a final administrative decision regarding the denial within thirty days after receiving information from the transferee that alleges the transfer was improperly denied.

(c) In the case of any transfer denied pursuant to paragraph (b) of subsection (3) of this section, the inability of the transferee to obtain the final disposition of a case that is no longer pending shall not constitute the basis for the continued denial of the transfer.

(d) If the bureau reverses a denial, the bureau shall immediately request that the agency that provided the records prompting the denial make a permanent change to such records if necessary to reflect accurate information. In addition, the bureau shall provide immediate notification of such reversal to all agencies and entities that had been previously notified of a denial pursuant to paragraph (a) of this subsection (5).
(6) If in the course of conducting any background check pursuant to this section, whether the firearms transaction is approved or denied, the bureau obtains information that indicates the prospective transferee is the subject of an outstanding warrant, the bureau shall immediately provide notification of such warrant to the federal, state, and local law enforcement agencies having jurisdiction over the area in which the transferee resides and in which the transferor conducts any business.

(7)(a) The executive director or his or her designee shall adopt such rules as are necessary to:

(i) Carry out the duties of the bureau as the state point of contact, as those duties are set forth in federal law, and assist in implementing 18 U.S.C. sec. 922 (t), all federal regulations and applicable guidelines adopted pursuant thereto, and the NICS system; and

(ii) Ensure proper storage, confidentiality, and security of all records and data provided pursuant to this section.

(b) The rules adopted pursuant to paragraph (a) of this subsection (7) shall include, but need not be limited to:

(i) Procedures whereby a prospective transferee whose transfer is denied may request a review of the denial and of the instant criminal background check records that prompted the denial;

(ii) Procedures regarding retention of records obtained or created for purposes of this section or for implementation of 18 U.S.C. sec. 922 (t); except that the bureau shall not retain a record for more than forty-eight hours after the day on which the bureau approves the transfer;

(iii) Provisions and forms adopted by the bureau that request information from and establish proper identification of a prospective transferee and that may correspond with any firearms transaction record required by 18 U.S.C. sec. 922(t). Such procedures and forms shall not preclude any person from making a lawful firearms transfer under this section.

(iv) Procedures for carrying out the duties under this section, including at a minimum:

(A) That the bureau shall be open for business at least twelve hours per day every calendar day, except Christmas Day and Thanksgiving Day, in order to transmit the requests for a background check to the NICS system and search other databases;

(B) That the bureau shall provide a toll-free telephone number for any person calling from within the state that is operational every day that the office is open for business for the purpose of responding to requests from transferees in accordance with this section; and

(C) That the bureau shall employ and train personnel at levels that ensure prompt processing of the reasonably anticipated volume of inquiries received under this section.

(8) Nothing in this section shall be construed to create any civil cause of action for damages in addition to that which is available under the "Colorado Geological Immunity Act", article 10 of this title.

(9) No act performed by the bureau or its agents in carrying out their lawful duties under this section shall be construed to be a violation of any provision of title 18, C.R.S.

(10)(a) It is unlawful for:

(I) Any person, in connection with the acquisition or attempted acquisition of a firearm from any transferee, to willfully make any false or fictitious statement or to furnish or exhibit any false, fictitious, or misrepresented identification that is intended or likely to deceive such transferee with respect to any fact material to the lawfulness of the sale or other disposition of such firearm under federal or state law;

(II) Any transferee knowingly to request criminal history record information or a background check under false pretenses or knowingly to dissemble criminal history record information to any person other than the subject of such information;

(III) Any agent or employee or former agent or employee of the bureau knowingly to violate the provisions of this subsection (10);

(b) Any person who violates the provisions of paragraph (a) of this subsection (10) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(11) Any transferee who complies with the provisions of this section shall not be subject to any civil or criminal liability or regulatory sanction that may arise from the lawful transfer or lawful denial of the transfer of a firearm.

Title 29. Government - Local Miscellaneous

Article 11.7. Regulation of Firearms

29-11.7-101. Legislative declaration

(1) The general assembly hereby finds that:

(a) Section 3 of article II of the state constitution, the article referred to as the state bill of rights, declares that all persons have certain inalienable rights, which include the right to defend their lives and liberties;

(b) See paragraph 3 of article II of the state constitution protects the fundamental right of a person to keep and bear arms and implements section 3 of article II of the state constitution;

(c) The general assembly recognizes a duty to protect and defend the fundamental civil rights set forth in paragraphs (a) and (b) of this subsection (1);

(d) There exists a widespread inconsistency among jurisdictions within the state with regard to firearms regulations;

(e) This inconsistency among local government laws regulating lawful firearm possession and ownership has extraterritorial impact on state citizens and the general public by subjecting them to criminal and civil penalties in some jurisdictions for conduct wholly lawful in other jurisdictions;

(f) Inconsistency among local governments of laws regulating the possession and ownership of firearms results in persons being treated differently under different local laws and therefore being unable to avoid violating the law and becoming subject to criminal and other penalties.

(2) Based on the findings specified in subsection (1) of this section, the general assembly concludes that:

(a) The regulation of firearms is a matter of statewide concern;

(b) It is necessary to provide statewide laws concerning the possession and ownership of a firearm to ensure that law-abiding persons are not unfairly placed in the position of unknowingly committing crimes involving firearms.

29-11.7-102. Firearms database prohibited

(1) A local government, including a law enforcement agency, shall not maintain a list or other form of record or database of:

(a) Persons who purchase or exchange firearms or who leave firearms for repair or sale on consignment;

(b) Persons who transfer firearms, unless the persons are federally licensed firearms dealers;

(c) The descriptions, including serial numbers, of firearms purchased, transferred, exchanged, or left for repair or sale on consignment.

29-11.7-103. Regulation - type of firearm prohibited

(1) A local government may not enact an ordinance, regulation, or other law that prohibits the sale, purchase, or possession of a firearm that a person may lawfully sell, purchase, or possess under state or federal law. Any such ordinance, regulation, or other law enacted by a local government prior to March 18, 2003, is void and unenforceable.

29-11.7-104. Regulation - carrying prohibited

(1) A local government may enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area within the local government’s jurisdiction. If a local government enacts an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area, the local government shall post signs at the public entrances to the building or specific area informing persons that the open carrying of firearms is prohibited in the building or specific area.

[Current through the end of the Second Regular Session of the 67th General Assembly (2010)]
provided in this subsection. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the Commissioner of Public Safety in consultation with the department of public safety of the borough or the town. No permit for the sale at retail of any pistol or revolver shall be issued unless the applicant holds a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-270 or a valid state permit to carry a pistol or revolver issued pursuant to subsection (b) of this section and the application submits documentation sufficient to establish that local zoning requirements have been met for the location where the sale is to take place except that any person selling or exchanging a pistol or revolver for the enhancement of a personal collection or for a hobby or for a part or part of such person's personal collection of pistols or revolvers shall not be required to submit such documentation for the location where the sale or exchange is to take place.

(b) Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority, such chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Public Safety in the safety and training of pistols and revolvers, or (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (b) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as a delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (6) is a member of a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, (7) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, (7) is subject to a restraining or protective order issued pursuant to subsection (d) of section 29-38c after notice and hearing, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. Upon issuance of a temporary state permit to the applicant, the local authority shall forward the original application to the commissioner. Not later than six days after receiving a temporary state permit, an applicant shall appear at a location designated by the commissioner to receive the state permit. Said commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state. Upon issuance of the state permit, the commissioner shall forward a copy of the permit to the permit holder a copy of the law regarding the permit holder's responsibility to report the loss or theft of a firearm and the penalties associated with the failure to comply with such law. Upon issuance of the state permit, the commissioner shall forward a record of such permit to the local authority issuing the temporary state permit. The commissioner shall retain records of all applications, whether approved or denied. The copy of the state permit delivered to the permittee shall be laminated and shall contain a full-face photograph of such permittee. A person holding a state permit issued pursuant to this subsection shall not be required to carry a permit within two business days of any change of such person's address. The notification shall include the old address and the new address of such person.

(c) No issuing authority may require any sworn member of the Department of Public Safety or any local police department, to furnish such sworn member's residence address in a permit application. The issuing authority shall allow each such sworn member who has a permit to carry a pistol or revolver issued by such authority, to revise such member's application to include a business or post office address in lieu of the residence address. The issuing authority shall notify each such member of the right to revise such application.

(d) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a permit to sell at retail pistols and revolvers shall be disclosed to the Department of Public Safety or an organized local police department or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training school, utilizing instructors certified by the state or the National Rifle Association, (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (6) is a member of a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, (7) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, (7) is subject to a restraining or protective order issued pursuant to subsection (d) of section 29-38c after notice and hearing, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall law or is prohibited by the person who owns or exercises control over such premises.

(f) Any bona fide resident of the United States having no bona fide residence or place of business within the jurisdiction of any local authority in the state, but who has a permit to carry a pistol or revolver issued by the authority of another state or subdivision of the United States, may apply directly to the Commissioner of Public Safety for a permit to carry a pistol or revolver in this state. All provisions of subsections (b), (c), (d) and (e) of this section shall apply to applications for a permit received by the commissioner under this subsection.

Sec. 3. (a) A person is guilty of firearms trafficking if such person, knowingly and intentionally, directly or indirectly, causes one or more firearms that such person owns, is in possession of or is in control of to come into the possession or control of another person whom such person knows or has reason to believe is prohibited from owning or possessing any firearm under state or federal law.

(b) Any person who violates any provision of this section shall be guilty of a class C felony if such person, on or after the effective date of this section, sells, delivers, or otherwise transfers five or more firearms, and a class B felony if such person, on or after the effective date of this section, sells, delivers or otherwise transfers more than five firearms.

(c) For the purposes of this section, "firearm" means "firearm" as defined in section 53a-3 of the general statutes, but does not include a rifle or shotgun or an antique firearm as defined in subsection (b) of section 29-37a of the general statutes.


(a) Requests for temporary state permits under section 29-28 shall be submitted to the chief of police, or, where there is no chief of police, to the warden of the borough or the first selectman of the town, as the case may be, on application forms prescribed by the Commissioner of Public Safety. Upon written request by any person for a temporary state permit not on a prescribed application form, or upon request by any person for such a permit, the local authority shall supply such application form, or upon request by any person for such a permit, the local authority shall supply such application form immediately. When any such request is made in any other manner, the local authority shall supply such application form not later than one week after receiving such request. If such application form is not supplied within the time limits required by this section, the request therefor shall constitute a sufficient application. If any local authority fails to supply an application form upon the request of any person, such person may request an application form from the Commissioner of Public Safety or any barracks of the division of state police, and the time limits and procedures set forth in this section for handling requests for such forms shall be applicable.

(b) The local authority shall, not later than eight weeks after a sufficient application for a temporary state permit has been made, inform the person that such firearms application for a temporary state permit has been approved or denied. The local authority shall forward a copy of the application indicating approval or denial of the temporary state permit to the Commissioner of Public Safety. If the local authority has denied the application for a temporary state permit, no state permit may be issued. The commissioner
shall, not later than eight weeks after receiving an application indicating approval from the local authority, inform the applicant in writing that the applicant's application for a state permit has been approved or denied, or that the results of the national criminal history records check have not been received. If, after a temporary state permit has been obtained, the temporary state permit shall be immediately revoked pursuant to section 29-32.

29-29. Information concerning criminal records of applicants for permits.

(a) No temporary state permit for carrying any pistol or revolver shall be issued unless the provisions of section 29-28 unless the applicant for such permit gives to the local authority, upon its request, full information concerning the applicant's criminal record. The local authority shall require the applicant to submit to state and national criminal history records checks. The local authority shall take a full description of such applicant and make an investigation concerning the applicant's suitability to carry any such weapons.

(b) The local authority shall take the fingerprints of such applicant or conduct any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation, unless the local authority determines that the fingerprints of such applicant have been previously taken and the applicant's identity established, and such applicant presents identification that the local authority verifies as valid. The local authority shall record the date the fingerprints were taken in the applicant's file, and, within five business days of such date, shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with section 29-17a.

(c) The local authority may, in its discretion, issue a temporary state permit before a national criminal history records check relative to such applicant's record has been received. Upon receipt of the results of such national criminal history records check, the commissioner shall send a copy of the results of such national criminal history records check to the local authority, which shall inform the applicant and render a decision on the application within one week of the receipt of such results. If such results have not been received within eight weeks after a sufficient application for a permit has been made, the local authority shall inform the applicant of such delay, in writing. No temporary state permit shall be issued if the local authority has reason to believe the applicant has ever been convicted of a felony, or that any other condition exists for which the issuance of a permit for possession of a pistol or revolver is prohibited under state or federal law.

(d) The commissioner may investigate any applicant for a state permit and shall investigate each applicant for renewal of a state permit to ensure that such applicant is eligible under state law for such permit or for renewal of such permit.

(e) No state permit may be issued unless either the local authority or the commissioner has received the results of a sufficient national criminal history records check.

29-30. Fees for pistol and revolver permits.

Expiration and renewal of permits.

(a) The fee for each permit originally issued under the provisions of subsection (a) of section 29-28 for the sale at retail of pistols and revolvers shall be one hundred dollars and for each renewal thereof one hundred dollars. The fee for each state permit originally issued under the provisions of subsection (b) of section 29-28 for the carrying of pistols and revolvers shall be seventy dollars plus sufficient funds as required to defray the cost of a fingerprint investigation to cover the cost of a national criminal history records check. The local authority shall forward sufficient funds for the national criminal history records check to the commissioner no later than five business days after receipt by the local authority of the application for the temporary state permit, thirty-five dollars shall be sent to the commissioner. The fee to renew each state permit originally issued under the provisions of subsection (b) of section 29-28, as the expiration date of the state permit being renewed, is twenty dollars. Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate non-lapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28.

(b) A local permit originally issued before October 1, 2001, whether for the sale of pistols and revolvers or for the carrying of pistols and revolvers, shall expire five years after the date it becomes effective and each renewal thereof shall expire five years after the expiration date of the permit being renewed. On and after October 1, 2001, no local permit for the carrying of pistols and revolvers shall be renewed.

(c) A state permit originally issued under the provisions of section 29-28 for the carrying of pistols and revolvers shall expire five years after the date such permit becomes effective and each renewal thereof shall expire five years after the expiration date of the permit being renewed. Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate non-lapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28.

(d) Upon deposit of such fees in the General Fund, ten dollars of each fee shall be credited within thirty days to the appropriation for the Department of Public Safety to a separate non-lapsing account for the purposes of the issuance of permits under subsections (a) and (b) of section 29-28.


No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exhibited by the person making the sale to each person who purchases any pistol or revolver, and the person making the sale shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the Commissioner of Public Safety and shall include the name, address and occupation of the purchaser thereof, and shall be signed by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistols or revolvers for five years.


(a) For the purposes of this section, "conviction" means the entry of a judgment of conviction by any court of competent jurisdiction.

(b) Any state permit or temporary state permit for the carrying of any pistol or revolver may be revoked by the Commissioner of Public Safety for cause and shall be revoked by said commissioner upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued the state permit or temporary state permit pursuant to subsection (b) of section 29-28. Upon the revocation of any state permit or temporary state permit, the person whose state permit or temporary state permit is revoked shall be notified in writing and such state permit or temporary state permit is forthwith delivered to the commissioner. Any law enforcement authority shall confiscate and immediately forward to the commissioner any state permit or temporary state permit that is illegally possessed by any person. The commissioner may revoke the state permit or temporary state permit based upon the commissioner's own investigation or upon the request of any law enforcement agency. Any person who fails to surrender any permit within five days of notification in writing of revocation thereof shall be guilty of a class C misdemeanor.

(c) Any local permit for the carrying of a pistol or revolver issued prior to October 1, 2001, may be revoked by the authority issuing the same for cause, and shall be revoked by the authority issuing the same upon conviction of the holder of such permit of a felony or of any misdemeanor specified in subsection (b) of section 29-28 or upon the occurrence of any event which would have disqualified the holder from being issued such local permit. Upon the revocation of any local permit, the person whose local permit is revoked shall be notified in writing and such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the
commissioner. Upon the revocation of any permit issued by the commissioner, the commissioner shall forthwith notify any local authority which the records of the commissioner show as having issued a currently valid local permit to the holder of the permit revoked by the commissioner, that the permit has been revoked, and shall require the surrender of such permit within five days of notification in writing or revocation thereof shall be guilty of a class C misdemeanor.

29-32b. Board of Firearms Permit Examiners. Appeals to board. Hearings. (a) There shall be established a Board of Firearms Permit Examiners within the Department of Public Safety for administrative purposes only, hereinafter referred to as the board, to be comprised of seven members appointed by the Governor to serve during his term and until their successors are appointed and qualify. With the exception of public members, board members shall be appointed from nominees of the Commissioner of Public Safety, the Connecticut State Association of Chiefs of Police, the Commissioner of Environmental Protection, The Connecticut State Rifle and Revolver Association, Inc., and Ye Connecticut Gun Guild, Inc., and each of said organizations shall be entitled to representation on the board. At least one member of the board shall be a lawyer licensed to practice in this state, who shall act as chairman of the board during the hearing of appeals brought under this section.

(b) Any person aggrieved by any refusal to issue or renew a permit or certificate under the provisions of section 29-28 or 29-36f, or by any limitation or revocation of a permit or certificate issued under any of said sections, or by a refusal or failure of any issuing authority to furnish an application as provided in section 29-28a, may, within ninety days after receipt of notice of such refusal, limitation or revocation, or refusal or failure to supply an application as provided in section 29-28a, make a reasonable effort to determine whether the person selling such pistol or revolver or the person to whom the same is delivered or otherwise transferred has made a reasonable effort to determine whether such person is lawfully eligible to receive such pistol or revolver, which lock or device shall be compelling attendance at its sessions.

(c) All appeals hearings shall be conducted in an informal manner, but otherwise according to the rules of evidence of the Superior Court, and the board shall be sworn by the chairman. The board shall cause a verbatim transcript of the hearing to be kept in such manner as it may determine, and shall furnish such transcript to any party appealing its decision as hereinafter set forth. The statements of witnesses made under oath shall be privileged. Decisions of the board shall be by majority vote and shall be communicated in writing to the appellant and to the issuing authority within twenty days after the rendering of the decision. If any appeal is not heard within thirty days after service of the decision, the Superior Court, in its discretion, may remand the appeal in accordance with its findings.

(d) Any person, firm or corporation shall sell, deliver or otherwise transfer any pistol or revolver, other than at wholesale, unless such pistol or revolver is equipped with a reusable trigger lock, gun lock or gun locking device appropriate for such pistol or revolver, which lock or device shall be construed to be sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or by electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal. No pistol or revolver shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell when such pistol or revolver is sold, delivered or otherwise transferred.

(e) Upon the sale, delivery or other transfer of any pistol or revolver, the person making the purchase or to whom the same is delivered or transferred shall sign a receipt for such pistol or revolver, which shall contain the name and address of such person, the date of sale, the caliber, make, model and manufacturer's number and a general description of such pistol or revolver, the identification number of such person's permit to carry pistols or revolvers, issued pursuant to subsection (a) of said section, or eligibility certificate for a pistol or revolver, issued pursuant to section 29-36f, if any, and the authorization number designated for the transfer by the Department of Public Safety. The person, firm or corporation shall make the sale or transfer of such pistol or revolver to the person holding such permit or eligibility certificate authorizing such transfer.

(f) The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver which was manufactured in or before 1898 and any replica of such pistol or revolver provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except ammunition which shall be the same as that which was manufactured in or before 1898 and is not readily available in the United States and not readily available in the ordinary channel of commercial trade.
arm dealer, (2) a federally-licensed firearm importer and a federally-licensed firearm dealer, or (3) federally-licensed firearm dealers.

(h) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the violation of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for the removal of all such charges from his record, and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(i) Any person who violates any provision of this section shall be guilty of a class D felony, except that any person who sells, delivers or otherwise transfers a pistol or revolver for purposes of appeal or exercise of the right to such person's place of residence or business to a person in violation of any provision of this section shall be forfeited.

29-34. False statement or information in connection with sale or transfer of pistol or revolver prohibited. Sale or transfer to person under twenty-one years of age prohibited. Temporary transfers. Penalties.

(a) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

(b) No person shall sell, barter, hire, lend, give, deliver or otherwise transfer to any person under the age of twenty-one years any pistol or revolver, except that a pistol or revolver may be temporarily transferred to any person only for the use by such person in target shooting or on a firing or shooting range, provided such use is otherwise permitted by law and is under the immediate supervision of a person eligible to possess a pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony for which one year of the sentence imposed may not be suspended or reduced by the court.

(c) Any pistol or revolver found in the possession of any person violating any provision of this section shall be forfeited.

29-35. Carrying of pistol or revolver without permit prohibited. Exceptions.

(a) No person shall carry any pistol or revolver upon his or her person, except when such person is within the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28. The provisions of this subsection shall not apply to the carrying of any pistol or revolver by any parole officer or peace officer of this state, or police officer or peace officer of any other state while engaged in the pursuit of official duties, or to any person transporting a pistol or revolver in or through the state for the purpose of taking part in competitions, taking part in formal pistol or revolver training, repairing such pistol or revolver or attending any meeting or exhibition of an organized collectors' group if such person is a bona fide resident of the United States and is permitted to possess, own, carry, sell, barter, hire, lend, give, transfer, receive, transport or possess a pistol or revolver.

(b) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

29-36. Alteration of firearm identification mark, number or name.

(a) No person shall remove, deface, alter or obliterate the name of any maker or model or any maker's number or other mark of identification on any firearm as defined in section 53a-3. The violation of any provision of this section shall be punished by a fine of not more than one thousand dollars or imprisoned not more than five years or both and any firearm found in the possession of any person in violation of said provision shall be forfeited.

29-36f. Eligibility certificate for pistol or revolver.

(a) Any person who is twenty-one years of age or older may apply to the Commissioner of Public Safety for an eligibility certificate for a pistol or revolver.

(b) The Commissioner of Public Safety shall issue an eligibility certificate unless said commissioner finds that the applicant:

(1) has failed to satisfactorily complete a course approved by the Commissioner of Public Safety in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution, or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association;

(2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279, section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d;

(3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120;

(4) is an alien who has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court;

(5) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person;

(6) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38a.

(b) No person shall make any false statement or give any false information connected with any purchase, sale, delivery or other transfer of any pistol or revolver. Any person violating any provision of this subsection shall be guilty of a class D felony.

(c) Any person who violates any provision of this section shall be punished by a fine of not more than one thousand dollars or imprisoned not more than five years or both and any firearm found in the possession of any person in violation of said provision shall be forfeited.


(a) Requests for eligibility certificates under section 29-36f shall be submitted to the Commissioner of Public Safety on application forms prescribed by the commissioner. No eligibility certificate shall
certificate for a pistol or revolver shall be issued under the provisions of said section unless the applicant for such certificate gives to the Commissioner of Public Safety, upon the commissioner's request, full information concerning the applicant's criminal record and relevant information concerning the applicant's mental health history. The commissioner shall require each applicant to submit to state and national criminal history records checks. The commissioner shall take a full description of such applicant. The commissioner shall take the fingerprints of such applicant or conduct any other method of positive identification of the applicant by the Department of Public Safety, Bureau of Identification or the Federal Bureau of Investigation. The commissioner shall record the date the fingerprints were taken in the applicant's file and shall conduct criminal history records checks in accordance with section 29-17a. The commissioner shall, within sixty days of receipt of the criminal history records check from the Federal Bureau of Investigation, either approve the application and issue the eligibility certificate or deny the application and notify the applicant of the reason for such denial in writing.

(b)(1) With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety on or before July 1, 1995, the commissioner shall, not later than October 1, 1995, (A) approve the application and issue the eligibility certificate, (B) issue a temporary eligibility certificate, or (C) deny the application and notify the applicant of the reason for such denial in writing. With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety after July 1, 1995, the commissioner shall, within ninety days, (A) approve the application and issue the eligibility certificate, (B) issue a temporary eligibility certificate, or (C) deny the application and notify the applicant of the reason for such denial in writing.

(2) A temporary certificate issued under this subsection shall be valid only if such time as the commissioner either approves or denies the application.

An eligibility certificate for a pistol or revolver shall be of such form and content as the commissioner may prescribe, shall be signed by the certificate holder and shall contain an identification number, the name, address, place and date of birth, height, weight and eye color of the certificate holder and a full-face photograph of the certificate holder.

(d) A person holding an eligibility certificate issued by the commissioner shall notify the commissioner within two business days of any change of his address. The notification shall include his old address and his new address.

(e) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued an eligibility certificate for a pistol or revolver under the provisions of section 29-36f shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, (2) the Commissioner of Public Safety may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such certificate is valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

(f) An eligibility certificate for a pistol or revolver shall not authorize the holder thereof to carry a pistol or revolver upon his person in circumstances for which a permit to carry a pistol or revolver is not required pursuant to subsection (b) of section 29-28 is required under section 29-35.

29-36i. Revocation of eligibility certificate.

(a) Any eligibility certificate for a pistol or revolver shall be revoked by the Commissioner of Public Safety upon the occurrence of any event which would have disqualified the holder from being issued the certificate pursuant to section 29-36f.

(b) Upon the revocation of any eligibility certificate, the person whose eligibility certificate is revoked shall be notified in writing and such certificate shall be forthwith delivered with the Commissioner of Public Safety. Any person who fails to surrender such certificate within five days of notification in writing of revocation thereof shall be guilty of a class C misdemeanor.

29-36k. Transfer or surrender of firearms by persons ineligible to possess same. Penalty.

(a) Not later than two business days after the occurrence of any event that takes a person ineligible to possess a pistol or revolver other than a firearm, such person shall (1) transfer in accordance with section 29-33 all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Public Safety, and submit a sale or transfer of firearms form to said commissioner within two business days, or (2) deliver or surrender such pistols and revolvers and other firearms to the Commissioner of Public Safety. The commissioner shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms.

(b) Such person, or such person's legal representative, may, at any time up to one year after such delivery or surrender, transfer such pistols and revolvers and other firearms to any person eligible to possess such other firearms. Upon notification in writing by the transferee and such person, the Commissioner of Public Safety shall within ten days deliver such pistols and revolvers or other firearms to the transferee. If, at the end of such year, such pistols and revolvers or other firearms have not been so transferred, the commissioner shall cause them to be destroyed.

(c) Any person who fails to transfer or surrender any such pistols and revolvers and other firearms as provided in this section shall be subject to the penalty provided for in section 53a-217 or 53a-217c.

29-36l. Verification of eligibility of persons to receive or possess firearms. State database of instant criminal background check. Immunization of seller or transferor. Authorization number required.

(a) The Commissioner of Public Safety shall establish a state database within one year of October 1, 1994, that any person, firm or corporation who sells or otherwise transfers pistols or revolvers may access, by telephone or other electronic means in addition to the telephone, for information to be supplied immediately, on whether a permit to carry a pistol or revolver, issued pursuant to subsection (b) of section 29-28, to permit to sell at retail a pistol or revolver, issued pursuant to subsection (a) of section 29-28, to permit to transfer a pistol or revolver, issued pursuant to section 29-36f, is valid and has not been revoked or suspended.

(b) Upon establishment of the database, the commissioner shall notify each person, firm or corporation holding a permit to sell at retail pistols or revolvers issued pursuant to subsection (a) section 29-28 of the existence and purpose of the system and the means to be used to access the database.

(c) The Department of Public Safety shall establish and hours during which the telephone number or other electronic means shall be operational for purposes of responding to inquiries, taking into consideration the normal business hours of retail firearm businesses.

(d)(1) The Department of Public Safety shall be the point of contact for initiating a background check through the National Instant Criminal Background Check System (NICS), established under section 103 of the Brady Handgun Violence Prevention Act, on individuals purchasing firearms.

(2) The Department of Public Safety, Department of Mental Health and Addiction Services and Judicial Department shall, in accordance with state and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the state. The Department of Public Safety shall report the name, date of birth and physical description of any person prohibited from possessing a firearm pursuant to 18 USC 922(g) or (n) to the National Instant Criminal Background Check System Index, Denied Persons File.

(e) Any person, firm or corporation that contacts the Department of Public Safety to access the database established under this section and determine if a person is eligible to receive or possess a firearm shall not be held civilly liable for any loss or damage to anything whose receipt or possession of such firearm is unlawful or for refusing to sell or transfer a firearm to a person who may lawfully receive or possess such firearm if such person, firm or corporation relied, in good faith, on the information provided to such person, firm or corporation by said department, unless the conduct of such person, firm or corporation was unreasonable or reckless.

(f) Any person, firm or corporation that sells, delivers or otherwise transfers any firearm pursuant to section 29-33 or section 29-37a shall contact the Department of Public Safety to access the database established under this section and receive an authorization number for such sale, delivery or transfer. The provisions of this subsection shall not apply to: (1) Any sale, delivery or transfer of an antique firearm manufactured in or before 1898, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; (2) Any sale, delivery or transfer of any replica of any firearm described in subdivision (1) of this subsection if such replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; (3)
transactions between persons who are licensed as firearms importers or collectors, manufactur- 
ers or dealers pursuant to 18 USC 921 et seq.; (4) the transfer of firearms to and from gun- 
smiths for purposes of repair only; and (5) any sale, delivery or transfer of any firearm to any 
agency of the United States, the state of Con- 
necticut or any local government.

29-36m. Regulations. The Commissioner of Public Safety shall adopt regulations in accord- 
cance with the provisions of chapter 54 to carry out the provisions of sections 18-81i, 29-27, 29- 
28, subsection (a) of section 29-30, section 29- 
32, subsection (b) of section 29-33, section 29-36f to 29-36i, inclusive, sub-
section (a) of section 29-37, subsections (a) and 
(b) of section 53-202d and section 53a-217c.

29-36n. Protocol concerning transfer or 
surrender of pistols and revolvers. 
(a) The Commissioner of Public Safety, in 
conjunction with the Chief State's Attorney and 
the Connecticut Police Chiefs Association, shall 
develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver 
have, in accordance with section 29-36k, 
transferred such pistol or revolver to a person 
eligible to possess such pistol or revolver or 
have delivered or surrendered such pistol or 
revolver to any law enforcement agency.

(b) The Commissioner of Public Safety, in 
conjunction with the Chief State's Attorney and 
the Connecticut Police Chiefs Association, shall 
update the protocol developed pursuant to 
subsection (a) of this section to reflect the provi-sions of sections 29-7h, 29-28, 29-28a, 29- 
29, 29-30, 29-32 and 29-35, subsections (b) and 
(e) of section 46b-15, subsections (c) and (d) of section 46b-38c and sections 53-202a, 53-202i, 
53-202m and 53a-217 and shall include in such 
protocol specific instructions for the transfer of 
pistols and revolvers when the assistance of 
more than one law enforcement agency is 
necessary to effect the requirements of section 
29-36k.

29-37. Penalties. 
(a) Any person violating any provision of sec-
tion 29-28 or 29-31 shall be fined not more than 
five hundred dollars or imprisoned not more 
than three years or both, and any pistol or revolver 
found in the possession of any person 
in violation of any of said provisions shall be forfeited.

(b) Any person violating any provision of sub-
section (a) of section 29-35 may be fined not 
more than one thousand dollars and shall be 
imprisoned not less than one year or more than 
five years, and, in the absence of any mitigating 
circumstances as determined by the court, 
one year of the sentence imposed may not be sus-
pended or reduced by the court. The court shall 
specifically state the mitigating circumstances, 
or the absence thereof, in writing for the record.

Any pistol or revolver found in the possession of 
any person in violation of any provision of sub-
section (a) of section 29-35 shall be forfeited.

(c) Any person violating any provision of sub-
section (b) of section 29-35 shall have 
committed an infraction and shall be fined thirty-five 
dollars.

29-37a. Sale or delivery at retail of firearm 
other than pistol or revolver. Procedure. 
(a) No person, firm or corporation, at retail, 
any firearm, as defined in section 53a- 
3, other than a pistol or revolver, to any person 
unauthorized such person makes application on a form 
prescribed and furnished by the Commissioner of Public Safety, which shall be 
attached by the vendor to the federal sale or transfer document 
and filed and retained by the vendor for at least 
twenty years or until such vendor goes out of 
business. Such application shall be available for 
inspection during normal business hours by law 
enforcement officials. No sale or delivery of any 
firearm shall be made until the expiration of two 
weeks from the date of the application, and until 
the person, firm or corporation, making such 
sale, delivery or transfer, is insured that such 
application has been completed properly and 
has obtained an authorization number from the 
Commissioner of Public Safety for such sale, 
delivery or transfer. The Department of Public 
Safety shall make every effort, including per-
forming a fingerprint examination and a 
background check, to determine if the applicant is eligible 
to receive such firearm. If it is determined that 
the applicant is ineligible to receive such firearm, the 
Commissioner of Public Safety shall immediately 
notify the person, firm or corporation to whom 
such application was made and no such firearm 
shall be delivered or transferred to such person. 
When any firearm is delivered in connection with the sale or 
purchase, such firearm shall be enclosed in a 
package, the paper or wrapping of which shall 
be securely fastened, and no such firearm when 
delivered on any sale or purchase shall be load-
ed or contain any gunpowder or other explosive 
substance as determined by the court, one 
year of the sentence imposed may not be sus-
pended or reduced by the court. The court shall 
specifically state the mitigating circumstances, 
or the absence thereof, in writing for the record.

Any person violating any provision of sub-
section (a) of section 29-35 may be fined not 
more than ten thousand dollars per day for each 
violation.

29-37d. Firearms dealer to install burglar 
alarm system on premises of its establish-
ment. Exception. On and after July 1, 1993, 
each business organization which engages in 
the retail sale of firearms, as defined in section 
53a-3, as a regular course of trade or business, 
shall have a burglar alarm system installed on 
the premises of its establishment in which ten or 
more firearms are stored and kept for sale. Such 
alarm system shall be directly connected to the 
local police department or monitored by a cen-
tral station and shall activate upon unauthorized 
entry or interruption to such system. For the pur-
poses of this section, "business organization" 
means a sole proprietorship, partnership, firm, 
corporation or other form of business or legal 
entity. The provisions of this section shall not ap-
ply to any person who (1) sells or exchanges a 
firearm for the enhancement of a personal 
collection or as a hobby, (2) sells all or part of a 
personal collection of firearms, or (3) sells fire-
arms from his own residence and keeps for sale 
not more than ten firearms.

29-37e. False statement or information in 
connection with sale or transfer of firearm 
other than pistol or revolver prohibited. 
(a) No person shall make any false statement 
or give any false information connected with any 
purchase, sale, delivery or other transfer of any 
firearm other than a pistol or revolver. Any per-
son violating any provision of this subsection 
shall be fined not more than three hundred 
dollars.

(b) Any firearm found in the possession of any 
person in violation of this section shall be 
forfeited.

29-37f. Qualifications of retail store em-
ployees who sell firearms. No person, firm 
or corporation that engages in the retail sale of 
goods, where the principal part of such trade or 
business is the retail sale of goods other than 
firearms, shall employ a person to sell firearms 
in a retail store unless such person (1) is at least 
eighteen years of age, (2) has submitted to state 
and national criminal history records checks and 
such checks indicate that such person has not 
been convicted of a felony or a violation speci-
fied in subdivision (2) of subsection (b) of sec-
tion 29-36f, and (3) has successfully completed 
a course or testing approved by the Commiss-
ioner of Public Safety in firearms safety and 
statutory procedures relating to the sale of 
firearms. The sale of firearms by such person, firm 
or corporation shall be accomplished only by an 
employee qualified pursuant to this section. Any 
employer who employs a person to sell firearms 
in violation of the provisions of this section shall 
be liable for a civil penalty of not more than ten 
thousand dollars per day for each violation. The 
Attorney General shall institute a civil action to 
recover such penalty.
29-37g. Gun show requirements. 
(a) For the purposes of this section, 
(1) "gun show" means any event (A) at which fifty or more firearms are offered or exhibited for sale, transfer or exchange to the public and (B) at which two or more persons are exhibiting one or more firearms for sale, transfer or exchange to the public; and 
(2) "gun show promoter" means any person who organizes, plans, promotes or operates a gun show. 
(b) Not later than thirty days before commencement of a gun show, the gun show promoter shall file with the town or city in which the gun show is to take place of the date, time, duration and location of the gun show. 

(c) No person, firm or corporation shall sell, deliver or otherwise transfer a firearm at a gun show unless such person, firm or corporation has complied with the provisions of section 29-36i. 

29-37l. Responsibilities re storage of loaded firearms with respect to minors. 

No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years. 

29-37j. Purchase of firearm with intent to transfer it to person prohibited from purchasing or possessing. 

(a) Any person who purchases a firearm, as defined in section 53a-3, pursuant to section 29-33 or 29-37a with the intent to transfer such firearm to any other person who the transferor knows or has reason to believe is prohibited from purchasing or otherwise receiving such a firearm pursuant to section 29-33 or 29-37a shall be fined not more than one thousand dollars or imprisoned for not more than five years. 

(b) Any person prohibited from purchasing or otherwise receiving or possessing a firearm and who solicits, employs or assists any person in violating the provisions of subsection (a) of this section involves a transfer of more than one firearm, such person shall be guilty of a class B misdemeanor. If the violation of subsection (a) of this section involves a transfer of one firearm, such person shall be guilty of a class A misdemeanor. Each transfer shall constitute a separate offense. 

(c) Any person convicted of violating the provisions of subsection (a) or (b) of this section and who was convicted of a felony within the prior five-year period shall be guilty of a class D felony. 


(a) Any person who knowingly has, in any vehicle owned, operated or occupied by such person, any weapon, any pistol or revolver for which a proper permit has not been issued as provided in section 29-28 or any machine gun which has not been registered as required by section 53-202, shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and the presence of any such weapon, pistol or revolver, or machine gun in any vehicle shall be prima facie evidence of a violation of this section by the owner, operator and each occupant thereof. The word "weapon", as used in this section, means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, or any knife the edged portion of the blade of which is four inches or over in length, any martial arts weapon or electronic defense weapon, as defined in section 52a-3, or any other dangerous or deadly weapon or instrument. 

(b) The provisions of this section shall not apply to: 

(1) Any officer charged with the preservation of the public peace while engaged in the pursuit of such officer’s official duties; 

(2) any security guard having a baton or nightstick in a vehicle while engaged in the pursuit of such guard’s official duties; 

(3) any person enrolled in and currently attending a martial arts school, with official verification of such enrollment and attendance, or any certified martial arts instructor, having any such martial arts weapon in a vehicle while traveling to or from such school or to or from an authorized event or competition; 

(4) any person possessing a BB gun in a vehicle provided such weapon is unloaded and stored in the trunk of such vehicle or in a locked container other than the glove compartment or console; and 

(5) any person having a knife, the edged portion of the blade of which is four inches or over in length, in a vehicle if such person is: 

(A) a member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of this state, as defined in section 27-2, when on duty or going to or from duty, 

(B) any member of any military organization when on parade or when going to or from any place of assembly, 

(C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show, 

(D) any person while lawfully removing such person's household goods or effects from one place to another, or from one residence to another, 

(E) any person while actually and peaceably engaged in carrying any such knife from such person's place of abode or business to a place or person where or by whom such knife is to be repaired, or while actually and peaceably returning to such person's place of abode or business with such knife after the same has been repaired, 

(F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any salt water fisherman while having such knife in a vehicle for lawful hunting, fishing or trapping activities, or 

(G) any person participating in an authorized historic reenactment. 

29-38b. Determination of commitment status of person who applies for or seeks renewal of firearm permit or certificate. Report on status of application. 

(a) Provided by the Commissioner of Public Safety, in fulfilling his obligations under sections 29-28 to 29-38a, inclusive, and section 53-202d, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon has not been confined in a hospital for persons with psychiatric disabili- ties, as defined in section 17a-495, within the preceding twelve months by order of a probate court, by making an inquiry to the Department of Mental Health and Addiction Services in such a manner as to only inquire on the commitment status of the person with respect to whom the inquiry is made including identifying information in accordance with the provisions of subsection (b) of section 17a-500. 

(b) If the Commissioner of Public Safety determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, said commissioner shall report the status of such person’s application for or renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500. 

29-38c. Seizure of firearms of person posing risk of imminent personal injury to self or others. 

(a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers, to any judge of the Superior Court, that such state’s attorney or police officers have probable cause to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, or (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person, such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or the person and take into such officer's custody any and all firearms. Such state's attorney or police officers shall not make such complaint unless such state's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is no reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm. 

(b) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge and establishing the grounds for issuing the warrant, which affidavit shall be part of the seizure file. In determining whether grounds for the application exist or whether there is probable cause to believe they exist, the judge shall consider: (1) Recent threats or acts of violence by such person directed toward other persons; (2) recent threats or acts of violence by such person directed toward himself or herself; and (3) recent acts of cruelty or to animals as provided in subsection (b) of section 53-247 by such person. In evaluating whether such recent threats or acts of violence constitute probable cause to believe that such person poses a risk of imminent personal injury to himself or herself or to others, the judge may consider other factors including, but not limited to (A) the reckless use, display or brandishing of a firearm by such person, (B) a history of the use, attempted use or threatened use of physical force by such person against other persons, (C) prior involuntary confinement of such person in a hospital for persons with psychiatric disabilities, and (D) the illegal use of controlled substances.
or abuse of alcohol by such person. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, such judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state or federal officer. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. A copy of the warrant shall be given to the person named therein together with notice informing the person that such person has the right to a hearing under this section and the right to be represented by counsel at such hearing.

(c) The applicant for the warrant shall file a copy of the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the execution of the warrant. Prior to the execution and return of the warrant, the clerk of the court shall not disclose any information pertaining to the application for the warrant or any affidavits upon which the warrant is based. The warrant shall be returned to the warranting officer with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms seized.

(d) Not later than fourteen days after the execution of a warrant under this section, the court for the geographical area where the person named in the warrant resides shall hold a hearing to determine whether the seized firearms should be returned to the person named in the warrant or should continue to be held by the state. At such hearing the state shall have the burden of proving all material facts by clear and convincing evidence. If, after such hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it may order that the firearm or firearms seized pursuant to the warrant issued under subsection (a) of this section continue to be held by the state for a period not to exceed one year. Otherwise the court shall order the seized firearm or firearms to be returned to the person named in the warrant. If the court finds that the person poses a risk of imminent personal injury to himself or herself or to other individuals, it shall give notice to the Department of Mental Health and Addiction Services which may take such action pursuant to chapter 319 as it deems appropriate.

(e) Any person whose firearm or firearms have been ordered seized pursuant to subsection (d) of this section, or such person’s legal representative, may transfer such firearm or firearms in accordance with the provisions of section 29-33 or other applicable state or federal law, to any person eligible to possess such firearm or firearms. Upon notification in writing by such person, or such person’s legal representative, and the transferee, the head of the state agency holding such seized firearm or firearms shall within ten days deliver such firearm or firearms to the transferee.

29-38d. Interstate transportation of firearms through state.

(a) The provisions of sections 29-35 and 29-38 shall not apply to the interstate transportation of firearms through this state in accordance with 18 USC 926A and 927, as amended from time to time, by any person who is not otherwise prohibited from shipping, transporting, receiving or possessing a firearm. Such person may transport a firearm for any lawful purpose from any place where such person may lawfully possess and carry such firearm through this state to any other place where such person may lawfully possess and carry such firearm provided such transportation is in accordance with subsection (b) of this section.

(b) During the transportation of a firearm through this state as authorized in subsection (a) of this section, such firearm shall be unloaded and neither such firearm nor any ammunition being transported shall be readily accessible or readily accessible from the passenger compartment of the vehicle. If the vehicle does not have a compartment separate from the passenger compartment, such firearm shall be unloaded and such firearm and any ammunition being transported shall be contained in a locked container other than the glove compartment or console.

(c) No person who is transporting a firearm through this state in accordance with this section may use or carry such firearm or sell, deliver or otherwise transfer such firearm while in this state.
permanent residence or business occupancy, by the person in whose possession the machine gun was found; or

(2) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or

(3) when the machine gun is of the kind described in subsection (g) hereof and has not been registered as therein required; or

(4) when empty or loaded projectiles of any caliber which may be found, or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

(e) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle.

(f) Each manufacturer shall keep a register of all machine guns manufactured or handled by the manufacturer. Such register shall show the model and serial number, and the date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal or police officer to inspect such manufacturer's entire stock of machine guns, and parts and supplies thereof, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars.

(g) Each machine gun in this state adapted to use projectiles of any caliber shall be registered in the office of the Commissioner of Public Safety within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the person in whose possession and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (f) and which is still in the actual possession of the manufacturer.

(h) No provision of this section shall apply to:

(1) The manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia;

(2) The possession of a machine gun rendered inoperable by welding of all critical functioning parts and possessed as a curiosity, ornament or keepsake;

(3) A machine gun acquired, transferred or possessed in accordance with the National Firearms Act, as amended, provided such machine gun shall be subject to the provisions of subsection (g) of this section.


(a) As used in this section and sections 53-202b to 53-202k, inclusive, "assault weapon" means:

(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms, the Remington Model AR-180; Australian Auto-Ordnance Waco; Steyr AUG; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal X-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Gonzalez High-Tech Carbine and High-Tech Long Submachine; Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scabrap Scorpion; SIG 57 AT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory M1A, M14 and G-3; Sterling MK-6 and MK-7; Steyer AUG; Steyr Mannlicher Scout and Striker 12 revolver cylinder shotguns; USAS-12; Uzi Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (1) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (1) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person;

(3) Any semiautomatic firearm not listed in subpart (1) of this subsection that meets the following criteria:

(A) A semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following:

(i) A folding or telescoping stock;

(ii) A pistol grip that protrudes conspicuously under the control of the same person;

(iii) A bayonet mount;

(iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) A grenade launcher; or

(B) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following:

(i) An ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward hand-guard or silencer;

(iii) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the trigger hand without being burned;

(iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and

(v) A semiautomatic version of an automatic firearm;

(iv) An ability to accept a detachable magazine; or

(4) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subdivision (3) of this subsection, or any combination of parts from which an assault weapon, as defined in subdivision (3) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person.

(b) As used in this section and sections 53-202b to 53-202k, inclusive, the term "assault weapon" does not include any firearm modified to render it non-permanent or non-operational.

53-202b. Sale or transfer of assault weapon prohibited. Class C felony.

(a)(1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as provided for which a certificate of possession has been issued under section 53-202k, inclusive, and subsection (h) of section 53a-46a, shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced.

(2) Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subdivision (1) of this subsection shall be sentenced to a term of imprisonment of six years, which shall not be suspended or reduced and shall be in addition and consecutive to the term of imprisonment imposed under subdivision (1) of this subsection.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The sale of assault weapons to the Department of Public Safety, police departments, the department of correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes an assault weapon, as defined in section 53a-46a, or who has been convicted of a crime of violence in violation of subdivision (3) of this subsection, may be rapidly assembled if those parts are in the possession or under the control of the same person;

(3) The transfer by bequest or intestate succession of an assault weapon that has been registered under subsection (h) of section 53a-46a;

(4) The sale of an assault weapon prohibited by members or employees of the Department of Public Safety, police departments, the department of correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in sections 29-37 and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a.


(a) Except as provided in section 53-202e, any person who, within this state, possesses any assault weapon, except as provided for which a certificate of possession has been issued under section 53-202k which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by sections 29-37 and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a;

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The possession of assault weapons by members or employees of the Department of Public Safety, police departments, the department of correction or the military or naval forces of this state or the United States for use in the discharge of their official duties; nor shall anything in sections 29-37 and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a.
(h) of section 53a-46a prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties.

(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon by any person prior to July 1, 1994, if all of the following are applicable:

1. The person is eligible under sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a to apply for a certificate of possession of the assault weapon by July 1, 1994;

2. The person lawfully possessed the assault weapon prior to October 1, 1993; and

3. The person is otherwise in compliance with sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a.

(d) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (d) of section 53-202d or as authorized by the Probate Court.


(a) Any person who lawfully possesses an assault weapon, as defined in section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because he or she is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Public Safety, for a certificate of possession with respect to such assault weapon. The certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations in accordance with the provisions of section 53-202d to 53-202k, inclusive, and subsection (h) of section 53a-46a.

(b) No assault weapon possessed pursuant to this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession. Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of Public Safety for a certificate of possession as provided in subsection (a) of this section, render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from the state. Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of Public Safety for a certificate of possession with respect to such assault weapon.

(c) If a person lawfully possesses an assault weapon and transfers the weapon to a licensed gun dealer, he shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Commissioner of Public Safety. The certificate shall contain:

1. The date of sale or transfer;

2. The name and address of the seller or transferee and the licensed gun dealer, their social security numbers or motor vehicle operator license numbers, if applicable;

3. The licensed gun dealer's federal firearms license number and seller's permit number;

4. A description of the weapon, including the caliber of the weapon and its make, model and serial number; and

5. Any other information the commissioner prescribes.

The licensed gun dealer shall present his motor vehicle operator's license or social security card, federal firearms license and seller's permit to the seller or transferee for inspection at the time of purchase or transfer. The Commissioner of Public Safety shall maintain a file of all certificates of transfer at his central office.

(d) A person who has been issued a certificate of possession of an assault weapon under this section may possess it only under the following conditions:

1. At that person's residence, place of business or other property owned by that person, or on property owned by another with the owner's express permission;

2. While on the premises of a target range of a public, private, club or organization organized for the purpose of practicing shooting at targets;

3. While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;

4. While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; or

5. While transporting the assault weapon between any of the places mentioned in this subsection, to or by any licensed gun dealer, as defined in subsection (d) of section 53-202f, for servicing or repair pursuant to subsection (c) of section 53-202f, provided the assault weapon is transported as required by section 53-202f.


(a) While transporting an assault weapon between any of the places mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of section 53-202d, no person shall carry a loaded assault weapon constructed from public view or knowledge, or in any motor vehicle owned, operated or occupied by him (1) a loaded assault weapon, or (2) an unloaded assault weapon unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to the operator of or any passenger in the vehicle. A person who violates the provisions of this subsection shall be fined not more than five hundred dollars or imprisoned not more than three years or both.

(b) Any licensed gun dealer, as defined in subdivision (d) of this section, who lawfully possesses an assault weapon pursuant to section 53-202e and in addition to the uses allowed in section 53-202d, may transport the assault weapon between dealers or out of the state, display it at any gun show licensed by a state or local governmental entity or sell it to a resident outside the state. Any transporting of the assault weapon allowed by this subsection must be done as required by subsection (a) of this section.

(c) (1) Any licensed gun dealer who has an assault weapon, as defined in subdivision (d) of this section, may possess any assault weapon for the purposes of servicing or repair from any person to whom has been issued a certificate of possession for such weapon pursuant to sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a.

(2) Any licensed gun dealer may transfer possession of any assault weapon received pursuant to subdivision (1) of this subsection, to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to the following persons:

A. A gunsmith in the dealer's employ;

B. A gunsmith with whom the dealer has contracted for gunsmithing services, provided the gunsmith receiving the assault weapon holds a dealer's license issued pursuant to Chapter 44, commencing with Section 921, of Title 18 of the United States Code and the regulations issued pursuant thereto.

(d) The term "licensed gun dealer", as used in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-26.


(a) Any person who lawfully possesses an assault weapon under Sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of Section 53a-46a or a firearm, as defined in Section 53a-3, that is lost or stolen from such person shall report the loss or theft to the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having jurisdiction for such town within seventy-two hours of when such person discovered or should have discovered the loss or theft. Such report shall be made to the department or troop forthwith forward a copy of such report to the commissioner of public safety. The provisions of this subsection shall not apply to the loss or theft of an antique firearm as defined in subsection (b) of section 29-37a.

Page 105
(b) Any person who fails to make a report required by subsection (a) of this section within the prescribed time period shall commit an infraction and be fined not more than ninety dollars for a first offense and be guilty of a class d felony for any subsequent offense, except that, if such person intentionally fails to make a report within the prescribed time period, such person shall be guilty of a class c felony. Any person who violates subsection (a) of this section for the first offense shall not lose such person's right to hold or obtain any firearm permit under the general statutes.

53-202j. Commission of a class A, B or C felony with a firearm: Five-year nonsuspended sentence. Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53-202a, shall be imprisoned for a term of eight years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony.

53-202k. Commission of a class A, B or C felony with a firearm: Five-year nonsuspendable sentence. Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53-202a, shall be imprisoned for a term of five years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony.

53-202l. Armor piercing and incendiary .50 caliber ammunition: Definition. Sale or transfer prohibited. (a) For the purposes of this section:

(1) "Armor piercing .50 caliber bullet" means any .50 caliber bullet that is (A) designed for the purpose of, (B) held out by the manufacturer or distributor as, or (C) generally recognized as having a specialized capability to penetrate armor or bulletproof glass, including, but not limited to, such bullets commonly designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Arm Penetrator" or "SLAP", or "M962 Saboted Light Arm Penetrator Tracer" or "SLAPIT".

(2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that is (A) designed for the purpose of, (B) held out by the manufacturer or distributor as, or (C) generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as "M1 Incendiary", "M23 Incendiary", "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing Incendiary Tracer" or "APIT".

(b) Any person who knowingly distributes, transports or imports into the state, keeps for sale or offers or exposes for sale or gives to any person any ammunition that is an armor piercing .50 caliber bullet or an incendiary .50 caliber bullet shall be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor.

(c) The provisions of subsection (b) of this section shall not apply to the following:

(1) The sale, purchase or transfer to the Department of Public Safety, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes such ammunition that is disposed of as authorized by the Probate Court; or

(3) The transfer by bequest or intestate succession of such ammunition.

(d) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29-33 of the general statutes.

53-202m. Circumstances when assault weapons exempt from limitations on transfers and registration requirements. Notwithstanding any provision of the general statutes, sections 53-202a to 53-202k, inclusive, of the general statutes and section 2 of this act, shall not be construed to limit the transfer or require the registration of an assault weapon as defined in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes provided such firearm was legally manufactured prior to September 13, 1994.

53-202n. Possession of specified assault weapon permitted under certain circumstances. Notice requirement. (a) For the purposes of subsection (a) of section 53-202c, this section and section 53-202o, "specified assault weapon" means any of the following firearms: Auto-Ordnance Thompson type, Avto-mat Kalashnikov AK-47 type, or MAC-10, MAC-11 and MAC-11 Carbine type.

(b) In any prosecution to the provisions of subdivision (2) of subsection (a) of section 53-202c of the general statutes shall not apply to any person who

(1) in good faith purchased or otherwise obtained title to a specified assault weapon on or after October 1, 1993, and prior to May 8, 2002, in compliance with any state and federal laws concerning the purchase or transfer of firearms,

(2) is not otherwise disqualified or prohibited from possessing such specified assault weapon, and

(3) has possessed such specified assault weapon in compliance with subsection (d) of section 53-202o, this section prior to October 1, 2003, that he or she possesses such specified assault weapon.

(c) A person complies with the notice requirement of subdivision (3) of subsection (b) of this section if such person provides the Department of Public Safety with: (1) A copy of the proof of purchase or other specified assault weapon, and (2) one of the following: (A) A copy of state form DPS-3 with respect to such specified assault weapon, (B) a copy of federal ATF Form 4473 with respect to such specified assault weapon, or (C) a sworn affidavit from such person that such specified assault weapon was purchased in compliance with any state and federal laws concerning the purchase or transfer of firearms; except that, if such person does not have a copy of the proof of purchase for such specified assault weapon, such person may satisfy the requirement of subdivision (1) of this subsection by, not later than January 1, 2003, providing such information as the department may require on a form prescribed by the department together with a sworn affidavit from such person that such specified assault weapon was purchased in compliance with any state and federal laws concerning the purchase or transfer of firearms.

(d) Any person who is a member of the military or naval forces of this state or of the United States and is unable to meet the notice requirements of subdivision (3) of subsection (b) and of subsection (c) of this section by October 1, 2003, because such person is or was on official duty outside this state, may file such notice within ninety days of returning to the state.

(e) As proof that a person has complied with the notice requirement of this section and that such notice has been received by the Department of Public Safety, the department shall issue a certificate of possession for such specified assault weapon. Such certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, and the full name, address and date of birth of the owner.

53-202o. Affirmative defense in prosecution for possession of specified assault weapon. (a) In any prosecution for a violation of section 53-202c of the general statutes based on the possession by the defendant of a specified assault weapon, it shall be an affirmative defense that the defendant

(1) in good faith purchased or otherwise obtained title to such specified assault weapon on or after October 1, 1993, and prior to May 8, 2002, in compliance with any state and federal laws concerning the purchase or transfer of firearms,

(2) is not otherwise disqualified or prohibited from possessing such specified assault weapon, and

(3) has possessed such specified assault weapon in compliance with subsection (d) of section 53-202o, this section prior to October 1, 2003, that he or she possesses such specified assault weapon.
of this act and obtaining a certificate of possession, provided such notification is made not later than October 1, 2003.

53-202aa. Firearms trafficking: Class C or Class B felony.

(a) A person is guilty of firearms trafficking if such person, either directly or indirectly, causes one or more firearms that such person owns, is in possession of or is in control of to come into the possession of or control of another person whom such person knows or has reason to believe is prohibited from owning or possessing any firearm under state or federal law.

(b) Any person who violates any provision of this section shall be guilty of a class C felony if such person, or on or after October 1, 2007, sells, delivers or otherwise transfers five or fewer firearms, and a class B felony if such person, on or after October 1, 2007, sells, delivers or otherwise transfers more than five firearms.

(c) For the purposes of this section, "firearm" means "firearm" as defined in section 53a-3, but does not include a rifle or shotgun or an antique firearm as defined in subsection (b) of section 29-37a.

53-205. Loaded shotguns, rifles and muzzleloaders prohibited in vehicles and snowmobiles.

(a) No person shall carry or possess in any vehicle or snowmobile any shotgun or rifle or muzzleloader of any gauge or caliber while such shotgun or rifle or muzzleloader contains in the barrel, chamber or magazine any loaded shell or cartridge capable of being discharged or when such muzzleloader has a percussion cap in place or when the powder pan of a flint lock contains powder. As used in this subsection "muzzleloader" means a rifle or shotgun that is incapable of firing a self-contained cartridge and must be loaded at the muzzle end.

(b) The enforcement officers of the Department of Environmental Protection are empowered to enforce this section.

(c) The provisions of this section shall not apply to members of the military departments of the government or state while on duty or while traveling to or from assignments, or to enforcement officers, security guards or other persons in the lawful discharge of their official duties; and shall not apply to private property while in the performance of such duties.

(d) Any person who violates any provision of this section shall be fined not less than ten nor more than one hundred dollars or be imprisoned not more than thirty days or be both fined and imprisoned.

53-206h. Unlawful training in use of firearms, explosive or incendiary devices or techniques capable of causing injury. Class C felony.

(a) As used in this section:

(1) "Civil disorder" means a public disturbance involving acts of violence by a group of three or more persons which causes an immediate danger of or results in damage to the property of or injury to any other person.

(2) "Explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile or similar device, and (C) any incendiary bomb or grenade, fire bomb or similar device, including any device which (i) consists of or includes a breakable container which contains a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by an individual.

(3) "Firearm" means a firearm as defined in section 53a-3.

(b) No person shall (1) teach or demonstrate to any person the use, application or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to a person, knowing or intending that such firearm, explosive, incendiary device or technique will be unlawfully employed for use in, or in furtherance of, a civil disorder.

(c) Any person who violates any provision of this section shall be guilty of a class C felony.

(d) Nothing in this section shall make unlawful any act of any peace officer, as defined in section 53a-3, performed in the lawful discharge of his official duties.


(a) For the purposes of this section:

(1) "Facsimile of a firearm" means (A) any nonfunctional imitation of an original firearm which was manufactured, designed and produced since 1898, or (B) any nonfunctional representation of a firearm other than an imitation of an original firearm, provided such representation could reasonably be perceived to be a real firearm.

(b) No person shall, for sale or sale or sell any facsimile of a firearm. The provisions of this subdivision shall be deemed not to apply to section 29-38 or 53-206;

(2) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;...

(15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one pull of the trigger and includes a submachine gun;

(16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger;

(17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches;

(19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged.

(20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
Chapter 952. Offenses
Part XXI. Miscellaneous Offenses

53a-211. Possession of a sawed-off shotgun or silencer: Class D felony.
(a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls or possesses any silencer designed to muffle the noise of a firearm during discharge.
(b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silenced.
(c) Possession of a sawed-off shotgun or a silenced firearm or electronic defense weapon: Class D felony.

53a-212. Stealing a firearm: Class D felony.
(a) A person is guilty of stealing a firearm when, with intent to deprive another of his firearm or to appropriate the same to himself or a third party, he wrongfully takes, obtains or holds a firearm, as defined in subdivision (19) of section 53a-3.
(b) Stealing a firearm is a class D felony.

53a-216. Criminal use of firearm or electronic defense weapon: Class D felony.
(a) A person is guilty of criminal use of a firearm or electronic defense weapon when he commits any class A, B or C or unclassified felony as defined in section 53a-25 and in the commission of such felony he uses or threatens to use a pistol, revolver, machine gun, shotgun, rifle or other firearm or electronic defense weapon. No person shall be convicted of criminal use of a firearm or electronic defense weapon and the underlying felony upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.
(b) Criminal use of a firearm or electronic defense weapon is a class D felony for which five years of the sentence imposed may not be suspended or reduced by the court.

53a-217. Criminal possession of a firearm or electronic defense weapon: Class D felony.
(a) A person is guilty of criminal possession of a firearm or electronic defense weapon when such person possesses a firearm or electronic defense weapon and
(1) has been convicted of a felony,
(2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120,
(3) knows that such person is subject to an restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, or
(B) a foreign order of protection, as defined in section 46b-15a, as amended by this act, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person,
(4) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, or
(5) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.
(b) Criminal possession of a firearm or electronic defense weapon is a class D felony, for which two years of the sentence imposed may not be suspended or reduced by the court.

53a-217a. Criminally negligent storage of a firearm: Class D felony.
(a) A person is guilty of criminally negligent storage of a firearm or electronic defense weapon when he violates the provisions of sections 29-37i and a minor obtains the firearm and causes the injury or death of himself or any other person. For the purposes of this section, "minor" means any person under the age of sixteen years.
(b) The provisions of this section shall not apply to the minor obtains the firearm as a result of an unlawful entry to any premises by any person.
(c) Criminally negligent storage of a firearm is a class D felony.

53a-217b. Possession of a weapon on school grounds: Class D felony.
(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, (1) in or on the real property comprising a public or private elementary or secondary school or (2) at a school-sponsored activity as defined in subdivision (9) of section 10-233a.
(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm
(1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity,
(2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, while engaged in the performance of such peace officer's official duties or
(4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education.
(c) Possession of a weapon on school grounds is a class D felony.

53a-217c. Criminal possession of a pistol or revolver: Class D felony.
(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and
(1) has been convicted of a felony or of a violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d,
(2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120,
(3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13,
(4) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court,
(5) knows that such person is subject to a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or
(b) Criminal possession of a pistol or revolver is a class D felony.

Bridgeport Municipal Code

Title 9 Public Peace and Welfare
Chapter 9.16. Weapons

9.16.010. Permit to carry certain weapons – Issuance authorized. Pursuant to Section 53-206 of the General Statutes, the mayor or chief of police may, for good and sufficient reason, issue a permit to any proper person to carry any of the weapons or instruments described in such section.

9.16.020 Permit to carry certain weapons - Fee. A fee of thirty-five dollars ($35.00) shall be charged for each permit issued pursuant to Section 9.16.010.

9.16.030 Permit to carry certain weapons-Records-Disposition of fees.
The board of police commissioners shall provide suitable permit books in which permits issued pursuant to Section 9.16.010 shall be numbered consecutively and in duplicate. The mayor shall turn over to the chief of police any permit fees received by him. The chief of police shall, on the first and sixteenth day of each month, turn over to the city treasurer the amount collected or received by him for such permits and deliver to the comptroller the duplicate copies of the permits so issued.

9.16.040 Permit to carry certain weapons - Term - Revocation. The permit required by Section 9.16.010 shall be for the period of one year from the date of its issuance and may be revoked by the chief of police during such year at his discretion.

9.16.050 Air rifles prohibited. A. It is unlawful and is prohibited for any person to store, sell, offer or expose for sale at retail or have in possession with intent to sell at retail or with intent to use within the limits of the city any air gun, rifle or pistol, spring gun or pistol or any implement not a firearm which impels with force a pellet of any kind.
B. The term “at retail” as used in this section shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

C. The chief of police is authorized, empowered and directed to seize, remove and destroy any air gun or any implement not a firearm which impels with force a pellet of any kind which shall be used or discharged within the city or which shall be held, stored or possessed in violation of this section.


A. No firearms which become the property of the city, either through purchase, seizure, donation or any other means will not be re-sold.

B. All firearms will be destroyed, at such time as they are no longer necessary as evidence in a criminal proceeding or for such other use the chief of police determines reasonable and appropriate, so that they cannot be re-sold or re-used by a secondary user or purchaser.

The Municipal Code of Hartford

Chapter 21. Licenses and Permits Generally

Article II. Pistol Permits

Division 1. Generally

21-31. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- Ammunition means any projectile or other device which will or is designed to or may readily be converted to be expelled from any pistol or revolver.

- Antique pistol or revolver means any pistol or revolver which was manufactured in or before 1898 and any replica of such pistol or revolver provided such replica is not designed or redeployed for use as a firearm.

- Pistol and revolver mean any firearm having a barrel less than twelve (12) inches in length.

- Transfer means to sell, assign, lease, loan, give away, or otherwise cause the lawful title or rightful possession of a firearm to vest in another.

Chief of police means the chief of police of the city police department.

Permit includes the word “license.”

Person means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other kind of organization.

21-52. Same - Application. An application for a permit to sell or transfer pistols and revolvers shall be made in writing to the chief of police on such forms provided or approved by him, setting forth the name and social security number of the applicant, the applicant’s address, and the address where the business is to be conducted. The applicant must be a bona fide resident of, or have a place of business in the city in order to be eligible for a permit. The application for a permit shall also state that the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directing, or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership or association) is eighteen (18) years of age or older, that he is not under indictment for nor has been convicted in any court of a felony, is not a fugitive from justice, is not addicted to the use of narcotics, has not been a patient in a mental institution within the past five (5) years, and is not mentally retarded.

21-53. Same - Issuance. (a) The chief of police shall issue a permit to sell or transfer pistols and revolvers to applicants who have satisfactorily complied with the requirements of this division. It shall be the duty of the chief of police to refuse the permit to any applicant who fails, refuses or is unable to comply with all of the requirements specified in this division.

(b) The chief of police shall notify the applicant not later than eight (8) weeks after the receipt of the application if the application has been approved or denied.

21-54. Same - Expiration. A permit for the sale or transfer of pistols and revolvers shall expire five (5) years after the date it becomes effective; and renewal thereof shall expire five (5) years after the expiration date of the permit being renewed.

21-55. Same - Fee. The fee for each permit issued under the provisions of this division shall be fifteen dollars ($15.00).

21-56. Same - Revocation. The chief of police shall have the authority to revoke a permit issued under this division upon determining that the permit holder has violated any provision of this division, has failed to comply or has failed to keep a record of all such pistols and revolvers other than a manufacturer selling a bona fide wholesaler or a retailer or a wholesaler selling to a bona fide retailer to keep a record of all such pistols and revolvers sold, leased, loaned, given away or otherwise transferred. Such record shall contain the following information:

(1) The name, social security number, age, address, and permit number of the transferor;

(2) The name, social security number, age, address, and permit number of the transferee;

(3) The date of the sale;

(4) The name of the manufacturer, the caliber, make, model and serial number of the pistol or revolver.

21-58. Same - Required records. (a) Content of records. Any seller of pistols and revolvers other than a manufacturer selling to a bona fide wholesaler or a retailer or a wholesaler selling to a bona fide retailer shall keep a record of all such pistols and revolvers sold, leased, loaned, given away or otherwise transferred. Such record shall contain the following information:

(1) The name, social security number, age, address, and permit number of the transferor;

(2) The name, social security number, age, address, and permit number of the transferee;

(3) The date of the sale;

21-59. Application to purchase. (a) Required; delivery; waiting period. No person shall transfer a pistol or revolver at retail or otherwise transfer except upon written application on a form prescribed and furnished by the commissioner of public safety in triplicate. A copy of the application is to be mailed by first class mail to the chief of police and one (1) to the commissioner of public safety. No sale or delivery of any pistol or revolver shall be made until the expiration of two (2) weeks from the date of the mailing of such application.

(b) Exceptions. The waiting period specified in subsection (a) of this section during which delivery may be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers.

(c) Prohibited acts. No person shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person shall make any false statement or give any false information connected with any purchase or other transfer of any pistol or revolver. No person shall sell or otherwise transfer any pistol or revolver to any other person under the age of eighteen (18) years of age.

21-60. Report of sale or transfer. Any transferee of pistols and revolvers shall, upon selling or otherwise transferring a pistol or revolver, make a report of the sale or gift, which report shall state the date of the sale, the dealer, name, address, age, address, occupation, physical description of purchaser or donee, the purpose for which purchased, the kind, description, including serial number of the pistol or revolver, and the consideration paid therefor, the city and state permit number, if any, and/or the license number, if any. Such report of sale shall be open for inspection by any duly authorized law enforcement official or by the chief of police or the city clerk at all reasonable times. In addition, the information contained in this section shall be provided by the seller to the chief of police no later than the last business day of each calendar month representing all sales, lease, loans, gifts, or other transfers of any pistol or revolver by the seller.

21-61. Statement of intent. The city’s experience is that many firearms used in violent crimes are weapons which have been stolen. Existing state law provides for a statewide system of taking such a task as this division of the city’s law. The chief of police, requiring owners of firearms to promptly report to the police the loss or theft of firearms will enable the Hartford Police Department to timely investigate and hopefully solve the incidents of initial theft and may well result in taking firearms off the street before they can be used to perpetrate a violent crime.
addition, this legislation provides the city with a vehicle to recover costs expended in connection with police services from owners who fail to report stolen firearms. The section is within the city’s police powers authority and its power to protect the public interest.

21-62. Report loss or theft of firearm. In the city, any person who is the lawful owner of a firearm and any permitted firearm’s owner shall report the loss or theft thereof from premises in the city or from their person to the Hartford Police Department within seventy-two (72) hours of becoming aware of said theft or loss.

Sec. 21-63. Failure to report loss or theft of firearm. In the event that a lost or stolen firearm is determined to have been used to aid or abet the commission of a felony in the city and it shall become known to the Hartford Police that the owner of said firearm failed to report its loss or theft within seventy-two (72) hours of becoming aware of such loss or theft to the organized local police department in the municipality, or the Connecticut State Police, then the Corporation Counsel for the City of Hartford, on a showing of good cause, and consistent with state law, may sue the said owner to recover the costs to the city of police services and other expenses associated with the investigation and prosecution of said felony.

Division 3. Permit to Carry Pistol or Revolver

21-71. Required. It shall be unlawful for any person to have in his possession in the city any pistol or revolver, except when such person is within his dwelling house or place of business, unless a permit to carry a pistol or revolver has been issued in accordance with the provisions of this division.

21-72. Application. (a) Documents required generally. Every person applying for a permit to carry a pistol or revolver in the city shall provide the following documents to the Hartford police department, records division, between 8:00 a.m. and 6:00 p.m., Monday through Friday, or 8:00 a.m. to 12:00 noon on Saturday: ...

21-73. Issuance, fee. Upon satisfactorily completing all of the applicable requirements for a permit to carry a pistol or revolver, the applicant will be scheduled to meet with the commander of the records unit of the police department. At that time, a fee of fifteen dollars ($15.00) in cash, check or money order made payable to the city shall be paid and a permit issued. If, at any point in the process an application is denied, the payment to the Federal Bureau of Investigation shall be nonrefundable, however, no other charges for processing the application shall be made.

21-74. Exceptions to division. The provisions of this division shall not apply to the carrying of any pistol or revolver by any sheriff, parole officer or peace officer of any other state while engaged in the pursuit of his official duties, or federal marshal or federal law enforcement agent, or to any member of the armed forces of the United States, or of this state, when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or by any person carrying a pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while carrying the same from the place of sale to the purchaser’s residence or place of business, or to any person removing his household goods or effects from one (1) place to another, or to any person while carrying any such pistol or revolver from his place of residence or business to a place or person where or by whom such pistol or revolver is to be repaired or while returning to his place or residence or business after the same has been repaired, or to any person carrying a pistol or revolver in or through the state for the purpose of taking part in competitions or attending any meeting or exhibition of an organized collectors’ group if such person is a bona fide resident of the United States having a permit or license to carry a firearm issued by the authority of any other state or subdivision of the United States, or to any person carrying a pistol or revolver to and from a testing range at the request of the issuing authority, or to any person carrying an antique pistol or revolver.

Chapter 25. Offenses - Miscellaneous

25-18. Facsimiles of firearms. (a) For the purposes of this section: (1) "Facsimile of a firearm" means (A) any nonfiring, collector replica of an antique firearm produced since 1898, or (B) any nonfunctional representation of a firearm other than an imitation of an original firearm, provided such representation could reasonably be perceived to be a real firearm. Such term does not include any look-a-like, nonfiring, collector replica of an antique firearm developed prior to 1898, or traditional BB. Or pellet-firing air gun that expels a metallic or paint-contained projectile through the force of air pressure. (2) "Firearm" means firearm as defined in Connecticut General Statutes section 53a-3. (b) No person shall give, offer for sale or sell any facsimile of a firearm. The provisions of this subsection shall not apply to any facsimile of a firearm, which, because of its distinct color, exaggerated size or other design feature, cannot reasonably be perceived to be a real firearm. (c) Except in self-defense, no person shall carry, draw, exhibit or brandish a facsimile of a firearm or simulate a firearm in a threatening manner, with intent to frighten, vex or harass another person. (d) No person shall draw, exhibit or brandish a facsimile of a firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician or paramedic engaged in the performance of his duties knowing or having reason to know that such peace officer, firefighter, emergency medical technician or paramedic is engaged in the performance of such duties.

[Chapter 18. Offenses and Miscellaneous Proceedings]

DELAWARE
DEL. CODE

Title 9 Counties
Part I. Provisions Affecting All Counties
Chapter 3. County Governments Generally
330. General powers and duties
(c) The county governments shall enact no law or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms and ammunitions.
or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11 of the Delaware Code.

Title 11. Crimes and Criminal Procedure

Part I. Delaware Criminal Code

Chapter 2. General Provisions Concerning Offenses

222. General definitions When used in this Criminal Code:

(5) "Deadly weapon" includes a "firearm", as defined in paragraph (12) of this section, a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, nunchaku, blackjack, club, mace, pepper spray, tear gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun.

Chapter 5. Specific Offenses

Subchapter VII. Offenses Against Public Health, Order and Decency

Subpart E. Offenses Involving Deadly Weapons and Dangerous Instruments

1444. Possessing a destructive weapon; class E felony

(a) A person is guilty of possessing a destructive weapon when the person sells, transfers, buys, receives or has possession of a bomb, bombshell, firecracker, incendiary device, rocket, rocket shell, rocket motor, smoke device, incendiary device, incendiary bomb, incendiary rocket, incendiary rocket shell, incendiary rocket motor, incendiary smoke device, incendiary incendiary bomb, incendiary rocket, incendiary rocket shell, incendiary rocket motor, incendiary smoke device, incendiary bomb, or incendiary rocket, or any other firearm or weapon which is adapted or designed for use as a machine gun, a submachine gun, a machine gun, a repeating firearm, or a firearm with an overall length of less than 26 inches.

1445. Unlawfully dealing with a dangerous weapon; unclassified misdemeanor

(a) Unlawfully dealing with a dangerous weapon is unclassified misdemeanor, unless and until that person has reached their 25th birthday;

(b) Any juvenile, if said deadly weapon is a handgun, unless said juvenile possesses said handgun for the purpose of engaging in lawful hunting, instruction, sporting or recreational activity while under the direct or indirect supervision of an adult. For the purpose of this subsection, a handgun shall be defined as any pistol, revolver or other firearm designed to be readily capable of being fired when held in 1 hand;

(c) Any person who is subject to a Family Court protection from abuse order (other than an ex parte order) but only for so long as that order remains in effect or is not terminated or otherwise terminated, except that this paragraph shall not apply to a contested order issued solely upon § 1041(1)(a), (b), (c), or (d) of Title 10, or any combination thereof;

(d) Any person who has been convicted in any court of any felony or misdemeanor for domestic violence. For purposes of this paragraph, the term "misdemeanor crime of domestic violence" means any misdemeanor offense that:

i. Was committed by a member of the victim’s family, as "family" is defined in § 901(12) of Title 10 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person with whom the victim cohabitated with the victim at the time of the offense; or by a person with a child in common with the victim; and

ii. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 626, § 763, § 765, § 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another jurisdiction; or

(e) Any person who, knowing that he or she is the defendant or co-defendant in any criminal case in which that person is alleged to have committed any felony under the laws of this State, the United States or any other state or territory of the United States, becomes a fugitive from justice by failing to appear for any scheduled court proceeding pertaining to such felony for which proper notice was provided or attempted. It is no defense to a prosecution under this paragraph that the person did not receive notice of the scheduled court proceeding;

(f) Any person who, as a juvenile, has been adjudicated for "antique firearms", and validly seized deadly weapons or ammunition from a person prohibited as a result of a felony conviction under paragraph (a)(1) or (a)(3) of this section, or validly seized under paragraph (a)(8) of this section may be disposed of by the law enforcement agency holding the weapon or ammunition, after the exhaustion of any right of direct appeal, pursuant to § 2311 of this title.

a. "Antique firear" means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898 and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily restored to a firing condition.

b. A person prohibited under this section has the burden of proving that the subject firearm is an antique firearm as defined in paragraph (a)(9), or this section, by clear and convincing evidence.

c. Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an adult, would constitute a felony.
deadly weapon or ammunition for a firearm by a person prohibited.

(c) Possession of a deadly weapon by a person prohibited is a class F felony, unless said deadly weapon is a firearm or ammunition for a firearm, in which case it is a class D felony. As used here, Level V is the first 1 or more rounds of fixed ammunition designed for use in and capable of being fired from a pistol, revolver, shotgun or rifle but shall not mean inert rounds or expended shells, hulls or casings.

(d) Any person who is a prohibited person solely as a result of a conviction for an offense which is not a felony shall not be prohibited from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm if 5 years have elapsed from the date of conviction.

(e)(1) Notwithstanding any provision of this Section or Code to the contrary, any person who is a prohibited person as described in this section and who knowingly possesses, owns, or controls a firearm or destructive weapon while so prohibited shall receive a minimum sentence of:
   a. one year at Level V, if the person has previously been convicted of a violent felony; or
   b. three years at Level V, if the person does so within ten (10) years of the date of conviction for any violent felony or the date of termination of all periods of incarceration or confinement imposed pursuant to said conviction, whichever is the later date; or
   c. five years at Level V, if the person has been convicted on 2 or more separate occasions of any violent felony.

(2) Any person who is a prohibited person as described in this section because of a conviction for a violent felony and who, while in possession or control of a firearm in violation of this section, negligently causes serious physical injury to or the death of another person through the use of such firearm, shall be guilty of a class B felony and shall receive a minimum sentence of:
   a. Four years at Level V; or
   b. Six years at Level V, if the person causes such injury or death within 10 years of the date of conviction for any violent felony or the date of termination of all periods of incarceration or confinement pursuant to said conviction, whichever is the later date; or
   c. Ten years at Level V, if the person has been convicted on 2 or more separate occasions of any violent felony.

Nothing in this paragraph shall be deemed to be a related or included offense of any other provision of this Code. Nothing in this paragraph shall be deemed to preclude prosecution or sentencing under any other provision of this Code nor shall this paragraph be deemed to preclude prosecution or sentencing under any other provision of this Code. Nothing in this paragraph shall be deemed to be a related or included offense of any other provision of this Code.

(f)(1) Upon conviction, any person who is a prohibited person as described in paragraph (a)(5) of this section and who is 14 years of age or older shall, for a first offense, receive a minimum sentence of 6 months of Level V incarceration, and shall receive a minimum sentence of 1 year of Level V incarceration for second and subsequent offense, which shall not be subject to suspension. Any sentence imposed pursuant to this subsection shall not be subject to §§ 4205(b) and 4215 of this title.

(2) The penalties prescribed by this subsection and subsection (g) of this section shall be imposed regardless of whether or not the juvenile is determined to be amenable to the rehabilitative process of the Family Court pursuant to § 1010(c) of Title 10 or any successor statute.

(g) In addition to the penalties set forth in subsection (f) of this section herein, a person who is a prohibited person pursuant to paragraph (a)(5) of this section and who is 14 years of age or older shall, upon conviction of a first offense, be required to view a film and/or slide presentation depicting the damage and destruction inflicted upon the human body by a projectile fired from a gun, and shall be required to meet with, separately or as part of a group, a victim of a violent crime, the family of a deceased victim of a violent crime. The Division of Youth Rehabilitative Service, with the cooperation of the Office of the Chief Medical Examiner and the Violent Crimes Compensation Board shall be responsible for the implementation of this subsection.

1448A. Criminal history record checks for sales of firearms

(a) No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver from inventory any firearm, as defined in § 222 of this title, to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the licensee has:

   (1) Obtained from the potential buyer or transferee a nonexpired identification issued by a governmental agency indicating the address, sex and date of birth of the buyer or transferee and bearing a photograph of the transferee obtained from the potential buyer or transferee, a secondary form of identification which indicates the same name and address of the buyer or transferee as noted on the government issued identification, and has inspected said identifications and has determined that they accurately reflect the identity of the buyer or transferee. For purposes of this section, an original, gas, electric, telephone or other utility bill may qualify as a secondary form of identification, if it contains the requisite information; and

   (2) Obtained a completed consent form from the potential buyer or transferee, which form shall have been promulgated by the State Bureau of Identification (SBI) and provided by the licensed importer, licensed manufacturer or licensed dealer, which shall include the name, address, birth date, gender, race, and Social Security number, driver's license number or other identification number of such potential buyer or transferee; and

(b) Requested, by means of a toll-free telephone number, the SBI to conduct a criminal history and involuntary commitment of an adult record check, the SBI during the licensee's call or by return call, shall:

   (1) Review its criminal history and involuntary commitment of an adult records to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to § 1448 of this title or federal law; and

   (2) Inform the licensee making the inquiry either:

      a. That its records demonstrate that the potential buyer or transferee is so prohibited; or

      b. Provide the licensee with a unique approval number.

(c) In the event of electronic failure or similar emergency beyond the control of the SBI, the SBI shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the SBI shall no later than the end of the 3rd business day following a request for a criminal history and involuntary commitment of an adult record check of the licensee, either:

   (1) Inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to § 1448 of this title or federal law; or

   (2) Provide the licensee with a unique approval number.

Without notified by the end of the 3rd business day following a request for a record check that the potential buyer or transferee is so prohibited, and without regard to whether the licensee has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

(d)(1) Any records containing any of the information set forth in paragraph (a)(1) pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or possession of a firearm by reason of § 1448 of this title or federal law shall be confidential and may only be disclosed by any officer or employee of the SBI to other law enforcement agencies. The SBI and any other law enforcement agencies shall destroy any such records after it communicates the corresponding approval number to the licensee and such records shall be destroyed within 60 days after the day of receipt of the licensee's request.

(2) Notwithstanding contrary provisions of this subsection, the SBI shall maintain a log of dates of requests for criminal history record checks and unique approval numbers corresponding to such dates for a period of not longer than 1 year.
Nothing in this section shall be construed to allow the State to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of firearm transactions, including the names or other identification of licensees and potential buyers or transferees, involving persons not prohibited by § 1448 of this title and federal law from the receipt or possession of firearms. However, the SBI may retain whatever information it receives including, but not limited to, the identifying information of potential buyers or transferees, if the SBI has probable cause to believe the potential buyer or transferee is engaging in or committing a crime.

The SBI shall establish a toll-free telephone number which shall be operational between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and 9:00 a.m. to 5:00 p.m. Sunday for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers and licensed dealers. The SBI has notified all licensed importers, the number need not be operational on Christmas Day, Thanksgiving Day or on Easter Sunday. The SBI shall employ and maintain such personnel as are necessary to administer the provisions of this section.

Any person who is denied the right to receive a firearm as a result of the procedures established by this section may request an amendment of any errors in the record pertaining to the person by petitioning the SBI. If the SBI fails to amend the record within 30 days, the person requesting the amendment may petition the Superior Court in the county of residence for a writ of mandamus directing the SBI to amend the record. The Court shall award the petitioner all reasonable attorney fees and other costs, if it determines that SBI willfully refused to amend the record. If the record as corrected demonstrates that such person is not prohibited from receipt or possession of a firearm by § 1448 of this title or federal law, the SBI shall destroy any records it maintains which contain any information derived from the criminal history and involuntary commitment of an adult records check set forth in paragraphs (a)(3) and (a)(4) of this section.

The SBI shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided pursuant to this section.

A licensed importer, licensed manufacturer or licensed dealer is not required to comply with the provisions of this section in the event of:

(1) Unavailability of telephone service at the licensed premises due to:
   a. The failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located; or
   b. The interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(2) Failure of the SBI reasonably to comply with the requirements of subsections (b) and (c) of this section.

Within 72 hours of the normalization of telephone service, the licensed importer, licensed manufacturer or licensed dealer shall communicate to the SBI the identifying data as set forth in subsection (a)(4) of this section for each sale or delivery of a firearm during the unavailability of telephone service.

Compliance with the provisions of this section shall be a complete defense to any claim or cause of action under the laws of this State for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce.

The provisions of this section shall not apply to:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;
(2) Any replica of any firearm described in paragraph (1) of this subsection if such replica:
   a. Is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
   b. Uses a shotgun or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;
(3) Any shotgun, which is defined as a firearm designed or intended to be fired from the shoulder and designed to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;
(4) The return, by a licensed pawnbroker, of a firearm to the person from whom it was received;
(5) Transactions in which the potential buyer or transferee holds a valid concealed deadly weapons license pursuant to § 1441 of this title; and
(6) Transactions involving a “law enforcement officer” as defined by § 222 of this title.

Any licensed dealer, licensed manufacturer, licensed importer or employee thereof who willfully and intentionally requests a criminal history record check from the SBI for any purpose other than compliance with subsection (a) of this section, or willfully and intentionally disseminates any criminal history record information to any person other than the subject of such information or discloses to any person the unique identification number shall be guilty of a class A misdemeanor.

Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a firearm pursuant to subsection (a) of this section, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive the licensee shall be guilty of a class G felony.

Any licensed dealer, licensed manufacturer, licensed importer or employee thereof who willfully and intentionally sells or delivers a firearm in violation of this section shall be guilty of a class A misdemeanor. Second or subsequent offenses by an individual shall be a class G felony.

The SBI shall provide to the judiciary committee of the Senate and House of Representatives an annual report including the number of inquiries made pursuant to this section for the prior calendar year. Such report shall include, but not be limited to, the number of inquiries received from licensees, the number of inquiries resulting in a determination that the potential buyer or transferee was prohibited from receipt or possession of a firearm pursuant to § 1448 of this title or federal law, and the estimated costs of administering this section.

This section shall become effective 6 months from July 20, 1990 or at such time as the SBI has notified all licensed importers, licensed manufacturers and licensed dealers in writing that the procedures and toll-free number described in this section are operational, whichever occurs first.

Violations of this section shall be in the exclusive jurisdiction of the Superior Court. Notwithstanding the foregoing, an individual aggrieved by a violation of subsection (d) of this section, shall have a cause of action in Chancery Court to seek an injunction addressing any such violation. A party successfully bringing an action for such a violation shall recover costs and reasonable attorney’s fees.

Notwithstanding Chapter 89 of this title, Chapter 10 of Title 29, and other Delaware laws, the SBI is authorized and directed to release records and data required by this section. The SBI shall not release or disclose criminal records or data except as specified in subsections (b) and (c) of this section.

1450. Receiving a stolen firearm; class F felony
A person is guilty of receiving a stolen firearm if the person intentionally receives, retains or disposes of a firearm of another person with intent to deprive the owner of it or to appropriate knowledge that it has been acquired under circumstances amounting to theft, or believing that it has been so acquired. Receiving a stolen firearm is a class F felony. Knowledge that a firearm has been acquired under circumstances amounting to theft may be presumed in the case of a person who acquires it for a consideration which the person knows is substantially below its reasonable value.

1451. Theft of a firearm; class F felony
(a) A person is guilty of theft of a firearm when the person takes, exercises control over or obtains a firearm of another person intending to deprive the other person of it or appropriate it.

(b) Theft of a firearm is a class F felony.

1454. Giving a firearm to person prohibited; class F felony
A person is guilty of giving a firearm to certain persons prohibited when the person sells, transfers, gives, lends or otherwise furnishes a firearm to a person knowing that said person is a person prohibited as is defined in § 1448 of this title.

Giving a firearm to certain persons prohibited is a class F felony.

1455. Engaging in a firearms transaction on behalf of another; class F felony; class C felony
A person is guilty of engaging in a firearms transaction on behalf of another when the person purchases or obtains a firearm on behalf of a person not qualified to legally purchase, own or possess a firearm in this State or for the purpose of selling, giving or otherwise transferring a firearm to a person not legally qualified to purchase, own or possess a firearm in this State.

Engaging in a firearms transaction on behalf of another is a class F felony for the first offense, and a class C felony for each subsequent like offense.

1456. Unlawfully permitting a minor access to a firearm; class A misdemeanor
(a) A person is guilty of unlawfully permitting a minor who is a minor to have access to a firearm and the person intentionally or recklessly stores or leaves a loaded firearm within the reach or easy access of a minor and where the minor obtains the firearm and uses it to inflict serious physical injury or death upon the minor or any other person.

(b) It shall be an affirmative defense to a prosecution under this section if ...
(1) The firearm is stored in a locked box or container or in a location which a reasonable person would have believed to be secure from access to a minor; or
(2) The minor obtains the firearm as the result of an unlawful entry by any person; or
(3) The serious physical injury or death to the minor or any other person results from a target or sport shooting accident or hunting accident.

(c) Unlawfully permitting a minor access to a firearm is a class A misdemeanor.

1457. Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F: class A or B misdemeanor

(a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who possesses a firearm or other deadly weapon, and does so while in or on a "Safe School and Recreation Zone" shall be guilty of a crime of the second degree.

(b) The underlying offenses in Title 11 shall be:

(1) Section 1442. Carrying a concealed deadly weapon; class G felony; class D felony.
(2) Section 1444. Possessing a destructive weapon; class E felony; class D felony.
(3) Section 1446. Unlawfully dealing with a switchblade knife; unclassified misdemeanor.
(4) Section 1448. Possession and purchase of deadly weapons by persons prohibited; class F felony.
(5) Section 1452. Unlawfully dealing with knuckled-combination knife; class B misdemeanor.
(6) Section 1453. Unlawfully dealing with martial arts throwing star; class B misdemeanor.

(c) For the purpose of this section, "Safe School and Recreation Zone" shall mean:

(1) Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university, within 1,000 feet thereof; or
(2) Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or any college or university; or
(3) Any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium.

(d) Nothing in this section shall be construed to preclude or otherwise limit a prosecution for or conviction for a violation of this chapter or any other provision of law. A person may be convicted of more than one provision of this chapter.

(e) It shall be a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place on or in a Safe School and Recreation Zone.

(f) It shall be an affirmative defense to a prosecution for a violation of this section that the weapon was possessed pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity. The affirmative defense established in this section shall be proved by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for any offense defined in any other section of this chapter.

(g) It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, and that no person under the age of 18 was present in such private residence at any time during the commission of the offense. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(h) This section shall not apply to any law enforcement or police officer, or to any security officer as defined in Chapter 13 of Title 24.
(i) For purposes of this section only, "deadly weapon" shall include any object described in § 222(5) or § 222(12) of this title or BB guns.

(j) The penalty for possession of a weapon in a Safe School and Recreation Zone shall be:

(1) If the underlying offense is a class B misdemeanor, the crime shall be a class A misdemeanor;
(2) If the underlying offense is an unclassified misdemeanor, the crime shall be a class B misdemeanor;
(3) If the underlying offense is a class E, F, or G felony, the crime shall be one grade higher than the underlying offense.

(k) If the underlying offense is a class D felony, the crime shall also be a class D felony.

(l) In the event that an elementary or secondary school student possesses a firearm or other deadly weapon in a Safe School and Recreation Zone, in addition to any other penalties contained in this section, the student shall be expelled by the local school board or charter school board of directors may, on a case by case basis, modify the terms of the expulsion.

1459. Possession of a weapon with a removed, obliterated or altered serial number

(a) Any person who possesses, sells, possesses for the purposes of sale, leases or rents, or transfers or transports, or transports or conceals a firearm that has had its serial number removed, obliterated or altered, or in any manner that has disguised or concealed the identity or origin of the firearm is guilty of a crime.

(b) This section shall apply to a firearm which is manufactured prior to 1973.

(c) Possessing, transporting, shipping or receiving a firearm with a removed, obliterated or altered serial number pursuant to this section is a class D felony.

Part II. Criminal Procedure Generally

Chapter 43. Sentencing, Probation, Parole and Pardons

Subchapter VI. Clemency

4364. Effect of Pardon; Restoration of Civil Rights

(a) Except as otherwise provided by this Subchapter or by the Delaware Constitution, or expressly by any provision of the Delaware Code or any court rule, the granting of an unconditional pardon by the Governor shall have the effect of fully restoring all civil rights to the person pardoned. Such civil rights include, but are not limited to, the right to vote, the right to serve on a jury if selected, the right to purchase or possess deadly weapons and the right to seek and hold public office provided however, that this section shall not limit or affect the Governor's authority to place lawful conditions upon the granting of a pardon. Notwithstanding the granting of a pardon or any provision of this Subchapter, no person shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

Title 22. Municipalities

Chapter 1. General Provisions

111. Limitation on firearm regulations

The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety.

Title 24. Professions and Occupations

Chapter 9. Deadly Weapons Dealers

901. License requirement

No person shall engage in the business of selling any pistol or revolver, or stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person without first having obtained a license therefor, which license shall be known as "special license to sell deadly weapons." Any such license shall entitle the holder thereof to conduct such business and shall pay a license fee for such business until June 1 next succeeding its grant. Such business shall cease and desist from such business until the granting of an unconditional pardon by the Governor shall have the effect of fully restoring all civil rights to the person pardoned. Such civil rights include, but are not limited to, the right to vote, the right to serve on a jury if selected, the right to possess deadly weapons and the right to seek and hold public office provided, however, that this section shall not limit or affect the Governor's authority to place lawful conditions upon the granting of a pardon. Notwithstanding the granting of a pardon or any provision of this Subchapter, no person shall be convicted of embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this State.

902. Application and fee for license; duration; renewal

Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of § 901 of this title shall apply to the Department of State to obtain a license to conduct such business and shall pay an application fee of $50 to the Department. The license shall entitle the holder thereof to conduct such business until June 1 next succeeding its date. An application for renewal of such license shall be accompanied by a payment of $50 to the Department.

903. Sale to persons under 21 or intoxicated persons

No person shall sell to a person under the age of 21 or any intoxicated person any of the articles referred to in the first paragraph of § 901 of this title.
enter the date of the sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the age of the purchaser, and the mode of identification bearing a picture which shall include but it is not limited to a driver's license. The record so kept must be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of this State.

(b) Any person engaging in the business described in this chapter shall keep and maintain a list of current employees including their names, former names used, dates of birth, physical descriptions and social security numbers. The required employee list and all attachments thereto shall be considered confidential but shall, nevertheless, be open for inspection by any police officer of this State or of any political subdivision of this State, within their respective jurisdiction, at any time convenient to the primary place of business and during the licensee's regular business hours. No person licensed under this chapter shall knowingly allow any employee who is a person prohibited from possessing a deadly weapon pursuant to § 1448 of Title 11 to facilitate a sale of a deadly weapon. All employers licensed to do business pursuant to this chapter shall, prior to employment and at least once during each calendar year thereafter, perform a telephonic criminal history record check of each employee utilizing the procedures set forth in § 1448A of Title 11 and shall make and maintain a record thereof using the State Bureau of Identification Criminal History Record Information and Mental Health Information Consent Form (Form 544). A copy of each such form shall be attached to the above required employee list for inspection upon the valid request of a police officer of this State or of any political subdivision of this State, within their respective jurisdiction.

904A. Criminal history checks for sales between unlicensed persons.

(a) For purposes of this section, "licensed firearm dealer" means any person licensed as a deadly weapons dealer pursuant to Chapter 9 of Title 24 and 18 U.S.C. § 921 et seq.

(b) As a condition of its license, any dealer holding a license pursuant to this chapter shall facilitate the transfer of a firearm, as that term is defined in § 222 of Title 11, from any person who is not so licensed, upon the request of said unlicensed seller pursuant to the following procedure:

(1) The prospective buyer and seller shall jointly appear at the place of business of the dealer, during said dealer's regular hours of business, and shall inform the dealer of their desire to avail themselves of the advantages of the procedure set forth herein.

(2) The dealer shall then subject the prospective buyer to a criminal history record check pursuant to the terms of § 1448A of Title 11.

(3) In the event that said record check reveals that the prospective buyer is prohibited from possessing, purchasing or owning a firearm pursuant to § 1448 of Title 11, the dealer shall so inform both parties of that fact and the transfer shall not take place.

(4) Any dealer who is asked to facilitate the transfer of a firearm pursuant to the terms of this section, may charge a reasonable fee for such service, said fee not to exceed $20 per criminal history check performed pursuant to this procedure.

(5) Failure or refusal on the part of the dealer to facilitate the transfer of a firearm pursuant to the procedures set forth herein shall be adequate cause to suspend the license of said dealer for a period not to exceed 30 days per occurrence.

Title 28 Sports and Amusements

Chapter 8. Purchase of Rifles and Shotguns in States Contiguous to this State

801. Definitions

(a) As used in this chapter, the term "a state contiguous to this State" shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. § 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

802. Lawful acts

It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivisions as may be applicable and subject to § 102 of the Gun Control Act of 1968, 18 U.S.C. § 922.

803. Not applicable to federal licensees

This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearm manufacturers, importers, dealers or collectors.

[Current through 77 Del. Laws 2010, Chapters 1-476 and technical corrections received from the Delaware Code Revisors for 2010 Acts]
Ordinance No. 09-057, enacted July 14, 2009

[New Castle County Code codified through 1.01.009 of this Code.]

Sec. 22.03.009. Stun guns and taser guns.

A. It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, purchase or possess a stun gun or taser gun.

B. The term "stun gun," as used in this Section, means any battery-powered, pulsed electrical device of high voltage and low or no amperage which, when pressed against a person, can disrupt the central nervous system and cause temporary loss of voluntary muscle control of such person.

C. The term "taser gun," as used in this Section, means any device contained in a package which permits it to be held hand, containing an electrical supply unit, and into which an expendable plastic cassette may be inserted and which operates by shooting or projecting a ball, net or dart carrying fine wires from the package to the target and which, upon hitting a person, can send out current capable of disrupting the person's nervous system in such a manner as to render the person incapable of functioning normally.

D. Exempt from this Section shall be any law enforcement officer while performing his or her lawful duties within this County and those selling to any law enforcement officer while performing his or her lawful duties within this County.

E. A conviction of violation of this Section shall be punishable as provided in Section 1.01.009 of this Code.

[New Castle County Code codified through Ordinance No. 09-057, enacted July 14, 2009]

Wilmington City Code

Chapter 5. Businesses

Article II. Business Licenses

Division 2. Specific Businesses and Activities

5-79. Retailers of firearms. No person shall receive a license as a retailer of firearms unless he complies with the provisions of all applicable ordinances and laws.

Chapter 36. Miscellaneous Offenses and Provisions

Article V. Offenses Involving Public Safety

Division 2. Weapons and Related Offenses

36-156. Armor-piercing bullets.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Armor-piercing bullet means any bullet which is coated with a nonstick fluoropolymer finish, such as the registered trademark finishes, Teflon, Halon, Halar, Flyn, Sorelfin or Algoflon.

(2) Bullet means a round or elongated missile designed to be fired from a firearm.

(3) Bulletproof vest means any commercially available, soft, lightweight body armor, usually consisting of several layers of a polyaramid fiber trademarked "Kevlar."

(b) Offenses. It shall be unlawful for any person to bring into the city or to manufacture, sell, distribute, possess, or use armor-piercing bullets or any ammunition similarly coated with a nonstick fluoropolymer finish. It shall further be unlawful for any person which is in the business of manufacturing firearms to possess the component parts of any armor-piercing bullet.

(c) Penalties. Any person who violates the provisions of this section shall be subject to a minimum fine of $100.00 and a maximum fine of $500.00, or to imprisonment not exceeding 90 days, or both, for each offense.

36-157. Firearms dealers; storage, display.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Dealer means any individual, firm, association, partnership or corporation engaged in the business of selling firearms, purchasing firearms for resale or conducting a gunsmith or firearms repair business, who prescribes and imposes a penalty, the term “dealer,” as applied to any partnership or association, shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof.

(2) Firearms means a pistol, revolver, rifle, shotgun, or any instrument capable of propelling a projectile by means of an explosive material or charge.

(b) During the hours they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements:

(1) No firearms shall be displayed in windows.

(2) All firearms must be placed in an approved safe, vault or properly secured storeroom. Any dealer may comply with the requirements of this section by providing an approved steel safe wherein any firearms may be stored and locked during nonbusiness hours.

(c) Before promulgating any regulations designed to carry out the intent and purpose of this section, the department of licenses and inspections shall consult with the police department.

(d) No dealer shall receive a permit to store firearms unless he complies with the provisions of this section and regulations issued pursuant thereto.

(e) Any dealer who violates the provisions of this section shall be advised in writing by the department of licenses and inspections of the nature of the violation, and shall be required to comply with the provisions of this section within the period indicated in such notice; provided, that in no case shall the time permitted for such compliance exceed 90 days. Each day that any dealer fails to comply with the requirements of this section or to make the changes indicated in any notice of violation, after the period allowed for such compliance has expired, shall constitute a separate violation of this section.

(f) Any person who violates the provisions of this section shall be subject to a minimum fine of $100.00 and a maximum fine of $500.00 or to imprisonment not exceeding 90 days, or both, for such offense.

36-158. Certain firearms prohibited.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Converted starter pistol means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(2) Short-barreled rifle means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle, whether by alteration, modification or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

(3) Smooth-bore shot revolver means a revolver which is originally smooth-bore having been reamed out so that it can be used to fire shot-shells.

(4) Zip gun means any weapon or instrument not originally designed to be a firearm which has been made or altered to discharge a projectile with sufficient force to cause death or physical injury.

(5) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, or converted starter pistol.

(c) Any law enforcement officer while performing his lawful duties within the city shall be exempted from the effect of this section. For purposes of this section, the term "law enforcement officer" includes police officers, the attorney general, the attorney general's deputies and investigators, the sheriff, and the sheriff's deputies, prison guards, constables and bailiffs.

(d) A conviction of violation of this section shall be punishable by a fine of not less than $500.00 and not more than $2,500.00 or by both such fine and imprisonment not exceeding six months. The minimum sentence of a $500.00 fine shall not be subject to suspension or reduction for any reason.

36-161. Stun guns, etc.

(a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a converted tear gas gun, stun gun or taser gun.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Converted tear gas gun means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(2) Stun gun means any battery-powered, pulsed electrical device of high voltage and low or no amperage which, when pressed against a person, can disrupt the central nervous system and cause temporary loss of voluntary muscle control of such person.

(3) Taser gun means any device contained in a package which permits it to be handheld, containing an electrical supply unit, and into which an expendable plastic cassette may be inserted and which operates by shooting or projecting a ball, net, or dart carrying fine wires from the package to the target and which, upon hitting a person can send out current capable of disrupting the person's nervous system in such a manner as to render the person incapable of functioning normally.
vestigators, the sheriff, and the sheriff's deputies, prison guards, constables and bailiffs.

(d) A conviction of violation of this section shall be punishable by a fine of not less than $500.00 and not more than $2,500.00 or by both such fine and imprisonment not exceeding six months. The minimum sentence of $500.00 fine shall not be subject to suspension or reduction for any reason.

Sec. 36-165. Paint pellet guns.

(a) It shall be unlawful for any person to use or discharge a paint pellet gun in the city, usually used in connection with the game known as "paint ball" which is similar to the childhood game of "capture the flag," unless said discharge occurs in a licensed, supervised recreational facility during the facility's hours of operation. For purposes of this sub-section, a paint pellet gun or paint ball gun is defined to include any instrument which releases a projectile, including but not limited to paint balls, which consist of a thin plastic shell or capsule filled with a water-soluble paint, propelled by spring mechanism, compressed gas, explosive charge, or any combination thereof, regardless of speed or distance at which the projectile is capable of being released. While they may not be lethal, they can cause serious injury.

(b) It shall be unlawful for any person to conceal a paint pellet gun or paint ball gun in the city, without regard to whether the gun is discharged or contains any projectiles.

(c) It shall be unlawful for any minor to possess a paint pellet gun or paint ball gun in the city, without regard to whether the gun is discharged or contains any projectiles. For purposes of this subsection a minor is defined as any person who has not reached the age of 18 as of the date of the offense.

(d) A conviction of violation of this section shall be punishable by a fine of not less than $500.00.

[Wilmington City Code codified through Ordinance No. 08-053, enacted July 10, 2008]
(VI) A semiautomatic shotgun that has one or more of the following:

(aa) A folding or telescoping stock;

(bb) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(cc) A thumbhole stock; or

(dd) A vertical handgrip; and

(VII) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

(VIII) All other models within a series that are variations, with minor differences, of those models listed in subparagraph (A) of this paragraph, regardless of the manufacturer:

(ii) Any shotgun with a revolving cylinder; provided, that this sub-subparagraph shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

(iii) Any firearm that the Chief may designate as an assault weapon, by rule, based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the District as those weapons enumerated in this paragraph.

(B) The term "assault weapon" shall not include:

(i) Any antique firearm; or

(ii) Any of the following pistols, which are designed expressly for use in Olympic target shooting events, sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and used for Olympic target shooting purposes:

<table>
<thead>
<tr>
<th>MANUFACTURER</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>BENELLI</td>
<td>MP90</td>
<td>.22LR</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP90</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP95</td>
<td>.22LR</td>
</tr>
<tr>
<td>BENELLI</td>
<td>MP95</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>280</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>280</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>SP20</td>
<td>.22LR</td>
</tr>
<tr>
<td>HAMMERLI</td>
<td>SP20</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>PARDINI</td>
<td>GPO</td>
<td>.22</td>
</tr>
<tr>
<td>PARDINI</td>
<td>GP-SCHUMANN</td>
<td>.22</td>
</tr>
<tr>
<td>PARDINI</td>
<td>SHORT HP</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>PARDINI</td>
<td>MP</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>PARDINI</td>
<td>SP</td>
<td>.22LR</td>
</tr>
<tr>
<td>PARDINI</td>
<td>SPE</td>
<td>.22LR</td>
</tr>
<tr>
<td>WALTHER</td>
<td>GSP</td>
<td>.22LR</td>
</tr>
<tr>
<td>WALTHER</td>
<td>GSP</td>
<td>.32 S&amp;W</td>
</tr>
<tr>
<td>WALTHER</td>
<td>OSP</td>
<td>.22</td>
</tr>
<tr>
<td>WALTHER</td>
<td>OSP-2000</td>
<td>.22</td>
</tr>
</tbody>
</table>

(C) The Chief may exempt, by rule, new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exemption of competitive pistols shall be based either on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or on the recommendation or rules of any other organization that the Chief considers relevant.

(4) "Chief" means the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(5) "Crime of violence" means a crime of violence as defined in § 22-4501, committed in any jurisdiction, but does not include larceny or attempted larceny.

(6) "Dealer's license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for in subchapter IV of this unit.

(7) "Device" means a device designed or made or remade, or readily convertible or restored, and intended to stun or disable a person by means of electric shock;

(E) Any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled; provided, that the term shall not include:

(i) Any pneumatic, spring, or B-B gun which expels a single projectile not exceeding .18 inch in diameter;

(ii) Any device which is neither designed nor redesigned for use as a weapon;

(iii) Any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or

(iv) Any device which the Chief finds is not likely to be used as a weapon.

(8) "District" means District of Columbia.

(9) "Destructive device" means any device or combination of parts from which a machine gun may be produced.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term "machine gun" shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled and is capable of being assembled in the possession or under the control of a person.

(11) "Organization" means any partnership, company, corporation, or other business entity, or any group or association of 2 or more persons united for a common purpose.

(12) "Pistol" means any firearm originally designed to be fired by use of a single hand or with a barrel less than 12 inches in length.

(12A) "Place of business" means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrar.

(13) "Registration certificate" means a certificate validly issued pursuant to this unit evidencing the registration of a firearm pursuant to this unit.

(13A) "Restricted pistol bullet" means any bullet designed for use in a pistol which, when fired from a pistol with a barrel of 5 inches or less in length, is capable of penetrating commercially available body armor with a penetration resistance equal to or greater than that of 18 layers of kevlar.

(14) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(15) "Sawed-off shotgun" means a shotgun having a barrel of less than 18 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 18 inches in length.

(16) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(17) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(18) "Weapons offense" means any violation in any jurisdiction of any law which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, transportation of any firearm, ammunition, or destructive device.

Subchapter II. Firearms and Destructive Devices

7-2502.01. Registration requirements

(a) Except as otherwise provided in this unit, no person or organization in the District of Columbia ("District") shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless the person or organization holds
a valid registration certificate for the firearm. A registration certificate may be issued:

(1) To an organization if:
   (A) The organization employs at least 1 commissioned special police officer or employee licensed to carry a firearm whom the organization arms during the employee's duty hours; and
   (B) The registration is issued in the name of the organization and in the name of the president or chief executive officer of the organization;

(2) In the discretion of the Chief of Police, to a police officer who has retired from the Metropolitan Police Department; or

(3) In the discretion of the Chief of Police, to the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, who is designated in writing by the Fire Chief, for the purpose of enforcing the arson and fire safety laws of the District of Columbia.

(b) Subsection (a) of this section shall not apply to:

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or organized reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions;

(2) Any person holding a dealer's license: provided, that the firearm or destructive device is:
   (A) Acquired by such person in the normal conduct of business;
   (B) Kept at the place described in the dealer's license; and
   (C) Not kept for such person's private use or protection, or for the protection of his business;

(3) With respect to firearms, any nonresident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction: provided, that such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit permit or organization reserved, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides: provided further, that such weapon shall be transported in accordance with §22-4504.02; or

(4) Any person who temporarily possesses a firearm registered to another person while in the home of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself.

7-2502.02 Registration of certain firearms prohibited

(a) A registration certificate shall not be issued for:
   (1) Sawed-off shotgun;
   (2) Machine gun;
   (3) Short-barreled rifle;
   (4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:
      (A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;
      (B) A police officer who has retired from the Metropolitan Police Department; or
      (C) Any person who seeks to register a pistol for use in self-defense within that person's home;

   (5) An unsafed firearm prohibited under § 7-2505.04;
   (6) An assault weapon; or
   (7) A .50 BMG rifle.

(b) Repealed.

7-2502.03 Qualifications for registration; information required for registration;

(a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):
   (1) Is 21 years of age or older; provided, that the Chief may issue to an applicant between the ages of 18 and 21 years old, and who is otherwise qualified, a registration certificate if the application is accompanied by a notarized statement of the applicant's parent or guardian:
      (A) That the applicant has the permission of his parent or guardian to own and use the firearm to be registered; and
      (B) The parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearm to be registered; provided further, that such registration certificate shall expire on such person's 21st birthday;
   (2) Has not been convicted of a crime of violence, weapons offense, or of a violation of this unit;
   (3) Is not under indictment for a crime of violence or a weapons offense;
   (4) Has not been convicted within 5 years prior to the application of any;
      (A) Violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug;
      (B) A violation of § 22-407, regarding threats to do bodily harm, or § 22-404, regarding assaults and threats, or any similar provision of the laws of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;
      (C) Two or more violations of § 50-2201.05(b), or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or
      (D) Intrafamily offense;
   (5) Within the 5-year period immediately preceding the application, has not been acquitted of any criminal charge by reason of insanity or has not been adjudicated a chronic alcoholic by any court; provided, that this paragraph shall not apply if such person shall present to the Chief, with the application, a medical certification indicating that the applicant has recovered from such insanity or alcoholic condition and is capable of safe and responsible possession of a firearm;
   (6) Within the 5 years immediately preceding the application, has not been voluntarily or involuntarily committed to any mental hospital or institution; provided, that this paragraph shall not apply, if such person shall present to the Chief, with the application, a medical certification that the applicant has recovered from whatever malady prompted such commitment;
   (6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior;

   (7) Does not appear to suffer from a physical defect which would tend to indicate that the applicant would not be able to possess and use a firearm safely and responsibly;
   (8) Has not been adjudicated negligent in a firearm mishap causing death or serious injury to another human being;
   (9) Is not otherwise ineligible to possess a pistol under § 22-4503;

(b) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and, in particular, the safe and responsible use, storage, and transportation of the same, in accordance with training, tests, and standards prescribed by the Chief; provided, that once this determination is made with respect to a given applicant for a particular type of firearm, it need not be made again for the same applicant with respect to a subsequent application for the same type of firearms; provided, further, that this paragraph shall not apply with respect to any firearm reregistered pursuant to § 7-2502.06;

(c) Has vision better than or equal to that required to obtain a valid driver's license under the laws of the District of Columbia; provided, that current licensure by the District of Columbia, of the applicant to drive, shall be prima facie evidence that such applicant is sufficiently qualified and; provided further, that this determination shall not be made with respect to persons applying to reregister any firearm pursuant to § 7-2502.06;

(d) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more;

(e) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

(f) Has completed a firearms training or safety course or class conducted by a state-certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least one hour of firing training at a firing range and a total of at least 4 hours of classroom instruction.

(g) An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.

(h) Has not been prohibited from possessing or registering a firearm pursuant to § 7-2502.09(b).

(i) Every person applying for a registration certificate shall provide on a form prescribed by the Chief:
   (1) The full name or any other name by which the applicant is known;
   (2) The present address and each home address where the applicant has resided during the 5-year period immediately preceding the application;
3. The present business or occupation and any business or occupation in which the applicant has engaged during the 5-year period immediately preceding the application and the addresses of such businesses or places of employment;
4. The date and place of birth of the applicant;
5. The sex of the applicant;
6. Whether (and if so, the reasons) the District, the United States or the government of any state or subdivision of any state has denied or revoked the applicant's license, registration certificate, or permit pertaining to any firearm;
7. A description of the applicant's role in any mishap involving a firearm, including the date, place, time, circumstances, and the names of the persons injured or killed;
8. The intended use of the firearm;
9. The caliber, make, model, manufacturer's identification number, and any other identifying marks on the firearm;
10. The name and address of the person or organization from whom the firearm was obtained, and in the case of a dealer, his dealer's license number;
11. Where the firearm will generally be kept;
12. Whether the applicant has applied for or holds any registration certificates issued and outstanding;
13. Such other information as the Chief determines is necessary to carry out the provisions of this unit.
(c) Every organization applying for a registration certificate shall:
1. With respect to the president or chief executive of such organization, comply with the requirements of subsection (b) of this section; and
2. Provide such other information as the Chief determines is necessary to carry out the provisions of this unit.
(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a reasonable fee for the procedure.
(e) The Chief shall register no more than one pistol per registrant during any 30-day period; provided, that the Chief may permit a person first becoming a registrant to register more than one pistol if those pistols were lawfully owned in another jurisdiction for a period of 6 months prior to the date of the application.
(f) Any firearm validly registered under prior regulations must be registered pursuant to this unit in accordance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this unit within 60 days of September 24, 1976.
7-2502.07. Certification of registration certificate: time period; corrections.
(a) Upon receipt of a properly executed application for registration certificate, the Chief, upon determining through inquiry, investigation, or otherwise, that the applicant is entitled and qualified under the provisions of this unit, thereto, shall issue a registration certificate. Each registrant shall be required to carry a unique registration certificate number and such other information as the Chief determines is necessary to identify the applicant and the firearm registered. The duplicate of the registration certificate shall be delivered to the applicant and the Chief shall retain the original.
(b) Any firearm validly registered shall be entitled and qualified under prior regulations to registra-

Page 120
(f) An applicant for the renewal of a registration certificate may be charged a reasonable fee to cover the administrative costs incurred by the Metropolitan Police Department in connection with the renewal.

(g) The Chief shall establish, by rule, a method for conducting the renewal of registrations for all firearms registered prior to March 31, 2009. The renewals of all firearms registered prior to March 31, 2009, shall be completed within 3 years of March 31, 2009.

§ 7-2502.08. Duties of registrants Each person and organization holding a registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction.

(b) A change in any of the information appearing on the registration certificate or required by § 7-2502.03;

(c) The sale, transfer or other disposition of the firearm not less than 48 hours prior to delivery, pursuant to such sale, transfer or other disposition, including:

(i) Identification of the registrant, the firearm, and the serial number of the registration certificate;

(ii) The name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and

(iii) Whether the firearm was sold or how it was otherwise transferred or disposed of.

(2) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notifies the Chief of such loss, theft, destruction, sale, transfer or other disposition;

(3) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

§ 7-2502.09. Revocation of registration certificate

(a) A registration certificate shall be revoked if:

(1) Any of the criteria in § 7-2502.03 are not currently met;

(2) The registered firearm has become an unregisterable firearm under the terms of § 7-2502.02, or a destructive device;

(3) The information furnished to the Chief on the application for a registration certificate proves to be intentionally false.

(4) Repealed.

(b) In addition to any other criminal or civil sanctions that may be imposed, including § 7-2502.06:

(1) A registrant shall be subject to a civil fine of $100 for the 1st violation or omission of the duties, obligations, or requirements imposed by § 7-2502.08.

(2) A registrant shall be subject to a civil fine of $500 for the 2nd violation or omission of the duties, obligations, or requirements imposed by § 7-2502.06, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm.

(3) A registrant shall be subject to a civil fine of $500 for the 3rd violation or omission of the duties, obligations, or requirements imposed by § 7-2502.06, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm.

(4) Procedure for denial and revocation of registration certificate

(a) If it appears to the Chief that an application for a renewal registration certificate should be denied, the Chief shall notify the applicant or registrant of the proposed denial or revocation, briefly stating the reason or reasons therefor. Service may be made by delivering a copy of the notice to the applicant or registrant personally, or by leaving a copy thereof at the place of residence, business, or employment, or application or registration with some person of suitable age and discretion then residing therein, or by mailing a copy of the notice first class mail, postage prepaid, to the residence address identified on the application or certificate. In the case of an organization, service may be made upon the president, chief executive, or other officer, managing agent or person authorized by appointment or law to receive such notice as described in the preceding sentence at the business address of the organization identified in the application or registration certificate. The person serving the notice shall make proof thereof, preparing a copy of the notice and the person served and stating the time, place, and manner of service. The applicant or registrant shall have 15 days from the date the notice is served in which to submit further evidence in support of the application or qualifications to continue to hold a registration certificate, as the case may be; provided, that if the applicant does not make such a submission within 15 days from the date of service, the applicant or registrant shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial or revocation shall become final.

(b) Within 10 days of the date upon which the Chief receives such a submission, he shall serve the applicant or registrant in the manner specified in subsection (a) of this section notice of the final decision. The Chief's decision shall become effective at the expiration of the time within which to file a notice of appeal pursuant to the District of Columbia Administrative Procedure Act (§2-501 et seq.) or, if such a notice of appeal is not filed within 15 days from the date of the order or judgment of the District of Columbia Court of Appeals becomes effective.

(c) Within 7 days of a decision unfavorable to the applicant or registrant becoming final, the applicant or registrant shall:

(1) Peacefully surrender to the Chief the firearm for which the registration certificate was revoked in the manner provided in § 7-2507.05; or

(2) Lawfully remove such firearm from the District for so long as he has an interest in such firearm;

(3) Otherwise lawfully dispose of his interest in such firearm.

(d) If a firearm is in the possession of the Chief, the Chief may maintain possession of the firearm for which the registrant is temporarily or permanently prohibited from having lawful possession until final disposition of the matter.

§ 7-2502.11. Information prohibited from use as evidence in proceedings

No information obtained from a person under § 7-2502.08, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm. The Chief of the police department may maintain possession of the firearm for which the registrant is temporarily or permanently prohibited from having lawful possession until final disposition of the matter. The address where the applicant conducts or intends to conduct his business;
(3) Whether the applicant, prior to September 24, 1976, held a license to deal in deadly weapons in the District; and
(4) Such other information as the Chief may require, including fingerprints and photographs of the applicant, to carry out the purposes of this unit.
(c) Each application for a dealer's license, or renewal shall be accompanied by a fee established by the Mayor: Provided, that such fee shall be in the judgment of the Mayor, reimburse the District for the cost of services provided under this subchapter.
(3) Any information pursuant to this section shall be issued as a Public Safety endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

7-2504.03. Issuance of dealer's license; time period; corrections
(a) Upon receipt of a properly executed application for a dealer's license, or renewal thereof, the Chief, upon determining through further inquiry, investigation, or otherwise, that the applicant is entitled and qualified under the provisions of this unit thereto, shall issue a dealer's license. Each dealer's license shall be in duplicate and bear a unique dealer's license number, and such other information as the Chief determines is necessary to identify the applicant and premises. The duplicate of the dealer's license shall be delivered to the applicant and the Chief shall retain the original.
(b) The Chief shall approve or deny an application for a registration certificate within a 60-day period beginning on the date the Chief receives the application, unless good cause is shown, including nonreceipt of information from sources outside the District government. The Chief may hold in abeyance an application where there is any firearms revocation proceeding pending against such person.

7-2504.05. Revocation of dealer's license
(a) A dealer's license shall be revoked if:
(1) The information furnished to the Chief on the application for a dealer's license proves to be intentionally false;
(2) There is a violation or omission of the duties, obligations, or requirements imposed by § 7-2504.04; or
(3) The license holder no longer meets any of the criteria in § 7-2504.04.

7-2504.06. Procedure for denial and revocation of dealer's license
(a) If it appears to the Chief that an application for a dealer's license should be denied or that a dealer's license should be revoked, the Chief shall notify the applicant or registrant of the proposed denial or revocation briefly stating the reason or reasons therefor. Service may be made as provided for in § 7-2502.10(a). The applicant or dealer shall have 15 days from the date of service in which to submit further evidence in support of the application or qualifications to continue to hold a dealer's license, as the case may be; provided, that if the applicant or dealer does not make such a submission within 15 days from the date of service, the applicant or dealer shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial or revocation shall become final.
(b) Within 10 days of the date upon which the Chief receives such a submission, the Chief shall serve upon the applicant or registrant in the manner provided in § 7-2502.10(a) notice of his final decision. The Chief's decision shall become effective at the expiration of the time within which to file a notice of appeal pursuant to the District of Columbia Administrative Procedure Act (Title 1, § 501 et seq.) or such a notice of appeal is filed, at the time the final order or judgment of the District of Columbia Court of Appeals becomes effective.
(c) Within 45 days of a decision becoming effective, which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or applicant shall:
(1) If he is eligible to register firearms pursuant to this unit, register such firearms in his inventory as are capable of registration pursuant to this unit;
(2) Peaceably surrender to the Chief any firearms in his inventory which he does not register, and all destructive devices in his inventory in the manner provided for in § 7-2505.05;
(3) Lawfully remove from the District any firearm in his inventory which he does not register and all destructive devices and ammunition in his inventory so long as he has an interest in them; or
(4) Otherwise lawfully dispose of any firearms in his inventory which he does not register and all destructive devices and ammunition in his inventory.

7-2504.07. Display of firearms or ammunition by dealers; security; employees of dealers
(a) No licensed dealer shall display any firearm or ammunition in windows visible from a street or sidewalk. All firearms, destructive devices, and ammunition shall be kept at all times in a securely locked place affixed to the premises except when being shown to a customer, being taken care of by a law enforcement officer, or being returned to the purchaser, provided further, that this subsection shall not apply to persons covered by subsection (b) of this section.

(b) Except as provided in subsections (b) and (e) of this section, no licensed dealer shall sell or otherwise transfer ammunition unless:

(1) The sale or transfer is made in person; and

(2) The purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or in the case of a nonresident, proof that the weapon is lawfully possessed in the jurisdiction where such person resides;

(3) If the firearm is sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and

(4) The purchaser signs a receipt for the ammunition which (in addition to the other records required under this unit) shall be maintained by the licensed dealer for a period of 1 year from the date of sale or transfer.

(a) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on September 24, 1976; provided, that the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; provided further, that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under paragraph (4) of subsection (d) of this section.

Subchapter V. Sale and Transfer of Firearms, Destructive Devices, and Ammunition

7-2505.01. Sales and transfers prohibited
No person or organization shall sell, transfer, or otherwise dispose of any firearm, destructive device or ammunition in the District of Columbia, except as provided in § 7-2502.10(c), § 7-2505.02, or § 7-2507.05.

7-2505.02. Permissible sales and transfers
(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition, except a firearm, except those firearms unregistrable under § 7-2502.02, to a licensed dealer.

(b) Any licensed dealer may sell or otherwise transfer:

(1) Ammunition, excluding restricted pistol bullets, and any firearm or destructive device which is lawfully a part of such licensee's inventory, to any nonresident person or business licensed under the acts of Congress and the jurisdiction in which such person resides or conducts such business;

(2) Ammunition, including restricted pistol bullets, and any firearm or destructive device which is lawfully a part of such licensee's inventory, to any nonresident person or business licensed under the acts of Congress and the jurisdiction where such person resides or conducts such business;

(c) Any law enforcement officer or agent of the District or the United States of America when such officer or agent is on duty, and acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed dealer may sell or otherwise transfer a firearm except those which are unregistrable under § 7-2502.02, to any person or organization possessing a registration certificate for such firearm; provided, that if the chief desires a registration certificate, he shall so advise the licensee to whom he shall thereupon: (1) withhold delivery until such time as a registration certificate is issued, or, at the option of the purchaser; (2) declare the contract null and void, in which case the license fee paid to the licensee shall be returned to the purchaser, provided further, that this subsection shall not apply to persons covered by subsection (b) of this section.

(d) Except as provided in subsections (b) and (e) of this section, no licensed dealer shall sell or otherwise transfer ammunition unless:

(1) The sale or transfer is made in person; and

(2) The purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or in the case of a nonresident, proof that the weapon is lawfully possessed in the jurisdiction where such person resides;

(3) If the firearm is sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and

(4) The purchaser signs a receipt for the ammunition which (in addition to the other records required under this unit) shall be maintained by the licensed dealer for a period of 1 year from the date of sale or transfer.

(a) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on September 24, 1976; provided, that the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; provided further, that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under paragraph (4) of subsection (d) of this section.

7-2505.03. Microstamping
(a) For the purposes of the section, the term: "Microstamping" means a person or organization possessing a dealer's license under authority of subchapter IV of this chapter.

(2) "Manufacturer" means any person in business to manufacture or assemble a firearm, for sale or distribution.

(3) "Microstamp-ready" means a firearm that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

(4) "Semiautomatic pistol" means a pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next round, and that requires a separate pull of the trigger to fire each successive round.

(a) Except as provided in subsection (c) of this section, beginning January 1, 2011, a semiautomatic pistol shall be microstamp-ready if it:

(1) Manufactured in the District of Columbia;

(2) Manufactured on or after January 1, 2011, and delivered or caused to be delivered by any manufacturer to a firearms dealer in the District of Columbia; or

(3) Manufactured on or after January 1, 2011, and sold, offered for sale, loaned, given, or transferred by a firearms dealer in the District of Columbia.

(c) (1) A semiautomatic pistol manufactured after January 1, 2011 that is not microstamp-ready and that was acquired outside of the District by a person who was not a District resident at the time of acquisition but who subsequently moved to the District shall be registered if the requirements of this unit are met, and may be sold, transferred, or given away; provided, that the pistol shall be sold, transferred, or given away only through a firearms dealer.

(c) A firearms dealer lawfully acquires a microstamp-ready semiautomatic pistol that was originally purchased by a non-dealer resident of the District of Columbia, the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows or reasonably should have known that the unique alpha-numeric or geometric code associated with that pistol has been changed, altered, removed, or obliterated, excepting for normal wear.

(d) (1) Except as provided in paragraph (2) of this subsection, and except for normal wear, no person shall change, alter, remove, or obliterate the unique alpha-numeric or geometric code on each cartridge case that identifies the maker, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

(2) Replacing a firing pin that has been damaged or worn is in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

(e) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the District of Columbia shall certify whether the pistol was manufactured on or after January 1, 2011 and, if it was, that:

((1) The semiautomatic pistol will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

(2) The manufacturer will supply the Chief with the model, make, and serial number of the semiautomatic pistol that expended the cartridge case, which was presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

(f) The Chief, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section.

7-2504.04. Possession on sale, transfer, ownership, or possession of designated unsafe pistol
(a) Except as provided in subsections (c), (d), or (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale, (also known as the California Roster of Handguns Determined Not to be Unsafe), pursuant to California Penal Code § 12131, as of January 1, 2009, may not be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia.

(b) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may not be owned or possessed within the District of Columbia unless that pistol was lawfully owned and registered prior to January 1, 2009.

(c) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, and who wishes to sell or transfer that pistol after January 1, 2009, may do so only by selling or transferring ownership of the handgun to a licensed firearm dealer.
Except as provided in subsection (e) of this section, beginning January 1, 2009, a licensed firearm dealer who retains in the dealer’s inventory, or who otherwise lawfully acquires, any pistol not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may sell, loan, give, trade, or otherwise transfer the firearm only to another licensed firearm dealer.

(e) This section shall not apply to:
(1) Firearms defined as curios or relics, as defined in 26 C.F.R. § 478.11.
(2) The purchase of any firearm by any law enforcement officer or agent of the District or the United States.
(3) Pistols that are designed expressly for use in Olympic target shooting events, as defined by rule;
(4) Certain single-action revolvers, as defined by rule;
(5) The sale, loan, or transfer of any firearm that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant in the course of making that production or event by an authorized employee or agent of the entity producing that production or event;
(6) The temporary transfer of a lawfully owned and registered firearm for the purposes of cleaning, repair, or servicing of the firearm by a licensed firearm dealer; or
(7) The possession of a firearm by a non-resident of the District of Columbia while temporarily traveling through the District, provided, that the firearm shall be transported in accordance with § 22-4504.02.

(f) The Chief shall review any additions or deletions to the California Roster of Handguns Certified for Sale at least annually. For purposes of District law, the Chief is authorized to revise, by rule, the roster of handguns determined not to be unsafe prescribed by subsection (a) of this section and to prescribe by rule the firearms permissible pursuant to subsection (e) of this section.

(g) The Chief shall provide to the licensed firearm dealers within the District information about how to obtain a copy of the California Roster of Handguns Certified for Sale and any revisions to it made the Chief.

Subchapter VI. Possession of Ammunition

7-2506.01. Persons permitted to possess ammunition [Formerly § 6-2361]
(a) No person shall possess ammunition in the District of Columbia unless:
(1) He is a licensed dealer pursuant to subchapter IV of this unit;
(2) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition;
(3) He is the holder of the valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; except, that no such person shall possess restricted pistol bullets; or
(4) He holds an ammunition collector’s certificate on September 24, 1976.

(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

Subchapter VII. Miscellaneous Provisions

7-2507.01. Security mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited; loan or rental of firearms, destructive devices, or ammunition prohibited
(a) No firearm, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn.
(b) No person may loan, borrow, give, or rent to or from another person, any firearm, destructive device, or ammunition.

7-2507.02. Responsibilities regarding storage of firearms
(a) It shall be the policy of the District of Columbia that each registrant should keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, lockbox, or secure device.
(b) No person shall store or keep any firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person:
(1) Keeps the firearm in a securely locked box, secured container, or in a location which a reasonable person would believe to be secure; or
(2) Carries the firearm on his person or within such close proximity that he can readily retrieve and use it as if he carried it on his person.
(c) A person who violates subsection (b) of this section is guilty of criminally negligent storage of a firearm and, except as provided in paragraph (2) of this subsection, shall be fined not more than $1,000, imprisoned not more than 180 days, or both.
(2) A person who violates subsection (b) of this section and the minor causes injury or death to himself or another shall be fined not more than $5,000, imprisoned not more than 5 years, or both.
(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply if the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.

7-2507.03. Firing ranges
Any person operating a firing range in the District, shall in addition to any other requirement imposed by law, register with the Chief, on a form prescribed by him, which shall include the business name of the range, the location, the names and home addresses of the owners and principal officers, the types of weapons fired there, the number and types of weapons normally stored there, the days and hours of operation, and such other information as the Chief shall require.

7-2507.04. False information; forgery or alteration
(a) It shall be unlawful for any person purchasing any firearm or ammunition, or applying for any registration certificate or dealer’s license under this unit, or in giving any information pursuant to the requirements of this unit, to knowingly give false information or offer false evidence of identity.
(b) It shall be unlawful for anyone to forge or alter any application, registration certificate, or dealer’s license submitted, retained or issued under this unit.

7-2507.05. Voluntary surrender of firearms, destructive devices, or ammunition; immunity from prosecution; determination of evidentiary value of firearm
(a) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall protect the arrest and prosecution of such person on a charge of violating any provision of this unit with respect to the firearm, destructive device, or ammunition voluntarily delivered.
(b) Delivery under this section may be made at any police district, station, or central headquarters, or by surrendering to a police officer to the person’s residence or place of business. Every firearm and destructive device to be delivered and abandoned to the Chief under this section shall be transported in accordance with § 22-4504.02, and, in the case of delivery to a police facility, the package shall be carried in open view. No person who delivers and abandons a firearm, destructive device, or ammunition under this section, shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any firearm, destructive device, or ammunition delivered and abandoned under this section.
(c) Whenever any firearm, destructive device, or ammunition is surrendered under this section or pursuant to § 7-2502.10(c)(1), the Chief shall inquire of the United States Attorney and the Corporation Counsel for the District whether such firearm is needed as evidence; provided, that if the same is not needed as evidence, it shall be destroyed.

7-2507.06. Penalties
Any person convicted of a violation of any provision of this unit shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both; except that:
(1) A person who knowingly or intentionally sells, transfers, or distributes a firearm, destructive device, or ammunition to a person under 18 years of age shall be fined not more than $10,000 or imprisoned for not more than 10 years, or both.
(2) A person who intentionally sells, transfers, or gives a firearm, destructive device, or ammunition to a person under 18 years of age shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.
(B) A person who in the person’s dwelling place, place of business, or on other land possessed by the person, possesses a pistol, or firearm that could otherwise be registered, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.
(C) A person convicted of knowingly possessing restricted pistol bullets in violation of § 7-2506.01(3) may be sentenced to imprisonment for a term not to exceed 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year, and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined an amount not to exceed $10,000.
(a) For the purposes of this section, the term "owner" means a person with an ownership interest in the specific conveyance sought to be forfeited. The term "owner" does not include:

(1) A person with only a general unsecured interest in, or claim against, the conveyance;

(2) A person who exercises no dominion or control over the conveyance.

(b) Any conveyance, including vehicles and vessels in which any person or persons transport, possess, or conceal any firearm, as that term is defined in § 7-2501.01, or in any manner use to facilitate a violation of § 7-2502.02 or § 22-4503 or § 22-4504, shall be seized and forfeited to the District of Columbia, provided that:

(1) No conveyance used by any person as a duly licensed common carrier in the course of transacting business as a licensed common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of a violation of this section; and

(2) The forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the illegal act giving rise to forfeiture.

(c) An innocent owner's interest in a conveyance which has been seized shall not be forfeited under this section.

(1) A person is an innocent owner if he or she establishes, by a preponderance of the evidence:

(A) That he or she did not know that a person or persons in the conveyance was transporting, possessing, or concealing any firearm or that the conveyance was involved in or was being used in the commission of any illegal act involving any firearm; or

(B) That, upon receiving knowledge of the presence of any illegal firearm or on the conveyance or that the conveyance was being used in the commission of an illegal act involving a forfeiture, he or she took action to terminate the presence in or on the conveyance of the person, persons, or firearms.

(2) A claimant who establishes a lack of knowledge as defined in subsection (c)(1)(A) of this section shall be considered an innocent owner unless the government, in rebuttal, establishes the existence of facts and circumstances that should have created a suspicion that the conveyance was being or would be used for an illegal purpose. In that case, the claimant must establish that, in light of such facts and circumstances, he or she did all that reasonably could be expected to prevent the use of the conveyance in the commission of any such illegal act.

(B) A person who willfully blinds himself or herself to a fact shall be considered to have had knowledge of that fact.

(d) Except as otherwise expressly provided by this section, all seizures and forfeitures of conveyances under this section shall follow the procedures set forth in § 48-905.02.

7-2507.08. Construction of unit

Nothing in this unit shall be construed, or applied to necessitate, or require, or excuse noncompliance with any provision of any federal law. This unit and the penalties prescribed in § 7-2507.06, for violations of this unit, shall not supersede but shall supplement all statutes of the District and the United States in which similar conduct is prohib- ted or regulated.

Unit B. Strict Liability for Illegal Sale and Distribution of Firearms

7-2531.01. Definitions

For the purposes of this unit, the term:

(1) "Dealer" means:

(A) Any person engaged in the business of selling firearms at wholesale or retail;

(B) Any person engaged in the business of re-pairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or

(C) Any person who is a pawnbroker who receives by way of pledge or pawn, any firearm as security for the payment or repayment of money.

(2) "Engaged in the business" means:

(A) A person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term "engaged in business" shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of this personal collection of firearms; or

(B) A person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported.

(3) "Firearm" shall have the same meaning as in § 7-2501.01.

(4) "Illegal sale" means:

(A) Failure to establish proof of the purchaser's residence in a jurisdiction where the purchase of the weapon is legal or ignoring proof of the purchaser's residence in the District of Columbia;

(B) Failure to comply with District of Columbia registration and waiting requirements prior to delivery of the firearm to the purchaser when proof of District of Columbia residence is provided;

(C) Failure to maintain full, complete, and accurate records of firearm sales as required by local, state, and federal law; or

(D) Knowingly and willfully maintaining false records intended to misrepresent the name and address of persons purchasing firearms, or the type of firearm sold to those persons.

(5) "Importer" means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

(6) "Law enforcement agency" means a federal, state, or local law enforcement agency, state militia, or an agency of the United States government.

(7) "Law enforcement officer" means any employee or agent of a law enforcement agency who is authorized to use a firearm in the course of employment.

(8) "Manufacturer" means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.

(9) "Pawnbroker" means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

7-2531.02. Liability

(a) Any manufacturer, importer, or dealer of a firearm who can be shown by a preponderance of the evidence to have knowingly and willfully engaged in the illegal sale of a firearm shall be held strictly liable in tort, without regard to fault and without regard to either:

(1) An intent to interfere with a legally protected interest; or

(2) A breach of duty to exercise reasonable care, for all direct and consequential damages that arise from bodily injury or death if the bodily injury or death proximately results from the discharge of the firearm, in the District of Columbia, regardless of whether or not the person operating the firearm is the original, illegal purchaser.

(b) Any individual who can be shown by a preponderance of the evidence to have knowingly and willfully engaged in the illegal sale, loan, lease, or rental of a firearm for money or anything of value shall be held strictly liable in tort, without regard to fault and without regard to either:

(1) An intent to interfere with a legally protected interest; or

(2) A breach of duty to exercise reasonable care, for all direct and consequential damages that arise from bodily injury or death if the bodily injury or death proximately results from the discharge of the firearm in the District of Columbia regardless of whether or not the person operating the firearm is the original, illegal purchaser.

(c) Nothing in this unit shall relieve from liability any person who commits a crime, is negligent, or who might otherwise be liable for acts committed with the firearm.

7-2531.04. Firearms Bounty Fund

(a) There is established in the United States of America a fund to be known as the Firearms Bounty Fund ("Fund") to be administered by the Metropolitan Police Department. The Fund shall be operated as a proprietary fund and shall consist of monies appropriated to the Fund, federal grants to the Fund, or private monies donated to the Fund. Disbursements from the Fund shall be used exclusively for the payment of cash rewards to persons who provide District of Columbia law enforcement agencies with tips that lead to the adjudication or conviction of:

(1) A person or entity engaged in the illegal sale, rental, lease, or loan of a firearm in exchange for money or other thing of value; or

(2) A person who has committed a crime with a firearm.

(b) Rewards to persons who provide District of Columbia law enforcement agencies with tips that lead to the adjudication or conviction of:

(1) A person or entity engaged in the illegal sale, rental, lease, or loan of a firearm in exchange for money or other thing of value; or

(2) A person who has committed a crime with a firearm.

(c) The amount of each cash reward shall be determined at the discretion of the Chief of the Metropolitan Police Department and the cash reward may range up to $100,000 per tip.
(f) If monies exist in the Fund at the time of its termination, the monies shall be deposited in the General Fund of the District of Columbia.

(g) The proposed notice to terminate the Fund shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove by resolution within the 45-day review period, the proposed notice to terminate the Fund shall be deemed approved.

Unit C. Assault Weapons Manufacturing
Strict Liability

7-2551.01. Definitions
For the purposes of this unit, the term:
(1) "Assault weapon" shall have the same meaning as provided in § 7-2501.01(3A).
(2) "Handgun" means a firearm with a barrel less than 12 inches in length at the time of manufacture.
(3) "Dealer" and "importer" shall have the same meaning as in 18 U.S.C.S. § 921.
(4) "Machine gun" shall have the same meaning as in paragraph (10) of § 7-2501.01.
(5) "Manufacturer" means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.
(6) "Law enforcement agency" means a federal, state, or local law enforcement agency, state militia, or an agency of the United States government.
(7) "Law enforcement officer" means any officer or agent of an agency defined in paragraph (6) of this section who is authorized to use a handgun or machine gun in the course of his or her work.

7-2551.02. Liability
Any manufacturer, importer, or dealer of an assault weapon or machine gun shall be held strictly liable in tort, with respect to a person injured or killed by an assault weapon.

7-2551.03. Exemptions
(a) No assault weapon originally distributed to a law enforcement agency or a law enforcement officer shall provide the basis for liability under this unit.
(b) No action may be brought pursuant to this unit by a person injured by an assault weapon while committing a crime.
(c) This section shall not operate to limit in scope any cause of action, other than that provided by this unit, available to a person injured by an assault weapon.
(d) Any defense that is available in a strict liability action shall be available as a defense under this unit.
(e) Recovery shall not be allowed under this unit for a self-inflicted injury that results from a reckless, wanton, or willful discharge of an assault weapon.

Division IV. Criminal Law and Procedure and Prisoners

Title 22. Criminal Offenses and Penalties

Subtitle VI. Regulation and Possession of Weapons

Chapter 45. Weapons and Possession of Weapons

22-4501. Definitions
For the purposes of this chapter, the term:
(1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).
(2) "Dangerous crime" means distribution of or possession with intent to distribute a controlled substance. For the purposes of this definition, the term "controlled substance" means any substance defined as such in the District of Columbia Code or any Act of Congress.

22A. "Firearm" means any weapon, regardless of operability, which will, or is designed, or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not include:
(a) A destructive device as that term is defined in § 7-2501.01(7);
(b) A device exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or
(c) A device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

3. "Knuckles" means an object, whether made of metal, wood, plastic, or other similarly durable material that is constructed of one piece, the outer side of which is designed to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped by the fist.

4. "Machine gun" shall have the same meaning as provided in § 7-2501.01(10).

5. "Person" includes individual, firm, association, or corporation.

6. "Pistol" shall have the same meaning as provided in § 7-2501.01(12).

8A. "Place of business" shall have the same meaning as provided in § 7-2501.01(12A).

7. "Playground" means any facility intended for recreation, open to the public, and with any portion of the facility that contains one or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

7A. "Chapter" means a person who has registered a firearm pursuant to Unit A of Chapter 25 of Title 7.

8. "Sawed-off shotgun" shall have the same meaning as provided in § 7-2501.01(15).

9. "Sell" and "purchase" and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

9A. "Shotgun" shall have the same meaning as provided in § 7-2501.01(16).

10. "Video arcade" means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which contains a minimum of 10 pinball or video machines.

11. "Youth center" means any recreational facility or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

22-4502.01. Gun free zones; enhanced penalty
(a) All areas within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1937 (88 Stat. 654; 42 U.S.C.S. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a gun free zone. For the purposes of this subsection the term "appropriately identified" means that there is a sign that identifies the building or area as a gun free zone.

(b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that otherwise authorized to be imposed, or both.

(c) The provisions of this section shall not apply to a person legally licensed to carry a firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to members of the Army, Navy, Air Force, or Marine Corps of the United States; the National Guard or Organized Reserves when on duty; the Post Office Department or its employees when on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly appointed law enforcement officers; or officers or employees of the United States duly authorized to carry such weapons; banking institutions; public carriers who are engaged in the business of transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

22-4503. Unlawful possession of firearm
(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:
(1) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
(2) is not licensed under § 22-4510 to sell weapons, and the person has been convicted of violating this chapter;
(3) is a fugitive from justice;
(4) is addicted to any controlled substance, as defined in § 48-901.02(4);
(5) is subject to a court order that:
   (A) was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or
   (i) was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or
   (ii) reined in effect after the person failed to appear for a hearing of which the person received actual notice;
(B) restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and
(C) requires the person to relinquish possession of any firearms (as provided in § 16-1005(c)(10);
(6) has been convicted of an intrafamily offense, as defined in § 16-1001, or a substantially similar offense in another jurisdiction.

(b) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment
A person sentenced to a mandatory-minimum term of imprisonment shall be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

In order to be granted a mandatory-minimum sentence, the term "Crime of violence" shall have the same meaning as provided in §23-1331(4), or a crime under the laws of any other jurisdiction that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prohibited by the District of Columbia Official Code.

A person who violated subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than $15,000, or both.

(2) No wholesale dealer shall, within the District of Columbia, sell or have in his or her possession a machine gun, sawed-off shotgun, or blackjack.

No wholesale dealer shall, within the District of Columbia, sell, or have in his or her possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

22-4510. Licenses of weapons dealers; records; by whom granted; conditions

(a) The Mayor of the District of Columbia may, in his or her discretion, grant licenses and may prescribe the form thereof, effective for not more than 1 year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in § 22-4509, for breach of any of which the licensee shall be subject to forfeiture and the licensees subject to punishment as provided in this chapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

No pistol shall be sold: (A) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by § 22-4503 to possess a pistol or is under the age of 21 years; and (B) unless the purchaser is personally known to the seller or shall present clear evidence of his or her identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in § 22-4514 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the District of Columbia.

A true record shall be made in a book kept for the purpose, the form of which may be prescribed by the Mayor, of all pistols, machine guns, and sawed-off shotguns in the possession of the licensee, which said record shall contain the date of purchase, the caliber, make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the date of sale.

A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Mayor of the District of Columbia and shall be personally signed by the person or persons who shall be personally responsible for the conduct of the business of the dealer. Such record shall be kept in the possession of the licensee, and 22-4514(c) this chapter shall not apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

No person shall, within the District of Columbia, sell or have in his or her possession a machine gun, sawed-off shotgun, or blackjack wthin the District of Columbia, give false information or offer false evidence of his or her identity.

22-4512. Alteration of identifying marks of weapons prohibited

No person shall within the District of Columbia change, alter, remove, obliterate, or obliterate the same within the District of Columbia; provided, however, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia, except as provided in §§ 22-4502, 22-4504(b), and 22-4514(b), this chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

No person shall within the District of Columbia possess, with intent to use unlawfully against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer than 3 inches, or other dangerous weapon.

Whoever violates this section shall be punished as provided in § 22-4515 unless the violation occurs after such person has been convicted in the District of Columbia or in another jurisdiction, in which case such person shall be punished for not more than 10 years.

22-4515. Penalties

Any violation of any provision of this chapter shall be punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year or both.

22-4515a. Manufacture, transfer, use, possession, transportation of molotov cocktalis, or other explosives for unlawful purposes; prohibited; definitions; penalties

(a) No person shall within the District of Columbia manufacture, transfer, use, possess, or...
transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means:

(1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited; or

(2) any other device designed to explode or produce uncontrollable fire or serious injury, but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontrollable combustion, with the intent that the same may be used unlawfully against any person or property.

(c) No person shall, during a state of emergency in the District of Columbia declared by the Mayor pursuant to law, or during a situation in the District of Columbia deemed by the President to be a situation of possible terrorist attack, possess, or transport any firearm, instrument, or object designed to explode or produce uncontrollable combustion, with the intent that the same may be used unlawfully against any person or property.

(3) the receipt of possession by the claimant or with his or her knowledge or consent; and

(2) any instrument, attachment, or appliance for causing the firing of any firearms to be silent or intended to lessen or muffle the noise of the firing of any firearm.

(b) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a nuisance.

(c) When a police officer, in the course of a lawful arrest or lawful search, or when a designated civilian employee of the Metropolitan Police Department in the course of a lawful search, discovers a dangerous article which the officer reasonably believes is a nuisance under subsection (b) of this section the officer shall take it into his or her possession and surrender it to the Property Clerk of the Metropolitan Police Department.

(d) Within 30 days after the date of such surrender, any person may file in the office of the Property Clerk of the Metropolitan Police Department a written claim for possession of such dangerous article. Upon the expiration of such period, the Property Clerk shall notify each such claimant, by registered mail addressed to the address shown on the claim, of the time and place of a hearing to determine which claimant, if any, is entitled to possession of such dangerous article. Such hearing shall be held within 60 days after the date of such surrender.

(2) at the hearing the Property Clerk shall hear and receive evidence with respect to the claims filed under paragraph (1) of this subsection. Therefore, he or she shall determine whether, if any, is entitled to possession of such dangerous article and shall reduce his or her decision to writing. The Property Clerk shall send a true copy of such written decision to each claimant by registered mail addressed to the last known address of such claimant.

Within 30 days after the day on which any such decision was mailed to such claimant, file an appeal in the Superior Court of the District of Columbia. If the claimant files an appeal, he or she shall at the same time give written notice thereof to the Property Clerk. If the decision of the Property Clerk is so appealed, the Property Clerk shall not dispose of the dangerous article while such appeal is pending and, if the final judgment is entered by such court, he or she shall dispose of such dangerous article in accordance with the judgment of such court. The Superior Court of the District of Columbia is authorized to determine which claimant, if any, is entitled to possession of the dangerous article and to enter a judgment ordering a disposition of such dangerous article consistent with subsection (f) of this section.

(4) If there is no such appeal, or if such appeal is dismissed or withdrawn, the Property Clerk shall dispose of such dangerous article in accordance with subsection (f) of this section.

The Property Clerk shall make no disposition of a dangerous article under this section, whether in accordance with his or her own decision or in accordance with the judgment of the Superior Court of the District of Columbia, until the United States Attorney for the District of Columbia certifies to the Property Clerk that such dangerous article will not be needed as evidence.

(e) A person claiming a dangerous article shall be entitled to its possession only if: (1) such person shows, on satisfactory evidence, that such person is the owner of the dangerous article; (2) such person shows, on satisfactory evidence, that the owner of the dangerous article is lawfully entitled to possess such dangerous article; (3) the receipt of possession by the claimant or with his or her knowledge or consent; and (3) the receipt of possession by the claimant does not cause the article to be a nuisance. A representative is accredited if such person has a power of attorney from the owner.

(f) If a person claiming a dangerous article is entitled to its possession as determined under subsections (d) and (e) of this section, possession of such dangerous article shall be given to such person. If no person so claiming is entitled to its possession as determined under subsections (d) and (e) of this section, or if there be no such claimant, such dangerous article shall be destroyed. If the property is of such value, any such serviceable dangerous article may, upon order of the Mayor of the District of Columbia, be transferred to and used by any federal or District Government law-enforcement agency, and the agency receiving same shall establish property responsibility and records of these dangerous articles.

(g) The Property Clerk shall not be liable in damages for any action performed in good faith under this section.

Title 24. Prisoners and Their Treatment

Chapter 2. Prisons and Prisoners

Subchapter VII. Correctional Treatment Facility

24-261.02A. Registration of firearms for private operator

(1) To register for interim approval, the private operator shall follow the following procedures:

(1) To register for interim approval, the private operator shall provide the Chief of the Metropolitan Police Department ("Chief of Police") with the serial numbers and storage places of firearms in the private operator's possession. If the Chief of Police determines that the information provided is satisfactory, he or she shall issue interim approval to the private operator for the weapons identified and held in the private operator's possession. The interim approval shall be valid for 90 days, during which time the private operator shall complete the actions necessary to register for permanent approval.

(2) To register for permanent approval, the private operator shall provide the Chief of Police with the following information:

(i) The names and such other identifying information as the Chief of Police may require, of all private correctional officers who will be authorized by the private operator to carry and use firearms in the course of their assigned duties;

(ii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has received instructions about all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties;

(iii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has received the training required by § 24-261.02(d); and

(iv) A sworn affidavit signed by each private correctional officer authorized to carry and use firearms attesting that he or she has read and understands all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties.

(B) The Chief of Police, upon determining that the information submitted in accordance with this paragraph is satisfactory, shall issue permanent registration approval to the private operator for the firearms in the private operator's possession. The Chief of Police shall issue permanent registration approval to the private operator whose possession is the accredited representative of the United States Attorney for the District of Columbia certifies to the Property Clerk that such dangerous article will not be needed as evidence.
Title XLVI. Crimes

Chapter 790. Weapons and Firearms

790.001. Definitions As used in this chapter, except where the context otherwise requires:

(1) "Antique firearm" means any firearm manufactured in or before 1918 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1918, and also any firearm using fixed ammunition manufactured in or before 1918, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.

(3) "Concealed weapon" means any dirk, metallic knuckles, slugshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.

(4) "Destructive device" means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any flammable container filled, incendiary, explosive, gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a firearm other than a firearm or a common pocketknife, or knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

(5) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

(6) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon; or

(c) Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders; or

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden.

(7) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

(8) "Mail order" means the area of an airport which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

(10) "Self-defense chemical spray" means any device having one or more barrels less than 18 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(11) "Short-barreled fire" means any device having one or more barrels less than 18 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(12) "Tear gas gun" or "chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

(13) "Weapon" means any dirk, knife, metallic knuckles, slugshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

(14) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitroethylene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, and any firearm or firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

(15) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

(16) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon; or

(c) Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders; or

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden.

(17) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

(18) "Mail order" means the area of an airport which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.

(19) "Ammunition" means an object consisting of all of the following:

(a) A fixed metallic or nonmetallic hull or cas- ing containing a primer.

(b) One or more projectiles, one or more bul- lets, or shot.

(c) Gunpowder.

All of the specified components must be present for an object to be ammunition. 790.065. Sale and delivery of firearms

(1) A licensed importer, licensed manufactur- er, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has: 790.065. Sale and delivery of firearms
(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, any state security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

(b) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer or transferee established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund. In no event shall any other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct an inquiry of information reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” a “correctional officer,” or a “correctional probation officer” as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee’s call or by return call, do the following:

(a) Review any records available to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm;

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other condition set by the court have been fulfilled or expunction has occurred; or

4. Has been adjudicated mentally defective or has been committed to a mental institution by a court and as a result is prohibited by federal law from purchasing a firearm.

(b) As used in this subsection, “correctional probation officer” as defined in s. 790.06(10). When a potential buyer or transferee appeals a nonapproval based on these records, the clerks of court and mental institutions shall, upon request by the department, provide information to help determine whether the potential buyer or transferee is the same subject as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c) 1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee when s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.0414(4)(a) or for any of the following enumerated offenses:

a. Criminal ancestry under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period to help determine whether the potential buyer or transferee is the same subject as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

5. If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.
whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

(a) That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

(b) That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of such indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer to any person who has been convicted of a violation of this subsection with respect to such sale or transfer.

(4)(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from the provisions of s. 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records forthwith after it communicates the approval and nonapproval numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the response to the licensee’s request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain records of NCIC transactions to the extent required by the Federal Government, and may maintain a log of dates of requests for criminal history records checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers correspond-

ing to such dates for a period of not longer than 2 years or as otherwise required by law.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to maintain a record of nonapproval numbers, license identification numbers, and transaction numbers correspond-

and nonapproval numbers, license identification numbers, and transaction numbers corresponding to the procedures described in subsection (2).

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(e) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week with the exception of Christmas Day and New Year's Day, for a period of 12 hours a day beginning at 9 a.m. and ending at 9 p.m., for purposes of requesting criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(f) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer, willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(g) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(h) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, licensed dealers, licensed subdealers, and the lawful owners of firearms, as defined in s. 790.015, that the procedures and toll-free number described in this section are operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(i) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee.

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(j) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the im-

portation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

12(a) Any potential buyer or transferee who willfully and knowingly provides false information or fails to supply required information commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(b) Any licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(c) Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(d) Any person who knowingly acquires a firearm through purchase or transfer intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(e) This section does not apply to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the purchases or transfers are made on behalf of an employing agency for official law enforcement purposes.

790.065. Purchase and delivery of handguns; mandatory waiting period; exceptions; penalties.

(1) There shall be a mandatory 3-day waiting period, which shall be 3 days, excluding weekends and legal holidays, between the purchase and the delivery at retail of any handgun.

"Purchase" means the transfer of money or other valuable consideration to the retailer. "Handgun" means a firearm capable of being carried and used by one hand, such as a pistol, revolver, or similar weapon. "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(2) Records of handgun sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(3) The 3-day waiting period shall not apply in the following circumstances:

(a) When a handgun is being purchased by a holder of a concealed weapons permit as defined in s. 918.06.

(b) To a trade-in of another handgun.

(c) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) For any retailer, or any employee or agent of a retailer, to deliver a handgun before the expiration of the 3-day waiting period, subject to the exceptions provided in subsection (2).

(e) For a purchaser to obtain delivery of a handgun by fraud, false pretense, or false representation.

790.115. Possessing or discharging weapons or firearms at a school-sponsored event.
or on school property prohibited; penalties; exceptions
(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(113), including a razor blade, box cutter, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exercise of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.
(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(113), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:
1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.
For the purposes of this section, "school" means any preschool, elementary school, middle school, secondary school, career center, or postsecondary school, whether public or nonpublic.
(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon, as defined in s. 790.001(113), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(c)1. A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock, if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.
(4) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or herself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(5) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licensee who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).
(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1), any minor under 18 years of age who is charged under this section with possessing or discharging a firearm on school property shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention for a period of 21 days, during which time the minor shall receive medical, psychiatric, psychologic, or substance abuse examinations pursuant to s. 985.18, and a written report shall be completed.
790.151. Using firearm while under the influence of alcoholic beverages, chemical substances, or controlled substances; penalties
(1) As used in ss. 790.151-790.157, "to use a firearm means to discharge a firearm or to have a firearm readily accessible for immediate discharge.
(2) For the purposes of this section, "readily accessible for immediate discharge" means loaded in a person's hand.
(3) It is unlawful and punishable as provided in subsection (4) for any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when injected to the extent that his or her normal faculties are impaired, to use a firearm in this state.
(4) Any person who violates subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
(5) This section does not apply to persons exercising lawful self-defense or defense of one's property.
790.161. Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties
(1) A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:
1. Commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.
2. If the act is perpetrated with the intent to do bodily harm to any person, or with the intent to do property damage, or if the act results in a disruption of governmental operations, commerce, or the private affairs of another person, commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.084.
(2) If the act results in bodily harm to another person or in property damage, commits a felony of the first degree, punishable as provided in s. 775.082 or s. 775.084.
(3) If the act results in death of another person, commits a capital felony, punishable as provided in ss. 775.082 or 775.084. If the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment if convicted of murder in the first degree or of a capital felony under this subsection, and such person shall be ineligible for parole. No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.
790.1612. Authorization for governmental manufacture, possession, and use of destructive devices
The governing body of any municipality or county and the Division of State Fire Marshal of the Department of Financial Services have the power to authorize the manufacture, possession, and use of destructive devices as defined in s. 790.001(4).
790.17. Furnishing weapons to minors under 18 years of age or persons of unsound mind and furnishing firearms to minors under 18 years of age prohibited
(1) A person who sells, hires, barters, lends, transfers, or attempts to make, possess, throw, project, place, or discharge any destructive device or attempt so to do, felony; penalties
(2) A person who willfully and knowingly sells or transfers a firearm to a minor under 18 years of age any dirk, electric weapon or device, or other weapon, other than an ordinary pocketknife, without permission of the minor's parent or guardian, or sells, hires, barters, lends, transfers, or gives to any person of unsound mind an electric weapon or device or any dangerous weapon, otherwise than on ordinary occasion and commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
(2)(a) A person may not knowingly or willfully sell or transfer a firearm to a minor under 18 years of age, except that a person may transfer ownership of a firearm to a minor with permission of the parent or guardian.
(b) A person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(2)(b) The parent or guardian must maintain possession of the firearm except pursuant to s. 790.22.
790.174. Safe storage of firearms required
(1) A person who stores or leaves, on a premises under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or who is not under the supervising care or control required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as
easily and quickly as if he or she carried it on his or her body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner in a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner; or

s. 740.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

790.175. Transfer or sale of firearms; required warnings; penalties.

(1) Upon the retail commercial sale or retail transfer of any firearm, the seller or transferor shall deliver a written warning to the purchaser or transferee, which warning states, in block letters not less than 1/4 inch in height:

"IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY FEE, TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(2) Any retail or wholesale store, shop, or sales outlet which sells firearms must conspicuously post at each purchase counter the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(3) Any person or business knowingly violating a requirement to provide warning under this section commits a violation of this chapter and is punishable as provided in s. 775.082 or s. 775.083.

790.18. Sale or transfer of arms to minors by dealers.

It is unlawful for any dealer in arms to sell or transfer to a minor any firearm, pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles, slingshot, or electric weapon or device. A person who violates this section commits a violation of the second degree, punishable as provided in s. 775.082 or s. 775.083.

790.22. Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 18; limitation; possession of firearms by minor under 18 prohibited; penalties.

(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his or her possession any BB gun, air or gas-operated gun, electric weapon or device or firearm in violation of the provisions of subsection (1) of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A minor under 18 years of age may not possess a firearm, other than an unlocked firearm at his or her home, unless:

(a) The minor is engaged in a lawful hunting activity and is:

1. At least 18 years of age; or

2. Under 16 years of age and supervised by an adult.

(b) The minor is engaged in a lawful marksman's practice or competition or other lawful recreational shooting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult or acting with the consent of the minor's parent or guardian.

(c) The firearm is unloaded and is being transported by the minor directly to or from an event authorized in paragraph (a) or paragraph (b).

(4)(a) Any parent or guardian of a minor, or other adult responsible for the welfare of a minor, who knowingly and willfully permits the minor to possess a firearm in violation of subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

790.221. Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may read- ily be made, operable; but this section shall not apply to firearms which are or may be used in connection with a lawful recreational shooting activity and is:

(a) A firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with s. 790.08(1)-(6).

(b) The provisions of this section are supplemental to all other provisions of law relating to the possession, use, or exhibition of a firearm."

790.23. Felons and delinquents; possession of firearms, ammunition, or electric weapons or devices unlawful.

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates this section shall not be eligible for any form of discretionary early release, other than pardon, executive clemency, or conditional medical parole as provided in s. 947.149.

790.24. Use of firearms, ammunition, or electric weapons or devices by person under legal age; penalty.

(1) Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with s. 790.08(1)-(6).

(2) The provisions of this section are supplemental to all other provisions of law relating to the possession, use, or exhibition of a firearm."

790.25. Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence.

(1) A person who may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued an initial injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

790.251. Possession of firearm or ammunition by person convicted of violent career criminal unlawful; penalty.

(1) Any person who meets the violent career criminal criteria under s. 775.084(1)(d), regardless of whether such person is or has previously been sentenced as a violent career criminal, who owns or has in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or carries a concealed weapon, including a tear gas gun or chemical weapon or device, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this section shall be sentenced to a mandatory minimum of 15 years' imprisonment; however, if the person would be sentenced to a longer term of imprisonment under s. 775.084 (4)(d), the person must be sentenced under that provision. A person convicted of a violation of this section is not eligible for any form of discretionary early release, other than pardon, executive clemency, or conditional medical parole as provided in s. 947.149.

(2) For purposes of this section, the previous felony convictions necessary to meet the violent career criminal criteria under s. 775.084(1)(d) may be convictions for felonies committed as an adult or adjudications of delinquency for felonies committed as a juvenile. In order to be counted
as a prior felony for purposes of this section, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense, and sentenced or adjudicated separately from any other felony that is to be counted as a prior felony for purposes of this section.

(3) This section shall not apply to a person whose civil rights and firearm authority have been restored.

790.25. Lawful ownership, possession, and use of firearms and other weapons

(1) Declaration of Policy. The Legislature finds as a matter of public policy and declares that it is necessary to provide firearms safety and to curb and prevent the use of firearms and other weapons in crime and by incompetent persons without prohibiting the lawful use in defense of life, home, and property, and the use by United States or state military organizations, and as otherwise now authorized by law, including the right to use and own firearms for target practice and marksmanship on target practice ranges or other lawful places, and lawful hunting and other lawful purposes.

(2) Uses Not Authorized.—

(a) This section does not authorize carrying a concealed weapon without a permit, as prohibited by s. 856.02.

(b) The protections of this section do not apply to the following:

1. A person who has been adjudged mentally incompetent, who is addicted to the use of narcotics or any similar drug, or who is a habitual or chronic alcoholic, or a person using weapons or firearms in violation of ss. 790.07-790.115, 790.145-790.190, 790.07-790.190.

2. Vagrants and other undesirable persons as defined in s. 856.02 [Publisher's Note: s. 856.02 was repealed by s. 3, ch. 72-133].

3. A person in or about a place of nuisance as defined in s. 823.05, unless such person is there for law enforcement or some other lawful purpose.

(3) Lawful Uses. The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and other lawful purposes:

(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;

(c) Persons carrying out or training for emergency management duties under chapter 252;

(d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and peace officers paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;

(e) Officers or employees of the state or United States duly authorized to carry a concealed weapon;

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;

(g) Regularly enrolled members of any organization authorized by law to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;

(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

(i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

(j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;

(k) A person firing weapons in a safe and secure indoor range for testing and target practice;

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;

(m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;

(n) A person possessing arms at his or her home or place of business;

(o) Investigators employed by the several public defenders of the state, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for fire-arms established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

(p) Investigators employed by the capital collateral regional counsel, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for fire-arms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the capital collateral regional counsel and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

(2) Possession in private conveyance. Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use.

Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

790.27. Alteration or removal of firearm serial number or other weapon for sale, or delivery of firearm with serial number altered or removed prohibited; penalties

(a) It is unlawful for any person to knowingly alter or remove the manufacturer's or importer's serial number from a firearm with intent to disguise the true identity thereof.

(b) Any person violating paragraph (a) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) It is unlawful for any person to knowingly sell, deliver, or possess any firearm on which the manufacturer's or importer's serial number has been unlawfully altered or removed.

(c) Any person violating paragraph (b) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section shall not apply to antique firearms.

790.28. Purchase of rifles and shotguns in contiguous states. A resident of this state may purchase a rifle or shotgun in any state contiguous to this state if he or she conforms to applicable laws and regulations of the United States, of the state where the purchase is made, and of this state.

790.31. Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited.

(1) As used in this section, the term:

(a) "Armor-piercing bullet" means any bullet which has a steel inner core or core of equivalent hardness and a truncated cone and which is designed for use in a handgun as an armor-piercing or metal-piercing bullet.

(b) "Metal-piercing bullet" means any bullet that can be fired from any firearm, if such bullet is designed or altered so as to detonate or forcibly break up through the use of an explosive or deflagrant contained wholly or partially within or attached to such bullet. The term does not include any bullet designed to expand or break up through the mechanical forces of impact alone or any signaling device or pest control device not designed to impact on any target.

(c) "Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.

(d) "Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mish metal as the projectile and that is designed for the sole purpose of throwing or spewing a flame or fireball to simulate a flamethrower.

(e) "Bolo shell" means any shell that can be fired in a firearm and that expels two or more metal balls connected by solid metal wire.

(f) "Flechette shell" means any shell that can be fired in a firearm and that expels two or more pieces of fin-stabilized solid metal wire or two or more solid dart-type projectiles....

(2) Any person who possesses an armor-piercing bullet or exploding bullet with know-

Page 134
1. Individuals who are licensed to carry concealed firearms under the provisions of s. 790.06 or who are licensed to carry concealed firearms under any other provision of state law and who show a valid license; and

2. Individuals who already lawfully own another firearm and who show a sales receipt for another firearm; or who are known to own another firearm through a prior purchase from the retail establishment; or who have another firearm for trade-in;

3. A law enforcement or correctional officer as defined in s. 943.10;

4. A county where one of the city or county, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void. This subsection shall not affect zoning ordinances which are designed to regulate certain businesses along with other businesses. Zoning ordinances which are adopted for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited.

(2) LIMITED EXCEPTION; COUNTY WAITING-PERIOD ORDINANCES. (a) Any county may have the option to adopt a waiting-period ordinance requiring a waiting period of up to 30 days between the purchase and delivery of a handgun. For purposes of this subsection, “purchase” means payment of deposit, payment in full, including a charge for a transfer of title, or the intent to purchase. Adoption of a waiting-period ordinance, by any county, shall require a majority vote of the county commission on votes on waiting-period ordinances. This exception is limited solely to individual counties and is limited to the provisions and restrictions contained in this subsection.

(b) Ordinances authorized by this subsection shall apply to all sales of handguns to individuals by a retail establishment except those sales to individuals exempted in this subsection. For purposes of this subsection, “retail establishment” means a gun shop, sporting goods store, pawn shop, hardware store, department store, discount store, bait or tackle shop, or any other store or shop that offers handguns for walk-in retail sale but does not include gun collectors shows or exhibits, or gun shows.

(c) Ordinances authorized by this subsection shall not require any information or notification to any source outside the retail establishment, but records of handgun sales must be available for inspection, during normal business hours, by any law enforcement agency as defined in s. 793.02.

(d) The following shall be exempt from any waiting period:

1. Records kept pursuant to the record-keeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1)(f) by s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

3. Firearm records, including paper pawn transaction forms and contracts on firearm transactions, required by chapter 538, s. 934.02.

4. Electronic firearm records held pursuant to chapter 538 may only be kept by a secondhand dealer for 30 days after the date of the purchase of the firearm by the secondhand dealer.

(3) POLICY AND INTENT. (a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdiction other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) As created by chapter 87-23, Laws of Florida, this section shall be known and may be cited as the “Joe Carlucci Uniform Firearms Act.”

790.335. Prohibition of registration of firearms, firearms components, or ammunition.

(1) Legislative Findings and Intent. ...
the insured that the insured is no longer the owner of such firearm.

(i) Lists of customers of a firearm dealer retained by such dealer, provided that such lists do not disclose the particular firearms purchased. Such lists, or any parts thereof, may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity.

(j) Sales receipts retained by the seller of firearms or by a person providing credit for such purchase, provided that such receipts shall not serve as or be used for the creation of a database for firearm transactions.

(k) Personal records of firearms maintained by the owner of such firearms.

(l) Records maintained by a business that stores or acts as the selling agent of firearms on behalf of the lawful owner of the firearms.

(m) Membership lists of organizations comprising of person who was a licensee within the prior 2 years.

(n) Records maintained by an employer or contracting entity of the firearms owned by its officers, employees, or agents, if such firearms are used in the course of business performed on behalf of the employer.

(o) Records maintained pursuant to s. 790.06 by the Department of Agriculture and Consumer Services of person who was a licensee within the prior 2 years.

(p) Records of firearms involved in criminal investigations, criminal executions, criminal appeals, and postconviction motions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(q) Paper documents relating to firearms involved in criminal cases, criminal investigations, and criminal prosecutions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(r) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(s) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(t) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(u) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(v) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(w) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(x) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(y) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(z) Records relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

[Current through Chapter 271 (End) of the Special 'B' Sessions of the Twenty-First Legislature]

Chapter of Broward County

Article VI. Firearms, Five-Day Waiting Period

18-96. Waiting period; prohibition. There shall be a mandatory five-day waiting period, which shall be five days, excluding weekends and legal holidays, in connection with the sale of firearms occurring within Broward County when the sale is a transfer of money or other valuable consideration, and any part of the sale transaction is conducted on property to which the public has the right of access. Some examples of properties to which the public has a right of access are: gun shows, firearm exhibitions, wholesale and retail stores, and flea markets. No person shall transfer or receive a firearm to or from another person for five days from the hour of such sale, excluding weekends and legal holidays, when the sale is a transfer of money or other valuable consideration, and any part of the sale transaction is conducted on property to which the public has the right of access. An uninterrupted, continuous, and cumulative aggregate of 120 hours must elapse between such sale and receipt of the firearm, excluding the hours of weekends and legal holidays. A person who violates the prohibition of this Section is guilty of a violation of a county ordinance, punishable as provided in § 125.69, F.S., and the violation shall be prosecuted in the same manner as misdemeanors are prosecuted.

18-98. Non-applicability to holders of Florida concealed weapon permits. Pursuant to the Florida Constitution, when purchasing a firearm, holders of a Florida concealed weapon permit or license, as prescribed by general law, shall not be subject to the prohibitions and penalties of this article.

18-99. Penalty. Violation of a prohibition of this article shall be punishable by a fine not to exceed $500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. Each violation of a prohibition of this article relating to a specific firearm shall constitute a separate and individual violation. Nothing contained herein shall be construed to preemp the imposition of higher penalties imposed by state or federal law.

[Chapter of Broward County Code current through Ordinance No. 2009-67, enacted Oct. 18, 2009]

Chapter 75. Firearms

75.1. Short title. This chapter shall be known and may be cited as the "Martin County Cooling-Off Period Ordinance."

75.2. Definitions. As used in this chapter, unless the context otherwise indicates:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase</td>
<td>means the payment of a deposit, payment in full, or notification of intent to purchase.</td>
</tr>
<tr>
<td>Retail establishment</td>
<td>means gun shop, sporting goods store, pawnshop, hardware store, department store, discount store, bait or tackle shop, or any other store that offers handguns for walk-in retail sale, but does not</td>
</tr>
</tbody>
</table>
ordinance, enacted Sep. 15, 2009].

[Code of Martin County current through}

5.3. Cooling-off period between purchase and delivery of handguns. A waiting period of three working days, measured from the time of purchase of a handgun, must expire before delivery of the handgun is made to an individual by a retail establishment selling said handgun. This section shall apply to all sales of handguns to individuals by a retail establishment except as specifically exempted herein.

5.4. Exemptions. The provisions of this section [chapter] shall not apply to:

A. Individuals who are licensed to carry concealed firearms under the provisions of F.S. § 790.06, who are licensed to carry concealed firearms under any other provision of State law and who show a valid license.

B. Individuals who already lawfully own another firearm and who show a sales receipt for another firearm, who are known to own another firearm through a prior purchase from the retail establishment, or who have another firearm for trade-in.

C. Any law enforcement or correctional officer as defined in F.S. § 943.10.

D. Any law enforcement agency as defined in F.S. § 934.02.

E. Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses.

F. Any individual who has been threatened or whose family has been threatened with death or bodily injury, provided the individual may lawfully possess a firearm and provided such threat has been duly reported to local law enforcement.

5.5. Inspection of records. Records of handgun sales by retail establishments shall be available for inspection, during normal business hours, by any law enforcement agency as defined in F.S. § 934.02.

[Code of Martin County current through Ordinance No. 829, enacted Sep. 15, 2009]

Code of Miami-Dade County

Chapter 21. Offenses and Miscellaneous Provisions

Article III. Weapons

Division 1. In General

21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any firearm as defined in Section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the County to such person.

21-17. Sale or transfer of weapons by felons, intoxicated persons, etc. It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

21-19.1. Sale of Saturday night specials in Miami-Dade County prohibited. It shall be unlawful for any person to sell or otherwise transfer any Saturday night special as defined in Section 21-20.1(b) or offer or expose for sale or transfer any such firearm.

(a) Notwithstanding the foregoing provisions of this section, the sale of Saturday night specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

(b) The provisions of this section shall not apply to wholesale dealers in their business intercourse with retail dealers or to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, outside of the County, nor to sales or transfer of firearms that do not use a self-containing cartridge.

21-20. Registration of sales and transfers required; penalty.

(a) Register. Every person engaged in the business of selling, leasing, or otherwise transferring firearms as defined in Section 21-20.1(a), of the same caliber of being concealed on the person, whether such seller, lessor or transferor is a retail dealer, a pawnbroker, or otherwise, shall keep a register in which shall be entered the date and time of sale, lease or transfer; the name of the salesman making the sale, lease or transfer; the place where sold, leased or transferred; the make, model, manufacturer's number, caliber, barrel or other marks of identification of such firearm; the manufacturer's name, address, color, sex, age, weight, height, complexion, color of hair, birthplace, place of residence, length of residence, occupation, employer, the purpose for which the gun is desired, the date and time of delivery.

(b) Purchaser and seller to sign. The person to whom such firearm is sold, leased or otherwise transferred shall sign and the dealer shall require him to sign his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the sale, lease or transfer of firearms that do not use self-containing cartridges.

(c) Waiting period required for handgun. The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

(d) Fictitious name prohibited. Any person signing a fictitious name or address in such register is guilty of a violation of this section.

(e) Exceptions. This section shall not apply to wholesale dealers in their business intercourse with retail dealers or to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the County, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(f) Commissioner. Every person who is convicted for a violation of Section 21-20(c) shall be punished upon a first conviction by imprisonment for not less than six (6) months or by a fine of not less than one thousand dollars ($1,000.00) or by both such fine and imprisonment, in the discretion of the court and on a second and subsequent conviction shall be punished by imprisonment for not less than one (1) year or by a fine of not less than one thousand dollars ($1,000.00) or by both such fine and imprisonment, in the discretion of the court.

Division 2. License to Sell Firearms

21-20.1. Definitions.

(a) The word "firearm" as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of an explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one (1) hand and having a barrel length of less than sixteen (16) inches, and an overall length of less than twenty-six (26 1/2) inches, but which firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The term "Saturday Night Special" shall mean any firearm which is 32 caliber or smaller, whose barrel is less than three (3) inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile steel.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

21-20.2. License - Required to sell.

(a) It shall be unlawful for any person who, without being licensed as provided in this act [division], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in Section 21-20.1(a) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(2) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to amateur gunsmiths, conferences or conventions which are staged under the auspices of a duly recognized nonprofit state or national organization.

21-20.3. Same - Granted by Clerk of Commission. The Clerk of the Board of County Commissioners may grant licenses in the form prescribed by the County Commission permitting the licensee to sell said handguns within the County on the premises named therein.

21-20.4. Application for license; content. Applicants for licenses to sell must file their applications in duplicate copies in the form prescribed by the County Commission, with the Clerk of the County Commission. All applications must be signed and verified by all persons in whose names the license may be issued. The application shall state the full name, age, residence, present and previous occupations of each person so signing the same, and shall also specify the complete name and address of the place of business, as well as other facts as may be required to show the good character, competency and integrity of each person so signing.

21-20.4.1. Demonstration of knowledge of County, State and federal laws applicable to sale of firearms required. As part of the application procedure for a license to sell.
firearms, the Miami-Dade County Commission shall set up two (2) different type licenses. The first license shall be described as the dealer license, which shall be issued to the owner, corporation or partner, or general manager; and the employee license, which shall be issued to any employee who is engaged primarily in retail sale of firearms. The County Commission shall appoint a four-member committee consisting of a member from each of the following: Miami-Dade Police Department, Trail Glade Range or park employee, County Attorney’s Office, and a fourth member from the local Miami-Dade County gun dealer. It shall be the duty of this committee to prepare a guide manual from which questions on a short written examination will be taken so that the applicant, whether he be a dealer or employee, shall have to show his knowledge of federal, State and Miami-Dade County laws by a testing procedure which shall be multiple choice or true and false, drawn up by this committee, based on the guide book. If the applicant shall have difficulty with the written or spoken English language, which seriously impairs his ability to demonstrate his knowledge of such laws, special provisions shall be made through an interpreter or otherwise, for the administration of the required written examination to such person. In the event of failure, the applicant may retake the test seven (7) days from date of examination, however, no persons shall be allowed to take this test more than three (3) times in a twelve-month period.

21-20.5. Investigation of application; fingerprinting.
(a) The County Commission may require, upon initial application, for applicants for licenses to be fingerprinted, and may require them to attach to their initial applications their photographs. The Director of the Miami-Dade Police Department shall make a records check of each applicant. The Director of the Miami-Dade Police Department shall make a complete investigation only when so directed by the County Commission.

(b) Such fingerprinting shall be searched for any previous criminal record and shall be placed on file by the Director of the Miami-Dade Police Department of the County. No such fingerprint may be inspected by any person, other than a peace officer, except upon order of the Director of the Miami-Dade Police Department or in the event of investigation only when so directed by a court of competent jurisdiction.

21-20.6. Issuance of license.
(a) Upon completion of the following:
(1) An investigation showing the statements on the application to be true; and
(2) The taking and passing of the required written examination on gun control laws and applicable [applicability] to the sale of firearms in Miami-Dade County;

The Director of the Miami-Dade Police Department shall make a complete investigation on the character of the applicant, the Director shall be governed by the following provisions:
(i) He shall not consider a past arrest of the applicant which did not result in a conviction, provided it may inquire into the good character, competency and integrity of the applicant. In making his determination on the character of the applicant, the Director shall be governed by the following provisions:
(ii) In the case of subsequent applications of the same applicant, the Director shall only consider acts or omissions on the part of the applicant which have occurred subsequent to the date of the issuance of prior permits to the applicant.

If the Director receives testimony regarding the applicant, witnesses shall be sworn and the rules of evidence applicable to quasi-judicial proceedings shall govern. If the Director is satisfied as to the applicant’s good character, competency and integrity, a license to sell shall be issued to the applicant within sixty (60) days of application, and the committee shall also assign a permanent license number to each applicant. If the Director is not satisfied as to the applicant’s good character, competency and integrity, the application shall be denied. An applicant or person otherwise disqualified and the decision of the Director may, within ten (10) days from the date of action by the Director, apply to the County Commission to review the action of the Director. In such event, witnesses shall be sworn and the rules of evidence applicable to quasi-judicial proceedings shall govern. The determination of the Board shall be final unless overturned by a court of competent jurisdiction.

(b) No license may be issued to any person who has been convicted of a felony in this state or elsewhere or who is under eighteen (18) years of age.

(c) No license may be issued solely in the name of a corporation, firm, partnership, company or other fictitious entity, but the corporate name may be listed on the license.

(d) Annual renewal for either dealer or employee shall be a duplicate simple form listing only name, address, company name and number, Miami-Dade County license number, and notarized signature.

21-20.7. File of applications and licenses.
After disposition of the application, the original shall be maintained in the files of the County Commission. The duplicate copy shall be filed with the Director of the Miami-Dade Police Department. The Director shall keep a record of any applications which are subsequently corrected. After disposition of the application, the original application shall be filed with the Director of the Miami-Dade Police Department and the proper action of the Director shall be entered in the record. The Director shall make copies of all such applications which are subsequently denied, and such copies shall be filed with the Director of the Miami-Dade Police Department.

(A) A license issued in accordance with the provisions of this division is subject to the following conditions, for breach of any of which the license may be revoked:
(1) The business shall be carried on only in the premises designated in the license.
(2) The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read.
(3) No handgun, or imitation thereof, shall be placed in any display window of the premises.
(4) No handgun shall be delivered:
(a) Until seventy-two (72) hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued by the State, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in Section 21-20.8 of this chapter.
(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence that the proposed purchase was as required by Omnibus Control Bill of 1968, said evidence to be noted on the sales record.
(c) Unless the delivery is made to the identical individual who has purchased the firearm, by proof of dealer receipt.

(d) The provisions of this section shall not apply to duly employed federal, State, County or municipal law enforcement officers.

(5) A true record of every sale of firearms as, defined in this division shall be kept by the licensee in accordance with the provisions of Section 21-20.20. Article 20 of the Miami-Dade County Code, on a form prescribed by the Director of the Miami-Dade Police Department, and a copy of the record of each sale shall be mailed to the Director of the Miami-Dade Police Department within seventy-two (72) hours of the delivery of the firearm.

21-20.10. Licenses nontransferable; expiration date; renewals.
(a) Licenses are not transferable. It shall be unlawful for any licensee to assign, sell, lease or in any manner transfer or attempt to sell, lease or in any manner to attempt to transfer said license to sell or sell any rights or duties thereunder, to any person, firm, partnership, corporation, company or other fictitious entity.

(b) If, during the period of the existence of the license, a person so licensed ceases to engage in the said business or ceases to sell firearms, said license may be surrendered to the County Commission who may order the removal of said person’s name from the license and thereby relieve said person from future responsibility under the license as of the date of the removal of the same. All copies of said license shall be corrected.

(c) Any licensed employee may work at any other licensed dealer premises in Miami-Dade County without notice of transfer to the County Commission.

(d) All licenses issued under this division shall expire one (1) year after issuance. Every application for a license to sell, including subsequent successive renewals, may be investigated as provided for in Section 21-20.5 of this division. County must, via certified mail, give thirty (30) days written notice of expiration and send simplified renewal forms.

(e) Licenses may be revoked for cause by the County Commission at any time. The licensee or licensees shall be entitled to an immediate hearing upon the merits to obtain reinstatement of said license.

21-20.11. Review of orders denying license, revocation. The Circuit Court shall review orders denying a license to sell and others denying reinstatement of a revoked license.

21-20.12. Fees, charges. The initial fee for a license, whether it be dealer or employee, to sell or give away firearms shall be determined by the Manager and shall be established by administrative order of the Manager and approved by the Board of County Commissioners, which sum must accompany the application; provided, however, that the said sum is returnable if the application is subsequently denied. Renewal application

Page 138
shall have a license fee determined by the Manager, as provided for in this section whether it be dealer or employee. Fees collected for licenses issued as provided in this division may be paid into the County Treasury.

21-20.13. Sale of firearm with serial number obliterated, defaced, or altered. It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

21-20.14. Sale or delivery of firearms to certain classes of persons. It shall be unlawful to sell or deliver any firearm to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotics, barbiturates or barbital, or hallucinogenic; is addicted to the use of any narcotic drug or barbiturates, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.


(a) Definitions.

Purchase means payment of deposit, payment in full, or notification of intent to purchase.

Retail establishment means gun shop, sporting goods store, pawn shop, hardware store, department store, discount store, bait or tackle shop, or any other store or shop that offers handguns for walk-in retail sale but does not include gun collectors shows or exhibits, or gun shows.

(b) Applicability. This section shall apply to all sales of handguns to individuals by retail establishments unless exempted in subsection (d) hereof.

(c) Prohibition. It shall be unlawful and a violation of this section for any retail establishment to deliver a handgun to a purchaser within three (3) working days after the purchase of the handgun. It shall be unlawful and a violation of this section for any individual to take possession of a handgun within three (3) working days after the purchase of the handgun. Records of handgun sales by retail establishments shall be available for inspection during normal business hours by any law enforcement agency as defined in Section 934.02, Florida Statutes.

(d) Exceptions. The following shall be exempted from the requirements of this section:

(1) Individuals who are licensed to carry concealed firearms under the provisions of Section 790.06, Florida Statutes, or who are licensed to carry concealed firearms under any other provisions of State law and who show a valid license;

(2) Individuals who already lawfully own another firearm and who show a sales receipt for another firearm; who are known to own another firearm through a prior purchase from the retail establishment; or who have another firearm for trade-in;

(3) A law enforcement or correctional officer as defined in Section 943.10, Florida Statutes;

(4) A law enforcement agency as defined in Section 943.02, Florida Statutes;

(5) Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses; or

(6) Any individual who has been threatened with death or bodily injury, provided the individual may lawfully possess a firearm and provided such threat has been duly reported to Miami-Dade Police Department or any municipal police department within Miami-Dade County, Florida.

(e) Penalties. Every person who is convicted for a violation of this section shall be punished upon a first conviction by imprisonment for not less than six (6) months or by a fine of not less than one thousand dollars ($1,000.00) or by both such fine and imprisonment, in the discretion of the court and on a second and subsequent conviction shall be punished by imprisonment for not less than one (1) year or by a fine of not less than one thousand dollars ($1,000.00) or by both such fine and imprisonment, in the discretion of the court.

21-20.15. Penalty. Every person who is convicted of a violation of this section shall be punished by a fine not to exceed five hundred dollars ($500.00) in addition to the County Jail for a period not less than thirty (30) days, or by both such fine and imprisonment; for a second conviction of a violation of this section such person shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment in the County Jail not more than twelve (12) months, or by both such fine and imprisonment.

21-20.16. Handgun purchaser’s instruction and qualification procedure.

(a) Instruction and qualification procedure required. It shall be unlawful for any person to acquire a handgun in Miami-Dade County from a licensed dealer, unless such person has received safety instruction and otherwise qualified, pursuant to the test seven (7) days from the date of examination consisting of questions prescribed herein by the County Commission. The purchaser must also demonstrate his ability to safely handle the handgun to be purchased pursuant to guidelines prescribed herein by the County Commission. Persons who have successfully completed the above procedures in the course of purchasing a handgun shall not be required to repeat such procedures in any given year in order to purchase another handgun of the same type and caliber previously purchased. If the purchaser shall have difficulty with the written or spoken English language, which seriously impairs his ability to demonstrate his knowledge of such laws and his ability to safely handle said handgun, special provisions shall be made for him to receive otherwise or for the administration of the required written examination and qualification procedure to such person. In the event of failure, the applicant may retake the test seven (7) days from the date of examination, however no person shall be allowed to take this test more than three (3) times in a twelve-month period as a result of such failure.

(b) The transferor shall administer unto the purchaser safety procedures as prescribed by the County Commission prior to the purchaser acquiring ownership or possession of the handgun, and shall execute the prescribed form that said procedure has been imparted to the purchaser.

(c) The above prescribed procedure shall be administered only by duly licensed dealers or salesmen under this chapter.

The signature of the purchaser upon the prescribed form shall serve as a release of the transferor from all civil liability as a result of carrying such firearm.

(d) The County Commission shall appoint a four (4) member committee consisting of a member from each of the following: Miami-Dade Police Department, Trail Glade Range or park employee, County Attorney’s Office, and a fourth member from the local Miami-Dade County gun dealers.

The committee shall from time to time advise the County Commission of needed changes in the prescribed procedure and form. Such changes shall become effective upon the consideration and approval of the County Commission.

(e) This section shall not apply to:

(1) Law enforcement officers or agents of any state of the United States, or any political subdivision, municipal corporation, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision, municipal corporation, department or agency of either, while engaged in the discharge of their official duties.

(2) Wholesale dealers in their business intercourse with retail dealers or to wholesale or retail dealers in the regular or ordinary transportation of any unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the country.

(3) Nonresidents of the United States having proper authorization from his or her consulate, acting consulate, commercial attaché, or such other authorized representative.

(4) This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(a) Sales or trades by an unlicensed person or a person licensed hereunder, nor to

(b) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(5) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, State or national organization.

21-20.17. Unlawful to sell handguns to persons who have not qualified.

(a) It shall be unlawful for a licensed dealer to sell, deliver, transfer, or furnish any handgun to any person in Miami-Dade County unless the purchaser has qualified under Section 21-20.16, or

(b) Unless the purchaser exhibits evidence that he is exempt from the requirements of Section 21-20.16(b). Every person who is convicted for violation of this section shall be punished as provided in Section 21-20.15 of this Code.

21-20.18. Five-day waiting period and criminal history records check on firearms sales.

(a) Definitions. For purposes of this section, the following terms shall be defined as follows:

(1) Any part of the transaction means any part of the sales transaction, including but not limited to, the offer of sale, negotiations, the agreement to sell, the transfer of consideration, or the transfer of the firearm.

(2) Antique firearms means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and any replica of any such firearm if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition, but is not manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(3) Firearm means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; and firearm muffler or firearm silencer; any destructive
Sales to a licensed importer, licensed manufacturer or licensed dealer shall not be subject to the provisions of this section.

(f) Penalties. Any person violating any provision of this section shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or by both such fine and imprisonment. Nothing contained herein shall be construed to preempt the imposition of any higher penalties imposed by state or federal law.

(g) Reporting of information. To the fullest extent permissible by law, all information acquired in relation to a violation of this section shall be reported to appropriate federal and state officials.


(a) Definitions. For purposes of this section, the following terms shall be defined as follows:

(1) Locking device means a device that when installed on a firearm and secured by means of a key or a mechanically or electronically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device.

(b) If a person stores or leaves a firearm at any location where the person knows or reasonably should know that a minor might gain access to the firearm, the person shall secure the firearm with a locking device or in a securely locked box or container except when it is carried on his or her body or is located within such close proximity that the person can retrieve the firearm and prevent access to it by a minor.

(c) A violation of this section is a breach of a duty of safety owed by the person who owns or possesses the firearm to all minors who might gain access to it and to the general public.

(d) Any person which is convicted of violating this sub-section shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days or by both such fine and imprisonment.

(e) Applicability. This section shall apply to the incorporated and unincorporated areas of Miami-Dade County.

[Code of Miami-Dade County current through Ordinance No. 09-81, enacted Sep. 1, 2009]
permanent injunctions to enforce the provisions of this article. It is the purpose of this article to provide additional and cumulative remedies.

28-26. Applicability. This article shall be applicable in both the unincorporated and incorporated areas of the county to the extent permitted by law.

**Title 10. Commerce and Trade**

**Chapter 1. Selling and Other Trade Practices**

**Article 6. Interstate Purchase of Rifles and Shotguns**

10-1-100. Purchase by Georgia residents in other states Residents of the State of Georgia may purchase rifles and shotguns in any state of the United States, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the state in which the purchase is made.

10-1-101. Purchase in state by residents of other states Residents of any state of the United States may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the state in which such persons reside.

**Title 16. Crimes and Offenses**

**Chapter 11. Offenses Against Public Order and Safety**

**Article 4. Dangerous Instrumentalities and Practices**

**Part 1. General Provisions**

16-11-101.1. Furnishing or permitted minor to possess pistol or revolver (a) For the purposes of this Code section, the term:

1. "Minor" means any person under the age of 18 years.

2. "Pistol or revolver" means a pistol or revolver as defined in subsection (a) of Code Section 16-11-125.1.

(b) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or furnish a pistol or revolver to a minor, except that it shall be lawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor for the purposes specified in subsection (c) of Code Section 16-11-132 unless otherwise expressly limited by subsection (c) of this Code section.

(c)(1) It shall be unlawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor if the parent or legal guardian knows or has reasonable cause to believe that such possession violates the provisions of Code Section 16-11-132 and fails to make reasonable efforts to prevent commission of any such violation of Code Section 16-11-132.

(2) Notwithstanding any provisions of subsection (c) of Code Section 16-11-132 or any other law to the contrary, it shall be unlawful for any parent or legal guardian intentionally, knowingly, or recklessly to furnish to or permit a minor to possess a pistol or revolver if such parent or legal guardian is aware of a substantial risk that such minor will use a pistol or revolver to commit a felony offense or if such parent or legal guardian who is aware of such substantial risk fails to make reasonable efforts to prevent commission of the offense by the minor.

(3) In addition to any other act which violates this subsection, a parent or legal guardian shall be deemed to have violated this subsection if such parent or legal guardian furnishes to or permits possession of a pistol or revolver by any minor who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such minor were an adult.

(d) Upon conviction of a violation of subsection (b) or (c) of this Code section, a person shall be guilty of a misdemeanor, punishable by a fine of not less than $5,000.00 or imprisonment for not less than three nor more than five years, or both.

16-11-113. Solicitation, persuasion, encouragement, or enticement of dealer to transfer or convey firearm to non-buyer; aiding and abetting; felony violation Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a felony. This Code section shall not apply to a federal law enforcement officer or a peace officer, as defined in Code Section 16-1-3, in the performance of his or her official duties or other person under such officer's direct supervision.

**Part 2. Possession of Dangerous Weapons**

16-11-120. Short title This part shall be known and may be cited as the "Georgia Firearms and Weapons Act."

16-11-121. Definitions As used in this part, the term:

(1) "Dangerous weapon" means any weapon commonly known as a "rocket launcher," "bazooka," or " recoilless rifle " which fires explosive or non-explosive rockets designed to injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose.

(2) "Machine gun" means any weapon which shoots or is designed to shoot, automatically, more than six shots without manual reloading, by a single function of the trigger.

(3) "Person" means any individual, partnership, company, association, or corporation.

(4) "Sawed-off rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or remade, made or remade, and intended to be fired from the shoulder, and designed or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel or barrels of less than 16 inches in length or has an overall length of less than 26 inches.

(5) "Sawed-off shotgun" means a shotgun or any weapon made from a shotgun whether by alteration, modification, or otherwise having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(6) "Shotgun" means a weapon designed or remade, made or remade, and intended to be fired from the shoulder, and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger.

(7) "Silencer" means any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive.

16-11-122. Possession of certain types of firearms, dangerous weapon, and silencers prohibited No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer except as provided in Code Section 16-11-124.

16-11-123. Punishment A person commits the offense of unlawful possession of firearms or weapons when he or she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, and, upon conviction thereof, he or she shall be punished by imprisonment for a period of five years.

16-11-124. Exemptions to provisions of law This part shall not apply to:

(1) A peace officer of any duly authorized police agency of the state or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States who is regularly employed and paid by the United States, this state, or any such political subdivision, or an employee of the Department of Corrections of this state who is authorized in writing by the commissioner of corrections to transfer the possession or use of a firearm while in the official performance of his duties;

(2) A member of the National Guard or of the armed forces of the United States to wit: the army, navy, marine corps, air force, or coast guard who while serving therein, possesses such firearm in the line of duty;

(3) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include weapons with their barreled or barrels filled with lead, hand grenades filled with sand, or other nonexplosive materials;
Part 3. Carrying and Possession of Firearms

16-11-127.1. Weapons on school safety zones, school building or grounds or at school functions

(a) As used in this Code section, the term:

(1) "School safety zone" means in or on any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education and in or on the campus of any public or private technical school, vocational school, college, university, or institution of post-secondary education.

(2) "Weapon" means and includes any pistol, revolver, an air gun, shotgun, or any firearm designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun cha, nunchau, nunchak, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone or at a school building, school function, or school property or on a bus or other transportation furnished by the school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any license holder who violates this subsection shall be guilty of a misdemeanor.

(3) Any person convicted of this subsection involving a dangerous weapon or machine gun as defined by Code Section 16-11-121 shall be punished by a fine of not more than $10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.

(4) A person who violates this subsection shall be subject to the provisions of Code Section 15-11-15, to include, but not limited to:

(1) A child who violates this subsection shall be subject to the provisions of Code Section 35-8-2;

(2) A peace officer as defined by Code Section 35-8-2;

(3) A law enforcement officer of the United States or any political subdivision thereof;

(4) A person participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;

(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

(A) A peace officer as defined by Code Section 35-8-2;

(B) A law enforcement officer of the United States government;

(C) A prosecuting attorney of this state or of the United States;

(D) An employee of the Georgia Department of Corrections or a correctional facility operated by a state or the United States who is authorized by the head of such correctional agency or facility to carry a firearm;

(E) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20;

(F) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;

(G) A person who has been authorized in writing by a duly authorized official of the school to have in such person's possession or use as part of any activity being conducted at a school building, school property, or school function a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;

(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student at a school building, school function, or school property or on a bus or other transportation furnished by the school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked at such school property or in transit through a designated school zone;

(8) A weapon possessed by a license holder who is under the possession or control in a motor vehicle which is in a locked compartment of a motor vehicle or one which is in a locked container in a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student at a school building, school function, or school property or on a bus or other transportation furnished by the school, or when such vehicle is used to transport someone to an activity being conducted on school property which has been authorized by a duly authorized official of the school; provided, however, that this exception shall not apply to a student attending such school;

(9) Persons employed in fulfilling defense contracts with the government of the United States or any agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;

(11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;

(12) Probation supervisors employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the "State-wide Probation Act," when specifically designated and authorized in writing by the director of the Division of Probation;

(13) Public safety directors of municipal corporations;

(14) State and federal trial and appellate judges;

(15) United States attorneys and assistant United States attorneys;

(16) Clerks of the superior courts;

(17) Teachers and other school personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in a locked firearms rack which is on a motor vehicle; or

(18) Constables of any county of this state.

(19) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, it shall be unlawful for any such person to carry, possess, or have under such person's control while at a school building or school function or on school property, a school bus, or other transportation furnished by the school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(20) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

This subsection shall not be construed to waive or alter any legal requirement for possession of weapons or firearms otherwise required by law.
(a) It shall be no defense to a prosecution for a violation of this Code section that:
(1) School was or was not in session at the time of the offense;
(2) The real property was being used for other purposes besides school purposes at the time of the offense; or
(3) The offense took place on a school vehicle.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency for the purpose of depicting the location and boundaries of the area of a school property or a school bus or school board or private or public elementary or secondary school that is used for school purposes the area of any campus of any public or private technical school, vocational school, college, university, or institution of postsecondary education, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(g) A county school board may adopt regulations requiring the posting of signs designating the areas of school boards and private or public elementary and secondary schools as "Weapon-free and Violence-free School Safety Zones."

16-11-128. Repealed by Laws 2012, Act 643 § 1-6, eff. June 4, 2010

16-11-129. No weapons carry

(a) Application for license or renewal license; term. The judge of the probate court of each county may, upon application under oath and on payment of a fee of $15.00, issue a license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application. Such license or renewal license shall authorize that person to carry any pistol or revolver in any of this state notwithstanding any change in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license of a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United State issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent to such such serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court at the state's cost.

(b) Licensing exceptions. No license or renewal license shall be granted:
(1) As used in this subsection, the term:
(A) "Controlled substance" means any drug, substance, or immediate precursor included in the definition of controlled substances in part 810 of Code Section 16-13-21.
(B) "Convicted" means a plea of guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency or availability of an appeal or an application for collateral relief.
(C) "Dangerous drug" means any drug defined as such in Code Section 16-13-71.
(2) No weapons carry license shall be issued to:
(A) Any person under 21 years of age;
(B) Any person who has been convicted of a felony by a court of this state or any other state, by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation.
(C) Any person against whom proceedings are pending for any felony;
(D) Any person who is a fugitive from justice;
(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922.
(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;
(G) Any person who has had his and her weapons carry license revoked pursuant to subsection (e) of this Code section.
(H) Any person who has been convicted of any of the following:
(i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;
(ii) Carrying a weapon without a weapons carry license of Code Section 16-11-126;
(iii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127 and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application;
(I) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of all restraint or supervision in connection therewith or free of:
(ii) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or
(ii) Any conviction under subparagraphs (E) through (G) of this paragraph for at least five years immediately preceding the date of the application;
(J) Any individual who has been hospitalized as an inmate in any mental hospital or alcohol or drug treatment center within five years immediately preceding the application. The judge of the probate court may require any applicant to sign a waiver authorizing any mental health or treatment center to inform the judge whether or not the applicant has been an inmate in any such facility in the last five years and authorizing the judge to order the applicant to the facility to make the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. When such a waiver is required by the judge, the applicant shall pay a fee of $3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the probate judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the weapons carry license or renewal license; or
(3) If first offender treatment without adjudication of guilt for a conviction contained in subparagraph (f) or (i) of paragraph (2) of this subsection was entered and such sentence was successfully completed and such person has not had any other conviction since the completion of such sentence and for at least five years immediately preceding the date of the application, he or she shall be eligible for a weapons carry license provided that no other license exception applies.

(c) Fingerprinting. Following completion of the application for a license or renewal license, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency to request a fingerprint of the completed application. The appropriate local law enforcement agency in each county shall then capture the fingerprints of the applicant for a weapons carry license or renewal license and place the name of the applicant on a blank license form. The appropriate enforcement agency shall place the fingerprint on a blank license which has been furnished to the law enforcement agency by the judge of the probate court, if a fingerprint is required to be furnished by subsection (f) of this Code section. The local law enforcement agency shall be entitled to a fee of $5.00 from the applicant for its services in connection with the application.

(d) Investigation/appraint, issuance of license; renewal.

(1) For both license applications and requests for license renewals, the judge of the probate court shall within five days following the receipt of the application or request direct the law enforcement agency to request a fingerprint-based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia
Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) If the firearms carry license or the renewal thereof is revoked, the judge of the probate court shall within five days of the revocation or issuance of the new firearms carry license return an appropriate report to the judge of the probate court. If a firearms carry license is revoked, the judge of the probate court shall return an appropriate report to the judge of the probate court.

(3) When a person who is not a United States citizen applies for a firearms carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a background check using the Federal Bureau of Investigation’s National Instant Criminal Background Check System and return an appropriate report to the judge of the probate court.

(4) The law enforcement agency shall return the report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a firearms carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application and the blank license form with the fingerprint thereon directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any pistol or revolver unless facts establishing the ineligibility to obtain a license or renewal license are found or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court.

(e) Revocation, loss, or damage to license. If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the weapons carry license was issued shall learn or have brought to his attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of incompetence of application, mental incompetency, chronic alcohol or narcotic usage. It shall be unlawful for any person to possess a license which has been revoked, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. It shall be required that any license holder under this Code section have in his or her possession his or her valid license whenever he or she is carrying a weapon under the authority granted by this Code section, and his or her failure to do so shall be prima facie evidence of a violation of Code Section 16-11-126. Licenses not issued with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged license; and in any case in which a license has been lost, he or she shall issue a cancellation order and notify by telephone and in writing each of the law enforcement agencies whose records were checked before issuance of the original license. The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such services.

(f) Weapons carry License specifications.

(1) The weapons carry license shall incorporate custom optical variable devices viewable under ambient light. The license shall incorporate variable data, color ultraviolet colors used to enhance the security of the license incorporating microtext and unique barrier to imitation, replication, and duplication. There shall be a minimum of three different ultraviolet colors used to enhance the security of the license incorporating variable data, color shifting characteristics, and front edge only perimeter visibility. The weapons carry license shall have a color photograph viewable under ambient light on both the front and back of the license. The license shall incorporate custom optical variable devices viewable under ambient light from the front and back of the license incorporating microtext and unique alphanumeric serialization specific to the license holder. The license shall be of similar material, size, and thickness of a credit card and have a holographic laminate to secure and protect the license for the duration of the license period.

(B) Using the physical characteristic of the license set forth in subparagraph (A) of this paragraph, the Court of Criminal Appeals, or the Georgia Supreme Court, shall determine if the signature of any person on the face of a weapons carry license as provided for in this Code section relative to the issuance of such licenses. Such person must comply with all the other provisions of this Code section relative to the issuance of such licenses.

(3) When a person who is not a United States citizen applies for a five-year weapons carry license as provided for in this Code section, the department shall follow the competitive bidding procedure set forth in Code Section 50-5-102.

(g) Alteration or counterfeiting of license; penalty. A person who deliberately alters or counterfeits a weapons carry license or possess an altered or counterfeit weapons carry license with the intent to misrepresent any information in such license shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a period of not less than one nor more than five years.

(h) Licenses for former law enforcement officers. Except as otherwise provided in Code Section 16-11-130, any person who has served as a law enforcement officer for at least ten of the 12 years immediately preceding the retirement of such person as a law enforcement officer shall be entitled to be issued a weapons carry license as provided for in this Code section without the payment of any of the fees provided for in this Code section. Such person must comply with all the other provisions of this Code section relative to the issuance of such licenses. As used in this subsection, the term "law enforcement officer" means any peace officer who is employed by the United States government or by any state or political subdivision thereof and who is required by the terms of his or her employment, whether by election or appointment, to give his or her full time to the preservation of public order or the protection of life and property or the prevention of crime. Such term shall include conservation rangers.

(i) Temporary renewal licenses.

(1) Any person who holds a weapons carry license under this Code section may, at the time he applies for a renewal of the license, also apply for a temporary renewal license if less than 90 days remain before expiration of the license he then holds or if his previous license has expired within the last 30 days.

(2) Unless the judge of the probate court knows or is made aware of any fact which would make the applicant ineligible for a five-year renewal license, the judge shall at the time of application issue a temporary renewal license to the applicant.

(3) Passage of a temporary renewal license shall be in the form of a paper receipt indicating the date on which the court received the renewal application and shall show the name, address, sex, age, and race of the applicant and that the temporary renewal license expires 90 days from the date of issuance.

(4) During its period of validity the temporary renewal permit, if carried on or about the holder’s person together with the holder’s previous license, shall be valid in the same manner and for the same purposes as a five-year license.

(5) A $1.00 fee shall be charged by the probate court for issuance of a temporary renewal license.

(j) A temporary renewal license may be revoked in the same manner as a five-year license.

(k) When an eligible applicant fails to receive a license, temporary permit, or renewal license within the time period required by this Code section and the application or request has been properly filed, the applicant may bring an action in mandamus or other legal proceeding in order to obtain a license, temporary license, or renewal license. If such applicant is the prevailing party, he or she shall be entitled to recover his or her costs in such action, including reasonable attorney’s fees.
(a) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any of the following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:

(1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and retired peace officers so long as they remain certified whether employed by the state or a political subdivision of the state or another state or a political subdivision of another state but only if such other state provides a similar privilege for the peace officers of this state;

(2) Wardens, superintendents, and keepers of correctional institutions, jails, or other institutions for the detention of persons accused or convicted of an offense;

(3) Persons in the military service of the state or of the United States;

(4) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon or long gun is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(5) District attorneys, investigators employed by and assigned to a district attorney's office, assistant district attorneys, attorneys or investigators employed by the Prosecuting Attorneys' Council of the State of Georgia, and any retired district attorney, assistant district attorney, district attorneys investigator, or attorney or investigator retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in good standing and is receiving benefits under Title 47 or is retired in good standing and receiving benefits from a county or municipal retirement system;

(6) State court solicitors-general; investigators employed by and assigned to a state court solicitor general's office; assistant state court solicitors general; the corresponding personnel of any city court expressly continued in existence as a city court pursuant to Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the corresponding personnel of any civil court expressly continued as a civil court pursuant to said provision of the Constitution;

(7) The State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon or long gun;

(8) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon or long gun;

(9) Chief probation officers, probation officers, intensive probation officers, and surveillance officers employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the "Statewide Probation Act," when specifically designated and authorized in writing by the director of Division of Probation;

(10) Public safety directors of municipal corporations;

(11) Explosive ordnance disposal technicians, as such term is defined by Code Section 16-7-80, and persons providing in Code Section 35-8-13 to handle animals trained to detect explosives, while in the performance of their duties;

(12) State and federal trial and appellate judges, full-time and permanent part-time judges of municipal and city courts, and former state and appellate judges retired from their respective offices under state retirement;

(13) United States Attorneys and Assistant United States Attorneys;

(14) County medical examiners and coroners and their sworn officers employed by county government;

(15) Clerks of the superior courts.

(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Corrections were chief probation officers, probation officers, intensive probation officers, or probation officers specifically designated and authorized in writing by the director of Division of Probation.

(c) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

(1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy sheriff is receiving authority or federal law enforcement agency's Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriff's Retirement Fund of Georgia provided under Chapter 16 Title 47, or any other public retirement system established under the laws of this state for service as a law enforcement officer;

(2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation or retired member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under the Employees' Retirement System;

(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council; or

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(5) Convicted felons, possession of firearms prohibited

(a) As used in this Code section, the term:

(1) "Felony" means any offense punishable by imprisonment for a term of one year or more and includes conviction by a court-martial under the United States Code of Military Justice for an offense which would constitute a felony under the laws of the United States.

(2) "Firearm" includes any handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.

(b) Any person who has been convicted of a felony first offense pursuant to Article 3 of Chapter 8 of Title 42 or who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation and who receives, possesses, transports any firearm commits a felony, and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years; provided, however, that if the felony as to which the person is on probation or has been previously convicted is a forcible felony, then upon conviction of receiving, possessing, or transporting a firearm, such person shall be imprisoned for a period of five years.

(b.1) Any person who is prohibited by this Code section from possessing a firearm because of conviction of a forcible felony or because of being on probation as a first offender for a forcible felony pursuant to this Code section and who attempts to purchase or obtain transfer of a firearm shall be guilty of a felony and shall be imprisoned for not less than one nor more than five years.

(c) This Code section shall not apply to any person who has been pardoned for the felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitutions or laws of the several states or of a foreign nation and, by the terms of the pardon, has expressly been authorized to receive, possess, or transport a firearm.

(d) A person who has been convicted of a felony, but who has been granted relief from the disabilities imposed by the laws of the United States with respect to the acquisition, receipt, transfer, shipment, or possession of firearms by the secretary of the United States Department of the Treasury pursuant to 18 U.S.C. Section 925, shall, upon presenting to the Board of Public Safety proof that the relief has been granted and it has been established from proof submitted by the applicant to the satisfaction of the Board of Public Safety that the circumstances regarding the conviction and the applicant's record and reputation are such that the acquisition, receipt, transfer, shipment, or possession of firearms by the person would not present a threat to the safety of individuals or property within the state; by a court of the United States. The granting of the relief sought would not be contrary to the public interest, be granted relief from the disabilities imposed by this Code section. A person who has been convicted under federal or state law of a felony pertaining to antitrust violations, unfair trade practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof,
and it being established from said proof, submit-
ted by the applicant to the satisfaction of the Board of Public Safety that the circumstances
regarding the conviction and the applicant's rec-
ord and reputation are such that the acquisition,
receipt, transfer, shipment, or possession of fire-
arms by the person would not present a threat to
the safety of the citizens of Georgia and that the
granting of the relief sought would not be con-
trary to the public interest, be granted relief from
the disabilities imposed by this Code section. A
record that the relief has been granted by the
board shall be entered upon the criminal history
of the person, and kept by the Georgia Crime
Information Center and the board shall maintain
a list of the names of such persons which shall
be open for public inspection.

(e) As used in this Code section, the term
"forcible felony" means any felony which in-
volves the use or threat of physical force or vio-
ence against any person and further includes,
without limitation, murder; felony murder; burg-
lary; robbery; armed robbery; kidnapping; hijack-
ing of an aircraft or motor vehicle; aggravated
stalking; rape; aggravated child molestation; ag-
gravated sexual battery; arson in the first de-
gree; the manufacturing, transporting, distribu-
tion, or possession of explosives with intent to
kill, injure, or destroy individuals or destroy a
public building; terrorist threats; or acts of
treason or insurrection.

(f) Any person placed on probation as a first
offender pursuant to Article 3 of Chapter 8 of
Title 42 and subsequently discharged without
court adjudication of guilt pursuant to Code Sec-
tion 42-8-62 shall, upon such discharge, be re-
lieved from the disabilities imposed by this Code
section.

16-11-132. Possession of handgun by
persons under 18

(a) For the purposes of this Code section,
handgun is considered loaded if there is a
cartridge in the chamber or cylinder of the
handgun.

(b) Notwithstanding any other provisions of
this part and except as otherwise provided in
this Code section, it shall be unlawful for any
person under the age of 18 years to possess or have
under such person's control a handgun. A person convicted of a first violation of this
subsection shall be guilty of a misdemeanor and
shall be punished by a fine not to exceed
$1,000.00 or by imprisonment for not more than
12 months, or both. A person convicted of a
second or subsequent violation of this
subsection shall be guilty of a felony and shall
be punished by a fine of $5,000.00 or by
imprisonment for a period of three years, or
both.

(c) Except as otherwise provided in subsec-
tion (d) of this Code section, the provisions of
subsection (b) of this Code section shall not apply
in:

(1) Any person under the age of 18 years who:

(A) Attending a hunter education course or a
firearms safety course;

(B) Engaging in practice in the use of a fire-
arm or target shooting at an established range
authorized by the governing body of the jurisdic-
tion where the shooting is located;

(C) Engaging in an organized competition
involving the use of a firearm or participating in
or practicing for a performance by an organized
group under 26 U.S.C. Section 501(c)(3) which
uses firearms as a part of such performance;

(D) Hunting or fishing pursuant to a valid
license if such person has in his or her posses-
sion such a valid hunting or fishing license if re-
quired; is engaged in legal hunting or fishing;
has permission of the owner of the land on
which the activities are being conducted; and the
pistol or revolver, whenever loaded, is carried
only in an open and fully exposed manner; or

(E) As used in this paragraph, "firearm" is
defined in subparagraphs (A) through (D) of this para-
graph if the pistol or revolver in such person's
possession is not loaded;

(2) Any person under the age of 18 years who
is on real property under the control of such per-
son's parent, legal guardian, or grandparent and
who has the permission of such person's parent
or legal guardian to possess a handgun;

(3) Any person under the age of 18 years who
is at such person's residence and who, with
the permission of such person's parent or legal
guardian, possesses a handgun for the purpose of
exercising the rights authorized in Code Section
16-4-12;

(d) Subsection (c) of this Code section shall not
apply to any person under the age of 18 years
who has been convicted of a forcible felo-
ny or forcible misdemeanor, as defined in Code
Section 16-1-13, or who has been adjudicated de-
linquent under the provisions of Article 1 of
Chapter 11 of Title 15 which would constitute a
forcible felony or forcible misdemeanor, as defined in Code Section 16-1-13, if
such person were an adult.

16-11-151. Illegal acts relating to illegal
firearms, dangerous weapons, explosives or
incendiary devices; punishment

(a) As used in this section, the term
"dangerous weapon" has the same meaning as
found in paragraph (1) of Code Section 16-11-
121.

(b) It shall be unlawful for any person to:

(1) Teach, train, or demonstrate to any other
person the use, application, or making of any
illegal firearm, dangerous weapon, explosive, or
incendiary device capable of causing injury or death
to persons either directly or through a
writing or oral or through a computer or
computer network if the person teaching,
training, or demonstrating knows, has reason to
know, or intends that such teaching, training, or
demonstrating will be unlawfully employed for
use in the commission of a civil disorder, riot, or
insurrection;

(2) Assemble with one or more persons for
the purpose of being taught, trained, or
instructed in the use of any illegal firearm,
dangerous weapon, explosive, or incendiary
device capable of causing injury or death to
persons if such person so assembling knows,
has reason to know, or intends that such

Page 146

Page 146

Page 146

teaching, training, or instruction will be
unlawfully employed for use in or in
Furthermore of a civil disorder, riot, or
insurrection;

(c) Any person who violates any provision of
subsection (b) of this Code section shall be
 guilty of a felony and, upon conviction thereof,
shall be punished by a fine of not more than
$5,000.00 or by imprisonment for not less than
one nor more than five years, or both.

16-11-160. Possession of machine guns,
sawed-off rifles, sawed-off shotguns, or
firearms with silencers during commission of
certain offenses; penalties

(a)(1) It shall be unlawful for any person to
possess or to use a machine gun, sawed-off
rifle, sawed-off shotgun, or a firearm equipped
with a silencer, as those terms are defined in
Code Section 16-11-121, during the commission
of the attempted commission of any of the following offenses:

(B) Robbery as defined in Code Section 16-5-1;

(C) Robbery as defined in Code Section 16-5-24;

(D) Armed robbery as defined in Code
Section 16-8-41;

(E) Murder or felony murder as defined in
Code Section 16-5-1;

(F) Voluntary manslaughter as defined in
Code Section 16-5-2;

(G) Involuntary manslaughter as defined in
Code Section 16-5-3;

(H) Sale, possession for sale, transportation,
manufacture, offer for sale, or offer to
manufacture controlled substances in violation of
any provision of Article 2 of Chapter 13 of this
title, the 'Georgia Controlled Substances Act';

(I) Terroristic threats or acts as defined in
Code Section 16-10-93;

(J) Arson as defined in Code Section 16-7-60,
16-7-61, or 16-7-62 or arson of lands as defined in
Code Section 16-7-63;

(K) Influencing witnesses as defined in Code
Section 16-10-93; and

(L) Participation in criminal gang activity as
defined in Code Section 16-15-1

(a)(2) As used in this paragraph, the term
"bulletproof vest" means a bullet-resistant soft
body armor providing, as a minimum standard,
the level of protection known as 'threat level I,'
which means at least seven layers of bullet-
resistant material providing protection from at
least three shots of 158-grain lead ammunition
fired from a .38 caliber handgun at a velocity of
850 feet per second.

(B) It shall be unlawful for any person to wear
a bulletproof vest during the commission or the
attempted commission of any of the following offenses:

(i) Any crime against or involving the person
of another in violation of any of the provisions of
this title for which a sentence of life
imprisonment may be imposed;

(ii) Any felony involving the manufacture,
delivery, distribution, administering, or selling of
controlled substances or marijuana as provided in
Code Section 16-13-30; or

(iii) Trafficking in controlled illegal drugs,
marijuana, or methamphetamine as provided in

(b) Any person who violates paragraph (1) of
subsection (a) of this Code section shall be
guilty of a felony, and, upon conviction thereof,
shall be punished by confinement for a period of
ten years, such sentence to run consecutively to
any other sentence which the person has
received.

Any person who violates paragraph (2) of
subsection (a) of this Code section shall be
guilty of a felony, and, upon conviction thereof,
shall be punished by confinement for a period of
one to five years, such sentence to run consecutively to
any other sentence which the person has
received.

(c) Upon the second or subsequent conviction
of a person under this Code section, the person
shall be punished by life imprisonment.

Notwithstanding any other law to the contrary,
the sentence of any person which is imposed for
violating this Code section a second or
subsequent time shall not be suspended by a
court or a probationary sentence imposed in lieu thereof.

(d) The punishment prescribed for the
violation of subsections (a) and (c) of this Code
section shall not be probated or suspended as is
provided by Code Section 17-10-7.
(e) Any crime committed in violation of this Code section shall be considered a separate offense.

Part 5. Transfer and Purchase of Firearms

16-11-171. Definitions

As used in this part, the term:

(1) "Center" means the Georgia Crime Information Center within the Georgia Bureau of Investigation.

(2) "Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et seq., or Chapter 16 of Title 43.

(3) "Firearm" means any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapons, any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C. Section 921(e)(3).

(4) "Involuntarily hospitalized" means hospitalized as an inpatient in any mental health facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental health facility as a result of being adjudicated mentally incompetent as a mental health facility as a result of being adjudicated mentally incompetent to stand trial or being adjudicated not guilty by reason of insanity at the time of the crime for which the person was convicted or charged pursuant to Article 6 of Title 17.

(5) "NICS" means the National Instant Criminal Background Check System created by the federal "Brady Handgun Violence Prevention Act" (P. L. No. 103-159).

16-11-172. Transfer and purchase of firearms conducted by licensed entity; subject to National Instant Criminal Background Check System

(a) All transfers or purchases of firearms conducted by a licensed importer, licensed manufacturer, or licensed dealer shall be subject to the NICS. To the extent possible, the center shall provide to the NICS all necessary criminal history information and wanted person records in order to complete an NICS check.

(b) The center shall forward to the Federal Bureau of Investigation information concerning persons who have been involuntarily hospitalized as defined in this part for the purpose of completing an NICS check.

(c) Any government official who willfully or intentionally compromises the identity, confidentiality, and security of any records and data pursuant to this part shall be guilty of a felony and fined no less than $5,000.00 and shall be subject to automatic dismissal from his or her employment.

(d) The provisions of this part shall not apply:

(1) Any firearm, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;

(2) Any replica of any firearm described in paragraph (1) of this subsection if such replica is not designed or redesigned to use rimfire or conventional center-fire fixed ammunition or uses rimfire or conventional center-fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(3) Any firearm which is a curio or relic as defined by 27 C.F.R. 178.11.

16-11-173. Legislative intent and declaration; authority to bring suit against firearm dealers, etc.; county and municipal corporation firearm regulation

(a)(1) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition to the public is a unique dangerous activity and does not constitute a nuisance per se.

(b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, shall regulate in any manner gun shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or components of firearms; firearms dealers; or dealers in firearms components.

(2) The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or express warranty as to firearms or ammunition purchased by the political subdivision or local government authority.

(c) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government.

(d) Nothing contained in this Code section shall prohibit municipalities or counties by ordinance, resolution, or other enactment, from requiring the ownership of guns by heads of households within the political subdivision.

(e) Nothing contained in this Code section shall prohibit municipalities or counties by ordinance, resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the municipal corporation or county.

Title 43, Professions and Businesses

Chapter 16. Firearms Dealers

43-16-1. Definition

As used in this chapter, the term "department" means the Department of Public Safety.

43-16-2. License for dealers

Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale or cause or permit to be sold, disposed of, or offered for sale any pistol, revolver, or short-barreled firearm of less than 15 inches in length, whether the same shall be his own property or whether he shall sell the same as an agent or employee of another, shall obtain from the department a license permitting the sale of such pistols, revolvers, and firearms. Nothing in this chapter shall apply to or prohibit the casual sale of the articles referred to in this Code section between individuals or bona fide gun collectors.

43-16-3. Affidavit to accompany applicant

Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who makes application for a license under this chapter must accompany such application with an affidavit of the applicant sworn to before an officer authorized by law to administer oaths, stating that the applicant is a citizen of the United States, has reached the age of 21 years, and has not been convicted of a felony.


43-16-5. Annual License fees

All annual license fees described by this chapter shall be paid to the department on or before July 1 of each year. The department shall issue its receipt for every payment. The annual license payment to acquire such license shall be $25.00 for the renewal of any establishment which sells any firearms listed in Code Section 43-16-2. The annual employee license fee shall be $3.00.

43-16-7. License to be displayed

Every recipient of a license to sell any firearms listed in Code Section 43-16-2 shall keep such license conspicuously displayed on his business premises.

43-16-8. Revocation of license for nonpayment of fee

Should any licensee fail or neglect to pay his annual license fee on or before July 1 of every year, the department shall notify him that his license will be revoked. Unless the fee is paid in full before August 1 of the same year, the department shall revoke the license.

43-16-9. Reinstatement of fee

The owner of any establishment or employee thereof whose license for selling such firearms has been revoked for failure to pay the annual license fee may make application to the department for reinstatement. Such application shall be accompanied by a fee of $10.00, in addition to the regular license fee required. If the department shall find the applicant guilty only of default in payment of annual license fees, the license may be immediately reinstated.

43-16-10. Revocation of license for fraud, unethical practice or crime

The department shall have the power to revoke any license granted by it under this chapter to any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation, or any agent or employee thereof, found by the Board of Public Safety to be guilty of fraud or willful misrepresentation, or found guilty under the laws of this state or any crime involving moral turpitude, or found guilty of violating Code Section 43-16-2, or Title 101.
Title 9. Crimes and Corrections

Chapter 71. The Guam Gun-Free School Zone Act of 2004

71.10. Title. This Chapter shall be known, and may be cited, as "The Guam Gun-Free School Zone Act of 2004".

71.20. Definitions. As used in this Chapter, the following definitions shall apply:

(a) ‘School zone’ means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.

(b) ‘Firearm’ shall mean as defined in 10 GCA §60100.

(c) ‘Concealed firearm’ shall mean as defined in 9 GCA §60108(e).

71.30. Person Not Allowed to Possess Firearms. Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (a) of Subdivision §71.20, shall be punished as specified in Subdivision §71.60.

71.50. Firearms Prohibited on University or College Property.

(a) It shall be unlawful for any person to bring or possess a loaded firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding §71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

(b) It shall be unlawful for any person to bring or possess a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding §71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

71.60. Punishment. Any person who violates §71.30, §71.40, or §71.50 of this Act shall be guilty of a felony of the third degree and any person who is convicted of an offense pursuant to §71.30, §71.40, or §71.50 shall be sentenced as follows:

(a) For a first offense, the Court shall impose a sentence of imprisonment of no more than three (3) years, a fine of not less than One Thousand Dollars ($1,000.00), and mandatory community service of no less than one hundred and fifty (150) hours.

(b) In cases where the person has been convicted of felonies under any provision of this Chapter, the person shall be sentenced to a term of imprisonment which shall not be less than five (5) years and in addition, may be fined not more than Fifteen Thousand Dollars ($15,000.00). The sentence, if for a term of years, shall include a special parole term of not less than one (1) year in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Sentence in these cases must also include mandatory community service of no less than one hundred fifty (150) hours unless the term of imprisonment is for life.

(c) The Court shall apply any minimum sentence, fine or community service specified in this Section, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment, fine or community service required in this Subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this Section, in which case the Court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

71.70. Notice. The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

71.81. Not Applicable to Peace Officers and Military. This Chapter does not apply to a duly appointed peace officer as defined in §5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

71.82. Not Applicable to Security Guards. This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security purposes.

71.83. Not Applicable to Existing Shooting Ranges. This Chapter does not apply to an existing shooting range at a public or private school or university or college campus.

Title 10. Health and Safety

Chapter 60. Firearms

[Note: References to "Director of Public Safety" changed to "Chief of Police", and references to "Department of Public Safety" changed to "Guam Police Department" pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.]

60100. Definitions. As used in this Chapter:

(a) ‘Firearm’ means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons is not intended to exclude the definition other weapons operated by explosives.

(b) ‘Pistol or revolver’ means any firearm of any shape whatever and designed to be fired with one hand with a barrel less than twelve inches (12") in length and capable of discharging loaded ammunition or any noxious gas.

(c) ‘Rifle’ means a firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) ‘Shotgun’ means any firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above-mentioned projectiles.

(e) ‘The terms Chief of Police and department mean the Chief of Police and the Guam Police Department, respectively.

(f) Body armor means a commercially available, soft, lightweight material with penetration resistance equal to or greater than that of eighteen (18) layers of KEVLAR.
(g) Restricted bullet means a bullet that, as determined by the Chief of Police, when fired from a pistol or revolver with a barrel five inches (5") or less in length, is capable of penetrating body armor.

(h) Putative Owner means a person who were it not for the requirements of this Chapter, would be the owner of a firearm, or one who acquires possession of a firearm, or one who acquires possession of a firearm by theft.

(i) Lawful Owner means a person whose right to a firearm have been perfected in accordance with § 60103 of this title.

60101. Chapter Not Applicable. This Chapter shall not apply to:

(a) Law enforcement officers when using firearms authorized by the Chief of Police in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as a signaling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of §§ 46842(2), or 4686 of Title 10 of the United States Code is not covered by this Chapter.

(d) Those firearms that can not fire fixed ammunition but are loaded through the muzzle or cylinder with a combination of ball and black powder.

60102. Ownership, Etc., of Certain Firearms Prohibited. The manufacture, possession, sale, barter, trade, gift, transfer or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater or not a shotgun having a barrel length of eighteen (18) inches or greater or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Mufflers, silencers or devices for deadening the sound of discharged firearms are also prohibited. Any person, officer, or person violating this Section shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000). Imposition of sentence shall not be suspended and the offender shall not be eligible for parole nor work release until the term of imprisonment prescribed herein has been completed nor may probation be imposed in lieu of this portion of the offender's sentence. Provided, however, that in the case of an offender not previously convicted of a felony, the court may sentence the offender to not more than two (2) years imprisonment and the provisions of this Section prohibiting probation, suspension, parole or work release shall not be applicable to such offender.

60103. Ownership, Etc., Permitted. Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by §60102 subject to the conditions and penalties provided in this Chapter.

60104. Dealer: Register: Dealer, etc., Must Register. Any person who is in the business of selling, buying, renting or trading any firearm shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term in the business of shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of §§ 60103 and 61010 of this Chapter.

60126. Fingerprint Required. No person shall own, possess, use, carry or acquire any firearm which is lawful under §60103 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the card; except that any law enforcement use and possession of a firearm at any shooting gallery licensed pursuant to §60105, et seq., without first obtaining a permit as otherwise required by this Section. Said card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm.

60107. Statement of Contents. Identification cards shall have on their face all the following:

1. The name, address, sex, height and weight of the holder, his birth date, Social Security number, if any, or Guam I.D. number, if any, and the expiration date of the card which shall be three (3) years after the holder's next birthday.

2. A photograph of the holder taken immediately prior to issuance.

3. An indication of the type of firearm which may be owned, used, carried, possessed or acquired by the holder, and whether or not the holder may carry the firearm concealed.

4. A number unique to the holder, which shall be assigned to all registration records concerning firearms possessed by the holder.

60108. Same: Restrictions.

(a) No identification card shall issue unless the Department is satisfied that the applicant may lawfully possess, use, carry, concealed or otherwise, own or acquire the type of firearm stated in the application and upon the face of the identification card.

(b) No person shall be issued an identification card:

1. Who has been convicted by any court of the United States, a state, territory, possession, trust territory or political subdivision thereof of any offense, less than One Thousand Dollars ($1,000). Imposition of sentence shall not be suspended and the offender shall not be eligible for parole nor work release until the term of imprisonment prescribed herein has been completed nor may probation be imposed in lieu of this portion of the offender's sentence. Provided, however, that in the case of an offender not previously convicted of a felony, the court may sentence the offender to not more than two (2) years imprisonment and the provisions of this Section prohibiting probation, suspension, parole or work release shall not be applicable to such offender.

2. Who is under the age of eighteen (18) years.

3. Who is an alien, except temporary permits issued under this chapter shall not be issued to aliens.

4. Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Chief of Police has determined that the offense was committed more than ten (10) years prior to date that the applicant would have been eligible for public reentry and the state charged with the offender.

5. Who is under the age of eighteen (18) years

6. Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Chief of Police has determined that the offense was committed more than ten (10) years prior to date that the applicant would have been eligible for public reentry.

7. Who, in the determination of the Chief of Police appears to suffer from a physical or mental disease or defect which would adversely affect the safe use of the firearm applied for, unless the person obtains a certificate from a licensed physician stating that the physical or mental disease or defect would not adversely affect his safe operation of the firearm or the public safety.

(c) An applicant for an identification card shall apply therefore on a form supplied by the Department and shall furnish the information as may be necessary to afford the Department reasonable opportunity to ascertain the facts required to appear upon the card and facts relevant to the applicant's eligibility for a card, and facts necessary to determine whether the applicant may carry a concealed weapon if such permission is sought. The applicant shall submit to a national criminal background check conducted by the Federal Bureau of Investigation to process such background checks.

A fingerprint card, or electronic fingerprint data, if so utilized, shall be transmitted to Guam's State Identification Bureau as classified by the Federal Bureau of Investigation for processing of fingerprints.

(d) If the application is not denied, the identification card shall issue within thirty (30) days, except where application has been made to carry a concealed weapon, in which case the card shall issue within sixty (60) days.

(e) For purposes of this Chapter, the term concealed when used in connection with any firearm whatsoever shall mean a firearm which is carried on a person or within a vehicle in such a manner that it cannot be seen by the naked eye, but would be available for use by the person concealing or attempting to conceal the firearm or any other person aware of the firearm's existence. A firearm is not concealed when it is within a locked portion of any vehicle, unloaded, with the ammunition stored outside of the firearm or any clip or ammunition storage chamber attached to the firearm, and outside of the immediate reach of the person so placing the weapon or any other person knowing of its existence. A firearm is concealed if, among other things, it is hidden beneath any article of clothing so that only the shape is visible, but not the firearm itself.

60110. Registration. Any person purchasing, receiving by gift, device or otherwise, acquiring or otherwise coming into permanent possession of a firearm, the possession of which is permitted by this chapter, shall so engage within fourteen days of the date of acquisition as classified by the Department within three (3) working days after acquiring said firearm on the form specified by the Department. Such facts and information shall be given so as to enable the Department to record for identification purposes the firearm so registered. It shall be unlawful for any person to own or possess any firearm which has not been registered. No firearm may be registered by the Department unless the person presenting the firearm also displays current identification card evidencing his eligibility to own, possess, use or carry the firearm presented for inspection as to the facts required for registration. Any firearm registration which expires on or after March 1, 1988 or which is thereafter issued under this chapter shall be permanent for as long as the registrant retains the firearm. The Chief of Police shall promulgate rules and regulations establishing a permanent firearms identification card and a reasonable fee to cover the cost incurred.

60110.1 Firearms. A grace period for payment fees due for renewal of registration for a firearm for a member of the Guam National Guard or Reserves, or a dependent of a member of the Guam National Guard or Reserves, while that member is on active service outside Guam and for the next one hundred eighty (180) days after completion of
such service. No interest or penalties shall be assessed for any period prior to expiration of the one hundred eighty (180) days.

60111. Transfer of Firearm: Private. Upon the transfer of any firearm from one person not a dealer, manufacturer, wholesale or retailer of firearms, or transferee of a firearm a written warning to the purchaser or transferee of a firearm a written warning shall be given, unless by law it is unlawful and punishable by imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000). In the case of a violation by a legal person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to a person other than the person who last worked on it without the repairing having seen the identification card of the one to whom the firearm is to be given.

60118. Private Sale or Transfer. Any person engaging in a private sale, loan or other transfer of a firearm shall be shown by the person receiving the firearm an identification card evidencing the receiver's right to own, possess, use and carry such firearm. It shall be unlawful for a person to transact a private sale, loan, gift or transfer without having seen the valid identification card of the person receiving the firearm.

60120. Rules and Regulations. The Chief of Police may adopt, pursuant to the Administrative Adjudication Act, rules and regulations to implement this Chapter. Nevertheless, the absence of such rules and regulations shall not affect the implementation of this Chapter.

60121. Prohibitions and Penalties.
(a) Any person who knowingly owns or possesses an unregistered firearm shall be punishable by imprisonment of not less than one (1) year and a fine of not less than One Thousand Dollars ($1,000).
(b) For any violation of this Chapter or the rules and regulations adopted hereunder where another penalty is not set forth specifically, any person, corporation, firm or business found guilty shall be guilty of a misdemeanor. In the case of a corporation, business or other firm convicted of a violation of this Chapter, as a legal person, then the individual actually performing the acts forbidden or omitting the acts required shall be guilty in addition to the corporation, firm or business as an entity.
(c) Any person who carries a concealed firearm without a valid identification card evidencing permission to carry a concealed weapon shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000).
(d) Any person who knowingly removes, obliterates or alters the identifying marks of a firearm shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000).
(e) Any person purchasing, possessing, using or carrying a firearm without an applicable identification card shall be guilty of a felony which shall be punishable for a term of imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000).
(f) Any person, legal or natural, who transfers, gives, returns, sells or loans any firearm to any other person without a valid identification card is guilty of a felony which shall be punishable for a term of imprisonment of not less than three (3) years and a fine of not less than One Thousand Dollars ($1,000). In the case of a violation by a legal person, the natural persons liable for punishment under this Section, in addition to said legal person, shall be the person or persons perform-
ing the forbidden acts or omitting the required acts and any responsible officer of the legal per-
son who knew or should have known of the acts
or omissions committed.

(g) Any person legal or natural who transfer-
gs, gives, returns, sells, or loans any firearm to
any minor under the age of twenty-one (21) years
which shall be punishable by a term of imprison-
ment not less than five (5) years and a fine of not less than
Five Thousand Dollars ($5,000). In the case of a
violation by a legal person or persons perform-
ing the forbidden acts, or omitting the required acts and any responsible officer who knew or should
have known of the act as omission com-
mitted shall be liable for punishment under this
section.

(2) This section does not apply when a minor
is being instructed by his parent or guardian in
the use of weapons or when that minor, properly
licensed, is hunting with his parent or guardian
who is also properly licensed and complying with
the provisions of Department of Agriculture
Hunting Regulations §§15300.00 through 15300.29.

(h) Any person who negligently entrusts a fire-
arm to a minor is guilty of a felony, which shall be
punishable by a term of imprisonment of not
less than one (1) year and a fine of not less than
One Thousand Dollars ($1,000).

(i) Imposition of sentence pursuant to the pro-
visions of this Section shall not be suspended
nor shall probation be granted and the offender
shall not be eligible for parole nor work release
until the term of imprisonment prescribed herein
has been completed.

(j) Notwithstanding provisions of this Section
to the contrary, in the case of an offender not
previously convicted of a felony, the court may
sentence the offender to not more than two (2)
years imprisonment for an offense established by
the provisions of Subsections (a), (b), (c), (d) or
(e) of this Section. The provisions of Subsec-
tion (i) of this Section prohibiting probation, sus-
pension, parole or work release shall not be
applicable to such an offender.

60121.1. Same: Restricted Bullets. Any per-
son who imports, manufactures or sells a re-
stricted bullet on Guam, except as specifically
authorized by the Chief of Police for purposes of
public schools instruction, is guilty of a felony of
the third degree and if the person holds a business
license or is registered under the provisions of
this Chapter, such business license and such
registration shall be subject to revocation.

60121.2. Same: Same. Any person who pos-
sesses or carries a restricted bullet not in ac-
cordance with the regulations promulgated by
the Chief of Police shall be guilty of a felony of
the third degree.

60122. Fees. The fee for each identification card, duplica-
tive or renewal thereof shall be Five Dollars
($5.00) and shall be paid to the Treasurer of
Guam for the account of the Department of Rev-
ene and Taxation before any identification card
may be issued or renewed.

(b) The annual registration fee for every deal-
er, shooting gallery, manufacturer, wholesaler,
retailer and repairer shall be One Hundred Dol-
lars ($100) and shall be payable to the Treasur-
er of Guam. The additional charge for the Depart-
ment of Revenue and Taxation before any such regis-
tration may be issued, renewed or a duplicate
issued.

(c) The fee for registration of every firearm by
an individual shall be Two Dollars ($2.00) pay-
able to the Treasurer of Guam for the account of
the Department of Revenue and Taxation before
any such registration may be issued or a duplica-
tive issued.

(d) Registrations for dealers, shooting galler-
ies, retailers, wholesalers, manufacturers and
repairers shall be renewed annually at the same
time as the business license is renewed and shall
be prorated to the end of the tax season in the
business license for the establishment involved.

60123. Revalidation of Previous Weapon
Registration. All registrations of weapons is-
sued under any prior law are hereby declared
revalidated as of the date of enactment of this
Act and shall be valid until the next birthday of
the holder. At that time an identification card
must be obtained and the firearm registered ac-
cording to the provisions of this Chapter. This
Section does not apply to firearms owned, pos-
sessed, used or carried in a manner declared
illegal by any previous Act.

60124. Registration of Prohibited Firearms.
Any firearm which cannot be legally owned, pos-
sessed, used or carried prior to the effective date of this Act may
not be registered hereafter. However, the owner or possessor may retain said weapons until the
time specified in §60123, at which time he must
dispose of the firearm. If he cannot do so without
loss to himself, the Department is authorized to
purchase the firearm from the legal owner based
upon the fair market value at the time of last
elegibility to possess or own as stated in §60123,
and keep or dispose of the firearm as the Chief
of Police determines.

60125. Firearms Forfeited: When. Upon the
conviction of any person violation of this Chapter or
any crime wherein the use of firearms was an
element or part or was involved in the commis-
sion thereof, the firearms involved in the viola-
tion shall be declared forfeit by the court convict-
ing such person and be given to the Department
for its use, sale or destruction. In addition, the
court shall either revoke the applicable identifi-
cation card or business registration or suspend
the same for a period of not less than six (6)
months nor for more than two (2) years. In the
case of a conviction of a business, the weapons
shall be forfeited only where the registration is
revoked. In the case of suspension of a busi-
ness registration no firearms shall be sold.

60126. Registry. The Department shall main-
tain a confidential registry, open only to law en-
forcement officials, of all firearms registered for
the life of the weapon on Guam and for two
years thereafter. However, once a firearm has
been transferred and the registration cancelled
in the name of a person transferring then the records
of the transferor may be destroyed.

60127. New Residents. Any United States
citizen who is in legal possession of a firearm or
ammunition thereof pursuant to the laws of any
state, territory, possession or Trust Territory of
the United States shall have a period of thirty
(30) days after arriving on Guam as a new resi-
dent in which to apply for an identification card
and during that period may continue to use the
firearm and, for that purpose, the gun is legally
in his possession until an identification card is is-
sued or denied him. Thereafter, all provisions of
this Chapter apply in full to such person and he
shall purchase, possess or use firearms only in
compliance therewith. The Section does not ap-
ply to any firearm which may not be legally pos-
sessed or used, carried or purchased under this
Chapter. With respect to such firearms the provi-
sions of §60123 shall apply except that under
this Section the new resident has thirty (30) days
in which to comply. Further, this Section does
not apply to persons transiting Guam. Such transiting persons shall not have in their posses-
sion any firearm on Guam without first obtaining
permission therefor from the Chief of Police.

60128. Exceptions. The provisions of Civil
Code §§1714.2, and 1716.1; and subitems (40) and
(41) of §5107, Title 6, Guam Code Annotated,
shall not apply:
(a) If the firearm is stored in a secure, locked
or other law enforcement offici-
ors which occurs during or incidental to the per-
munity of the Armed Forces, Na-
ment of the unlawful entry of the home of the
or which is not readily available
in the ordinary channels of commercial trade.

Title 11. Finance and Taxation
Chapter 72. Commercial Licenses
72156. Explosive Vendors.
An endorsement for explosive vending must be
obtained by any person who engages in the
business of selling any explosives. Such
endorsement is:
(a) Certification by the Guam Fire Chief that
such person, his agents and employees, are
qualified, capable and possess facilities to
conduct such business in a safe manner.

[HAWAI'I REV. STAT.]

Division 1. Government
Title 10. Public Safety and Internal Security
Chapter 134. Firearms, Ammunition and
Dangerous Weapons
Part I. General Regulations
134-1. Definitions. As used in this chapter,
unless the context indicates otherwise:
"Acquire" means gain ownership of.
"Antique pistol or revolver" means any pis-
tol or revolver manufactured before 1899 and
any replica thereof if it either is not designed or
redesigned for using rimfire or conventional cen-
terfire fixed ammunition or is designed or rede-
signed to use rimfire or conventional centerfire
fixed ammunition that is no longer manufactured
in the United States and is not readily available
in the ordinary channels of commercial trade.
"Assault pistol" means a semiautomatic pistol which accepts a detachable magazine and which has two or more of the following characteristics:

(1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

(2) A firearm and barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

(3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

(4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

(5) A centerfire pistol with an overall length of twelve inches or more; or

(6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section or a curio or relic as those terms are used in 18 U.S.C. § 921(16) or 27 Code of Federal Regulations 178.11.

"Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot without a manual reloading, by a single function; or this term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be reassembled or previously owned parts from which an automatic firearm can be reassembled, or any noxious gas projector, barrel extender, flash suppressor, forward hand grip, or silencer;

"Assault pistol" means a semiautomatic firearm which accepts a detachable magazine and which has two or more of the following characteristics:

(1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

(2) A firearm and barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

(3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

(4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

(5) A centerfire pistol with an overall length of twelve inches or more; or

(6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section or a curio or relic as those terms are used in 18 U.S.C. § 921(16) or 27 Code of Federal Regulations 178.11.

"Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot without a manual reloading, by a single function; or this term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be reassembled or previously owned parts from which an automatic firearm can be reassembled, or any noxious gas projector, barrel extender, flash suppressor, forward hand grip, or silencer;

"Assault pistol" means a semiautomatic firearm which accepts a detachable magazine and which has two or more of the following characteristics:

(1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

(2) A firearm and barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

(3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

(4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

(5) A centerfire pistol with an overall length of twelve inches or more; or

(6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section or a curio or relic as those terms are used in 18 U.S.C. § 921(16) or 27 Code of Federal Regulations 178.11.

"Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot without a manual reloading, by a single function; or this term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be reassembled or previously owned parts from which an automatic firearm can be reassembled, or any noxious gas projector, barrel extender, flash suppressor, forward hand grip, or silencer;

"Assault pistol" means a semiautomatic firearm which accepts a detachable magazine and which has two or more of the following characteristics:

(1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

(2) A firearm and barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

(3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

(4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

(5) A centerfire pistol with an overall length of twelve inches or more; or

(6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section or a curio or relic as those terms are used in 18 U.S.C. § 921(16) or 27 Code of Federal Regulations 178.11.

"Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot without a manual reloading, by a single function; or this term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be reassembled or previously owned parts from which an automatic firearm can be reassembled, or any noxious gas projector, barrel extender, flash suppressor, forward hand grip, or silencer;

"Assault pistol" means a semiautomatic firearm which accepts a detachable magazine and which has two or more of the following characteristics:

(1) An ammunition magazine which attaches to the pistol outside of the pistol grip;

(2) A firearm and barrel capable of accepting a barrel extender, flash suppressor, forward hand grip, or silencer;

(3) A shroud which is attached to or partially or completely encircles the barrel and which permits the shooter to hold the firearm with the second hand without being burned;

(4) A manufactured weight of fifty ounces or more when the pistol is unloaded;

(5) A centerfire pistol with an overall length of twelve inches or more; or

(6) It is a semiautomatic version of an automatic firearm;

but does not include a firearm with a barrel sixteen or more inches in length, an antique pistol as defined in this section or a curio or relic as those terms are used in 18 U.S.C. § 921(16) or 27 Code of Federal Regulations 178.11.

"Automatic firearm" means any firearm that shoots, is designed to shoot, or can be readily modified to shoot automatically more than one shot without a manual reloading, by a single function; or this term shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or any combination of parts designed and intended, for use in converting a firearm into an automatic firearm, and any combination of parts from which an automatic firearm can be reassembled or previously owned parts from which an automatic firearm can be reassembled, or any noxious gas projector, barrel extender, flash suppressor, forward hand grip, or silencer;
manufacturer and importer; model; type of action; caliber or gauge; and serial number as applicable.

(g) Effective July 1, 1995, no person shall be issued a permit under this section for the acquisition of a pistol or revolver unless the person, at any time prior to the issuance of the permit, has completed the safe use, handling, and storage of firearms and firearm safety in the home; and

(3) A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or

(i) No fee shall be charged for permits, or applications for permits, under this section, except for a single fee chargeable by and payable to the issuing county, for individuals applying for their first permit, in an amount equal to the fee actually charged by the Federal Bureau of Investigation to the issuing police department for a fingerprint card which that applicant or permit. In the case of a joint application, the fee provided for in this section may be charged to each person to whom no previous permit has been issued.

134-2.5. Permits for motion picture films or television program production.

(a) Upon a finding that public safety is not endangered, the chief of police of the appropriate county may issue permits, initially valid for a period of one year and renewable annually thereafter, for the possession, transportation, or use, with blank cartridges, of firearms or explosives solely as props for motion picture films or television program production upon a showing that good cause exists for the issuance of a permit to the applicant and upon sufficient proof of a federal firearms license and a state film permit required under section 201-3. No permit shall be issued to a person who is under twenty years of age or who is disqualified under section 134-7.

(b) Applications for permits shall be signed by the individual applicant or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, and a full description of the use to which the firearms or explosives are to be put, including the names of the persons who will actually use the props. The application shall also require the fingerprinting and photographing of the applicant. Applications and permits shall be uniform throughout the State on forms prescribed by the attorney general.

(c) The attorney general shall establish rules pursuant to which the firearms safety or training requirements for storing and transporting firearms or explosives for which permits are issued. Permits shall be issued only upon a showing of the applicant's ability to meet these security requirements.

(d) A fee of $50 should be charged for each permit issued under this section.

(e) Every applicant to whom a permit is issued shall keep it on the applicant's person or at the place where the firearms or explosives are stored. The permit, firearms and explosives, shall be available for inspection by any law enforcement officer or any other person designated by the respective chief of police.

(f) Every firearm or explosive for which a permit is issued shall bear a unique identifying number. If the firearm or explosive does not have a unique identifying number, the chief of police of the appropriate county shall assign a number that shall be stamped or placed thereon.

(g) The chief of police of the appropriate county shall revoke permits issued under this section any time it appears that the holder of the permit has used the firearms or explosives for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any firearm or explosive possessed under the permit.

134-3. Registration, mandatory, exceptions.

(a) Every person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unuseable, modern or antique, shall register the firearm within three days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn. A nonresident alien man shall register all arms, regardless of whether the arms are registered by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:

1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve permit issued pursuant to section 183D-34;

2) A written document indicating the person has been invited to the State to shoot on private land; or

3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting. The nonresident alien shall be limited to a nontransferable registration of not more than ten firearms for the purpose of the above activities.

(b) Every person who acquires a firearm pursuant to section 134-2 shall register the firearm in the manner prescribed by this section within five days; a complete record of registration shall be kept by the attorney general, which shall be uniform throughout the State, and shall include the following information: name of the manufacturer and importer; model; type of action; caliber or gauge; serial number; and source from which receipt was obtained, including the name and address of the prior registrant.

If the firearm has no serial number, the permit number shall be entered in the space provided for the serial number, and the permit number shall be engraved upon the receiver portion of the firearm prior to registration. All registration data that would identify the individual registering the firearm shall be confidential and shall not be disclosed to anyone, except as may be required for processing the registration or as may be required by a law enforcement agency for the lawful performance of its duties or as may be required by order of a court.

(c) Dealers licensed under section 134-31 or dealers licensed by the Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration.

(d) Registration shall not be required for:

(1) Any device that is designed to fire loose black powder or that is a firearm manufactured before 1899;

(2) Any device not designed to fire or made incapable of being readily restored to a firing condition; or

(3) All un-serviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice pursuant to Title 27, Code of Federal Regulations.

(e) No fee shall be charged for the registration.

134-3.5 Disclosure of firearm permit and registration purposes. A health care provider or public health authority shall disclose health information, including protected health care information, relating to an individual's mental health history, to the appropriate county chief of police in response to a request for the information from the chief of police; provided that:

1) The information shall be used only for the purpose of evaluating the individual's fitness to acquire or own a firearm; and

2) The individual has signed a waiver permitting release of the health information for that purpose.

134-4. Transfer, possession of firearms.

(a) Transfer of any firearm having a barrel length of sixteen inches or over or any shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unuseable, modern or antique, registered under prior law or by a prior owner, or unregistered shall be made to any person under the age of eighteen years, except as provided by section 134-5.

(b) No person shall possess any firearm that is owned by another, regardless of whether the owner has consented to possession of the firearm, without a permit from the chief of police of the appropriate county, except as provided in subsection (c) and section 134-5.

(c) Any lawfully acquired rifle or shotgun may be lent to an adult for use within the State for a period not to exceed fifteen days without a permit; provided that where the rifle or shotgun is to be used outside of the State, the loan may be for a period not to exceed seventy-five days.

(d) No person shall knowingly lend a firearm to a person who is prohibited from ownership or possession of a firearm under section 134-7.

(e) After July 1, 1992, no person shall bring or cause to be brought into the State an assault pistol. No assault pistol may be sold or transferred on or after July 1, 1992, to anyone within the State other than to a dealer licensed under section...
tion 134-32 or the chief of police of any county except that any person who obtains title by bequest or intestate succession to an assault pistol registered within the State shall, within ninety days, render the weapon permanently inoperable, sell or transfer the weapon to a licensed dealer or such other person as is authorized by the laws of any county, or remove the weapon from the State.

134-5. Possession by licensed hunters and minors; target shooting; game hunting.

(a) Any person of the age of sixteen years, or over or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting while going to and from the place of hunting or target shooting; provided that the person has procured a hunting license under chapter 183D, Part II. A hunting license shall not be required for persons engaged in target shooting.

(b) A person shall not be required when any lawfully acquired firearm is lent to a person, including a minor, upon a target range or similar facility for purposes of target shooting; provided that the period of the loan does not exceed the time in which the person actually engages in target shooting upon the premises.

(c) A person shall not be required to possess and use a lawfully acquired pistol or revolver while actually engaged in hunting games, if that pistol or revolver and its suitable ammunition are acceptable by rules adopted pursuant to chapter 183D-3 and if that person is licensed pursuant to part II of chapter 183D. The pistol or revolver may be transported in an enclosed container, as defined in section 134-25, in the course of going to and from the place of the hunt, notwithstanding section 134-26.

134-7. Ownership or possession prohibited, when; penalty.

(a) No person who is a fugitive from justice or is a person prohibited from possessing firearms or ammunition under federal law shall own, possess, or control any firearm or ammunition therefor.

(b) No person who is under indictment for, or has been acquitted of, a crime on the basis of evidence available to law enforcement officials.

(c) No person who has waived indictment for, or has been bound over to the circuit court for, or has been convicted of, or has been under indictment for, or has been sentenced pursuant to section 586-6. At the time of conviction and the date indicated for the purposes of this section shall render or dispose of all firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.

(h) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any person violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor.

134-7.3. Seizure of firearms upon disqualification.

(a) If any applicant is denied a permit, the evidence collected during the investigation shall be sent, by certified mail, a notice setting forth the reasons for the denial and may require that the applicant voluntarily surrender all firearms and ammunition to the chief of police where the applicant resides or dispose of all firearms and ammunition. If an applicant fails to voluntarily surrender or dispose of all firearms and ammunition within thirty days from the date notice was mailed, the chief of police may seize all firearms and ammunition.

(b) Any person disqualified from ownership, possession, or control of firearms and ammunition under section 134-7 shall voluntarily surrender all firearms and ammunition to the chief of police, and that person shall notify the chief of police of all firearms and ammunition. If any person fails to voluntarily surrender or dispose of all firearms and ammunition and ammunition within thirty days from the date of disqualification, the chief of police may seize all firearms and ammunition.

(c) For the purposes of this section, “dispose” means selling the firearms to a gun dealer licensed under section 134-31, transferring ownership of the firearms to any persons who meets the requirements of section 134-2, or surrendering all firearms to the chief of police where the person resides for storage or disposal; provided, for a person subject to section 134-7(f), “dispose” shall not include transferring ownership of the firearms to any person who meets the requirements of section 134-2.

(d) The chief of police of the respective counties shall adopt procedures to implement and administer the provisions of this section by December 31, 2001.

134-7.5. Seizure of firearms in domestic abuse situations; requirements; return of.

(a) Any police officer who has reasonable grounds to believe that a person has recently assaulted or threatened to assault a family or household member may seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of the offense. The police officer may seize any firearms or ammunition that are in plain view of the officer or were discovered pursuant to a consensual search, as necessary for the protection of the officer or any family or household member. Firearms seized under this section shall be taken to the appropriate county police department for safekeeping or for sale, if necessary.

(b) Upon taking possession of a firearm or ammunition, the officer shall give the owner or person who was in lawful possession of the firearm or ammunition a receipt identifying the firearm or ammunition and indicating where the firearm or ammunition was seized.

(c) The officer taking possession of the firearm or ammunition shall notify the person against whom the alleged assault or threatened assault was inflicted of remedies and services available to victims of domestic violence, including...
access to the firearm without the permission of the parent or guardian of the minor, unless the person:

1. Keeps the firearm in a securely locked box or other container in a location that a reasonable person would believe to be secure; or

2. Carries the firearm on the person or within such close proximity thereto that the person readily can retrieve and use it as if it were carried on the person.

For purposes of this section, "minor" means any person under the age of sixteen years.


(a) Sections 134-9 and 134-21 to 134-27, except section 134-7(f), shall not apply:

1. To state and county law enforcement officers; provided that such persons are not convicted of an offense involving abuse of a family and household member under section 709-906;

2. To members of the armed forces of the United States and mail carriers while in the performance of their respective duties if those duties require them to be armed;

3. To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are either at, or going to or from, their places of assembly or target practice;

4. To persons employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed;

5. To aliens employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; and

6. To police officers on official assignment in Hawaii from any state which by compact permits police production when authorized by the chief of police of the appropriate county pursuant to section 134-2.5 and not in violation of federal law.

134-12.5. Forfeiture of firearms, ammunition, deadly or dangerous weapons, and switchblade knives; when.

All firearms, ammunition, deadly or dangerous weapons, and switchblade knives possessed, used in violation of this chapter or the Hawaii penal code shall be forfeited to the State according to the provisions of chapter 712A and shall be destroyed or, if not destroyed, transferred to the chief of police of the county in which the violation took place for use by and under control of the police department.


All permits and licenses provided for under this part may be revoked, for good cause, by the issuing authority or by the judge of any court.


Within ten days after the last day of each month, each of the authorities authorized in this chapter to issue or revoke permits and licenses shall make a report to the department of the attorney general of all permits and licenses issued or revoked by the authority as of the last day of the preceding month. The report shall be in the manner and form as the authority may prescribe.

134-15. Restriction of materials for manufacture of pistols or revolvers.

(a) It shall be unlawful for any person, including a licensed manufacturer, licensed importer, or licensed dealer, to possess, sell, or deliver any pistol or revolver the frame or receiver of which is a die casting of zinc alloy which has a melting temperature of less than 800 degrees Fahrenheit.

(b) This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975 pursuant to section 134-3 or to any antique pistol or revolver.

(c) Restriction on possession, sale, gift, or delivery of electric guns.

(a) It shall be unlawful for any person, including a licensed manufacturer, licensed importer, or licensed dealer, to possess, offer for sale, hold for sale, sell, give, lend, or deliver any electric gun.

(b) Any electric gun in violation of subsection (a) shall be confiscated and disposed of by the chief of police.

(c) This section shall not apply to law enforcement officers of county police departments, law enforcement officers of the department of public safety, and conservation and resources enforcement officers of the department of land and natural resources, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the law enforcement officers of the county police departments, the law enforcement officers of the department of public safety, or the conservation and resources enforcement officers of the department of land and natural resources.

(d) The county police and sheriff departments of this State, the department of public safety, and the department of land and natural resources shall maintain records regarding every electric gun in their custody and control. Such records shall show the purchase, sale, transfer, or by whom the possession, transportation, use, or display of the electric guns; in particular, records shall be maintained in a similar manner for those of discharging of firearms. The county police, the department of public safety, and the department of land and natural resources shall annually report to the legislature regarding these records twenty days before the beginning of each regular session of the legislature.

(e) The department of land and natural resources and the department of public safety shall ensure that each of their conservation and resources, enforcement officers and law enforcement officers who is authorized to use an electric gun and related equipment shall first receive training from the manufacturer or from a manufacturer-approved training program, as well as manufacturer-certified or approved instructors in the use of electric guns prior to deployment of the electric guns and related equipment in public. Training for conservation and resources enforcement officers of the department of land and natural resources, and law enforcement officers of the department of public safety may be done concurrently to ensure cost savings.

(f) The conservation and resources enforcement program of the department of land and natural resources shall meet the law enforcement accreditation or recognition
standards of the Commission on Accreditation for Law Enforcement Agencies, Inc., in the use of electric guns prior to obtaining electric guns, related equipment, and training for the use of the electric guns.

134-17. Penalties.
(a) If any person gives false information or offers false evidence of the person’s identity in complying with any of the requirements of this part, that person shall be guilty of a misdemeanor, or, provided, however, that if any person intentionally gives false information or offers false evidence concerning their psychiatric or criminal history in complying with any of the requirements of this part, that person shall be guilty of a class C felony.
(b) Any person who violates section 134-3(a) shall be guilty of a petty misdemeanor.
(c) Any person who violates section 134-2, 134-4, 134-10, 134-15, or 134-16(a) shall be guilty of a misdemeanor. Any person who violates section 134-3(b) shall be guilty of a petty misdemeanor and the firearm shall be confiscated as contraband and disposed of, if the firearm is not registered within five days of the person receiving notice of the violation.

134-21. Carrying or use of firearm in the commission of a separate felony or petty misdemeanor.
(a) It shall be unlawful for a person to knowingly carry on the person or have within the person’s immediate control or intentionally use or threaten to use a firearm while engaged in the commission of a separate felony, whether the firearm was loaded or not, and whether operable or not; provided that a person shall not be prosecuted under this subsection when the separate felony is:
(1) A felony offense otherwise defined by this chapter;
(2) The felony offense of reckless endangering in the first degree under section 707-713;
(3) The felony offense of terroristic threatening in the first degree under section 707-716(1)(a), 707-716(1)(b), or 707-716(1)(e); or
(4) The felony offenses of criminal property damage in the first degree under section 708-820 or criminal property damage in the second degree under section 708-821 and the firearm is the instrumendant means by which the property damage is caused.
(b) A conviction and sentence under this section shall be in addition to and not in lieu of any conviction and sentence for the separate felony; provided that the sentence imposed under this section may run concurrently or consecutively with the sentence for the separate felony.
(c) Any person violating this section shall be guilty of a class A felony.

134-22. Possession of a firearm with intent to facilitate the commission of a felony drug offense; penalty
(a) It shall be unlawful for a person to knowingly possess a firearm with the intent to facilitate the commission of a felony offense involving the distribution of a controlled substance, whether the firearm was loaded or not, and whether operable or not.
(b) For the purposes of this section:
“Controlled substance” shall have the same meaning as in section 329-1.
“Distribution” means the selling, transferring, prescribing, giving or delivering to another, or the leaving, bartering, or exchanging with another, or the offering or agreeing to do the same.
(c) A conviction and sentence under this section shall be in addition to and not in lieu of any conviction and sentence for the separate felony; provided that the sentence imposed under this section may run concurrently or consecutively with the sentence for the separate felony.
(d) Any person violating this section shall be guilty of a (1) felony.

134-23. Place to keep loaded firearms other than pistols and revolvers; penalty.
(a) Except as provided in section 134-5, all firearms shall be confined to the possessor’s place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in an enclosed container from the place of purchase to the purchaser’s place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:
(1) A place of repair;
(2) A target range;
(3) A licensed dealer’s place of business;
(4) An organized, scheduled firearms show or exhibit;
(5) A place of formal hunter or firearm use training or instruction; or
(6) A police station.
“Enclosed container” means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.
(b) Any person violating this section by carrying or possessing a loaded firearm other than a pistol or revolver shall be guilty of a misdemeanor.

134-24. Place to keep unloaded firearms other than pistols and revolvers; penalty.
(a) Except as provided in section 134-5, all firearms shall be confined to the possessor’s place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in an enclosed container from the place of purchase to the purchaser’s place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:
(1) A place of repair;
(2) A target range;
(3) A licensed dealer’s place of business;
(4) An organized, scheduled firearms show or exhibit;
(5) A place of formal hunter or firearm use training or instruction; or
(6) A police station.
“Enclosed container” means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.
(b) Any person violating this section shall be guilty of a misdemeanor.

Part II. Firearms, Dealers’ Licenses

134-31. License to sell and manufacture firearms; fee. Any person desiring to engage in the business to sell and manufacture firearms for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. The annual fee for the issuance of such license shall be $50 and shall be payable to the said director of finance. A license issued hereunder shall expire on June 30 next following the date of issuance of the license unless sooner terminated. Application for renewal of license shall be filed on or before June 30 of each year.

134-32. License to sell and manufacture firearms; conditions. Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensees subject to the following conditions:
(1) That the licensee at all times shall comply with all provisions of law relative to the sale of firearms.
(2) That the license during any time of national emergency or crisis, as defined in section 134-34, may be canceled or suspended.
(3) That all firearms in the possession and control of any licensee at any time of national emergency or crisis, as defined in section 134-34, may be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the license and the state shall have been restored to normal operation.

Page 156
(4) That all firearms in the possession and control of the licensee or registered pursuant to section 134-3(c) by the licensee shall be subject to physical inspection by the chief of police of each county during normal business hours at the licensee's place of business.

(5) That the license may be revoked for a violation of any of the conditions of this section.

134-33. Punishment for violations of section 134-32. Any person who manufactures or sells any firearms within the State without having a valid license so to do, or who being a holder of a license violates any of the terms or conditions of the same, shall be fined not less than $100 nor more than $1,000 or imprisoned not less than three months nor more than one year.

Title 37 Hawaii Penal Code
Chapter 707 Offenses Against the Person Part III. Criminal Assaults and Related Offenses
707-714.5. Criminally negligent storage of a firearm.
(1) A person commits the offense of criminally negligent storage of a firearm if the person violates section 134-10.5 and a minor obtains the firearm. For purposes of this section, "minor" means any person under the age of sixteen years.

(2) This section shall not apply if the minor obtains the firearm as a result of an unlawful entry to any premises by any person.

(3) Criminally negligent storage of a firearm is a misdemeanor.

[Current with amendments through 2010 Regular and Special Sessions]

IDAHO
IDAHO CODE

Title 18. Crimes and Punishments
Chapter 33. Firearms, Explosives and Other Deadly Weapons
18-3302. Issuance of licenses to carry concealed weapons
(1) A person who is an Idaho resident shall make application for a concealed weapon license to the sheriff of the county in which he resides.

(2) A license shall be valid for five (5) years from the date of issue. Licenses issued before July 1, 2006, a license shall be valid for four (4) years from the date of issue. For licenses issued on or after July 1, 2006, a license shall be valid for five (5) years from the date of issue. The citizen's constitutional right to bear arms shall not be denied to him unless one (1) of the following applies. He:

(a) Is ineligible to own, possess or receive a firearm under the provisions of state or federal law;

(b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;

(c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;

(d) Is a fugitive from justice;

(e) Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802;

(f) Is currently suffering or has been adjudicated as follows, based on substantial evidence:

(i) Lacking mental capacity as defined in section 18-210, Idaho Code;

(ii) Mentally ill as defined in section 66-317, Idaho Code;

(iii) Gravely disabled as defined in section 66-317, Idaho Code; or

(iv) An incapacitated person as defined in section 15-5-101(a), Idaho Code.

(g) Is, or has been discharged from the armed forces under dishonorable conditions;

(h) Is or has been adjudicated guilty of or received a withheld judgment or suspended sentence for one (1) or more crimes of violence constituting a misdemeanor, unless three (3) years has elapsed since disposition or pardon has occurred prior to the date on which the application is submitted.

(i) Has had entry of a withheld judgment for a criminal offense which would disqualify him from obtaining a concealed weapon license;

(j) Is an alien illegally in the United States;

(k) Is a person who has been a citizen of the United States, has renounced his or her citizenship;

(l) Is under twenty-one (21) years of age;

(m) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapon license; or

(n) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

The license application shall be in a form to be prescribed by the director of the Idaho state police, and shall ask the name, address, description and signature of the licensee, date of birth, social security number, military status, citizenship and the driver's license number or state identification card number of the licensee if state identification card is issued.

The fee for original issuance of a license shall be twenty dollars ($20.00) paid to the sheriff for the purpose of enforcing the provisions of this chapter. The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(2) The fee for renewal of the license shall be fifteen dollars ($15.00). The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. If a licensee applying for renewal has not previously been required to submit fingerprints, the sheriff shall require the licensee to do so and may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department.

(4) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. Renewal notices shall be mailed out ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff shall require the licensee to apply for renewal to complete an application. The sheriff shall submit the application to the Idaho state police for a records check of state and national files. The Idaho state police shall conduct a national fingerprint-based records check and return the results to the sheriff within seventy-five (75) days. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in paragraphs (a) through (n) of this subsection.

The license will be in a form substantially similar to that of the Idaho driver's license. It will bear the signature, name, address, date of birth, picture of the licensee, expiration date and the driver's license number or state identification card number of the licensee if used for identification in applying for the license. Upon issuing a license under the provisions of this section, the sheriff will notify the Idaho state police on a form or in a manner prescribed by the state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 3-338, Idaho Code.

(3) The fee for original issuance of a license shall be twenty dollars ($20.00) paid to the sheriff for the purpose of enforcing the provisions of this chapter. The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. If a licensee applying for renewal has not previously been required to submit fingerprints, the sheriff shall require the licensee to do so and may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department.

The sheriff shall require the licensee applying for renewal to complete an application. The sheriff shall submit the application to the Idaho state police for a records check of state and national files. The Idaho state police shall conduct a national fingerprint-based records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in paragraphs (a) through (n) of this subsection. A renewal license shall be valid for a period of five (5) years. A
(12) The requirement to secure a license to carry a concealed weapon under this section shall not apply to the following persons:

(a) Officials of a county, city, state of Idaho, the United States, peace officers, guards of any jail, court appointed attendants or any officer of any political subdivision.

(b) Employees of the adjudant general and military division of the state where military membership is a condition of employment when on duty;

(c) Criminal investigators of the attorney general's office, criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;

(d) Any person outside the limits of or confines of any city while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity;

(e) Any publicly elected Idaho official;

(f) Rent peace officers or detention deputies with at least ten (10) years of service as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;

(g) Any person who has a valid permit from a state or local law enforcement agency or court authorized to carry a concealed weapon. A permit issued in another state will only be considered valid if the permit is in the licensee's physical possession.

(13) When issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm and shall accept any of the following, provided the applicant may select whichever of the following applies:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course;

(c) Completion of any firearms training or course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency;

(d) Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(e) Is licensed or has been licensed to carry a firearm in this state or a county or municipality, unless the license has been revoked for cause; or

(f) Completion of any firearms training or course or class conducted by a state certified or national rifle association certified firearms instructor.

(14) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.

(15) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

(a) Fraud or intentional misrepresentation in the obtaining of a license;

(b) Misuse of a license, including lending or giving a license to another person, or duplicating a license, or using a license with the intent to unlawfully cause harm to a person or property;

(c) The doing of an act or existence of a condition which would have been grounds for the denial of the license by the sheriff;

(d) The violation of any of the terms of this section;

(e) The applicant is adjudicated guilty of or receives a withhold judgment for a crime which would have disqualified him from initially receiving a license.

(16) A person twenty-one (21) years of age or older issued a license to carry a concealed weapon is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. However, a temporary emergency license issued under subsection (5) of this section shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(17) The attorney general is authorized to negotiate reciprocal agreements with other states related to the recognition of licenses to carry concealed weapons. The Idaho state police shall keep a copy and maintain a record of all such agreements, which shall be made available to the public.

(18) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this section.

18-3302A. Sale of weapons to minors

It shall be unlawful to directly or indirectly sell to any minor under the age of eighteen (18) years any weapon without the written consent of the parent or guardian of the minor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not in excess of one thousand dollars ($1,000), by imprisonment in the county jail for a term not in excess of six (6) months, or by both such fine and imprisonment. As used in this section, "weapon" shall mean any dirk, dirk knife, bowie knife, dagger, pistol, revolver or gun.

18-3302C. Prohibited conduct

Any person obtaining a license under the provisions of section 18-3302, Idaho Code, shall not:

(1) Carry a concealed weapon in a courthouse, juvenile detention facility or jail, public or private school, except as provided in subsection (4) of section 18-3302D, Idaho Code; or

(2) Provide information on the application for a permit to carry a concealed weapon knowing the same to be untrue. Any person violating the provisions of this section shall be guilty of a misdemeanor.

18-3302D. Possessing weapons or firearms on school property

(1)(a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school
grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.

(2) Definitions. As used in this section:

(a) “Deadly or dangerous weapon” means any weapon as defined in 18 U.S.C. section 930;

(b) "Firearm" means any firearm as defined in 18 U.S.C. section 921;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Possess" means to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school or any property or place that are otherwise controlled by school provided transportation, or to exercise dominion and control over an object located anywhere on such property or vehicle. For purposes of subsection (1)(b) of this section, "possess" shall also mean to bring an object onto the site of a school sponsored activity, program or event, regardless of location, or to exercise dominion and control over an object located anywhere on such a site;

(e) "School" means a private or public elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the possessing of a firearm or other deadly or dangerous weapon.

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

(b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, an event, activity or other circumstance approved by the board of trustees or governing board;

(c) Persons complying with the provisions of section 19-202A, Idaho Code;

(d) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his vehicle in an unobtrusive, nonthreatening manner;

(e) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity;

(f) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.

(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars ($1,000) or both. If a violator is a student and under the age of eighteen (18) years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete his suspension, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

18-3302E. Possession of a weapon by a minor.

(1) It shall be unlawful for any person under the age of eighteen (18) years to possess or have in possession any weapon, as defined in section 18-3302A, Idaho Code, unless he:

(a) Has the written permission of his parent or guardian to possess the weapon; or

(b) Is accompanied by his parent or guardian who has the weapon in his possession.

(2) Any minor under the age of twelve (12) years in possession of a weapon shall be accompanied by an adult.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor.

18-3302F. Prohibition of possession of certain weapons by a minor.

(1) It shall be unlawful for any person under the age of eighteen (18) years to possess or have in possession any handgun.

(2) Except as provided by federal law, a minor under the age of eighteen (18) years may not possess the following:

(a) A sawed-off rifle or sawed-off shotgun; or

(b) A full automatic weapon.

(3) Any person who violates the provisions of subsection (2) of this section is guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (2) or (b) of this section is guilty of a felony.

(5) For purposes of this section:

(a) "Full automatic weapon" means any firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one (1) bullet, or other missile without reloading, by a single function of the trigger.

(b) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve (12) inches. Excluded from this definition are handguns firing a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action or any spot marker gun.

(6) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of the provisions of this section is guilty of a misdemeanor.

18-3302G. Exceptions. The provisions of section 18-3302E, Idaho Code, regarding the possession of a weapon by a minor or section 18-3302F, Idaho Code, regarding possession of handguns by minors shall not apply to any of the following:

(1) Patrons firing at lawfully operated target ranges at amusement parks and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;

(2) Any person in attendance at a hunter's safety course or a firearm's safety course;

(3) Any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;

(4) Any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;

(5) Any minor under eighteen (18) years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of the law;

(6) Any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; and

(7) Any person traveling to or from any activity described in subsection (2), (3), (4), (5) or (6) of this section with an unloaded firearm in his possession.

18-3302I. Threatening violence on school grounds.

(1)(a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;

(c) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

18-3302J. Preemption of firearms regulation.

(1) The legislature finds that uniform laws regulating firearms are necessary to protect the individual citizen's right to bear arms guaranteed by amendment 2 of the United States Constitution and section 11, article I of the constitution of the state of Idaho. It is the legislature's intent to wholly occupy the field of firearms regulation within this state.

(2) Except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or any element relating to firearms and components thereof, including ammunition.

18-3308. Selling explosives, ammunition or firearms to minors. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen (16) years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two (22) caliber or smaller, or any
firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

18-3318. Definitions Definitions as used in sections 18-3319, 18-3319A, 18-3320, 18-3320A and 18-3321, Idaho Code:

(1) "Bomb" means any chemical or mixture of chemicals contained in such a manner that it can be made to explode with fire or force, and combined with the material and explosive is intended to cause its explosion. The term includes components of a bomb only when the individual charged has taken steps to place the components in proximity to each other, or has partially assembled components from which a completed bomb can be readily assembled. "Bomb" does not include rifle, pistol or shotgun ammunition and their components; fireworks; boating, railroad and other safety flares or propellants used in model rockets or similar hobby activities.

(2) "Destructive device" means:

(a) Any explosive, incendiary or poisonous gas:
   (i) Bomb;
   (ii) Grenade;
   (iii) Rocket having a propellant charge of more than four (4) ounces;
   (iv) Missile having an explosive or incendiary charge of more than one-fourth (1/4) ounce;
   (v) Mine;
   (vi) Similar device

(b) Any type of weapon, by whatever name known, which will, or which may be immediately converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than .700 inches in diameter, except rifled and unrifled shotguns or shotgun shells.

(c) Components of a destructive device only when the individual charged has taken steps to place the components in proximity to each other, or has partially assembled components from which a completed destructive device can be readily assembled.

(d) The term "destructive device" shall not include:
   (i) Any device which is neither designed nor redesigned for use as a weapon;
   (ii) Any device which, although originally designed for use as a weapon, has been redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;
   (iii) Otherwise lawfully owned surplus military ordnance;
   (iv) Antiques or reproductions thereof and rifles held for sporting, recreational, investment or display purposes;
   (v) Rifle, pistol or shotgun ammunition and their components.

(3) "Hoax destructive device" means any object that:

(a) Under the circumstances, reasonably appears to be a destructive device as defined in subsection (2) of this section, but is an inactive imitation of a destructive device;

(b) Is proclaimed to obtain a destructive device in subsection (2) of this section, but does not in fact contain a destructive device.

(4) "Shrapnel" means any metal, ceramic, glass, hard plastic or other material of sufficient hardness to puncture human skin when propelled by force of the bomb or destructive device to which it is attached or in which it is contained.

18-3319. Unlawful possession of bombs or destructive devices

(1) Any person who knowingly, intentionally, or recklessly possesses or controls a bomb or destructive device for a purpose unlawful pursuant to title 18, Idaho Code, is guilty of a felony, punishable by a fine of not more than one thousand dollar ($1,000) and life in prison or by a fine of not more than five thousand dollar ($5,000) and five (5) years in prison.

(2) Any person who knowingly possesses an assembled bomb or assembled destructive device and who:

(a) Has been convicted of a felony; or

(b) Has been found guilty of any crime where such conviction results in the person being prohibited from possessing or owning firearms; or

(c) Is in possession or control of any substance or paraphernalia in violation of section 37-2732B, 37-2734A or 37-2734B, Idaho Code, or the felony provisions of section 37-2732, Idaho Code; or

(d) Has been found guilty of a felony, punishable by up to a five thousand dollar ($5,000) fine and five (5) years in prison.

18-3320. Disposal of destructive devices or bombs Any destructive device or bomb that has been legally seized by a law enforcement agency may be destroyed in a reasonable manner. An official record listing the destructive device or bomb destroyed and the location of destruction shall be kept on file at the office of the law enforcement agency. A record of such destruction, a photograph, videotape, or similar record of the device or bomb shall be preserved for evidentiary purposes. The destruction of a destructive device or bomb before a preliminary hearing, trial, or both shall not be a bar to prosecution for any violation of law.

18-3321. Persons exempt Unless the intent to injure the person or property of another has been established, the provisions in section 18-3319, Idaho Code, shall not apply to:

(1) Any public safety officer or member of the armed forces of the United States or national guard while acting in his official capacity;

(2) Any person possessing a valid permit issued under the provisions of the international fire code, sections 41-253 and 41-254, Idaho Code, or any employee of such permittee acting within the scope of his employment;


(4) A device which falls within the definition of a bomb or destructive device when used on property owned or otherwise in the control of the person using the device;
Chapter 85. Idaho Criminal Gang Enforcement Act

18-8505. Supplying firearms to a criminal gang
(1) A person commits the offense of supplying firearms to a criminal gang if the person knows an individual is a gang member and supplies, sells or gives possession or control of any firearm to that gang member.
(2) Subsection (1) of this section shall not apply to a person who is convicted as a principal to the offense committed by the recipient of the firearm.

Chapter 430. Public Safety

Act 65. Firearms Owners Identification Card Act

65/0.01. Short title This Act may be cited as the Firearms Owners Identification Card Act.
65/1. Legislative Declaration It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owner’s Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the “Criminal Code of 1961”, as amended, from acquiring firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.
65/1.1. Definitions For purposes of this Act:
"Has been adjudicated as a mental defective" means the person is the subject of a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:
(1) is a danger to himself, herself, or to others;
(2) lacks the mental capacity to manage his or her own affairs;
(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;
(4) is incompetent to stand trial in a criminal case;
(5) is not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.
"Court or court" means to copy or imitate, without legal authority, with intent to deceive.
"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 850a, 876b).
"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:
(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;
(2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:
(1) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.
"Gun show" means an event or function:
(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or
(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.
"Gun show includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.
"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquet, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.
"Gun show promoter" means a person who organizes or operates a gun show.
"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

ILLINOIS
ILL. COMP. STAT.

Chapter 320. Firearm Owners Identification Card Act

320/1. Short title This Act may be cited as the Firearm Owners Identification Card Act.
320/2. Legislative Declaration It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, stun guns, and tasers within the State of Illinois by the establishment of a system of Firearm Owners Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring firearms and firearm ammunition and who are prohibited by this Act from acquiring stun guns and tasers.
320/1.1. Definitions For purposes of this Act:
"Gun show promoter" means a person who
(1) at a gun show, or exhibit for sale, sell, transfer, or exchange firearms.
"Gun show vendor" means a person who
(1) at a gun show, or exhibit for sale, sell, transfer, or exchange firearms.
"Gun show includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.
"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquet, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.
"Gun show promoter" means a person who organizes or operates a gun show.
"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

Sanctioned competitive shooting event” means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.
"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 1961.

652. Firearm Owner’s Identification Card required; exceptions
(a)(1) No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner’s Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.
(b) The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and tasers do not apply to:
(1) United States Marshals, while engaged in the operation of their official duties;
(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;
(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;
(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;
(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;
(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner’s Identification Card when hunting on Department of Natural Resources owned or managed sites;
(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;
(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;
(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and under the control, or the parent or other legal guardian or other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner’s Identification Card;

(12) Color guard of bona fide veterans organization or members of bona fide American Legion bands when using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner’s Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources;

(14) Who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner’s Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled;

(15) A person who is otherwise eligible to obtain a Firearm Owner’s Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner’s Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization; and

(16) Competitive shooting athletes whose competition firearms are sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athletes’ training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(c) The provisions of this Section regarding the acquisition and possession of firearms, firearm ammunition, stun guns, and tasers do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

65/3. Requisites for Transfer

(a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner’s Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearms, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer, the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee’s Firearm Owner’s Identification Card number. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(b-5) Any resident may purchase ammunition from a person outside of Illinois. Any resident purchasing ammunition outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner’s Identification Card and the unique identification number of the Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

65/3a. Reciprocity

(a) Any resident of Illinois who has obtained a firearm owner’s identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at a firearm owner’s licensed competitive shooting event being held.

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

65/3.1. Dial up system

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner’s Identification Card.

(c) A transfer of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(f) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (m) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

65/3.2. List of prohibited projectiles; notice to dealers

Prior to January 1, 2002, the Department of State Police shall list on the Department’s World Wide Web site all firearm projectiles that are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961, together with a statement setting forth the sentence that may be imposed for violating those Sections. The Department of State Police shall, prior to January 1, 2003, publish in all firearm projectiles that are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961 to each federally licensed firearm dealer in Illinois registered with the Department.

65/3.3. Report to the local law enforcement agency
65/4. Application for Firearm Owner’s Identification Card

(a) Each applicant for a Firearm Owner’s Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner’s Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental institution within the past 5 years and he or she has not been adjudicated as a mental defective;

(v) He or she is not mentally retarded;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of the court prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997;

(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997;

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa for the purpose of identifying the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner’s Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt;

(a-1) Each applicant for a Firearm Owner’s Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver’s license number or Illinois Identification Card number.

(a-10) Each applicant for a Firearm Owner’s Identification Card, who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver’s license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).

(b) Each application form shall include the following statement printed in bold type: “Warning: Entering false information on an application for a Firearm Owner’s Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act.”

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant’s use of the firearms.

65/5. Approval or denial of application

The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner’s Identification Card upon the payment of a $ 10 fee. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. $ 6 of each fee derived from the issuance of Firearm Owner’s Identification Cards, and any renewal thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; $ 1 of such fee shall be deposited in the State Police Services Fund and $ 3 of such fee shall be deposited in the Firearm Owner’s Notification Fund. Monies in the Firearm Owner’s Identification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner’s Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner’s Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.

65/6. Contents of Firearm Owner’s Identification Card

(a) A Firearm Owner’s Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant’s name, residence, date of birth, sex, physical description, recent photograph and signature. Each Firearm Owner’s Identification Card must have the expiration date boldly and conspicuously displayed on the face of the card. Each Firearm Owner’s Identification Card must have printed on it the following: “CAUTION - This card does not permit bearer to UNLAWFULLY carry or use firearms.” Before December 1, 2002, the Department may use a person’s digital photograph and signature from his or her Illinois driver’s license or Illinois Identification Card, if available. On and after December 1, 2002, the Department shall use a person’s digital photograph and signature from his or her Illinois driver’s license or Illinois Identification Card, if available. The Department shall decline to use a person’s digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

(b) A person applying for a Firearm Owner’s Identification Card shall authorize the Department of State Police using the applicant’s digital driver’s license or Illinois Identification Card photograph, if available, and signature on the applicant’s Firearm Owner’s Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a Firearm Owner’s Identification Card.

(c) The Secretary of State shall conduct a study to determine the cost and feasibility of creating a method of adding an identifiable code, background, or other means on the driver’s license or Illinois Identification Card to show that an individual is not disqualified from owning or possessing a firearm under State or federal law. The Secretary shall report the findings of this study 12 months after the effective date of this amendatory Act of the 92th General Assembly.

65/6.1. Altered, forged or counterfeit Firearm Owner’s Identification Card

(a) Any person who forges or materially alters a Firearm Owner’s Identification Card or who counterfeits a Firearm Owner’s Identification Card commits a Class 2 felony.

(b) Any person who knowingly possesses a forged or materially altered Firearm Owner’s Identification Card with the intent to use it com-
mits a Class 2 felony. A person who possesses a Firearm Owner's Identification Card with knowledge that it is counterfeit commits a Class 2 felony.

65/7. Duration of identification card Except as provided in Section 8 of this Act, a Firearm Officer's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 10 years from the date of issuance.

65/8. Denial of application or revocation or seizure of card The Department of State Police has authority to deny an application for or to revoke a Firearm Owner's Identification Card or to seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or an adjudicated delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person who has been adjudicated a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or

(d) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(e) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(f) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(j) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) Admitted to the United States for lawful hunting or sporting purposes;

(2) An official representative of a foreign government who is:

(A) Accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) On en route to or from another country to which that alien is accredited;

(3) An official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) A foreign law enforcement officer of a friendly foreign government entering the United States on official business;

(5) One who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any provision of law of any State or any other jurisdiction within 20 years of the date that provision took effect;

(o) A person who has been convicted within the past 5 years of a violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the Director with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue the Firearm Owner's Identification Card.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of the Department of State Police or petition the circuit court in the county where the petition resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(1) The applicant has not been convicted of a firearm offense under the laws of this State or any other jurisdiction within 20 years of the date that the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) The circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and

(3) Granting relief would not be contrary to the public interest.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is prohibited from possessing a firearm 18 U.S.C. (d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 may apply to the Department of State Police for relief from such prohibition. The Director shall grant such relief if it is established to the Director's satisfaction that the person will not be likely to act in a manner dangerous to public safety and granting relief would not be contrary to the public interest.

65/11. Review under Administrative Review law
All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term “administrative decision” is defined as in Section 3-101 of the Code of Civil Procedure.

The Director of State Police shall submit a report to the General Assembly on March 1 of each year, beginning March 1, 1991, listing all final decisions by a court of this State upholding, reversing, or reversing in part any administrative decision made by the Department of State Police.

65/12. Death of owner; transfer. The provisions of this Act shall not apply to the passing or transfer of any firearm or firearm ammunition upon the death of the owner thereof to his heir or legatee or to the passing or transfer of any firearm or firearm ammunition incident to any legal proceeding or action until 60 days after such passing or transfer.

65/13. Acquisition or possession prohibited by law. Nothing in this Act shall make lawful the acquisition or possession of firearms or fire-arm ammunition which is otherwise prohibited by law.

65/13.1. Municipal ordinance imposing greater restrictions or limitations. The provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

65/13.2. Firearm owner's identification card; notice of expiration. The Department of State Police shall, 60 days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail to each person whose card is to expire a notice of the expiration of the card and an application which may be used to apply for renewal of the card. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Fire-arm Owner's Identification Card.

65/13.3. Municipal ordinance submission. Within 60 days of the effective date of this amendatory Act of the 92nd General Assembly, every municipality must submit to the Department of State Police a copy of every ordinance adopted by the municipality that regulates the acquisition, possession, sale, or transfer of firearms within the municipality and must submit, 30 days after adoption, every such ordinance adopted after its initial submission of ordinances under this Section. The Department of State Police shall compile these ordinances and publish them in a form available to the public free of charge and shall periodically update this compilation of ordinances in a manner prescribed by the Director of State Police.

65/14. Sentence. (a) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or

(2) the person's Firearm Owner's Identification Card is expired, or otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.

(d) A violation of subsection (a) of Section 3 is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Except as provided by Section 6.1 of this Act, any other violation of this Act is a Class A misdemeanor.

Chapter 720. Criminal Offenses

Act 5. Criminal Code of 1961

Part C. Offense Directed Against Property

Article 16. Theft and Related Offenses

5/16-16. Possession of a stolen firearm

(a) A person commits possession of a stolen firearm when he or she, not being entitled to the possession of a firearm, possesses or delivers the firearm, knowing it to have been stolen or converted. It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(b) Possession of a stolen firearm is a Class 2 felony.

5/16-16.1. Aggravated possession of a stolen firearm

(a) A person commits aggravated possession of a stolen firearm when he or she:

(1) Not being entitled to the possession of not less than 2 and not more than 5 firearms, possesses or delivers those firearms at the same time or within a one year period, knowing the firearms to have been stolen or converted.

(2) Not being entitled to the possession of not less than 6 and not more than 10 firearms, possesses or delivers those firearms at the same time or within a 2 year period, knowing the firearms to have been stolen or converted.

(3) Not being entitled to the possession of not less than 11 and not more than 20 firearms, possesses or delivers those firearms at the same time or within a 3 year period, knowing the firearms to have been stolen or converted.

(4) Not being entitled to the possession of not less than 21 and not more than 30 firearms, possesses or delivers those firearms at the same time or within a 4 year period, knowing the firearms to have been stolen or converted.

(5) Not being entitled to the possession of more than 31 firearms, possesses or delivers those firearms at the same time or within a 5 year period, knowing the firearms to have been stolen or converted.

(b) It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(c) Sentence. (1) A person who violates paragraph (1) of subsection (a) of this Section commits a Class 1 felony.

(2) A person who violates paragraph (2) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years.

(3) A person who violates paragraph (3) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years.

(4) A person who violates paragraph (4) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years.

(5) A person who violates paragraph (5) of subsection (a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years.

Part D. Offenses Affecting Public Health, Safety and Decency

Article 24. Deadly Weapons

5/24-1. Unlawful use of weapons (a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slug-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knife-like blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, billy club, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
(5) Sets a spring gun; or
(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
(7) Sells, manufactures, purchases, possesses or carries any firearm, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;
(ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any firearm made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
(iii) any bomb, bombshell, grenade, bottle or other container which contains, or is capable of releasing, an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or
(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.
This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses;
(9) Carries or possesses in a vehicle or on or about his person a firearm, a stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity;
(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode, legall dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person’s permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a)(10) does not apply to or affect transportation of weapons that meet one of the following conditions:
(i) are broken down in a non-functioning state; or
(ii) are not immediately accessible; or
(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearms Owner’s Identification Card.
A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several bars attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person’s nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electric storage units, such as, batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person’s nervous system in such a manner as to render him incapable of normal functioning; or
(11) Sells, manufactures or possesses any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a shell or projectile attached at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or
(12) Blank; or
(13) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a law enforcement officer, a school, public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency as a part of a scattered site or mixed-income development commits a Class 3 felony.
(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as a part of a scattered site or mixed-income development commits a Class 3 felony.
(3) A person who violates subsection (c) shall not apply to law enforcement officers or security officers of such schools, college, or university. or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.
(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.
(5) For the purposes of this subsection (c), "public transportation agency" means a public or private agency that provides transportation or
to a person who is charged with a violation of
(d) The defense of necessity is not available
was specifically authorized by rule, regulation, or
It shall be an affirmative defense to a
it.
Department of Corrections, to possess any
penal institution, which is a facility of the Illinois
granting relief by the Director of the Department
of Corrections, to possess any firearm or any firearm ammunition if the
person has been convicted of a felony under the
Illinois Controlled Substances Act, the Cannabis Control Act, or the
Methamphetamine Control and Community
Protection Act is a Class 2 felony for which the
person shall be sentenced to not less than 3
years and not more than 14 years. Violation of
this Section by a person who is on parole or
mandatory supervised release is a Class 2 felony for which the person, if sentenced to a
term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years.
Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun.
Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regarding a weapon with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or possessing a weapon while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

24-1.6. Aggravated unlawful use of a weapon
(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:
(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; or
(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; and
(3) One of the following factors is present:
(A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or
(B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or
(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card Act is a Class X felony. The possession of each firearm in violation of this Section constitutes a single and separate violation.

5/24-1.7. Armed habitual criminal
Sec. 24-1.7. Armed habitual criminal. (a) A person commits the offense of armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted of a total of 2 or more times of any combination of the following offenses:
(1) a forcible felony as defined in Section 2-8 of this Code;
(2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or
(3) any violation of the Illinois Controlled Substances Act, or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

(b) Sentence. Being an armed habitual criminal is a Class X felony.

5/24-1.8. Unlawful possession of a firearm by a street gang member
(a) A person commits unlawful possession of a firearm by a street gang member when he or she knowingly:
(1) possesses, carries, or conceals on or about his or her person a firearm and firearm ammunition while on any street, road, alley, gangway, sidewalk, or any other lands, except when inside his or her own abode or inside his
or her fixed place of business, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang; or
(2) possesses or carries in any vehicle a firearm and firearm ammunition which are both immediately accessible at the time of the offense, while on a street, road, alley, or any other lands, except when inside his or her own abode or garage, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang.

(b) Unlawful possession of a firearm by a street gang member shall be a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 3 years and no more than 10 years. A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the offense of unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition and the court shall sentence the offender to no less than the minimum term of imprisonment authorized for the Class 2 felony.

(c) For purposes of this Section: "Street gang" or "gang" means the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
"Street gang member" or "gang member" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

5/24-2. Exemptions

(a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of the following:
(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.
(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.
(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.
(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified to provide security services, who are employed has successfully completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 , prior to becoming eligible for the exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.
(6) Persons who have completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 . Such firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.
(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4) shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of training for a security guard at the time he or she is in possession of a concealable weapon.
(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties belonging to the employer, while acting in the capacity of a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes theory of law enforcement liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 . Such firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.
(9) Persons employed by an armored car company to drive an armored car, while actually engaged in the performance of his or her duties.
(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.
(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the Board of Governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.
(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.
(13) Peace officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.
(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the required background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.
(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.
(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:
(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges while such persons are engaged in using their firearms on those target ranges.
(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.
(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.
(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.
(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.
(6) Subsection 24-1(a)(7) does not apply to or affect any of the following:
(1) Peace officers while in performance of their official duties.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.
(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.
(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Possession or manufacture under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) Manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a blackjack or slug-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their duties.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons licensed by the State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(g-3) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition.

(g-4) Subsections 24-1(a)(7) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any person engaged in the manufacture or reuse of solid dart-type projectiles. Subsections 24-1(a)(7) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any person engaged in the manufacture or reuse of solid dart-type projectiles.

(g-5) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any person engaged in the manufacture or reuse of armor piercing ammunition as that term is defined by federal law.

The definition contained herein shall not be construed to include shotgun shells.

"Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flammable liquid to simulate a flamethrower.

"Bolo shell" means any shell that can be fired in a firearm and expels 2 or more metal balls connected by solid metal wire.

"Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

(b) Exemptions. This Section does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties.

(4) Federal officials required to carry firearms, while engaged in the performance of their official duties.

(5) United States Marshals, while engaged in the performance of their official duties.

(6) Persons licensed under federal law to manufacture, import, or sell firearms and firearm ammunition, and actually engaged in any such business, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such firearms or ammunition.

This exemption does not authorize the general private possession of any firearm piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, but only such possession and activities as are within the lawful scope of a licensed business described in this paragraph.

(7) Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive ordinance.

(8) Manufacture, transportation or sale of armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells to persons...
specifically authorized under paragraphs (1) through (7) of this subsection to possess such bullets or shells.

(c) An information or indictment based upon a violation of this Section need not negate any exception herein contained. The defendant shall have the burden of proving such an exemption.

(d) Sentence. A person convicted of unlawful use of armor piercing bullets shall be guilty of a Class 3 felony.

5/24-2.2. Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells

(a) Except as provided in subsection (b) of this Section, it is unlawful for any person to knowingly manufacture, sell, offer to sell, or transfer any bullet or shell which is represented to be an armor piercing bullet, a dragon's breath shotgun shell, a bolo shell, or a flechette shell as defined in Section 24-2.1 of this Code.

(b) Exemptions. This Section does not apply to or affect any person authorized under Section 24-2.1 to manufacture, sell, purchase, possess, or carry any armor piercing bullet or any dragon's breath shotgun shell, bolo shell, or flechette shell with respect to activities which are within the lawful scope of the exemption therein granted.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(d) Sentence. A violation of this Section is a Class 4 felony.

5/24-3. Unsafe Sale of Firearms

(a) A person commits the offense of unsafe sale of firearms when he or she knowingly does any of the following:

1. Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

2. Sells or gives any firearm to any person who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

3. Sells or gives any firearm to any narcotic addict.

4. Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

5. Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.

6. Sells or gives any firearms to any person who is mentally retarded.

7. Sells or gives any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to:

(i) The transfer of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment;

(ii) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(iii) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or

(iv) the sale of a firearm to the transferee of a firearm licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

(b) Sentence. A person convicted of an offense under this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(d) Sentence. A violation of this Section is a Class 4 felony.

5/24-5. Purchase or Transfer by Person Under 18 Years of Age

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(b) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph:

1. “Person engaged in the business” means a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

2. “With the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining money or profits, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

3. Sells or transfers ownership of a firearm to a person who does not display to the seller or transferee of the firearm a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a card which is valid at the time of the purchase or transfer; or (ii) the card is not expired or (iii) if the transfer is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923), an approval number issued in accordance with Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(b) Any person convicted of an offense under this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(c) Sentence. A person convicted of an offense under this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.
or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

(9) Any person convicted of unlawful sale of firearms in violation of paragraph (d) of subsection (A) commits a Class 3 felony.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

5/24-3.4. Unlawful possession of firearms and firearm ammunition

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of Section 24-3 of this Code.

(b) Sentence. A person who commits gunrunning:

1. is guilty of a Class 1 felony;
2. is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;
3. is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms.

A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

5/24-3.1. Unlawful possession of firearms and firearm ammunition

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

1. He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person or
2. He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or
3. He is a narcotic addict and has any firearms or firearm ammunition in his possession; or
4. He is a less than 18 year old person who is a habitual mental patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or
5. He is mentally retarded and has any firearms or firearm ammunition in his possession; or
6. He has in his possession any explosive bullet.

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a propellant contained in such tube between the projectile and the cap.

(b) Sentence. Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of any firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person 18 years of age from participating in any lawful recreational activity where a firearm such as, but not limited to, practicing shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

5/24-3.3. Unlawful Sale or Delivery of Firearms on the Premises of Any School

Regardless of the time of day or the time of year, or from school or school related activity or residential property owned, operated or managed by a public housing agency. Any person 18 years of age or older who sells, gives or delivers any firearm to any person under 18 year of age in school, regardless of the time of day or time of year or residential property owned, operated or managed by a public housing agency leased to or from school or school related activity or residential property owned, operated or managed by a public housing agency leased by a public school or school district.

5/24-3.6. Unlawful use of a firearm in the shape of a wireless telephone

(a) For the purposes of this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person commits the offense of unlawful use of a firearm in the shape of a wireless telephone when he or she manufactures, sells, transfers, purchases, possesses, or carries a firearm shaped or designed to appear as a wireless telephone.

(c) This Section does not apply to or affect the sale to or possession of a firearm in the shape of a wireless telephone by a peace officer.

(d) Sentence. Unlawful use of a firearm in the shape of a wireless telephone is a Class 4 felony.

5/24-3.7 Use of a stolen firearm in the commission of an offense

(a) A person commits the offense of use of a stolen firearm in the commission of an offense (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by Federal or State law from purchasing a firearm that has been shipped or transported in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm when knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in knowing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.
when he or she knowingly uses a stolen firearm in the commission of any offense and the person knows that the firearm was stolen.

(b) Sentence. Use of a stolen firearm in the commission of an offense is a Class 2 felony.

5/24-4. Register of sales by dealer

(a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

(b) Such register shall contain the date of the sale or gift, the name, address, occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

(c) Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

(d) Sentence. Violation of this Section is a Class B misdemeanor.

5/24-5. Defacing identification marks of firearms

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the manufacturer, or manufacturer's serial number of any firearm commits a Class 2 felony.

(b) A person who possesses any firearm upon which any such importer's or manufacturer's serial number has been changed, altered, removed or obliterated commits a Class 3 felony.

(c) Nothing in this Section shall prevent a person from removing, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.

(d) A prosecution for a violation of this Section may be commenced within 6 years after the commission of the offense.

5/24-7. Weapons offenses; community service

In addition to any other sentence that may be imposed, a court shall order any person convicted of a violation of this Article to perform community service for not less than 30 and not more than 100 hours, in accordance with the Code of Ordinances, City of Aurora, for the benefit of the community services.

This Section does not apply when the court imposes a sentence of incarceration.

5/24-8. Firearm tracing

(a) Upon recovering a firearm from the possession of anyone who is not permitted by federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace when necessary, to determine how and from whom the person gained possession of the firearm. Upon recovering a firearm that was used in the commission of any offense classified as a felony or upon recovering a firearm that appears to have been used in the commission of a felony, the firearm shall be immediately submitted to the Illinois Department of State Police for ballistics analysis.

(b) Local law enforcement shall, when appropriate, use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms in complying with subsection (a) of this Section.

(c) Local law enforcement agencies shall use the Department of State Police Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies.

5/24-9. Firearms; Child Protection

(a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a person under the age of 14 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

(1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or

(2) placed in a securely locked box or container; or

(3) placed in some other locked container that a reasonable person would believe to be secure from a person under the age of 14 years.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than $1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) Subsection (a) does not apply:

(1) if the minor under 14 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) to any firearm obtained by a minor under the age of 14 because of a lawful entry of the premises by the minor or another person.

(d) For the purposes of this Section, "firearm" as the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

5/24-9.5. Handgun safety devices

(a) It is unlawful for a person licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923) to offer for sale, sell, or transfer a handgun to a person not licensed under that Act, unless he or she shall have or cause to have a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible. This includes but is not limited to:

(1) An external device that is:

(i) attached to the handgun with a key or combination lock; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(2) An integrated mechanical safety, disabling, or locking device that is:

(i) built into the handgun; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than $1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) For the purposes of this Section, "handgun" has the meaning ascribed to it in clause (h)(2) of subsection (A) of Section 24-3 of this Code.

(d) This Section does not apply to:

(1) the purchase, sale, or transportation of a handgun to or by a federally licensed firearms dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government;

(ii) members of the armed forces of the United States or the National Guard;

(iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and

(iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperable;

(3) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer described in item (1) of this subsection; or

(4) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer to a lawful customer outside the State;

(5) an antique firearm.

5/24-10. Municipal ordinance regulating firearms; affirmative defense to a violation

It is an affirmative defense to a violation of a municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation used the firearm in an act of self-defense or defense of another as defined in Sections 7-1 and 7-2 of this Code when on his or her land or in his or her abode or fixed place of business.

[Current through Public Act 96--884 of the 2010 Regular Session]
able of being fired from the shoulder, or any weapon made from a rifle or shotgun, whether by alteration, modification or otherwise, if such a weapon as modified has an overall length of less than twenty-six (26) inches, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or ...

(10) Carries or possesses on or about his person, upon any public street, alley or other public lands within the corporate limits of the city, except when on the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm. A "stun gun or taser," as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as batteries, and which fires one (1) or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or (ii) any device which is powered by electrical charging units, such as batteries, and which fires a stun or taser bullet, with the bullet or projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) Carries or possesses on or about his person any bludgeon, blackjack, sling-shot, sandclub, cash-and, metal knuckles, throwing star, butterfly knife, nunchaku, switchblade knife, ballistic knife, tear gas gun projector bomb or any object commonly known as a "nerve gas" gas, with the propellant portion of such bomb or weapon, when carried with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, or guards of armored car companies while actually engaged in the performance of the duties of their employment or commuting between their homes and place of employment.

(5) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the department of registration and education or their official duty, or while commuting between their homes and place of employment; watchmen, while actually engaged in the performance of the duties of their employment.

(6) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and place of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than forty (40) hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon.

(7) Agents and investigators of the state legislative investigating commission authorized by the commission to carry the weapons specified in section 29-43, paragraphs (a)(3) and (a)(4), while on duty in the course of any investigation or enforcement of laws.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and place of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the department of registration and education, consisting of not less than forty (40) hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. The department of registration and education shall provide suitable documentation to demonstrate the successful completion of such course. Such documentation shall be carried by the security guard at all times when he is in possession of a concealable weapon.

(9) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to "an act relating to fire protection, amending certain acts herein named," [20 ILCS 2910/1] enacted by the 82nd General Assembly of the State of Illinois.

(11) Investigators of the office of the state's attorneys appellate prosecutor authorized by the board of governors of the office of the state's attorneys appellate prosecutor to carry weapons pursuant to section 7.06 of the State's Attorneys Appellate Service Commission Act [225 ILCS 7/3-40].

(12) Manufacture, transportation or sale of weapons to persons authorized under paragraphs (1) through (11) of this subsection to possess concealed weapons.

(b) Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether
section 29-43, paragraph (a)(8) does not apply to any owner, manager or authorized em-
ployee of any place specified in that subsection nor to any law enforcement officer.
(f) Section 29-43, paragraphs (a)(4) and (a)(10) do not apply to members of any club or
organization organized for the purpose of prac-
ticing shooting at targets upon established target
ranges, whether public or private, while using
the firearms on those target ranges.
(g) Section 29-43, paragraph (a)(11) does not apply to:
(1) Members of the Armed Services or Re-
serve Forces of the United States or the Illinois
National Guard, while in the performance of
their official duty.
(2) bona fide collectors of antique or surplus
military ordinance.
(3) Laboratories having a department of foren-
sis ballistics, or specializing in the development of
ammunition or explosives for law enforcement.
(4) Commerical preparation, assembly or pos-
session of explosive bullets by manufacturers of
ammunitions licensed by the federal government,
in connection with the supply of those organiza-
tions and persons exempted by paragraph (g)(1)
of this section, or like organizations and persons
outside this state, or the transportation of explo-
sive bullets to any organization or person ex-
empted in this section by a common carrier or by
a vehicle owned or leased by an exempted manu-
facturer.
(h) A charge based upon a violation of any
subsection need not negative any exemptions
contained in this section. The defendant shall
have the burden of proving such an exemption.
(i) Nothing in this section shall prohibit, apply
to or affect the transportation, carrying or pos-
session of any pistol or revolver, stun gun, taser
or other firearm consigned to a common carrier
operating under license of the state or the fed-
eral government, where such transportation,
carrying or possession is incident to the lawful
transportation in which such common carrier is
engaged; and nothing in this section shall pro-
hibit, apply to or affect the transportation, carry-
ing or possession of any pistol, revolver, stun
gun, taser or other firearm, not the subject of
and regulated by subsection 29-49, paragraph
(a)(7), which is unloaded and enclosed in a
“case, firearm carrying box, shipping box or other
container, by the possessor of a valid firearm
owners identification card.”
29-46. Possession of ammunition and fire-
arms by underage persons.
(a) No underage person shall acquire, pos-
sess or transport any firearm or firearm ammun-
tion within the city, except for the purpose of fire-
arm instruction and any other lawful purpose
while in the custody and immediate control of
their parent, legal guardian or other person in
locos parentis to the underage person so long as
said parent, legal guardian or other person in
locos parentis to the underage person has a
currently valid State of Illinois Firearm Owner’s
Identification Card.
(b) This section shall not apply to:
(1) Any underage person who was honorably
discharged from the United States military and
can otherwise own a firearm under state and
federal law;
or
(2) The acquisition, possession or transporta-
tion of a shotgun or rifle by a person eighteen
(18) years old or older who has a valid State
of Illinois Firearm Owner’s Identification Card and
has successfully completed a hunter safety edu-
cation course certified by the State of Illinois.
(c) No underage person may bring any firearm
or firearm ammunition within the city, except as provided for in
paragraph (a) above.
(d) A person violating subsection (a) or (c) of
this section shall be guilty of a Misdemeanor III.
(e) Upon conviction of a violation of this sec-
tion, any weapon seized by law enforcement
shall be transferred to the police department for
disposition.
(f) For the purpose of this section:
(1) Firearm, rifle and shotgun have the mean-
ings ascribed to them in section 29-49 of this
Code.
(2) Firearm ammunition means any bullet,
self-contained cartridge, shotgun shell, or pro-
jectile, by whatever name known, which is
designed to be used or adaptable to use in a
firearm; excluding, however, any ammunition
exclusively designed for use with a device used
exclusively for signaling or safety and required or
authorized by United States Coast Guard or the Interstate Commerce
Commission, or any ammunition designed exclusively for use
with a stud or rivet driver or other similar industrial ammunition.
(3) Underage person means a person under
the age of twenty-one (21).
29-47. Air and spring guns.
(a) No person shall possess an air rifle, air
gun, air pistol, spring gun, spring pistol, B-B gun,
pellet gun or any other implement that is not a
firearm and which impels a pellet constructed of
hard plastic, steel, lead or other hard material
with a force that reasonably may be expected
to cause bodily harm, under the conditions speci-
fied for firearms in subsections (a)(4), (a)(10) or
(a)(12) of section 29-43 of this article.
(b) This section shall not apply to:
(1) Any law enforcement officer of this or any
other municipality or state of the United States,
members of the armed forces of the United
States, or the organized militia of this or any oth-
er state to the extent that any such person is
otherwise authorized to possess an assault
weapon or large capacity ammunition feeding device.
(2) Persons licensed as private security
contractors, private detectives, private alarm
contractors or employed by an agency certified
by the department of professional regulation if
their designation includes the carrying of a weapon
under the provisions of the Private Detective,
Private Alarm, Private Security, and Locksmith
Act of 2004 (225 ILCS 447/1 et seq.). while
actually engaged in the performance of the
duties of their employment or commuting
between their homes and places of employment,
persons engaged in such activities are not subject to
the provisions of this article.
(c) Any person violating this section shall be
guilty of a Misdemeanor III.
(d) A person violating subsection (a) or (c) of
this section shall be guilty of a Misdemeanor III.
(e) Upon conviction of a violation of this sec-
tion, a weapon seized by law enforcement
shall be transferred to the police department for
disposition.
(f) For the purpose of this section:
(1) Air rifle, air gun and spring guns have the
meanings ascribed to them in section 29-49 of this
Code.
(2) Air rifle ammunition means any bullet,
self-contained cartridge, shotgun shell, or pro-
jectile, by whatever name known, which is
designed to be used or adaptable to use in a
firearm; excluding, however, any ammunition
exclusively designed for use with a device used
exclusively for signaling or safety and required or
authorized by United States Coast Guard or the Interstate Commerce
Commission, or any ammunition designed exclusively for use
with a stud or rivet driver or other similar industrial ammunition.
(3) Underage person means a person under
the age of twenty-one (21).

Any assault weapon with a folding or telescoping stock that cannot accept a detachable magazine or clip that holds more than eight (8) rounds of ammunition;

(3) Any semiautomatic shotgun that cannot hold more than five (5) rounds of ammunition in a fixed or detachable magazine;

(4) Any firearm that can only be operated manually by a trigger hand or similar action;

(5) Any magazine, belt, drum, feed strip or similar device originally manufactured to accept more than fifteen (15) rounds of ammunition but which has been fitted with a permanent block so as to hold no more than fifteen (15) rounds of ammunition.

(f) Persons who, prior to the effective date of this section, lawfully possess assault weapons as defined herein may, within ninety (90) days of the effective date of this section, apply to the Aurora Police Department for a certificate of ownership for said assault weapons.

(a) No certificate of ownership shall, however, be granted for the following weapons:

Avtomat Kalashnikov AK-47 type (including all models of the Norinco, Mitchell and Poly Tech) Baretta AR-70 Franchi SPAS-12 and LAW-12 MAC-11 carbine type Street Sweeper and Stiker 12 revolving cylinder shotguns USAS-12 Uzi carbine and mini-carbine Any assault weapon with a folding or telescoping stock which is not designed to be fired from the Shoulder
(c) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(4) Large capacity ammunition feeding device means:
(a) Any magazine, belt, drum, feed strip or similar device designed to accept and carry ammunition in quantities of more than fifteen (15) rounds of ammunition; or
(b) Any combination of parts from which a device described in the above clause can be assembled.

The term does not include an attached tubular device designed to accept and carry ammunition in quantities of operating with only .22 caliber rimfire ammunition.

(5) Pistol means any firearm designed to be fired by the use of a single hand, as well as any combination of parts from which a pistol can be assembled.

(6) Rifle means a firearm designed or redeigned and made or remade to fire from the shoulder and designed or redeigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(7) Semiautomatic means a firearm that utilizes a portion of the energy of a firing cart-ridge to extract and eject a cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(8) Shotgun means a firearm designed or redesign and made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

29-50. Unlawful storage of ammunition and firearms.
(a) No person shall keep firearm ammunition or a loaded firearm within any premises or vehicle under his or her custody or control which he or she knows, or reasonably should know, a minor is likely to be able to gain access to without permission of the minor's parent or legal guardian, unless the firearm ammunition is in a locked container, the loaded firearm is equipped with a locking device, or said firearm is in a locked container.

(b) For the purposes of this section:
(1) Minor means a person under the age of eighteen (18) years;
(2) Firearm has the meaning ascribed to it in section 29-49 of this Code;
(3) Loaded firearm means a firearm in which there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder or a bullet or shot, in or attached in any manner to the firearm, including, but not limited to, in the firing chamber, magazine or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed loaded when it is capped or pinned and has a powder charge and ball or shot in the barrel or cylinder;
(4) Locking device means a device attached to a firearm other than the safety that temporarily prevents the firearm from functioning.
(5) A person violating this section shall be guilty of a misdemeanor II.

29-51. Replica firearms prohibited.
(a) "Replica firearm" means any toy, look-alike and imitation firearm having the appearance, shape, and/or configuration of any original firearm which was manufactured, designed, and produced since 1898 or any device, object or facsimile made of plastic, wood, metal or any other material that a person could reasonably perceive as an actual firearm.

Such term shall not, however, include:
(1) Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys modeled on real firearms designed, manufactured, and produced prior to 1898;
(2) Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, provided that the objects measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length, the length measurement excluding any gun stock length measurement.
(3) Any device and recessed no more than six (6) millimeters in length, the length measurement excluding any gun stock length measurement.
(b) It shall be unlawful for any person to sell, manufacture, purchase, possess or carry any replica firearm within the corporate limits of the City of Aurora unless such replica firearm contains, or has affixed to it, one of the markings set forth in subsection (c) of this section or unless this prohibition does not apply pursuant to subsection (d) of this section.
(c) The following markings are approved for replica firearms:
(1) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the United States General Services Administration) or orange color brighter than that specified by the federal standard color number, solid plug permanently affixed to the muzzle end of the barrel as an integral part of the entire device and recessed no more than six (6) millimeters from the muzzle end of the barrel.
(2) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the United States General Services Administration) or orange color brighter than that specified by the Federal Standard color number, marking permanently affixed to the exterior surface of the barrel covering such replica fiream contains, or has affixed to it, one of the markings set forth in subsection (c) of this section.
(d) The possession and use of a replica firearm is permitted:
(1) If the device is solely for use and is being used in theatrical productions, including motion picture, television and stage productions.
(2) If the replica firearm is in the possession and control of a carnival and is offered for use to carnival customers on a temporary basis. For the purpose of this section, "carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or rides.
(e) Penalties. Any person violating this section, upon conviction thereof, shall be fined not less than five hundred dollars ($500.00) nor more than ten thousand dollars ($10,000.00) for each offense, or imprisoned for a period not to exceed six (6) months, or both such fine and imprisonment. As an alternative to, or in addition to, any such fine, the violator may be made to perform community service.
said register shall be in the following form (see diagram for Section 4-144-050)[omitted]. Such register shall be kept open for the inspection of the police at all reasonable times during busi-
ness hours.

4-144-060. Restrictions on sales or gifts. It shall be unlawful for any person to purchase, barter or give away to any person within the city, any deadly weapon mentioned in Section 4-144-010, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

4-144-061. Sale of certain handgun ammu-
nition prohibited.

Except as allowed by section 8-20-100(e), it shall be unlawful for any person to sell, offer for sale, expose for sale, barter or give away to any person within the city, any armor piercing or .50 caliber ammunition.

4-144-062. Sale of handguns without child-
proofing or safety devices prohibited.
No person licensed under this chapter shall sell or otherwise transfer any ammunition to a person who is under the age of 18. 

4-144-063. Sale of piercing bullets.
No person licensed under this chapter shall sell, offer for sale, expose for sale, barter, give away or otherwise transfer any metal piercing bullets, as that term is defined in section 8-20-010.

4-144-070. Permit required when - Issu-
ance conditions. It shall be unlawful for any person to purchase any deadly weapon men-
tioned in Section 4-144-010 which can be con-
cealed on the person, without first securing from the superintendent of police a permit to do so. Before any such permit is granted, an applica-
tion in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the superin-
tendent of police at his discretion may require. 

The superintendent of police shall refuse such permit to any person under 18 years of age, any narcotic addict, any person who has been con-
victed of a felony under the laws of this state or any other jurisdiction within five years from release from penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and any person who has been re-
leased from a mental institution or from the custody of the Illinois Youth Commission within the last five years, or is mentally retarded. Other-
wise, in case he shall be satisfied that the appli-
cant is of good moral character, it shall be the duty of the superintendent of police to grant such permit.

4-144-080. Sales display restrictions. It shall be unlawful for any person to exhibit for sale in show cases or show windows, on coun-
ters or in any other public manner, any deadly weapon mentioned in Section 4-144-010, or to display any signs, posters, cartoons, or display cards suggesting the sale of any such deadly weapons, or any ammunition whose sale is pro-
hibited pursuant to Section 4-144-061 of this Code.

Article II. Gunsmiths

4-144-100. License - Required. It shall be unlawful for any person to engage in the busi-
ness of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without securing a weapons dealer li-
cense so to do.

4-144-130. Daily report required - Repairs.
Every person licensed under this chapter shall make out and submit to the superintendent of police, every day, before twelve noon, a legible and correct report of each firearm received for repair during the preceding 24 hours, which report shall contain the date, name, physical de-
scription, age, address and occupation of the owner of such firearm, the type of weapon, its make, and the serial number and bore length of such weapon, which report shall be substantially in the following form:

Date
Name of owner
Physical description of owner
Age of owner
Address of owner
Occupation of owner
Type of weapon
Make of weapon
Serial number
Bore and length of weapon

Article III. Air Rifles and Toy Weapons

4-144-140. License required when. It shall be unlawful for any person to engage in the busi-
ness of selling or to sell or to give away any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, without securing a wea-
pons dealer license, and no person having se-
cured such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the superinten-
dent of police to purchase such weapon in the manner hereinafter provided.

4-144-145 Replica air guns – Sale or trans-
fer prohibited.
(a) It shall be unlawful for any person to engage in the business of selling or to sell, exhibit for sale, give away or otherwise transfer any replica air gun in the city of Chicago. For purposes of this article, "replica air gun" means and includes any air gun, air pistol, air rifle, spring gun, spring pistol, BB gun, pellet gun or any combination of any of the above, which would reasonably be perceived as an actual firearm but that is incapable of being fired or discharged, except that the term shall not include any replica of an antique firearm, as defined in Section 8-20-030(b) of this Code. Each such replica firearm shall have as an integral part, permanently affixed, a blaze orange plug inserted in the barrel of such replica firearm. Such plug shall be recessed no more than six millimeters from the muzzle end of the barrel of such firearm.

(c) The manufacture, marketing, distribution, sale or possession of replica firearms are per-
mitted if the devices are manufactured, mar-
keted, distributed, sold or held (1) solely for sub-
sequent transportation in intrastate, interstate or foreign commerce, or (2) solely for use in theatri-
cal productions, including motion picture, televi-
sion and stage productions. Such devices shall not be displayed to the general public or sold for other use in the city. The use or possession of a paint pellet or paint pellet gun is permitted if the possession is solely within premises li-
censed as a public place of amusement; or if the use or possession is solely for the purpose of transporting the paint pellet gun or paint pellet gun to or from those premises by the licensee or agent or employee of the licensee or by the common carrier, for purposes of initial delivery, repair or disposal of the paint pellet or paint pellet gun.

(d) Any person who violates the provisions of this section, upon conviction thereof, shall be fined not less than $500.00 nor more than $1000.00 for each offense. In case of any such violation the person may also be sentenced to a term of not more than six months in the county jail or by incarceration in a penal institution other than a penitentiary for up to six months under the pro-
Title 8. Offenses Affecting Public Peace, Morals and Welfare

Chapter 8-16. Offenses By or Against Minors 8-16-090. Firearms for minors.

No person shall sell, loan, or furnish to any minor any toy gun, toy pistol, or other toy firearm in which any explosive substance can be used.

Chapter 8-20. Weapons

Article I. Definitions

8-20-010. Definitions.

For purposes of this chapter the following terms shall apply:

"Assault weapon" means:

(1) A semiautomatic rifle that has the ability to fire the ammunition of any firearm, or capable of being attached to a firearm or capable of being being attached to a firearm.

"Antique firearm" has the same meaning ascribed to that term in 18 U.S.C. § 921(a)(16).

"Firearm" means any device, by whatever name known, which is designed or restored to be fired other than by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

"Firearm registration certificate" means a certificate issued pursuant to the Act.

"Firearm" has the same meaning ascribed to that term in 18 U.S.C. § 921(a)(16).

"Firearms dealer" means a person and such person is under 18 years of age.

"Fireworks" means any device used exclusively for line-throwing, signaling, or safety and required or recommended by the United States Coast Guard or Interstate Commerce Commission; or

"Firearm case" means any firearm case, carrying box, shipping box or other similar container that is designed for the safe transportation of the firearm.

"FOID" means the Firearm Owner's Identification Card issued pursuant to the Act.

"Hands" means a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such firearm can be assembled.

"High capacity magazine" means any ammunition magazine having a capacity of more than 12 rounds of ammunition.

"Home" means the inside of a person’s dwelling house, or other structure which is used regularly for living purposes, including the basement and attic. A "home" does not include: (i) any garage, including an attached garage, on the lot; (ii) any space outside the dwelling unit, including any stairs, porches, back, side or front yard space, or common areas; or (iii) any dormitory, hotel, or group living, as that term is defined in section 17-17-0102-A.

"Licensed shooting range facility" means a shooting range facility, as that term is defined in Section 4-151-010, that has been issued a shooting range facility license pursuant to Chapter 4-151.

"Legal possession" means a person lawfully in possession of a firearm and is entitled to the lawful use of that firearm.

"Laser sight accessory" means a laser sighting device which is either integrated into a firearm or capable of being attached to a firearm.

"Lawful transportation" means the transportation of a firearm by a person:

(1) in compliance with section 8-20-090; or

(2) who has a valid FOID card, a CFP and firearm registration certificate, if applicable, and the firearm is:

(i) broken down in a nonfunctioning state;

(ii) not immediately accessible; and

(iii) unloaded and in a firearm case.

"Long gun" means any firearm, other than a handgun.
Article II. Possession of Firearms

8-20-020. Unlawful possession of handguns.

(a) It is unlawful for any person to carry or possess a handgun, except when in the person’s home.

(b) The provisions of this section shall not apply to:

(1) peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while assisting such officer;

(2) corrections officers while in the performance of their official duty, or while commuting between their homes and places of employment;

(3) members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty;

(4) security personnel;

(5) persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Illinois Department of Professional Regulation;

(6) persons regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while in the performance of their duties or traveling between sites or properties belonging to the employer, and who, as a security guard, is registered with the Illinois Department of Professional Regulation;

(7) persons employed by a financial institution for the protection of other employees and property related to such financial institution, while in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution;

(8) persons employed by an armored car company to drive an armored car, while in the performance of their duties;

(9) persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act;

(10) investigators of the Office of the State’s Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State’s Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State’s Attorneys Appellate Prosecutor’s Act;

(11) special investigators appointed by a State’s Attorney under Section 3-9005 of the Counties Code;

(12) probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned positions, resident in the county in which they are employed;

(13) court security officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the sheriff;

(14) persons employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who have completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission;

(15) duly authorized military or civil organizations while parading, with the special permission of the Governor;

(16) persons engaged in the manufacture, transportation, or sale of firearms to persons authorized under this subsection to possess those firearms;

(17) a person while engaged in the lawful transportation of registered firearms, known as a range master, manager or employee, as those terms are defined in Section 4-151-010, of a licensed shooting range facility, or a shooting range patrol of a licensed shooting range facility, while at the licensed shooting range facility.

8-20-030. Unlawful possession of long guns.

(a) It is unlawful for any person to carry or possess a long gun, except when in the person’s home or fixed place of business.

(b) The provisions of this section shall not apply to:

(1) any person listed in section 8-20-020(b);

(2) any duly licensed hunter who has a valid FID card, a CFP and firearm registration certificate, while engaged in hunting in an area where hunting is permitted.

8-20-035 Unlawful possession of unregisterable firearms.

(a) It is unlawful for any person to carry or possess any unregisterable firearm.

(b) The provisions of this section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess assault weapons, and is acting within the scope of his duties, or to any person while engaged in the manufacturing, transportation or sale of assault weapons to people authorized to possess them under this section.

(c) Notwithstanding the provisions of subsection (a), the provisions listed in section 8-20-170(a) may be possessed and used by the department for training and tactical operation, as authorized by the superintendent.

(d) Any firearm carried or possessed in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

8-20-040 Firearms kept or maintained in a home.

Subject to section 8-20-050, every person who keeps or possesses a firearm in his home shall keep no more than one firearm in his home and assembled and operable. If more than one person in the home has a valid CFP and registration certificate, each person with a valid CFP and registration certificate is entitled to have one such firearm assembled and operable in the home. All other firearms kept or possessed by that person in his home shall be broken down in a nonfunctioning state or shall have a trigger lock or other mechanism, other than the firearm safety mechanism, designed to render the firearm temporarily inoperable.

The provisions of this section shall not apply to peace officers.

8-20-050 Firearms-Protection of minors.

It is unlawful for any person to keep or possess any firearm or ammunition in his home
if the person knows or has reason to believe that a minor under the age of 18 years is likely to gain access to the firearm or ammunition, unless:

(a) It is unlawful for any person to carry, possess, sell, offer or display for sale, or otherwise transfer any high capacity magazine or metal piercing bullets, and is acting within the scope of his duties.

(b) No firearm or ammunition shall be security to or from another person, any firearm or ammunition may be sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

8-20-090. Interstate transportation of firearms. (a) It shall not be a violation of this chapter if a person transporting a firearm or ammunition while engaged in interstate travel is in compliance with 18 U.S.C.A. § 926A. There shall be a rebuttable presumption that any person within the city for more than 24 hours is not engaged in interstate travel, and is subject to the provisions of this chapter.

8-20-100. Permissable sales and transfers of firearms and ammunition. (a) Except as authorized by subsection (e) and section 2-84-075, no firearm may be sold, acquired or otherwise transferred within the city, except through inheritance of the firearm.

(b) No firearm or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge or pawn.

(c) No firearm or ammunition shall be lawfully held firearm or ammunition to another peace officer in accordance with the other provisions of this chapter.

(f) Notwithstanding any other provision of this section, a range master, manager or employee, as those terms are defined in Section 4-151-010, of a licensed shooting range facility may sell ammunition, or provide a firearm to, a shooting range patron in compliance with Section 4-151-170.

Article III. Permits for and Registration of Firearms

8-20-110 CFP-Required. (a) It is unlawful for any person to carry, possess, sell, offer or display for sale, or otherwise transfer any high capacity magazine or metal piercing bullets. This section shall not apply to corrections officers, members of the armed forces of the United States, or the organized militia of this or any other state, and peace officers, to the extent that any such person is otherwise authorized to acquire or possess metal piercing bullets, and is acting within the scope of his duties, or to any person while in the manufacturing, transportation or sale of high capacity magazines or metal piercing bullets to people authorized to possess them under this section.

(b) Any high capacity magazine or metal piercing bullets carried, possessed, displayed, sold or otherwise transferred in violation of this section is hereby declared to be contraband and shall be seized by and forfeited to the city.

It shall not be a violation of this chapter if a person transporting a firearm or ammunition while engaged in interstate travel is in compliance with 18 U.S.C.A. § 926A. There shall be a rebuttable presumption that any person within the city for more than 24 hours is not engaged in interstate travel, and is subject to the provisions of this chapter.

(c) No firearm or ammunition shall be lawfully held firearm or ammunition to another peace officer in accordance with the other provisions of this chapter.

(f) Notwithstanding any other provision of this section, a range master, manager or employee, as those terms are defined in Section 4-151-010, of a licensed shooting range facility may sell ammunition, or provide a firearm to, a shooting range patron in compliance with Section 4-151-170.

(a) Subject to subsection (d), it is unlawful for any person to carry or possess a firearm without a CFP.

(b) No CFP application shall be approved unless the applicant:

(1) is 21 years of age or older, provided that an application of a person 18 years or older but less than 21 may be approved if the person has the written consent of his parent or legal
guardian to possess and acquire a firearm or firearm ammunition and that he has never been convicted of a misdemeanor, other than a traffic offense or adjudged a delinquent; provided that such parent or legal guardian is not an individual prohibited from having a FOID or CFP, and that the parent files an affidavit with the department attesting that the parent is not an individual prohibited from having a FOID or CFP;

(2) possesses a valid Illinois FOID;

(3) has not been convicted by a court in any jurisdiction of:

(i) a violent crime,

(ii) two or more offenses for driving under the influence of alcohol or other drugs; or

(iii) an unlawful use of a weapon that is a firearm;

(4) has vision better than or equal to that required to obtain a valid driver’s license under the standards established by the Illinois Vehicle Code;

(5) is not otherwise ineligible to possess a firearm under any federal, state or local law, statute or ordinance; and

(6) has not been convicted, adjudicated, admitted to, or found liable for a violation of section 8-20-060 or 8-20-100.

(6) the applicant’s Illinois driver’s license number and a copy of the applicant’s driver’s license or Illinois identification card;

(7) an affidavit signed by a firearm instructor certified by the State of Illinois to provide firearm training courses attesting that the applicant has completed a firearm safety and training course, which, at a minimum, provides one hour of range training and four hours of classroom instruction that is in compliance with the requirements of the classroom instruction course, as established in rules and regulations; and

(8) any other information as the superintendent shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination as to whether the terms of this chapter have been complied with.

The superintendent shall be the custodian of all applications for registration certificates under this chapter.

(d)(1) Subject to subsection (d)(2), an application for a registration certificate shall be approved no later than 120 days after a person takes possession within the city of a firearm from any source; provided that any applicant who has submitted a complete application within the required 5 business days shall be considered in compliance with this subsection until his registration certificate is either approved or denied.

(2) Notwithstanding any provision of this chapter to the contrary, a person has 90 days after the effective date of this 2010 ordinance to register a firearm, including a handgun, which had not been previously registered; provided that the person and firearm meet all the requirements of this ordinance.

(4) For an application for a firearm registration certificate submitted within 180 days after the effective date of this 2010 ordinance, the superintendent shall either approve or deny the application within 21 days of the submission of the application, unless good cause is shown. An application shall not be deemed submitted until the applicant provides all the required information or documentation.

(f) The provisions of this section shall not apply to any person listed in section 8-20-020(b)(1) – (16) or a person engaged in interstate travel in compliance with section 8-20-100.

(f) Notwithstanding any other provision of this section, a CFP shall not be required of a shooting range patron at a licensed shooting range facility while the shooting range patron is receiving the one-hour range training in compliance with this section. This exception only applies for a one-time one-hour period while the shooting range patron is receiving the range training portion of the required firearm safety and training course.

8-20-120. CFP Application.

(a) An applicant for a CFP shall submit an application to the superintendent on a form or in a manner prescribed by the superintendent. The application shall include the following:

(1) name, residential address and telephone number of the applicant;

(2) the applicant’s date of birth and sex;

(3) the applicant’s Illinois firearm owner’s identification number and a copy of the applicant’s FOID card;

(4) evidence that the applicant meets the criteria of section 8-20-110;

(5) two identical photographs of the applicant taken within 30 days immediately prior to the date of filing the application, equivalent to passport size, showing the full face, head and shoulders of the applicant in a clear and distinguishing manner;

(6) the applicant’s Illinois driver’s license number and a copy of the applicant’s driver’s license or Illinois identification card;

(7) an affidavit signed by a firearm instructor certified by the State of Illinois to provide firearm training courses attesting that the applicant has completed a firearm safety and training course, which, at a minimum, provides one hour of range training and four hours of classroom instruction that is in compliance with the requirements of the classroom instruction course, as established in rules and regulations; and

(8) any other information as the superintendent shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination as to whether the terms of this chapter have been complied with.

Notwithstanding any provision of this chapter to the contrary, a person has 90 days after the effective date of this 2010 ordinance to register a firearm, including a handgun, which had not been previously registered; provided that the person and firearm meet all the requirements of this ordinance.

For an application for a firearm registration certificate submitted within 180 days after the effective date of this 2010 ordinance, the superintendent shall either approve or deny the application within 21 days of the submission of the application, unless good cause is shown. An application shall not be deemed submitted until the applicant provides all the required information or documentation.

(f) The provisions of this section shall not apply to:

(1) firearms owned or under the direct control or custody of any federal, state or local governmental authority maintained in the course of its official duties;

(2) duty-related firearms owned and possessed by peace officers who are not residents of the city;

(3) duty-related firearms owned or possessed by corrections officers and who are not residents of the city;

(4) firearms owned, manufactured or possessed by licensed manufacturers of firearms, bulk transporters or licensed sellers of firearms at wholesale or retail, provided that such persons have federal firearms license;

(5) any nonresident of the city participating in any lawful recreational firearm-related activity in the city, or on his way to or from such activity in another jurisdiction; provided that such firearm shall be (i) broken down in a nonfunctioning state; (ii) not immediately accessible; and (iii) unloaded and in a firearm case;

(6) persons licensed as private security contractors, security guards, private detectives, or private alarm contractors, or employed by an agency certified as such by the Department of Professional Regulation;

(7) duty-related firearms of investigators of the Office of the State’s Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State’s Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State’s Attorneys Appellate Prosecutor’s Act;
(8) duty-related firearms of special investigators appointed by a State’s Attorney under Section 3-9005 of the Counties Code;

(9) firearms being transported by a person engaged in interstate travel in compliance with section 8-20-100;

(10) a handgun registered to that retired department police officer to assist in making an arrest or preserving the peace while actually engaged in assisting the peace officer.

(g) Each registration certificate issued shall contain a unique registration certificate number, the person’s name, the address at which the firearm was located, and any other information the superintendent deems necessary to identify the person and the firearm.

(h) Notwithstanding any other provision of this section, a shooting range patron at a licensed shooting range facility who is provided a firearm by the range master, manager or employee, as those terms are used in Section 4-41-010, of a licensed shooting range facility shall be in compliance with this section if the firearm is registered to the person issued a license for the shooting range facility in accordance with Chapter 4-151.

8-20-145 Registration certificates - Expiration.

(a) A registration certificate issued prior to the effective date of this 2010 ordinance shall remain in effect until its expiration.

(b) For registration certificates issued after the effective date of this 2010 ordinance, a registration certificate shall expire on the same date as the date of the expiration of the CFP issued to that person.

(c) A person shall file an annual registration report with the superintendent on a form, and in a manner, prescribed by the superintendent. The annual registration report shall set forth such information as required by the superintendent and in rules and regulations. If a person has multiple registration certificates, the superintendent may align the dates for the annual registration reports to the same reporting date and combine such annual registration reports into one report. Failure to file an annual registration report may result in revocation of a person’s CFP or registration certificate, and may cause the firearm to become unregisterable to that person.

8-20-150. Application Fees.

(a) A nonrefundable application fee of $15.00 shall be payable for each firearm registered. The fee shall accompany each initial application for a registration certificate.

(b) Any duty-related firearm that was registered to that retired department police officer at the time of the his separation from active duty in the department.

8-20-160. Restrictions on registration certificates.

(a) Subject to subsections (b) and (c), the superintendent shall issue no more than one firearm registration certificate to a person for a handgun during any 30-day period; provided that the superintendent may permit a person first becoming a city resident to register more than one handgun if those handguns were lawfully owned in another jurisdiction for a period of 6 months prior to the date of application.

(b) In addition to a registration certificate for a handgun pursuant to subsection (a), an applicant may be issued a registration certificate for:

(1) any firearm possessed by an applicant that was lawfully registered on the date of the enactment of this ordinance;

(2) any long gun which is eligible to be registered; or

(3) any antique firearm, including antique handguns.

The burden of proving that a firearm is an antique firearm shall be on the applicant.

(c) In addition to a registration certificate for a handgun pursuant to subsection (a), a retired department police officer may be issued a registration certificate for each duty-related handgun that was registered to that retired department police officer at the time of his separation from active duty in the department.

8-20-170. Registrable firearms.

No registration certificate shall be approved for any of the following types of firearms:

(a) a sawed-off shotgun, .50 caliber rifle, machine gun, or short-barreled rifle;

(b) an unsafe handgun;

(c) a firearm that becomes unregisterable under the provisions of this chapter; provided that it shall only be unregisterable for that person; or

(d) assault weapons, unless they are owned by a person who is entitled to carry or possess them pursuant to section 8-20-035.

8-20-180. –CFP and registration certificate – General Provisions.

(a) After issuance of a CFP or a registration certificate to a person, the person shall examine the CFP or registration certificate to insure that the information thereon is correct. If the information is incorrect in any respect, the person shall return it to the superintendent with a signed statement showing the nature of the error. The superintendent shall correct the error if it occurred as a result of the superintendent’s administrative process.

In the event that the error resulted from incorrect information contained in the application, the person shall submit an amended application setting forth the correct information and a statement explaining the error in the original application.

(b) A CFP and the registration certificate shall be valid only for the person to whom it was issued.

(c) A registration certificate shall only be valid for the address on the registration certificate.

(d) A CFP or registration certificate shall not be subject to sale, assignment, or transfer, voluntary or involuntary.

(e) Any application for a CFP or a registration certificate shall be held in abeyance when there is a criminal proceeding for a violent crime, or an offense involving a weapon, or a proceeding to deny or revoke a CFP or firearm registration certificate pending against the person, until such proceeding has terminated.

8-20-185 Additional Duties.

(a) Every person issued a CFP or a firearm registration certificate, in addition to any other requirements of this code, shall immediately notify the department in a manner prescribed by the superintendent of:

(1) the destruction of his firearm, or when the person knows, or should have known, that his firearm is lost, stolen or otherwise missing;

(2) the loss, theft or destruction of the CFP or registration certificate within 72 hours of the discovery of such loss, theft, or destruction;

(3) any change in any of the information appearing on the CFP or firearm registration certificate;

(4) the sale, transfer, inheritance, or other disposition of the firearm not less than 48 hours prior to delivery.

(b) Every person issued a CFP or a firearm registration certificate, in addition to any other requirements of this code, shall:

(1) immediately return to the superintendent his copy of the registration certificate for any firearm which is lost, stolen, destroyed or otherwise disposed of; and

(2) keep all information current. Any change required information shall be reported, on a form and in manner prescribed by the superintendent, within 24 hours after the change.

8-20-190 Denials and revocations.

(a) An application for a CFP or a registration certificate shall be denied for any of the following reasons:

(1) any of the eligibility criteria of this chapter are not currently met;

(2) the person fails to respond to any additional information, or investigation inquiries, requested by the superintendent regarding any application.

(b) A registration certificate shall be revoked:

(1) when the firearm becomes an unregisterable firearm; or

(2) if the CFP of the person was revoked.

(c) A CFP shall be revoked if any of the eligibility criteria of this chapter are not currently met.

(d) A CFP or registration certificate may be denied or revoked for a violation of this chapter, or any rules or regulations promulgated hereunder:

(1) any of the eligibility criteria of this chapter are not currently met;

(2) a change in any of the information appearing on the CFP or registration certificate for any firearm which is lost, stolen, destroyed or otherwise disposed of; and

(3) otherwise lawfully disposing of his interest in such firearm.

The person shall submit to the superintendent evidence of the disposition of any such firearm in accordance with rules and regulations promulgated by the superintendent.

8-20-200 Procedure for Denial.

(a) If an application for a CFP or a registration certificate is denied by the superintendent, the superintendent shall notify the person making such application, in writing, of the denial. The notice of denial shall:

(1) set forth the basis of the denial;

(2) include a statement that within ten days of the notice of denial, the person is entitled to request a hearing, in person and in writing, at the department of administrative hearings;
reason stated in the notice and the denial shall include a statement of service; and
(5) include a certificate of service; and
(6) include an oath or affirmation by the superintendent certifying the correctness of the facts set forth in the notice of denial.
(b) The person, within ten days after notice is sent of the denial, may file with the department of administrative hearings a request for a hearing. Such hearing request shall be made in person, and in writing, at the department of administrative hearings. An administrative law officer of the department of administrative hearings shall conduct such hearing within 72 hours of the request, excluding Saturdays, Sundays, and legal holidays.
(c) The department of administrative hearings shall conclude the hearing no later than 7 days after the commencement of the hearing.
(d) Based upon the evidence contained in the record, an administrative law officer of the department of administrative hearings shall, within 5 days of the conclusion of the hearing, issue written findings and enter an order granting or denying the application. A copy of the findings and order shall be served upon the person and all parties appearing or represented at the hearing.
(e) If the person does not request a hearing within ten days after the notification of the denial is sent, the person shall be deemed to have conceded the validity of the reason stated in the notice and the denial shall become final.
8-20-205 Procedure for revocation.
(a) Except in cases where a CFP or registration certificate is automatically revoked pursuant to section 8-20-190(e), if, in the determination of the superintendent, a CFP or a registration certificate should be revoked, he shall notify the person whose CFP or registration certificate is the subject of such revocation, in writing, of the proposed revocation. The notice shall:
(1) set forth the basis for the revocation;
(2) specify the location, date, and time for a hearing on the revocation;
(3) include a statement that the person is entitled to appear at the hearing to testify, present documents, including affidavits, and any other evidence to contest the proposed revocation;
(4) include a statement that failure of the person to appear at the hearing may include an entry of an order revoking the person's CFP or registration certificate;
(5) include a certificate of service; and
(6) include an oath or affirmation by the superintendent certifying the correctness of the facts set forth in the notice.
(b) The department of administrative hearings shall convene the hearing at the location and on the date and time specified in the revocation notice.
(c) Based upon the evidence contained in the record, an administrative law officer of the department of administrative hearings shall, within 5 days of the conclusion of the hearing, issue written findings and enter an order granting or denying the proposed revocation. A copy of the findings and order shall be served upon the person and all parties appearing or represented at the hearing.
(d) Within three days after notification of a decision unfavorable to the person, and all time for appeals has expired, the person shall:
(i) for revocation of a registration certificate:
(ii) peaceably surrender to the department the firearm for which the registration certificate was revoked;
(iii) remove such firearm from the city; or
otherwise lawfully dispose of his interest in such firearm.
(ii) for revocation of a CFP, dispose of all firearms in accordance with subsection (a)(1).
(e) The person shall submit to the superintendent evidence of the disposition of any such firearm in accordance with rules and regulations promulgated by the superintendent.
(f) The person shall comply with section 8-20-190 for revocation of a registration certificate. Within three days after notification of the automatic revocation of the person's CFP or registration certificate. The person shall submit to the superintendent evidence of the disposition of any such firearm in accordance with rules and regulations promulgated by the superintendent.
(g) The person shall submit to the superintendent evidence of the disposition of any such firearm in accordance with rules and regulations promulgated by the superintendent.
(h) The person shall submit to the superintendent evidence of the disposition of any such firearm in accordance with rules and regulations promulgated by the superintendent.
(i) If the person does not request a hearing within three days after the notification, the person shall be deemed to have conceded the validity of the identification.
8-20-207 Automatic revocation of registration certificate. If, after a hearing, a CFP issued to a person is revoked, all firearm registration certificates issued to that person shall automatically be revoked and the person shall comply with section 8-20-205(d) for disposition of the firearms.

Article IV. Miscellaneous Provisions.
8-20-220 False Information – Forgery – Alteration.
(a) It is unlawful for any person purchasing any firearm or ammunition, or applying for any CFP or registration certificate, or, in giving any information pursuant to the requirements of this chapter, to knowingly give false information or offer false information or evidence of identity. 
(b) It is unlawful for any person to forge or materially alter any application for a CFP or firearm registration certificate.
(c) It is unlawful for any person to forge or materially alter a CFP or firearm registration certificate.
(d) It is unlawful for any person to knowingly possess a forged or materially altered CFP or firearm registration certificate.
(f) It is unlawful for any person to knowingly make any false statement, submit any false information or misrepresent any information required in this chapter.
8-20-230 Notice. For the purposes of this chapter, service of any notice, finding or decision upon a person shall be completed by
(a) personal delivery of a copy of such notice, finding or decision to the person;
(b) leaving a copy of such notice, finding or decision at the address identified on the application for a CFP or registration certificate;
(c) mailing, by first class mail, a copy of the notice, finding or decision to the address identified on the application for a CFP or registration certificate, in which case service shall be complete as of the date the notice was mailed.
8-20-240 Posting of unsafe handguns.
(a) The superintendent shall post on the department's web site the roster of unsafe handguns.
(b) No less than 10 days prior to placing any handgun on the roster of unsafe handguns, the superintendent shall post on the department's web site the type and model of the handgun that will be placed on the roster.
8-20-250 Seizure and forfeiture of firearms, ammunition, laser sight accessories and firearm silencers – Authority and destruction. The superintendent has the authority to seize any firearm, assault weapon, ammunition, laser sight accessories, or firearm silencer or muffler carried or possessed in violation of this chapter or any applicable state or federal law. Such items are hereby declared contraband and shall be seized by and forfeited to the city.
Whenever any firearm, ammunition, laser sight accessories, or firearm silencer or muffler is surrendered or forfeited pursuant to the terms of this chapter, or any applicable state or federal law, the superintendent shall ascertain whether such firearm, ammunition, assault weapon, laser sight accessories, or firearm silencer or muffler is needed as evidence in any matter. All such items which are not required for evidence shall be destroyed at the direction of the superintendent; provided that those firearms and ammunition which the superintendent shall deem to be of use to the department may be retained for the use of the department. A record of the date and method of destruction and an inventory of the firearm or ammunition so destroyed shall be maintained.
8-20-260 Rules and regulations. The superintendent has the authority to promulgate rules and regulations for the implementation of this chapter and to prescribe all forms and the information required. All rules and regulations promulgated by the superintendent pursuant to this chapter shall be posted on the department's web site.
8-20-270 Acquisition or possession prohibited by law. Nothing in this chapter shall make lawful the acquisition or possession of firearms or ammunition which is otherwise prohibited by law.
8-20-290 Severability. If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions or terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

Article V. Violation of Chapter Provisions

Page 183
8-20-030 Violation - Penalty. 
(a) Any person who violates section 8-20-020, 8-20-030, 8-20-035, 8-20-060, 8-20-060 or 8-20-110 shall upon conviction be fined not less than $1,000.00 nor more than $5,000.00 and be incarcerated for a term not less than 20 days nor more than 90 days. Each day that such violation exists shall constitute a separate and distinct offense.

(b) Unless another fine or penalty is specifically provided, any person who violates any provision of this chapter, or any rule or regulation promulgated hereunder, shall upon conviction of personal liability therefor, be fined not less than $1,000.00, nor more than $5,000.00, or be incarcerated for not less than 20 days nor more than 90 days, or both. Any subsequent conviction for a violation of this chapter shall be punishable by a fine of not less than $5,000.00 and not more than $10,000.00, and by incarceration for a term of not less than 30 days, nor more than six months. Each day that such violation exists shall constitute a separate and distinct offense.

(c) In addition to any other fine or penalty provided in this chapter, the CFP or registration certificate of any person who violates any provision of this chapter, or any rule or regulation promulgated hereunder, may be revoked. Persons whose CFP is revoked shall not be eligible for a CFP for 5 years from the date of the revocation; provided that the superintendent may waive this restriction if, in the determination of the superintendent, the applicant has demonstrated that the applicant has good reason to fear injury to his person or property.

(d) Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the superintendent may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which the superintendent has been properly served, to the department of administrative hearings.

Chapter 8-24. Firearms and Other Weapons

8-24-020. Carrying dangerous weapons....
(a) No person shall sell, offer for sale, keep, possess, loan or give to any person any knife, the blade of which is released by a spring mechanism, including knives known as "switch-blades", any blackjack, slingshot, sandclub, sandbag, metal knuckles or bludgeon. No person shall sell, offer for sale, loan or give to any person 18 years of age or under any type or kind of knife, any blade of which is two inches in length or longer.

(b) Reserved

(c) No person shall carry or possess any knife, the blade of which is released by a spring mechanism, including knives known as "switch-blades", any blackjack, slingshot, sandclub, sandbag, metal knuckles or bludgeon. No person 18 years of age or under shall carry or possess any knife, the blade of which is two inches in length or longer.

(d) No person shall carry or possess with intent to use same unlawfully against another a dagger, dirk, billy, dangerous knife, razor, stiletto or other dangerous deadly weapon.

(e) Reserved

(f) No person shall carry concealed on or about his person a dagger, dirk, stiletto, bowie knife, commando knife, any blade of which is released by a spring mechanism, including knives known as "switch-blades" or any other type or kind of knife, any blade of which is more than two and one-half inches in length, ordinary razor or other dangerous weapon except that no person 18 years of age or under shall carry concealed on or about his person, any knife, the blade of which is two inches in length or longer. Provided, however, that this provision shall not apply to the following officers while engaged in the discharge of their official duties: sheriffs, coroners, constables, policemen or other duly constituted police officers and wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, nor to the following employees or agents while engaged in the discharge of the duties of their employment: conductors, baggagemen, messengers, drivers, watchmen, special agents and policemen employed by railroads or express companies; nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace, while so engaged in assisting such officer.

(g) Any person violating the provisions of subsections (a), (c), (d) or (f) of this section shall be fined $200.00 for each offense, or shall be punished by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

(h) Any weapons used in violation of this section shall be forfeited to the city.

8-24-025. Assault weapons or ammunition - Sale Prohibited - Exceptions.
Reserved

8-24-026. Fragmenting bullets and metal piercing bullets - Sale prohibited - Exceptions.
Reserved

8-24-027 Disguised firearms prohibited.

(a) No person shall purchase, acquire, sell, offer or expose for sale, or possess any firearm that is designed, constructed, modified or disguised to resemble any other object.

(b) Any person who violates subsection (a) of this section shall be incarcerated for not less than 30 days and not more than 180 days for each offense. Each day of a continuing violation, and each purchase, acquisition, sale, offering or exposure for sale, possession or ammunition of a firearm described in subsection (a) shall constitute a separate and distinct offense.

(c) Nothing in this section suspends, repeals or alters any other provision of this Code which limits, restricts or prohibits the purchase, acquisition, sale, offering or exposure for sale, or possession of a firearm.

8-24-060. Violation - Penalty. Any person violating any of the provisions of this chapter, where no other penalty is specifically provided, shall be fined not more than $200.00 for each offense.


Code of the City of Peoria

Chapter 20. Offenses and Miscellaneous Provisions

Article III. Minors

Division 1. Generally

20-51. Selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter, furnish or offer to sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, bowie knife, dirk, dagger or other deadly weapon of a like character.

Article VI. Weapons

Division 2. Concealable Deadly Weapons

20-181. License to sell, etc. (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, bowie knife, or any other deadly weapon, which can be concealed on the person, without securing a license so to do.

(b) The application, form, required by subsection (a) of this section shall be made in conformity with the general requirements of article I of chapter 18 of this Code, relating to applications for licenses.

(c) The annual fee for a deadly weapon license shall be $20.00.

(d) In case the city manager shall determine that the applicant for a license under this section has violated any provision of this section, he shall revoke the license of such person for the selling of such weapons, and the money paid for such license shall be forfeited to the city.

No other license shall be issued to such licensee for a period of three years thereafter.

20-182. Required certificate and thumbprint.

(a) It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in section 20-181, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement in which he states that he is over 21 years of age; that he is not a fugitive from justice; nor an unlawful user or addicted to a depressant, stimulant or narcotic drug; nor that he has been adjudicated mentally defective or has been committed to a mental institution; and which statement shall contain a thumbprint from the person receiving such weapon. Such thumbprint shall be the right-hand thumbprint unless circumstances prevent, in which case it shall be the left-hand thumbprint. All such information required by this section shall be entered upon forms provided by the superintendent of police for that purpose.

(b) Any person violating the provisions of this section shall be punished as provided in section 1-5 of this Code.

20-183. Record of weapons sold, loaned, etc., to be kept; forms; inspection.

(a) Every person dealing in the weapons mentioned in section 20-181 at retail within the city shall keep a record of all such weapons sold, loaned, rented or given away by him. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include the name of the person to whom such weapon is sold, loaned, rented or given; his age; date of birth; legal residence; social security number, if any; driver's license number, if any; the kind and description of the weapon; if a firearm, the make, caliber and finish thereof, together with the number or serial letter thereof, if any; his state firearm owner's identification:

Page 184
number; the date of the sale, loaning, rental or gift and the name of the employee or other person making such sale, rental, loan or gift.

(b) Such book shall be kept open for the inspection of the police at all reasonable times during business hours.

(c) Any person violating the provisions of this section shall be punished as provided in section 1-5 of this Code.

20-184. Report of sales, etc., to superintendent of police. Every person dealing in the deadly weapons referred to in section 20-181 shall deliver daily reports to the superintendent of police containing a correct and correct report of every sale or gift made under authority of his license during the preceding 24 hours and shall set forth the information required in section 20-183 and the certificate required by section 20-182.

20-185. Restriction on sale. It shall be unlawful for any person to sell, barter or give away to any person within the city; any deadly weapon mentioned in section 20-181, to any person known to him to be under 21 years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

20-186. Exhibiting firearms. It shall be unlawful for any person to exhibit or display any firearm capable of being concealed on the person in any display window on the exterior of a business establishment during hours the establishment is not opened for business.

20-187. Registration. (a) All permanent residents of the city and those persons who reside in the city continuously for more than ten days who have in their possession any pistol, revolver or gun which may be concealed on the person shall register such gun or pistol with the superintendent of police, setting forth the caliber, make, model and manufacturer's number. No fee shall be required for such registration.

(b) For the purpose of this article only, the term "reside" shall mean either the physical presence of a person at a location for the reason of shelter or lodging, or the keeping of a dwelling by a person for the purpose of his shelter.

(c) Any person who does not register a deadly weapon as provided shall be fined not less than $50.00 nor more than as provided in section 1-5 for failure to register such revolver, gun or pistol.

[Peoria City Code codified through Ordinance No. 16454, adopted July 28, 2009]

Code of Ordinances of the City of Rockford

Chapter 5. Business Permits, Taxes and Licenses

Article III. Miscellaneous Business Regulations

Division 9. Weapons Dealers

5-489. License required. It shall be unlawful for any individual, firm, corporation, company or association to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city, a new or used hand-gun without first having secured a license from the city. The term "engaged in the business" means devoting time, attention and labor to engaging in such activity as a regular course of trade or business with the principal objective of profit.

5-490. Record required; inspection.

(a) It shall be the duty of every licensee hereunder to keep a permanent register of all weapons sold, repaired or given away by such licensee for a period of ten years from the date of transaction, the register to be in substantially the following form:

1. The date of the transaction;
2. The serial number of the weapon;
3. To whom sold or given;
4. The age and residence of the purchaser;
5. The kind and description of the weapon; and
6. The number of the purchaser's firearm owner's identification card.

(b) Entries in this register shall be made at the time of the sale, repair, or gift, and the register shall be kept open for inspection by any member of the police department at all reasonable times.

Chapter 19. Offenses – Miscellaneous

Article II. Weapons

19-52. Furnishing bullets, pellets, arrows, etc., to minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of 18 years and it shall be unlawful for any person under the age of 18 years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchase, sale or gift, or in any other manner.

[Code of Ordinances of the City of Rockford codified through Ordinance No. 2008-104-O, enacted May 27, 2008]

Code of Ordinances of the City of Springfield

Title IX. General Regulations

Chapter 98. Nuisances

98.06. Chronic nuisances.

(a) Any property within the City of Springfield which becomes a chronic nuisance Property is in violation of this chapter and is subject to its remedies. Any person in charge who permits property under his or her ownership or control to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.

(b) Definitions:

1. Chronic nuisance property. Chronic nuisance property is property upon which two or more of the following criminal activities have occurred during any 60-day period, as a result of any two separate factual events that have been independently investigated by a law enforcement agency:

   a. Unlawful use of weapons, 720 ILCS 5/24-1;
   b. Unlawful use or possession of weapons by felons or persons in the custody of the department of corrections facilities, 720 ILCS 5/24-1.1;
   c. Aggravated discharge of a firearm, 720 ILCS 5/24-1.2;
   d. Reckless discharge of a firearm, 720 ILCS 5/24-1.5;
   e. Unlawful sale of firearms, 720 ILCS 5/24-3;
   f. Unlawful possession of firearms and firearm ammunition, 720 ILCS 5/24-3.1;
   g. Manufacture or delivery of a controlled substance, 720 ILCS 570/401;
   h. Controlled Substance Act, 720 ILCS 570/401;
   i. Controlled substance trafficking, 720 ILCS 570/401.1, chemical breakdown of illicit controlled substance, 720 ILCS 570/401.5; Possession unauthorized by this act, 720 ILCS 570/402; look alike substances; manufacture, distribution, advertisement or possession; 720 ILCS 570/404; calculated criminal drug manufacturing violations, 720 ILCS 570/406; permitting unlawful use of a building, 720 ILCS 570/406; delivery of controlled, counterfeit or look alike substances; 720 ILCS 407;
   j. Cannabis Control Act, 720 ILCS 550/1; possession of cannabis, 720 ILCS 550/4; manufacture or delivery of cannabis, 720 ILCS 550/5; cannabis trafficking, 720 ILCS 550/5.1; delivery of cannabis on school grounds, 720 ILCS 550/5.2; casual delivery of cannabis as possession, 720 ILCS 550/6; persons under 18 years of age; delivery; enhancement of penalty, 720 ILCS 550/7; unauthorized production or possession of sativa plant; punishment, 720 ILCS 550/8; calculated criminal cannabis conspiracy; 720 ILCS 550/9;
   k. Use of Intoxicating Compounds Act, 720 ILCS 690/01; use prohibited, 720 ILCS 690/01; sale or delivery of intoxicating compounds, 720 ILCS 690/2;
   l. Prostitution, 720 ILCS 5/11-14 or Section 133.04 of the Springfield City Code, 1988, as amended;
I. Solicitation of a sexual act, 720 ILCS 5/11-14.1; m. Soliciting for a prostitute, 720 ILCS 5/11-15 or Section 133.05 of the Springfield City Code, 1988, as amended; n. Soliciting for a juvenile prostitute, 720 ILCS 5/11-15.1; o. Pandering, 720 ILCS 5/11-16; p. Keeping a place of prostitution, 720 ILCS 5/11-17 or Section 133.06 of the Springfield City Code, 1988, as amended; q. Keeping a place of juvenile prostitution, 720 ILCS 5/11-17.1; r. Patrolling a prostitute, 720 ILCS 5/11-18 or Section 133.07 of the Springfield City Code, 1988, as amended; s. Patronizing a juvenile prostitute, 720 ILCS 5/11-18.1; t. Pimping, 720 ILCS 5/11-19 or Section 133.08 of the Springfield City Code, 1988, as amended; u. Unlawful possession or consumption of alcohol by a minor, 235 ILCS 5/6-20; bb. Garbage, rubbish, brush, weeds, and solid waste, section 170.17.01 of the Springfield City Code, 1988 as amended; receptacles to be provided, section 170.17.02 of the Springfield City Code, 1988 as amended; or solid waste to be placed in receptacles, section 170.17.03 of the Springfield City Code, 1988 as amended; cc. Accumulation of rubbish or garbage, disposal of rubbish, rubbish storage facilities, disposal of garbage, garbage facilities, containers, all as per Section 307 of the International Sanitation Maintenance Code as adopted by chapter 170. (2) Control. The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on property. (3) Owner. Any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to a mortgagee in possession in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or an occupant who can control what occurs on the property. (4) Permit. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly, ascent or agree to the doing of an act. (5) Person. Any natural person, association, partnership or corporation capable of owning or using property in the City of Springfield. (6) Person in charge. Any person in actual or constructive possession of a property, including but not limited to an owner, occupant of property under his or her domain, ownership or control. (7) Property. Any real property, including land which is affixed, incidental or pertinent to the land, including but not limited to any premises, room, house, building, or structure or any separate part or portion thereof. (c) Commencement of action. When the chief of police receives a report documenting the occurrence of a second nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the chief of police shall: (1) Notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information: the street address or legal description sufficient for identification of the property; a statement that the chief of police has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his/her findings; and a demand that the person in charge respond within ten days to the chief of police and propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation. (2) The person in charge will pursue a course of action the person in charge if the person in charge has not (a) notified the person in charge in writing that the property has become a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the chief of police. (3) A copy of the notice shall be served on the owner, any person having actual possession or control of the property, including, but not limited to: (a) the property; (b) any premises, including premises; or an occupant who can control what occurs on the property; (c) any real property, including land which is affixed, incidental or pertinent to the land, including but not limited to any premises, room, house, building, or structure or any separate part or portion thereof. (d) Abatement of nuisance. The corporation counsel of the City of Springfield, Illinois, may commence an action to abate a public nuisance as described above. Upon being satisfied by affidavits or other sworn evidence that an alleged public nuisance exists, the court may without notice or bond enter a temporary restraining order or a preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any person from removing or interfering with all property used in connection with the public nuisance. (e) Burden of proof. (1) In an action seeking closure of a chronic nuisance property, the city shall have the initial burden of showing by a preponderance of the evidence that the property is a chronic nuisance property. (2) It is a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not in the exercise of reasonable care and diligence, determine that the property had become a public nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property. (3) In establishing the amount of any civil penalty requested, the court may consider any of the following factors and shall state those found applicable: (a) the actions or lack of action taken by the person in charge to mitigate or correct the problem at the property; (b) Whether the problem at the property was repeated or continuous; (c) The magnitude or gravity of the problem; (d) The cooperation of the person in charge with the city; (e) The cost of the city investigating and correcting or attempting to correct the condition. (f) Remedies. (1) In the event a court determines property to be a chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than 30 days, but not more than 180. or the court may employ any other remedy deemed by it to be appropriate to abate the nuisance. (2) In addition to the remedy provided in subsection (1) above, the court may impose upon the owner of the property in the amount of up to $100 per day, payable to the City of Springfield, for each day the owner had actual knowledge that the property was a public nuisance property and permitted the property to remain a chronic nuisance property. (3) In determining what remedy or remedies shall employ, the court may consider evidence of other conduct which has occurred on the property, including, but not limited to: (a) The disturbance of neighbors. (b) The recurrence of loud and obnoxious noises. (g) Emergency closing procedures. (1) In the event that it is determined that the property is an immediate threat to the public safety and welfare, the city may apply to the court for such interim relief, as is deemed by the chief of police to be appropriate. In such an event, the notification provision set forth in subsection (c) above need not be complied with, however, the city shall make a diligent effort to notify the person in charge prior to a court hearing. (2) In the event that the court finds the property constitutes a chronic nuisance property as defined in this section, the court may order the remedy set out above. In addition, in the event that it also finds the person in charge had
Title 35. Criminal Law and Procedure

Article 47. Weapons and Instruments of Violence

Chapter 1. Definitions

35-47-1-1. Applicability of definitions in chapter. The definitions in this chapter apply throughout this article.

35-47-1-3. Dealer. "Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.

35-47-1-5. Firearm. "Firearm" means any weapon:

(1) that is:
(A) capable of expelling or firing a projectile by means of an explosion;
(B) designed or adapted so as to be fired from the shoulder and designed or redesigned, made or re-manufactured, and intended to be fired from the shoulder;

(2) any firearm with:
(A) a barrel less than sixteen (16) inches in length; or
(B) an overall length of less than twenty-six (26) inches.

35-47-1-7. Proper person. "Proper person" means any person who:

(1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;

(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;

(3) does not have a conviction for a crime of domestic violence (as defined in IC 35-41-1-6.3), unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;

(4) is not prohibited by a court order from possessing a handgun;

(5) does not have a record of being an alcoholic or drug abuser as defined in this chapter;

(6) does not have documented evidence which would give rise to a reasonable belief that he has a propensity for violent or emotionally unstable conduct;

(7) does not make a false statement of material fact on the person's application;

(8) does not have a conviction for any crime involving an inability to safely handle a handgun;

(9) does not have a conviction for violation of the provisions of this article within five (5) years of his application; or

(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age.

35-47-1-8. Proper reason. "Proper reason" means for the defense of oneself or the state of Indiana.

35-47-1-9. Retail. "Retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.

35-47-1-10. Sawed-off shotgun. "Sawed-off shotgun" means:

(1) a shotgun having one (1) or more barrels less than eighteen (18) inches in length; and

(2) any weapon made from a shotgun (whether altered, modified, or, otherwise) if the weapon as modified has an overall length of less than twenty-six (26) inches.

35-47-1-11. Shotgun. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade, to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore essentially a ball shot or a single projectile for each single pull of the trigger.


35-47-1-13. Wholesale. "Wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmental law enforcement agency for issue to its employees.

Chapter 2. Regulation of Handguns


(a) Except as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except in the person's dwelling, on the person's property or fixed place of business, without a license issued under this chapter being in the person's possession.

(b) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

35-47-2-2. Exceptional individuals. Section 1 of this chapter does not apply to:

(1) law enforcement officers;

(2) members of the armed forces of the United States or of the national guard or organized reserves while they are on duty;

(3) employees of the United States duly authorized to carry handguns;

(4) employees of express companies when engaged in company business;

(5) any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a handgun in the usual or ordinary course of that business;

(6) any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling or fixed place of business to another.

35-47-2-3. Application for license to carry handgun; procedure.

(a) A person desiring a license to carry a handgun shall apply:

(1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;

(2) if that municipality has no such officer, or if the applicant resides in another county in which the applicant resides, to the sheriff of the county in which the applicant resides;

(3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain a license or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to the city for the physical securing of the property, as well as, tenant relocation costs.

(4) The City of Springfield Office of Public Health affecting the closure shall prepare a statement of cost and the City of Springfield shall thereafter submit said statement to the court for its review. If no objection of the statement is made within the period described by the court, a lien in said amount may be recorded against said property.

(5) Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof by the city.

(6) A tenant is entitled to their reasonable relocation costs, as those are determined by the court if, without actual notice, the tenant moved into the property, after either:

a. The owner or tenant received notice as described herein of the police chief's determination as described above; or

b. Unknown owner or other agent received notice of an action brought pursuant to this section.

[Springfield City Code codified through Ordinance No. 258-05-09, adopted May 5, 2009]
establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

(1) From a person applying for a four (4) year handgun license who currently possesses a five dollar ($5) application fee, five dollars ($5) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a forty dollar ($40) application fee, thirty dollars ($30) of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar ($40) application fee, thirty dollars ($30) of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited in the private law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms or firearm related equipment, or body armor (as defined in IC 35-47-5-13(a)) for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun;

(2) is of good character and reputation;

(3) is a proper person to be licensed; and

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the applicant by the superintendent. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for the lifetime license. The lifetime license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a fully funded county pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee, the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who has been adjudicated a delinquent child for an act that would be a felony if committed by an adult, or

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all rules necessary in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subdivision (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;

(2) changes the person's address; or

(3) experiences a change, including an arrest or a conviction, that may affect the person's eligibility to hold a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license; the person shall, not later than thirty (30) days after the date of the change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police department shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun issued under this chapter, that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

(l) Except as provided in subsection (m), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

(1) Information submitted by a person under this section to

(A) obtain; or

(B) renew;

A license to carry a handgun.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to:

(A) obtain; or

(B) renew;

A license to carry a handgun issued under this chapter.

(3) The name, address, and any other information that may be used to identify a person who holds a license to carry a handgun issued under this chapter.

(m) Notwithstanding subsection (l):

(1) any information concerning an applicant for or a person who holds a license to carry a handgun issued under this chapter may be released to a federal, state, or local government entity:

(A) for law enforcement purposes; or

(B) to determine the validity of a license to carry a handgun; and

(2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research, but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun issued under this chapter has been removed from the general information.

35-47-2-4. Qualified or unlimited licenses to carry handguns; fees; exemptions from payment of fees licenses [as amended by P.L.155-2007].

(a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

(1) four (4) years from the date of issue in the case of a four (4) year license; or
(2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

The superintendent shall charge a twenty dollar ($20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (e).

Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

The following officers of this state or the United States who have been honorably retired and who has a regular place of business or employment in Indiana as described in section 3(a)(3) [IC 35-47-2-3(a)(3)] of this chapter.

35-47-2-5. Suspension or revocation of licenses; failure to return license; rules concerning procedure for suspending or revoking license

(a) The superintendent may suspend or revoke any license issued under this chapter if he has reasonable grounds to believe that the person's license should be suspended or revoked.

(b) Documented evidence that a person is not a "proper person" to be licensed as defined by IC 35-47-1-7, or is prohibited under section 3(g)(5) [IC 35-47-2-3(g)(5)] of this chapter from being issued a license, shall be grounds for immediate suspension or revocation of a license previously issued under this chapter. However, if a license is suspended or revoked based solely on an arrest under section 3(g)(5) of this chapter, the license shall be reinstated upon the acquittal of the defendant in that case or upon the dismissal of the charges for the specific offense.

(c) A person who fails to promptly return his license after written notice of suspension or revocation commits a Class A misdemeanor. The observation of a handgun license in the possession of a person whose license has been suspended or revoked constitutes a sufficient basis for the arrest of that person for violation of this subsection.

(d) The superintendent shall establish rules under IC 4-22-2 concerning the procedure for suspending or revoking a person's license.

35-47-2-6. Granting or rejection of initial application; renewals.

(a) Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed.

(b) The period during which an application for the renewal of an existing license may be filed begins three hundred sixty-five (365) days before the expiration of the existing license. If the application for renewal of an existing license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

35-47-2-7. Prohibited sales or transfers of ownership.

(a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to a person under eighteen (18) years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person the person has reasonable cause to believe:

(1) has been adjudicated delinquent; or
(2) adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
(3) is a drug addict; or
(4) is mentally incompetent.

35-47-2-8. Regulation of sale of handguns imposed by this chapter; application. The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.

35-47-2-14. Necessity of retail handgun dealer's license; display. A retail dealer who:

(a) sells;
(b) trades;
(c) transfers;
(d) exposes for sale, trade, or transfer; or
(e) possesses with intent to sell, trade, or transfer; any handgun without being licensed under this chapter; or
(f) commits any offense as defined by IC 35-47-2-16 of this chapter and without displaying his license at all times commits a Class B misdemeanor.

35-47-2-15. Retail handgun dealer's license; application procedure

(a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which he has a regular place of business.

(b) The applicant shall state his name, full address, occupation, sex, race, age, place of birth, marital status, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search his records concerning the applicant's character and reputation.

(c) The officer to whom the application is made shall send to the superintendent:

(i) the verified application;
(ii) the results of the officer's investigation; and
(iii) the officer's recommendation for approval or disapproval of the application; in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, he shall advise the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made requires, he shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, he shall issue to the applicant a retail dealer's license which shall be valid for a period of two (2) years from the date of issue. The fee for the license shall be twenty dollars ($20), which shall be deposited with the officer to whom the application is made, who shall in turn forward it to the superintendent for deposit with the treasurer of the state when the application is approved by the superintendent. In the event that the application is disapproved by the superintendent, the fee shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(c) No retail dealer's license shall be issued to any person who has been:

(1) convicted of a felony or
(2) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than twenty-three (23) years of age; in Indiana or any other state or country.

(d) A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

35-47-2-16. Retail handgun dealer's license: Restrictions; Display; prohibited sales; gun show

(a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves his place of business, he shall promptly advise the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.
(c) No handgun shall be sold:
(1) in violation of any provision of this chapter; or
(2) under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.
(d) Notwithstanding subsection (a), a retail dealer may display, sell, or transfer handguns at a gun show in accordance with this chapter and federal law.

35-47-2.17. Giving False Information on Form or Offering False Evidence of Identity; Violation of Section No person, in purchasing or otherwise securing delivery of a handgun or applying for a license to carry a handgun, shall give false in-forma-tion or offer false evidence of identity. In addition to any penalty provided by this chapter, any handgun obtained through false information shall be subject to confiscation and disposition as provided in this chapter. Upon notice of a violation of this section by the superintendent, it shall be the duty of the sheriff or chief of police or corresponding officer of the jurisdiction in which the purchaser resides to confiscate the firearm and retain it as evidence pending trial for the offense.

35-47-2.18. Obliterating Identification Marks or Handgun or Possession of Such Handguns Prohibited. No person shall:
(1) change, alter, remove, or obliterate the name of the maker, model, manufacturer’s serial number, or other mark of identification on any handgun;
(2) possess any handgun on which the name of the maker, model, manufacturer’s serial number, or other mark of identification has been changed, altered, removed, or obliterated; except as provided by applicable United States statute.

35-47-2.19. Application of Chapter. This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

35-47-2.20. Removal of Disability Under This Chapter
(a) A full pardon from the governor of Indiana for:
(1) a felony other than a felony that is included in IC 35-42; or
(2) a violation of this chapter; removes any disability under this chapter imposed because of that offense, if fifteen (15) years have elapsed between the time of the offense and the application for a license under this chapter.
(b) A conditional pardon described in IC 11-9-2-4 for:
(1) a felony; or
(2) a violation of this chapter; removes a disability under this chapter if the superintendent determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.

35-47-2.21. Recognition of Retail Dealers’ Licenses and Licenses to Carry Handguns Issued by Other States.
(a) Retail dealers’ licenses issued by other states or foreign countries will not be recognized in Indiana for sales at wholesale.
(b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

35-47-2.22. Use of Unlawful Handgun-Carrying License to Obtain Handgun Prohibited. It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

35-47-2.23. Violations; Classes of Misdemeanor and Felony.
(b) A person who violates section 7, 17, or 18 [IC 35-47-2-7, IC 35-47-2-17, or IC 35-47-2-18] of this chapter commits a Class C misdemeanor.
(c) A person who violates section 1 [IC 35-47-2-1] of this chapter commits a Class A misdemeanor.

Chapter 2.5. Sale of Handguns

35-47-2.5-1. Applicability of Chapter. This chapter does not apply to the following:
(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
(2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.
(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.
(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:
(1) the state participates in the NICS; and
(2) there is a conflict between:
(A) a provision of this chapter; and
(B) a procedure required under the NICS; the procedure required under the NICS prevails over the conflicting provisions of this chapter.


35-47-2.5-2.5. “NICS” defined. As used in this chapter, “NICS” refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (18 U.S.C. 9321 et. seq.).

35-47-2.5-3. Handguns Purchases; Forms.
(a) A person purchasing a handgun from a complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

35-47-2.5-4. Dealer Requirements Prior to Sale, Rent, Trade, or Transfer.
(a) A dealer may not sell, rent, trade, or transfer from the dealer’s inventory a handgun to a person until the dealer has done all of the following:
(1) Obtained from the prospective purchaser a completed and signed Form 4473, as specified in section 3 of this chapter.
(2) Contacted NICS:
(A) by telephone; or
(B) electronically; to request a background check on the prospective purchaser.
(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.
(b) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

35-47-2.5-5. Documentation of Personal Identification and Residence.
(a) To establish personal identification and residence in Indiana for purposes of this chapter, a dealer must require a prospective purchaser to present one (1) photographic identification form or as amended by proper notice of change of address filed with the issuing authority. Suitable other documentation of residence includes:
(1) evidence of currently paid personal property tax or real estate tax, a current lease, utility, or telephone bill, a voter registration card, a bank check, a passport, an automobile registration, or a hunting or fishing license.
(2) other current identification allowed as evidence of residence by 27 CFR 178.124 and United States Alcohol, Tobacco, and Firearms Ruling 79-7; or
(3) other documentation of residence, determined to be acceptable by the state police department, that corroborates that the prospective purchaser currently resides in Indiana.
(c) If the photographic identification was issued by the United States Department of Defense, permanent orders may be used as documentation of residence.
35-47-2.5-12. Criminal history check; false statement on consent form. A person who knowingly or intentionally makes a materially false statement on Form 4473 completed under section 3 [IC 35-47-2.5-3] of this chapter commits a Class D felony.

35-47-2.5-13. Possession of firearms. Except as otherwise provided in this chapter, a dealer who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor.

35-47-2.5-14. Providing handgun to ineligible purchase; exemptions (a) This provision does not apply to a person who provides a handgun to the following: (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course. (2) A child engaging in practice in using a firearm for target shooting on an established range or in an area where the discharge of a firearm is not prohibited or is supervised by: (A) a qualified firearms instructor; or (B) an adult who is supervising the child while the child is at the range. (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group that uses firearms as a part of a performance or an adult who is involved in the competition or performance. (4) A child who is hunting or trapping under a valid license issued to the child under IC 14-22. (5) A child who is traveling with an unloaded firearm to or from an activity described in this section. (6) A child who: (A) is on real property that is under the control of the child’s parent, an adult family member of the child, or the child’s legal guardian; and (B) has permission from the child’s parent or legal guardian to possess a firearm. (b) A person who purchases a handgun with the intent to: (1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or (2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm; commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

35-47-2.5-15. Ineligible purchaser attempting to purchase handgun; violation. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony. (b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

Chapter 3. Disposal of Confiscated Weapons

35-47-3. Application of section to firearms not required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; disposal procedures. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record. (b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered: (1) except as provided in subdivision (2), to the sheriff’s department of the county in which the offense occurred; or (2) to the city or town police force that confiscated the firearm, if: (A) a member of the city or town police force confiscated the firearm; and (B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000). (c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures: (1) Public sale of the firearms to the general public as follows: (A) Notice of the sale shall be: (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale. (B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana. (C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article. (D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be: (i) deposited into the receiving law enforcement agency’s firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and (ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency. (2) Sale of the firearms to a licensed firearms dealer as follows: (A) Notice of the sale must be: (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale. (B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer. (C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be: (i) deposited into the receiving law enforcement agency’s firearms training fund or other appropriate training activities fund; and (ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties. (3) Sale or transfer of the firearms to another law enforcement agency. (4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence. (5) Destruction of the firearms.

35-47-3-3. Application of section to firearms required to be registered in National Firearms Registration and Transfer Record; return of firearms to rightful owners; unreturnable firearms, registry of firearms, disposal. (a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record. (b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.
35-47-4-3. Pointing firearm at another person. 
(a) This section does not apply to a law enforcement officer who is acting within the scope of the law enforcement officer's official duties or to a person who is justified in using reasonable force against another person under:
1. IC 35-41-3-2; or
2. IC 35-41-3-3.
(b) A person who knowingly or intentionally points a firearm at another person commits a Class D felony. However, the offense is a Class A misdemeanor if the firearm was not loaded.
(c) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 35-47-4-7.
35-47-4-4. Unlawful possession of firearm by domestic batterer. 
(a) A person who has been convicted of domestic battery under IC 35-42-2-1.3 and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a domestic batterer, a Class A misdemeanor.
(b) It is a defense to a prosecution under this section that the person's right to possess a firearm has been restored under IC 35-47-4-7.
35-47-4-5. Restoration of right to possess firearm by person who has been convicted of domestic violence.
(a) Notwithstanding IC 35-47-2, IC 35-47-2.5, and IC 35-47-4, a person whose conviction is reversed on appeal or on postconviction review or whose conviction will not be refiled.
(b) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:
(1) whether the person has been subject to:
   (a) a domestic violence restraining order;
   (b) a no contact order;
   (c) a workplace violence restraining order; or
   (d) any other order that prohibits the person from possessing a firearm.
(2) whether the person has successfully completed a substance abuse program, if applicable.
(3) whether the person has successfully completed a parenting class, if applicable.
(4) whether the person still presents a threat to the victim of the crime.
(5) whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.
(c) the court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.
(d) if the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed after the filing of the most recent petition.
(e) a person has not been convicted of a crime of domestic violence for purposes of subsection (a) if the conviction has been expunged or if the person has been pardoned.
(f) the right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:
   (1) the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
   (2) ninety (90) days after the final disposition of the appeal or the postconviction proceeding.
35-47-4-6. Loan secured by handgun. A person who makes a loan secured by a:
(1) mortgage;
(2) deposit; or
(3) pledge; of a handgun commits a Class B misdemeanor.
35-47-4-7. Unlawful disposal of confiscated firearms. A person who knowingly or intentionally:
(1) delivers a confiscated firearm to a person convicted of a felony:
   (A) involves use of a firearm; and
   (B) which is the basis of the conviction;
(2) delivers a confiscated firearm to another with knowledge that there is a rightful owner to whom the firearm must be returned; or
(3) fails to deliver a confiscated firearm to the sheriff's department, a city or town police force, the state police department laboratory or a forensic laboratory under this chapter, the state under IC 14-22-39-6, or for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearm; commits a Class D felony.
Chapter 4. Miscellaneous Provisions
35-47-4-1. Delivery of deadly weapon to intoxicated person. A person who sells, gives, or delivers any deadly weapon to any person at the time a state of intoxication, knowing him to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.
35-47-4-2. Loan secured by handgun. A person who makes a loan secured by a:
(1) mortgage;
(2) deposit; or
(3) pledge; of a handgun commits a Class B misdemeanor.
Chapter 5. Prohibited Instruments of Violence
(a) A person who: (1) manufactures; (2) causes to be manufactured; (3) imports into Indiana; (4) keeps for sale; (5) offers for sale; or (6) gives, lends, or possesses; any sawed-off shotgun commits dealing in a sawed-off shotgun, a Class D felony.
(b) The presence of a weapon referred to in subsection (a) in a motor vehicle (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier (as defined in IC 8-2-1-17-4) creates an inference that the weapon is in the common possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.
(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

35-47-5-5. Application of chapter. This chapter does not apply to any firearm or to any ammunition, or any firearm made before January 1, 1899.

35-47-5-6. Purchasing or obtaining a rifle or shotgun.
(a) Any resident of Indiana: (1) who is eighteen (18) years of age or older; and (2) who is not prohibited by law from obtaining, possessing, or using a firearm; may purchase or obtain a rifle or shotgun in Ohio, Kentucky, Michigan, or Illinois.
(b) Any resident of Ohio, Kentucky, Michigan, or Illinois: (1) who is eighteen (18) years of age or older; and (2) who is not prohibited by the laws of Indiana, his domicile, or the United States from obtaining, possessing, or using a firearm; may purchase or obtain a rifle, shotgun, or ammunition for a rifle or a shotgun in Indiana.
(c) Any transaction under this section is subject to the provisions of the Gun Control Act of 1968 (82 Stat. 1213, 18 U.S.C. 922(B)(3)).


35-47-5-10. Persons exempt from application of statues relating to machine guns. The provisions of section 8 or 9 of this chapter shall not be construed to apply to any of the following:
(1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
(2) Machine guns kept for display as relics and which are rendered harmless and not usable.
(3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.

35-47-10.1. Exemptions from chapter. This chapter does not apply to the following:
(1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
(2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or supervised by:
(A) A qualified firearms instructor; or
(B) An adult who is supervising the child while the child is at the range.
(3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
(4) A child who is hunting or trapping under a license issued to the child under IC 14-22.
(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

6 A child who: (A) is on real property that is under the control of the child's parent, an adult family member of the child, the child's legal guardian; and (B) has possession of the child's parent, an adult family member of the child, the child's legal guardian.

35-47-10-3. "Child" defined. As used in this chapter, "child" means a person who is less than eighteen (18) years of age.

35-47-10-4. "Loaded" defined. As used in this chapter, "loaded" means having any of the following:
(1) A cartridge in the chamber or cylinder of a firearm.
(2) Ammunition in close proximity to a firearm so that a person can readily place the ammunition in the firearm.

35-47-10-5. Dangerous possession of firearm. A child who knowingly, intentionally, or recklessly:
(1) possesses a firearm for any purpose other than a purpose described in section 1 of this chapter; or
(2) provides a firearm to another child with or without remuneration for any purpose other than a purpose described in section 1 [IC 35-47-10-1] of this chapter;
commits dangerous possession of a firearm, a Class A misdemeanor. However, the offense is a Class C felony if the child has a prior conviction under this section.

35-47-10-6. Dangerous control of a firearm. An adult who knowingly, intentionally, or recklessly provides a firearm to a child for any purpose other than those described in section 1 [IC 35-47-10-1] of this chapter, with or without remuneration, commits dangerous control of a firearm, a Class C felony. However, the offense is a Class B felony if the adult has a prior conviction under this section.

Chapter 10. Children and Handguns

35-47-11. Applicability of chapter. (a) This chapter applies to all united (as defined IC 36-1-2-23)
(b) This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994.

35-47-11-2. Regulation of firearms by units other than townships. Notwithstanding IC 36-3-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-4).

(2) Notwithstanding the limitation in this section, a unit may use the unit’s planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.


35-47-11-4. Repealed by P.L. 90-2010, SEC 10

35-47-11-5. Repealed by P.L. 90-2010, SEC 10

35-47-11-6. Repealed by P.L. 90-2010, SEC 10

Article 47.5. Controlled Explosives

Chapter 2. Definitions

35-47-5.2-1. Application. The definitions in this chapter apply throughout this article.

35-47-5.2-4. Destructive device. (a) "Destructive device" means:

(1) an explosive, incendiary, or overpressure device that is configured as a:

(A) bomb;

(B) grenade;

(C) rocket with a propellant charge of more than four (4) ounces;

(D) missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce;

(E) mine;

(F) Molotov cocktail; or

(G) device that is substantially similar to an item described in subdivision (A) through (F);

(2) a type of weapon that may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half (1/2) inch; or

(3) a combination of parts designed or intended for use in the conversion of a device into a destructive device.

(b) The term does not include the following:

(1) A pistol, rifle, shotgun, or weapon suitable for sporting or personal safety purposes or ammunition.

(2) A device that is neither designed nor redesigned for use as a weapon.

(3) A device that, although originally designed for use as a weapon, is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

(4) A surplus military ordnance sold, loaned, or given by authority of the appropriate official of the United States Department of Defense.

35-47-5.2-5. Detonator. "Detonator" means a device containing a detonating charge that is used to initiate detonation in an explosive, including the following:

(1) Electric blasting caps.

(2) Blasting caps for use with safety fuses.

(3) Detonating cord delay connectors.

(4) Blasting caps for use with a shock tube.

(5) Improvised devices designed to function as a detonator.

35-47-5.2-6. Distribute. "Distribute” means the actual, constructive, or attempted transfer from one (1) person to another.

35-47-5.2-7. Explosives. "Explosives" means a chemical compound or other substance or mechanical system intended to produce an explosion capable of causing injury to persons or damage to property or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, explosion, or incendiary or detonation may produce an explosion capable of causing injury to persons or damage to property, including the substances designated in IC 35-47-5-3. The term does not include the following:

(1) A model rocket and model rocket engine designed, sold, and used to propel recoverable aero models.

(2) A paper cap in which the explosive content does not average more than twenty-five hundredths (0.25) grains of explosive mixture per paper cap for toy pistols, toy cannons, toy canes, toy guns, or other devices using paper caps unless the paper cap is used as a component of a destructive device.

35-47-5.2-8. Hoax device. "Hoax device" or "replica" means a device or article that has the appearance of a destructive device or detonator.

35-47-5.2-9. Incendiary. "Incendiary" means a flammable liquid or compound with a flash point not greater than one hundred fifty (150) degrees Fahrenheit, as determined by a closed cup flash point test.

35-47-5.2-10. Property. "Property" means real or personal property of any kind, including money, choses in action, and other similar interests in property.

35-47-5.2-11. Regulated explosive. (a) "Regulated explosive" includes:

(1) a destructive device; and

(2) an explosive.

(b) The term does not include the following:

(1) An explosive in a manufactured article that is designed and packaged in a manner that is likely to result in property damage or personal injury. A manufactured article to which this subdivision applies includes fixed ammunition for small arms, a firearm, and a safety fuse match.

(2) Gasoline, kerosene, naphtha, turpentine, or benzine.

(3) An explosive that is being transported on or in a vessel, railroad car, or highway vehicle in conformity with the regulations adopted by the United States Department of Transportation.

(4) A blasting explosive that is transported or used for agricultural purposes and that is in a quantity that does not exceed two hundred (200) pounds.

(5) Ammonium nitrate or other explosive compounds kept for mining purposes at coal mines regulated under IC 14-34.

Chapter 5. Offenses Relating to Regulated Explosives

35-47-5.5-1. Exemptions from application of chapter. Sections 2, 3, 4, 5, and 6 of this chapter do not apply to the following:

(1) A person authorized to manufacture, possess, transport, distribute, or use a destructive device or detonator under the laws of the United States, as amended, or under Indiana law when the person is acting in accordance with the laws, regulations, and rules issued under federal or Indiana law.

(2) A person who is issued a permit for blasting or surface coal mining by the director of the department of natural resources under IC 14-34 when the person is acting under the laws and rules of Indiana and any ordinances and regulations of the political subdivision or authority of the state where blasting or mining operations are being performed.

(3) Fireworks (as defined in IC 22-11-14-1) and a person authorized by the laws of Indiana and the United States to manufacture, possess, distribute, transport, store, exhibit, display, or use fireworks.

(4) A law enforcement agency, a fire service agency, the department of homeland security, or an emergency management agency of Indiana, an agency or an authority of a political subdivision or the state where the person is acting in accordance with the laws, rules, and regulations of the political subdivision or authority of the United States while in performance of official duties.

(5) A law enforcement officer, a fire official, or an emergency management official of the United States or any other state if that person is attending training in Indiana.

(6) The armed forces of the United States or of Indiana.

(7) Research or educational programs conducted by or on behalf of a college, university, or secondary school that are:

(A) authorized by the chief executive officer of the educational institution or the officer’s designee;

(B) conducted under the policy of the educational institution; and

(c) conducted in accordance with the laws of the United States and Indiana.

(8) The use of explosive materials in medicines and medicinal agents in forms prescribed by the most recent published edition of the official United States Pharmacopeia or the National Formulary.

(9) Small arms ammunition and reloaded components of small arms ammunition.

(10) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, gunpowder, and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

(11) An explosive that is lawfully possessed for use in legitimate agricultural or business activities.

35-47-5.5-2. Crimes related to destructive devices. A person who knowingly or intentionally:

(1) possesses;

(2) manufactures;

(3) transports;

(4) distributes;

(5) possesses with the intent to distribute; or

(6) offers to distribute;
a regulated explosive commits a Class C felony. However, the offense is a Class B felony if the person has a prior unrelated conviction for an offense under this section.

35-47.5-5-4. Distribution of regulated explosive to felon. A person who knowingly or intentionally distributes a regulated explosive to a person who has been convicted of a felony by an Indiana court or a court of another state, the United States, or an other-country commits a Class C felony.

35-47.5-5-5. Distribution to minor. A person who knowingly or intentionally distributes or offers to distribute:
(1) a destructive device;
(2) an explosive; or
(3) a detonator;
to a person who is less than eighteen (18) years of age commits a Class B felony.

35-47.5-5-6. hoax device. A person who:
(1) manufactures;
(2) possesses;
(3) transports;
(4) distributes; or
(5) uses;
a hoax device or replica with the intent to cause another to believe that the hoax device or replica is a destructive device or detonator commits a Class C felony.

35-47.5-5-8. destructive device; intent to kill, injure or intimidate. A person who:
(1) possesses;
(2) transports;
(3) receives;
(4) places; or
(5) detonates;
a destructive device or explosive with the knowledge or intent that it will be used to kill, injure, or intimidate an individual or to destroy property commits a Class A felony.

35-47.5-5-11. Penalties. A person who recklessly violates a rule regarding the use of a regulated explosive adopted by the commission under IC 35-47-5-4.5 commits a Class A misdemeanor. However, the offense is a Class D felony if the violation of the rule proximately causes bodily injury or death.

[Current through end of 2010 Second Regular Session]
of South Bend, except as specifically provided herein.

(c) No person may manufacture or possess any magazine with a capacity of more than fifteen (15) rounds for assault weapons within the City of South Bend, except as specifically provided herein.

13-98. Requirements for transporting and possessing unloaded assault weapons.

(a) Any person who owns any assault weapon as defined herein must:

(1) Keep a flag safety (i.e., plastic tie or chamber plug) properly in place so that the chamber is plugged resulting in the firing pin being blocked at all times;

(2) Keep said assault weapon unloaded at all times; and

(3) Keep said assault weapon in a gun slip, glove, or case so that it is inoperable and secured at all times with a gun tie or padlock; except when using such weapon at a City licensed shooting or firing range as specifically provided herein.

(b) Any person who owns any assault weapon must keep all of its ammunition and magazines separate from the assault weapon, and in a secured container, except as specifically provided herein.

13-99. Penalties; confiscation and destruction of assault weapons.

(a) Any person who violates any of the provisions of this Division shall be fined a minimum of two hundred and fifty dollars ($250.00) and up to a maximum of two thousand five hundred dollars ($2,500.00) for each and every violation.

(b) The owner of an assault weapon found with a seated magazine shall be fined two hundred fifty dollars ($250.00), and if a round is chambered an additional one hundred dollars ($100.00) shall be assessed for each round in the chamber and the magazine.

(c) Any loaded assault weapon or weapons, and/or any magazine with a capacity of more than fifteen (15) rounds found in violation of this division shall be seized and confiscated.

(d) Additionally, any person found in violation of this division shall be required to attend and successfully complete a minimum of two (2) educational seminars on firearms safety and perform a minimum of twenty (20) hours of community service for each violation. Said seminars shall be conducted by the South Bend Police Department and/or the City's duly authorized agent.

(e) Penalties up to a total of two thousand five hundred dollars ($2,500.00) for all citations, seminar fees and fines may be imposed upon an adult when found in violation of this division for each and every violation.

Division 2. Access to Firearms by Minors Prohibited

13-103. Definitions. The definitions set forth in Division I of this Article, where applicable, shall be binding on the interpretation and enforcement of this division.

13-104. Parent and legal guardian required to properly store firearms/ammunition; dealers to conspicuously display signs.

(a) No person, including but not limited to parent(s) or legal guardian(s), shall store, leave, or give a loaded or unloaded firearm(s) and ammunition used by such firearm(s) in any place where the person knows, or reasonably should know based on the totality of the circumstances, that a minor is able to gain access to such fire- arm(s) and/or ammunition.

(b) Any firearm(s) between the city, must provide written proof that he or she has successfully completed a National Rifle Association (or comparable agency) firearms safety instruction program on the proper use and storage of such firearm(s). Written proof of such training must be turned into the front desk of the South Bend Police Department within sixty (60) days from the date of said purchase.

(c) Any licensed firearm dealer doing business in the city must conspicuously post, at every purchase counter in every store, shop, or sales outlet, signs with the following warning in block letters not less than one (1) inch in height:

"ALL PERSONS PURCHASING FIREARMS ARE REQUIRED TO PROVIDE TO THE SOUTH BEND POLICE DEPARTMENT A WRITTEN PROOF OF SUCCESSFULLY COMPLETING AN APPROVED FIREARMS SAFETY INSTRUCTION SESSION ON THE PROPER USE AND STORAGE OF SUCH FIREARMS WITHIN SIXTY (60) DAYS OF DATE OF PURCHASE." Such warnings shall also be distributed by such licensed firearm dealer to each firearm purchaser at the time of the sale of a firearm.

(d) This section shall not apply when:

(1) A minor's access to a firearm and its ammunition is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearms safety, care, handling, or marksmanship;

(2) A minor has access to a firearm and its ammunition as a result of an unlawful entry into the place in which the firearm was found;

(3) A minor obtains a firearm and its ammunition in a lawful act of self-defense or defense of another person or persons within a domicile; or

(4) A minor, without permission of the lawful possessor of the firearm, obtains the firearm from the possessor's body, when the possessor is unable to prevent the removal of said firearm from his or her person.

13-105. Penalties/ citations/ educational training sessions required for parents, guardians, dealers and minors found in violation.

(a) Any parent or guardian whose firearm gets in the wrongful possession of a minor shall be considered in violation of this division. Said parent or guardian shall be issued an ordinance violation citation with a fine of one hundred dollars ($100.00) for each offense, and said firearm shall be confiscated.

(b) Any person who fails to provide written proof that he or she has successfully completed a National Rifle Association (or comparable agency) approved firearms safety instruction program on the proper and storage of such firearm(s) required by Section 13-100 [sic] shall be considered in violation of this division. An ordinance violation citation shall be issued with a fine of fifty dollars ($50.00), and the firearm shall be confiscated.

(c) Any licensed firearm dealer who fails to properly display the signs required in Section 13-100 [sic] shall be considered in violation of that section. Each day and each location required to have such signage which is not in compliance with Section 13-100 [sic], shall be considered a separate offense for which a separate citation may be issued. Said licensed firearm dealer shall be issued an ordinance violation citation with fines of twenty-five dollars ($25.00) for each violation, and fifty dollar ($50.00) fines for all subsequent violations.

(d) In addition to adult violators being issued ordinance violation citation(s), any such person found in violation of this division shall be required to attend and successfully complete a minimum of two (2) educational seminars on firearms safety and perform a minimum of twenty (20) hours of community service for each violation. Said seminars shall be conducted by the South Bend Police Department and/or the City's duly authorized agent. All costs related to said seminars shall be paid by the violator.

(e) Any firearm, found in the possession of a minor, shall be confiscated, and the South Bend Police Department shall be immediately contacted. Said minor shall be required to attend and successfully complete a minimum of two (2) educational seminars specifically focusing on minors and safety awareness. Said seminars shall be conducted by the South Bend Police Department and/or the City's duly authorized agent. All costs related to said safety awareness seminars shall be paid by said minor's parent(s) or guardian(s). Additionally, said minor shall be required to write, in his or her own handwriting, a minimum of a two-page report on safety awareness and perform a minimum of twenty (20) hours of community service for each violation, with the report and hours阴阳通的 community service hours for report deemed acceptable by the department of the City's agent. Said report must be turned into the principal of the minor's school within seventy-two (72) hours of successfully completing the last seminar. Copies of such reports with the name of the minor being held confidential, shall be sent to the Common Council's Health and Public Safety Committee on the last business day of the month when said seminar was held. Quarterly Committee reports shall be given on the progress of such youth educational safety awareness seminars.

(f) Penalties up to a total of two thousand five hundred dollars ($2,500.00) for all citations, seminar fees and fines may be imposed upon an adult when found in violation of this division for each and every violation.

[Municipal Code of the City of South Bend codified through Ordinance No. 9199-09, enacted April 27, 2009]
Title XVI. Criminal Law and Procedure

Chapter 724. Weapons

724.1. Offensive weapons. An offensive weapon is any device or instrumentality of the following types:

1. A machine gun. A machine gun is a fire-arm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A short-barreled rifle or short-barreled shotgun. A short-barreled rifle or short-barreled shotgun is a rifle with a barrel or barrels less than sixteen inches in length or a shotgun with a barrel or barrels less than eighteen inches in length, as measured from the face of the closed bolt or standing breech to the muzzle, or any rifle or shotgun with an overall length less than twenty-six inches.

3. Any weapon other than a shotgun or muzzle loading rifle which is designed to throw or project a flame or fireball of material, a mixture, a material that is designed to throw or project a flame or fireball of material, a mixture, explosive mixture, or chemical compound capable of burning or explosion.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. A ballistic knife. A ballistic knife is a knife with a detachable blade which is propelled by a spring-operated mechanism, elastic material, or compressed gas.

6. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections 1 to 5 of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

7. Any bullet or projectile containing any explosive substance into such an offensive weapon, except blank ammunition.

8. Any person who under the laws of this state possesses live ammunition. The offensive weapon may, for the purposes of this section, "school" means a public or nonpublic school as defined in section 280.2.

2. Subsection 1 does not apply to the following:

a. A person listed under section 724.4, subsection 4, paragraph "e", "i", or "j".

b. A person who has been specifically authorized by the school to go armed, carry, or transport a firearm on the school grounds, including for purposes of conducting an instructional program regarding firearms.

2.5. Duty to carry permit to carry weapons. A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in the person's immediate possession the permit provided for in section 724.4, subsection 4, paragraph "i", and shall produce the permit for inspection at the request of a peace officer. Failure to so produce a permit is a simple misdemeanor.

2.6. Professional permit to carry weapons. 1. A person may be issued a permit to carry weapons when the person's employment in a private investigation business or private security business licensed under chapter 80A, or a person's employment as a peace officer, correctional officer, messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed.

The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder, and shall state the nature of the employment requiring the holder to go armed. A permit so issued, other than to a peace officer, shall authorize that peace officer to go armed anywhere in the state at all times.
Permits shall expire twelve months after the date when issued except that permits issued to peace officers and correctional officers are valid through the officer's period of employment unless otherwise canceled. When the employment is terminated, the holder of the permit shall surrender it to the issuing officer for cancellation.

2. Notwithstanding subsection 1, fire fighters, as defined in section 411.1, subsection 9, airport fire fighters included under section 976.49B, emergency rescue technicians, and emergency medical care providers, as defined in section 147A.1.1 and the limits of the authority granted by such permit. All permits so issued shall be for a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months.

724.7 Nonprofessional permit to carry weapons. Any person who can reasonably justify going armed may be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, and state the reason for the issuance of the permit, and the limits of the authority granted by such permit. All permits so issued shall be for a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months.

724.8. Persons eligible for permit to carry weapons. No person shall be issued a professional or nonprofessional permit to carry weapons unless:
1. The person is eighteen years of age or older.
2. The person has never been convicted of a felony.
3. The person is not addicted to the use of alcohol or any controlled substance.
4. The person has no history of repeated acts of violence.
5. The issuing officer reasonably determines that the applicant does not constitute a danger to any person.
6. The person has never been convicted of any crime listed in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.

724.9 Firearm training program.
A training program to qualify persons in the safe use of firearms shall be provided by the issuing officer of permits, as provided in section 724.11. The commissioner of public safety shall approve the training program, and the county sheriff or the commissioner of public safety conducting the training program within their respective jurisdictions may contract with a private organization or use the services of other agencies, or may use a combination of the two, to provide such training. Any person eligible to be issued a permit to carry weapons may enroll in such course. A fee sufficient to cover the cost of the program may be charged each person attending. Certificates of completion, on a form prescribed and published by the commissioner of public safety, shall be issued to each person who successfully completes the program. No person shall be issued either a professional or nonprofessional permit unless the person has received a certificate of completion or is a certified peace officer. No peace officer or correctional officer, except a certified peace officer, shall go armed with a pistol or revolver unless the officer has received a certificate of completion, provided that this requirement shall not apply to persons who are employed in this state as peace officers on January 1, 1978 until July 1, 1978, or to peace officers of other jurisdictions exercising their legal duties within this state.

724.10. Application for permit to carry weapons - criminal history check required. A person shall not be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, driver's license or nonoperator's identification card number, residence, and age of the applicant, and shall state whether the applicant is addicted to the use of alcohol or any controlled substance, and whether the person has any history of mental illness or repeated acts of violence. The applicant shall also display an identification card that bears a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, and a brief description and colored photograph of the cardholder. The sheriff shall conduct immediately a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety. A person who knowingly makes a false statement of material fact on the application commits a class "D" felony.

724.15. Annual permit to acquire pistols or revolvers. Any person who acquires ownership of any pistol or revolver shall first obtain an annual permit. An annual permit shall not be issued to any person unless:
1. The person is twenty-one years of age or older.
2. The person has never been convicted of a felony.
3. The person is not addicted to the use of alcohol or any controlled substance.
4. The person has no history of repeated acts of violence.
5. The person transferring the pistol or revolver to a person who does not have in the possession a valid annual permit to acquire pistols or revolvers is guilty of an aggravated misdemeanor.

724.16. Annual permit to acquire required - transfer prohibited.
1. Except as otherwise provided in section 724.15, subsection 2, a person who transfers ownership of a pistol or revolver without a valid annual permit to acquire pistols or revolvers or a person who transfers ownership of a pistol or revolver to a person who does not have in the possession a valid annual permit to acquire pistols or revolvers commits a class "D" felony.

724.16A. Trafficking in stolen weapons. A person who knowingly transfers or acquires possession of a stolen firearm commits a class "D" felony for a first offense and a class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

724.17. Application for annual permit to acquire - criminal history check required. The application for an annual permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall state the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the age of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and colored photograph of the cardholder, or other identification as specified by rule of the department of public safety. A person who knowingly makes a false statement of material fact on the application commits a class "D" felony.

724.18. Procedure for making application for annual permit to acquire. A person may personally request the sheriff to mail an application for an annual permit to acquire pistols or revolvers, and the sheriff shall immediately forward to such person an application for an annual permit to acquire pistols or revolvers. A person shall upon completion of the application personally deliver such application to the sheriff who shall return the permit by mail. The sheriff and the applicant shall deliver the permit to the sheriff who shall immediately issue the annual permit to acquire pistols or revolvers to the applicant. For the purposes of this section the date of application shall be the date on which the sheriff received the completed application.

724.19. Issuance of annual permit to acquire. The annual permit to acquire pistols or revolvers shall authorize the permit holder to acquire one or more pistols or revolvers during the period that the permit remains valid. If the issuing officer determines that the applicant has become disqualified under the provisions of subsection 1, the issuing officer may immediately invalidate the permit.
ammunition.

724.20. Validity of annual permit to acquire pistols or revolvers. The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be in- valid one year after the date of application.

724.21. Giving false information when acquiring weapon. A person who gives a false name or presents false identification, or otherwise knowingly gives false material information to one from whom the person seeks to acquire a pistol or revolver, commits a class "D" felony.

724.22. Persons under twenty-one - sale, loan, gift, making available - possession.

1. Except as provided in subsection 3, a person who sells, loans, gives, or makes available a rifle or shotgun or ammunition for a rifle or shotgun to a minor commits a serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

2. As used in this chapter an "antique firearm" means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898. An antique firearm also means a replica of a firearm so described if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if the replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

724.25. Felony and antique firearm defined.

1. As used in sections 724.8, subsection 2, and 724.26, the word "felony" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, other than an offense involving a firearm or explosive, classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

2. As used in this chapter an "antique firearm" means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898. An antique firearm also means a replica of a firearm so described if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if the replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

724.26. Possession, receipt, transportation, or dominion and control of firearms and ammunition of persons who are convicted of a felony in a state or federal court, or who is adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult, and who knowingly has under the person's dominion and control or possession, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of a class "D" felony.

724.27. Offenders' rights restored. The provisions of sections 724.8, subsection 2, 724.15, subsection 1, paragraphs "b" and "e", and section 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored under section 914.7 and who is pardoned or has had the person's civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

724.28. Prohibition of regulation by political subdivisions. A political subdivision of the state shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state. An ordinance regulating firearms in violation of this subsection is void.

724.29. Firearm devices. A person who sells or offers for sale a manual or power-driven trigger activating device constructed and designed so that when attached to a firearm increases the rate of fire of the firearm is guilty of an aggravated misdemeanor.

Title XVI. Criminal Law and Procedure

Subtitle 2. Criminal Procedure

Chapter 809. Disposition of Seized Property

809.21 Sale of certain ammunition and firearms. Ammunition and firearms which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction.

The department of public safety may sell at public auction forfeited legal weapons received from the director of the department of natural resources, except that rifles and shotguns shall be retained by the department of natural resources for disposal according to its rules. The sale of ammunition or firearms pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a fifty percent of purchase price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the fifty percent deposit to the department of public safety. All proceeds of a public auction pursuant to this section, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

[Current as of February 22, 2010 from the 2010 Regular Session]
detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife;

(2) carrying concealed on one’s person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one’s person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or water or air vehicle, with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;

(4) carrying a pistol, revolver or other firearm concealed on one’s person except when on the person’s land or in the person’s abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in subduing or overpowered any person, or having any device or attachment in one’s possession, or in the possession of any person, for the purpose of subduing or overpowering another person, except that an ordinary pocket knife with no blade more than four inches in length shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(c) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(7) Selling, manufacturing, purchasing, possessing or carrying a shot-gun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger;

(8) Possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Any firearm to a person authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto;

(2) Special police officers in K.S.A. 66-9707, and any law enforcement officer who has successfully completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto;

(3) The United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney, any assistant attorney general, any assistant district attorney or assistant county attorney authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney authorized by the district attorney or county attorney by which such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and婚姻 weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been re Registered in the transferee’s name by the transferee.

(e) Subsection (a)(8) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(9) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer’s law enforcement agency to a tactical unit which receives specialized, regular training;

(2) Designated by the head of such officer’s law enforcement agency to possess devices described in subsection (a)(6); and

(3) In possession of commercially manufactured devices which are: (A) Owned by the officer at the time of such possession only during specific operation; and

(4) Approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(6), (7) and (8) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(6), (7) and (8) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsection (a)(4) shall not apply to any person carrying a concealed weapon as authorized by K.S.A. 75-7c01 et seq. and amendments thereto. It shall be a defense that the defendant is within an exception.

(2) It shall be a defense that the defendant is within an exception.

(k) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(l) As used in this section, “throwing star” means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

21-4202. Aggravated weapons violation.

(a) An aggravated weapons violation is a violation of any of the provisions of K.S.A. 21-4201 and amendments thereto by a person who:

(1) Within five years preceding such violation has been convicted of a nonperson felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for such nonperson felony; or

(2) Has been convicted of a person felony pursuant to the Kansas laws or in any other jurisdiction which is substantially the same as such crime or has been released from imprisonment for such crime and has not had the conviction of such crime expunged or been pardoned for such crime.

(b)(1) Aggravated weapons violation is a severity level 9, nonperson felony for a violation of subsections (a)(1) through (a)(5) or subsection (a)(9) of K.S.A. 21-4201 and amendments thereto.

(2) Aggravated weapons violation is a severity level 8, nonperson felony for a violation of subsections (a)(6), (a)(7) and (a)(8) of K.S.A. 21-4201 and amendments thereto.

21-4203. Criminal disposal of firearms.

(a) Criminal disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age;

(2) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(3) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than a misdemeanor, under the laws of this state or any other jurisdiction or has been released from imprisonment for a felony and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) Selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies, but was not found to have been in the possession of a firearm at the time of the commission of the offense, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime;

(5) Selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction.

(b) It shall be a defense that the defendant is within an exception.

(2) It shall be a defense that the defendant is within an exception.
care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, and such person has not received a certificate of restoration pursuant to K.S.A. 2009 Supp. 75-7c26, and amendments thereto.

(b) Subsection (a)(4) shall apply to a felony under K.S.A. 21-4201, 21-4202, 21-4204, 21-4204a, 21-4206, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, K.S.A. 21-36a05 or 21-36a06, and amendments thereto, or K.S.A. 65-4127a, 65-4127b, or 65-4160 through 65-4165 prior to such section’s repeal, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(c) Criminal disposal of firearms is a class A nonperson misdemeanor.

21-4204. Criminal possession of a firearm.

(a) Criminal possession of a firearm is:

(1) Possession of any firearm by a person who is addicted to and an unlawful user of a controlled substance;

(2) possession of any firearm by a person who has been convicted of a person felony or a violation of K.S.A. - 36a01 through 21-36a17, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony, and was found to have been in possession of a firearm at the time of the commission of the offense;

(3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, and has not had the conviction of such crime expunged or been pardoned for such crime; or

(b) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense;

(5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event;

(6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer; or

(7) possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-29b46, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) Subsection (a)(5) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of any firearm specifically secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person’s behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.

(5) possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 75-7c01 et seq., and amendments thereto

(c) Subsection (a)(7) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 75-7c26, and amendments thereto.

(d) Violation of subsection (a)(1) or (a)(3) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3), (a)(4) or (a)(7) is a severity level 8, nonperson felony; violation of all subsection (a) is a class A nonperson misdemeanor.

21-4204a. Criminal possession of firearm by a juvenile.

(a) Criminal possession of a firearm by a juvenile is knowingly possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age.

(b) Criminal possession of a firearm by a juvenile is a class A nonperson misdemeanor. A second or subsequent violation is a severity level 8, nonperson felony.

(c) It shall be a defense to a prosecution of criminal possession of a firearm by a juvenile if such youth has committed the violation 18 years of age was:

(1) In attendance at a hunter’s safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated and amendments thereto;

(5) traveling with any such firearm in such person’s possession being unloaded to or from any activity described in paragraphs (1) through (4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person’s parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person’s residence and who, with the permission of such person’s parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 21-3211, 21-3212 or 21-3213 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas criminal code.

21-4205. Confiscation and disposition of weapons; use of proceeds of sale.

(1) Upon conviction of a violation or upon adjudication as a juvenile offender for a violation of K.S.A. 21-4201, 21-4202, 21-4204, 21-4204a or 21-4219, and amendments thereto, any weapon seized in the commission of the violation which shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be: (a) destroyed; (b) forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency’s use or (c) forfeited to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(3) If weapons are sold as authorized by subsection (2), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

Chapter 48. Militia, Defense and Public Safety
Article 19. Sale and Purchase of Certain Firearms

48-1901. Definitions. As used in this act, unless the context otherwise requires, the phrase "a state contiguous to this state" means any state having a common border with Kansas. All other words and phrases used in this act shall have the meanings respectively ascribed to them in the federal gun control act of 1968.

48-1902. Sale or delivery of rifle or shotgun to resident of contiguous state; restrictions.

It is hereby declared to be lawful for an importer, manufacturer, dealer or collector licensed under the federal gun control act of 1968, whose place of business is in this state, to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit the transaction; and
(b) The sale must fully comply with the legal conditions of sale in both such states; and
(c) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

48-1903. Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions. It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such states; and
(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

48-1904. Nonapplication of act, when. The provisions of this act do not apply to:

(a) Transactions between importers, manufacturers, dealers and collectors licensed under the federal gun control act of 1968;
(b) the sale or receipt of a firearm to any person for temporary use for lawful sporting purposes; and
(c) a person who is engaged in hunting or in participating in any organized rifle or shotgun match or contest in a state other than his or her state of residence, and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer, if such person presents to such dealer a sworn statement:
   (1) That his or her rifle or shotgun was lost or stolen or became inoperative while hunting or participating in any such match or contest in such other state; and
   (2) Identifying the chief law enforcement officer of the political subdivision in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

[Current through the 2010 Regular Session]

Wichita City Code

Title 5. Public Safety and Morals

Chapter 5.88. Weapons

5.88.010. Unlawful use of weapons.

(1) Unlawful use of a weapon is knowingly:
(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knucklers or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; and
(b) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon.

(c) Carrying unconcealed on one's person or in any vehicle under one's immediate control, with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument; and
(d) Carrying any pistol, revolver or other firearm concealed on one's person, while on property open to the public, except when on one's land or in one's abode or fixed place of business;
(e) Carrying on one's person any unloaded, loaded firearm, while on property open to the public, except when on one's land or in one's abode or fixed place of business;
(f) Carrying in any vehicle under one's immediate control, while on property open to the public, any loaded firearm, except when on one's land or in one's abode or fixed place of business;
(g) Carrying in any air, land or water vehicle an unloaded firearm that is not encased in a container which completely encloses the firearm; and
(h) Carrying a loaded or unloaded firearm in a courtroom or within City Hall;

(i) Drawing a pistol, revolver, knife or any other deadly weapon upon any person;

(j) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use only in throwing.

(2) Subsections (1)(a), (b), (c), (d), (e), (f) and (g), (h), and (i) of this subsection shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a crime, while acting within the scope of their authority;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; or

(d) Manufacture of, transportation to, or sale of weapons to a person authorized under (a) through (c) of this subsection to possess such weapons.


(4) Subsection (1)(d), (e) and (f) of this section shall not apply to or affect the following:

(a) Watchmen, while actually engaged in the performance of the duties of their employment;

(b) Private detectives licensed by the state to carry the firearm involved while actually engaged in the duties of their employment;

(c) Detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(d) The State Fire Marshal, the State Fire Marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto while engaged in the performance of their duties in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto.

(e) Special deputy sheriffs described in K.S.A. 2001 Supp. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent
appointed as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto.

(4) Subsection (1)(j) of this section shall not apply to or affect historical reenactors and actors when engaged in performances and demonstrations. Provided, however, that this subsection shall only apply to those performances and demonstrations which have been approved in advance in writing by the city manager or his designee.

(5) Subsection (1) (d), (e), (f), and (g) shall not apply to any person who sells, purchases, possesses, or carries a firearm, device, or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferee.

(6) Subsections 1(d), 1 (f), and 1 (g) shall not apply to any person authorized to carry a concealed firearm pursuant to the Personal and Family Protection Act, K.S.A. 75-7c01 through K.S.A. 75-7c18, and amendments thereto.

(7) Subsection 1(d) shall not apply to licensed hunters or fishermen, while engaged in hunting or fishing;

(8) It shall be a defense that the defendant is within an exemption.

(9) Any person who violates any of the provisions of this section within the corporate limits of the city shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

(10) In addition to the penalty for violation of any of the provisions of this section, it shall be the duty of the municipal court judge:

(a) To order any weapon seized in connection with such violation which is not a firearm to be forfeited to the city and the same shall be destroyed or caused to be destroyed by the chief of the police department in the absence of the weapon is no longer needed for evidence;

(b) To order any weapon seized in connection with such violation when no longer needed for evidentiary purposes, shall, in the discretion of the trial court, be:

(i) Destroyed:

(ii) Forfeited to the Wichita Police Department for use within the police department, for sale to a properly licensed federal firearms dealer or for trading to a properly licensed state firearms dealer by the police department for other new or used firearms or accessories for the Police Department's use; or

(iii) Forfeited to the Kansas Bureau of Investigation for law enforcement, testing, comparison or destruction by the Kansas Bureau of Investigation forensic laboratories.

If weapons are sold as authorized above, the proceeds from any such sale shall be credited to the asset seizure and forfeiture fund of the Wichita Police Department. All transactions involving weapons disposed of under this subsection must have the prior approval of the city manager. All sales of weapons are subject to review by the city council.

(c) Any stolen weapon confiscated in connection with any violation of this section other than subdivision (a) of this subsection shall be returned to the person entitled to possession, if known, when the same is no longer needed for evidence. All other weapons shall be disposed of as provided in subsection (3)(a) and (b) of this section.

Chapter 5.89. Firearms

5.89.010. Definitions. For the purposes of this chapter, the following terms shall have the meaning ascribed to them in this section:

(a) "Minor" means a person who is under the age of eighteen years.

(b) "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosion, expanding gases or other combustion. Air rifles, air pistols and BB guns are included in this definition only if capable of expelling projectiles by the sudden release of compressed gas. This term shall not include a firearm which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841, et seq., and any amendments thereto.

5.89.020. Possession of a firearm by a minor prohibited - Exceptions.

(a) Unless otherwise specifically provided herein, it shall be unlawful for a minor to possess any firearm within the city of Wichita, except when the minor is in the presence of and under the direct supervision of a parent, step-parent, grandparent, step-grandparent, or legal guardian.

(b) Any minor who is not in the presence of and under the direct supervision of his or her parent, stepparent, grandparent, stepgrandparent, or legal guardian may only possess a firearm in the city of Wichita under the following circumstances:

1. During a hunter education class held pursuant to K.S.A. 32-920 and conducted by a Kansas hunter education instructor who is certified by the Kansas Department of Wildlife and Parks, provided said possession is under the supervision of the instructor;

2. During a firearms instructional or safety training class taught by an instructor certified by the National Rifle Association or other nationally recognized hunting, target or sports shooting organization, provided said possession is under the supervision of the instructor;

3. While transporting an unloaded firearm to and from an excursion for lawful hunting of game birds or animals, provided:

(a) The minor is in possession of a valid hunting education certificate issued to said minor;

(b) The firearm, during transportation, is unloaded and is stored in a case, scabbard, or other container which completely encloses the firearm.

5.89.040. Stolen weapons. Any stolen firearm confiscated in connection with any violation of this chapter shall be dealt with in accordance with the Kansas Juvenile Offenders Code, K.S.A. 38-1601, et seq., and any amendments thereto.

[Code of the City of Wichita current through Ordinance No. 48-583, adopted December 22, 2009]
237.040 Criminal possession of destructive device or booby trap device. A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

3. Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050. Exemptions. KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the gun control act of 1968, the organized crime control act of 1970, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Nonlethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

237.060. Definitions for KRS 237.060 to 237.090 and certain other sections. The following definitions apply in KRS 237.060 to 237.090 and KRS 197.170, 218A.992, 244.125, 244.990, and 514.110, unless the context otherwise requires:

"Firearm" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Licensed gun dealer" means a person who has a federal firearms license and any business license required by a state or local government entity.

(4) "Loaded" with respect to a firearm means:

(a) There is ammunition in the chamber of the firearm; or

(b) There is ammunition in the cylinder of the firearm; or

(c) There is ammunition in the magazine of a firearm, if the magazine is attached to the firearm.

(5) "Juvenile" means a person who has not attained his eighteenth birthday.

(6) "Ammunition" means loaded ammunition designed for use in any firearm.

(7) "Armor-piercing ammunition" means a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one (1) or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. "Armor-piercing ammunition" does not include shotgun shot required by federal or state environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary of the Treasury of the United States finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary of the Treasury of the United States finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(8) "Flanged ammunition" means ammunition which has a soft lead core and having sharp flanges which are designed to expand on impact.

237.070 Prohibition against sale or transfer of firearm to convicted felon.

(1) No person shall knowingly sell or transfer a firearm to any person prohibited from possessing it by KRS 527.040.

(2) Any person who violates the provisions of subsection (1) of this section is guilty of a Class A misdemeanor.

(3) Any firearm transferred in violation of this section shall be subject to forfeiture and shall be disposed of pursuant to KRS 237.090.

237.080 Prohibition against manufacture, sale, delivery, transfer, or importation of armor-piercing ammunition.

(1) It shall be unlawful for any person to knowingly manufacture, sell, deliver, transfer, or import armor-piercing ammunition.

(2) Subsection (1) of this section shall not apply to members of the Armed Forces of the United States or law enforcement officers within the scope of their duties, nor shall it prohibit licensed gun dealers from possessing armor-piercing ammunition for the purpose of receiving and transferring it to members of the Armed Forces of the United States, or law enforcement officers for use within the scope of their duties.

(3) A violation of subsection (1) of this section shall be a Class D felony for the first offense and a Class C felony for each subsequent offense.

(4) Any armor-piercing ammunition transferred, sold, or offered for sale, in violation of this section is contraband and shall be seized and summarily forfeited to the state and shall be disposed of pursuant to KRS 237.090.

237.095. Persons barred by federal law from purchase of firearms; duty to notify courts and law enforcement agencies of purchase or attempt to purchase; protocol for providing notice; duty to notify petitioner; immunity from liability.

(1) Upon receiving notice that a person barred from purchasing a firearm under 18 U.S.C. sec. 922(g)(8) has purchased or attempted to purchase a firearm, the Justice and Public Safety Cabinet shall make a reasonable effort to provide notice to the petitioner who obtained the domestic violence order issued under KRS 403.750 that the respondent to the order has attempted to purchase a firearm. The Justice and Public Safety Cabinet may contract with a private entity in order to provide notification.

(2) The notification shall be limited to a person who has:

(a) Received a domestic violence protective order issued or reissued under KRS 403.750 on or after July 15, 2002;

(b) Received a domestic violence protective order that involves a respondent who is prohibited by 18 U.S.C. sec. 922(g)(8) from possessing a firearm; or

(c) Provided the Justice and Public Safety Cabinet or the entity with a request for notification.

(3) Any person carrying out responsibilities under this section shall be immune from civil liability for good faith conduct in carrying out those responsibilities. Nothing in this subsection shall limit liability for negligence.

237.110 License to carry concealed deadly weapon; criteria; training application; issuance and denial of licenses; automated listing of license holders; suspension or revocation; application for renewal; prohibition; reciprocity; reports; requirements for training classes.

(1) The Department of Kentucky State Police shall develop a protocol for providing notice to the required court and law enforcement agencies under subsection (1) of this section. Within the protocol, the Department of Kentucky State Police shall designate which local law enforcement agencies are to receive notice in each county. A minimum of one (1) law enforcement agency shall be designated in each county.

(2) When a designated law enforcement agency for the county where the domestic violence order was issued or where the victim resides receives notice under subsection (1) (b) of this section, that agency shall make reasonable efforts to ensure that the petitioner who obtained the domestic violence order is notified that the respondent has purchased or attempted to purchase a firearm.

(3) Any person carrying out responsibilities under this section shall be immune from civil liability for good faith conduct in carrying out those responsibilities.

(4) This section shall apply only to domestic violence orders issued, or reissued, on or after July 14, 2000, through July 15, 2002.
deadly weapons, or a combination thereof, at any location in the Commonwealth.
(a) Unless revoked as provided by law, be valid for a period of five (5) years from the date of issuance;
(b) Authorize the holder of the license to carry a concealed firearm or other deadly weapon, or a combination thereof, on or about his or her person; and
(c) Authorize the holder of the license to carry ammunition for a firearm on or about his or her person.

Preceding the date on which the application is submitted, or having been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the three (3) year period immediately preceding the date on which the application is submitted;
(f) Does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, if the Department of Kentucky State Police has been notified of the arrearage by the Cabinet for Health and Family Services;
(g) Has complied with any subpoena or warrant relating to child support or paternity proceedings. If the Department of Kentucky State Police has not been notified by the Cabinet for Health and Family Services that the applicant has failed to meet this requirement, the Department of Kentucky State Police shall assume that paternity and child support proceedings are not an issue;
(h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the three (3) years immediately preceding the date on which the application is submitted. The commissioner of the Department of Kentucky State Police may waive this requirement upon good cause shown and a determination that the applicant is not a danger and that a waiver would not violate federal law; and
(i) Demonstrates competence with a firearm by successful completion of a firearms safety course approved or approved by the Department of Criminal Justice Training. The firearms safety course shall:
1. Be not more than eight (8) hours in length;
2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;
3. Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and
4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503.
(j) A legible photocopy of the certificate of completion issued by the Department of Criminal Justice Training shall constitute evidence of qualification under subsection (4)(i) of this section.
(k) Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement.
(l) The department and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:
1. Any peace officer employed by a federal agency specified in KRS 61.365;
2. Any peace officer employed by a federal law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;
3. Any military police officer of the United States Army, Navy, Marine Corps, or Air Force, or a reserve component thereof, or of the Army Reserve or Air Force Reserve who has successfully completed the military law enforcement training course required by that branch of the military; and
4. Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard.

A license which has expired shall be void and shall not be valid for any purpose other than surrender to the sheriff in exchange for a renewal license.

(15) The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars ($25), payable to the clerk of the District Court, but no court costs shall be assessed.

(16) Except as provided in KRS 527.020, no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:
(a) Any police station or sheriff's office;
(b) Any detention facility, prison, or jail;
(c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
(d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
(e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
(f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the occupant's residence used as a certified child-care home;
(g) An area of an airport to which access is controlled by the inspection of persons and property; or
(h) Any place where the carrying of firearms is prohibited by federal law.
Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be guilty of a Class D felony.

(2) Any person who violates any of the provisions of KRS 237.030 to 237.050, and in so doing uses any destructive device or booby trap device to avoid detection by law enforcement or other government personnel or to avoid theft or detection by any other person, of any controlled substance as set forth in KRS Chapter 218A and held in violation of KRS 218A.140, shall be guilty of a Class C felony.

Title L. Kentucky Penal Code
Chapter 527. Offenses Relating to Firearms and Weapons

527.010 Definitions for chapter. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Booby trap device" shall have the same meaning as set forth in KRS 237.030.

(2) "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(3) "Destructive device" shall have the same meaning as set forth in KRS 237.030.

(4) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(5) "Handgun" means any pistol or revolver originally designed to be used by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

527.030 Defacing a firearm.

(1) A person is guilty of defacing a firearm when he intentionally defaces a firearm.

(2) Defacing a firearm is a Class A misdemeanor.

527.040 Possession of firearm by convicted felon; exceptions.

(1) A person is guilty of possession of a firearm by a convicted felon if he or she possesses any weapon, or ammunition, or both in a vehicle on the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapon is unloaded, ammunitions, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons on the property of the employer or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice and Public Safety Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, if each employee is required to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer. ...

(20)(a) A person who has a valid license issued by another state of the United States to carry a concealed deadly weapon in that state may, subject to the laws of Kentucky, carry a concealed deadly weapon in Kentucky, and his or her license shall be considered as valid in Kentucky. ....

237.990 Penalties.

(1) Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be guilty of a Class D felony.

(2) Any person who violates any of the provi - ...sions of KRS 237.030 to 237.050, and in so doing uses any destructive device or booby trap device to avoid detection by law enforcement or other government personnel or to avoid theft or detection by any other person, of any controlled substance as set forth in KRS Chapter 218A and held in violation of KRS 218A.140, shall be guilty of a Class C felony.

527.050 Possession of defaced firearm.

(1) A person is guilty of possession of a de - faced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police of the possession or manufacture, meaning as set forth in KRS 237.030, of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

527.060 Forfeiture. Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon was used, displayed or unlawfully possessed by such person the court shall order the weapon forfeited to the state and sold, destroyed or otherwise disposed of in accordance with KRS 500.090.

527.070 Unlawful possession of a weapon on school property; posting of sign; exemptions.

(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm, or a hand - ...}

527.100 Possession of handgun by minor.

(1) A person shall be guilty of possession of a hand - gun by a minor when under the age of eighteen (18) years, he possesses, manufactures, or transports a handgun as defined by KRS 527.010, except when the person is:

(a) In attendance at a hunter's safety course or a firearms safety course;
(b) Engaging in practice in the use of a firearm, or target shooting at an established firing range, or any other area where the discharge of a firearm is not prohibited;
(c) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by a group organized under Section 501(c)(3) of the Internal Revenue Code or any successor thereto which uses firearms as a part of the performance;
(d) Hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this Common-wealth;
(e) Traveling to or from any activity described in paragraphs (a) to (d) of this subsection with any unloaded handgun in his possession;
(f) On real property which is under the control of an adult and has the permission of that adult and his parent or legal guardian to possess a handgun;
(g) At his residence and with the permission of his parent or legal guardian possesses a handgun and is justified under the principles of justification set forth in KRS Chapter 503 in using physical force or deadly physical force.

For the purposes of subsection (1) of this section, a handgun is "loaded" if:
(a) There is a cartridge in the chamber of the handgun; or
(b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or
(c) There is a cartridge in the magazine of a semiautomatic handgun, if the magazine is attached to the handgun; or
(d) The handgun and the ammunition for the handgun, are carried on the person of one under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.

Possession of a handgun by a minor is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

527. Unlawfully providing handgun to juvenile or permitting juvenile to possess handgun.

91. Unlawful sales of weapons to minors
A. Unlawful sales of weapons to minors is the selling or otherwise delivering for value of any firearm or other instrumentality customarily used as a dangerous weapon to any person under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.
B. Whoever commits the crime of unlawful sales of weapons to minors shall be fined not more than three hundred dollars or imprisoned for not more than six months, or both.

95. Illegal carrying of weapons
A. Illegal carrying of weapons is:
(1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for use as a dangerous weapon, on one’s person; or
(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an alien enemy; or
(3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or
(4) The manufacture, ownership, possession, custody or use of any switchblade knife, spring knife or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance.

(5) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun when he:

(i) A peace officer as defined by R.S. 14:30(B) in the performance of his official duties.
(ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
(iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

B. (1) Whoever commits the crime of illegal carrying of weapons shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of illegal carrying of weapons with any firearm used in the commission of a crime of violence as defined in R.S. 14:2(13), shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than two years, or both. Any sentence issued pursuant to the provisions of this Paragraph and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(13) shall be served consecutively.

C. On a second conviction, the offender shall be imprisoned with or without hard labor for not more than five years.

D. On third and subsequent convictions, the offender shall be imprisoned with or without hard labor for not more than ten years without benefit of probation, parole, or suspension of sentence.

E. If the offender uses, possesses, or has under his immediate control any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, while committing or attempting to commit a crime of violence or while in the possession of or during the sale or distribution of a controlled dangerous substance, the offender shall be fined not more than ten thousand dollars and imprisoned at hard labor for not less than five nor more than ten years without the benefit of probation, parole, or suspension of sentence. Upon a second or subsequent conviction, the offender shall be imprisoned at hard labor for not less than twenty
years nor more than thirty years without the benefit of probation, parole, or suspension of sentence.

F. The enhanced penalty upon second, third, and subsequent convictions shall not be applicable in cases where more than five years have elapsed since the expiration of the maximum sentence, or sentence, of the previous conviction or convictions, and the time of the commission of the last offense for which he has been convicted; this sentence to be imposed in such event shall be the same as may be imposed upon a first conviction.

C. The provisions of this Section except Paragraph (4) of Subsection A shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions shall not apply to sheriffs and their deputies and state and city police who are not discharging their official duties, provided that such persons are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.

(2) The provisions of this Section except Paragraph (4) of Subsection A shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity which employed the officer prior to his or her public retirement. The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification. This exception shall not apply to such officers who are medically retired based upon any mental impairment.

(3)(a) The provisions of this Section except Paragraph (4) of Subsection A shall not apply to active or retired reserve or auxiliary law enforcement officers, all of whom are certified annually by the Council on Peace Officer Standards and Training and who have on their persons valid identification as active or retired reserve law or auxiliary municipal police officers. The active or retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

(b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, non-regular, sworn member of a law enforcement agency who serves with or without compensation and has regular police powers while functioning as such agency’s representative, and who participates on a regular basis in agency activities including, but not limited to those pertaining to crime prevention or control, and the preservation of the peace and enforcement of the law.

H. The provisions of this Section shall not prohibit active justices or judges of the supreme court, court of appeals, district courts, parish courts, juvenile courts, family courts, city courts, and traffic courts, constables, coroners, district attorneys and designated assistant district attorneys, United States Attorneys and Assistant United States Attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, constable, coroner, district attorneys and designated assistant district attorneys, United States Attorneys and Assistant United States Attorneys and investigators, or Justices of the peace are certified by the Council on Peace Officer Standards and Training.

I. The provisions of this Section shall not prohibit the carrying of a concealed handgun by a person who is a college or university police officer under the provisions of R.S. 17:1805 and who is carrying a concealed handgun in accordance with the provisions of their official duties. The provisions of this Section shall not prohibit the sale of rescue knives to commissioned full-time law enforcement officers. The provisions of this Section shall not prohibit the use of firearms by the Council on Peace Officer Standards and Training.

J. The provisions of this Section shall not prohibit the ownership of rescue knives by commissioned full-time law enforcement officers. The provisions of this Section shall not prohibit the carrying of rescue knives by commissioned full-time law enforcement officers who are in the actual discharge of their official duties. The provisions of this Section shall not prohibit the sale of rescue knives to commissioned full-time law enforcement officers. The provisions of this Section shall not prohibit the use of firearms by the Council on Peace Officer Standards and Training.

K. (1) The provisions of this Section shall not prohibit a retired justice, or judge from the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, and city courts from possessing and concealing a handgun on their person provided that such retired justice of judge is certified by the Council on Peace Officers and Training and has on their status as a retired justice or judge.

(2) The retired justice or judge shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and shall be defined as possession of a delayed action incendiary device, manufacturer or possession of a defaced action incendiary device, manufacturer or possession of a firearm under the provisions of R.S. 15:541(14.1), or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ten years nor more than fifteen years without the benefit of probation, parole, or suspension of sentence and be fined not less than one thousand dollars nor more than five thousand dollars.

C. Except as otherwise specifically provided, this Section shall not apply to the following cases:

(1) The provisions of this Section prohibiting the use of firearms by the Council on Peace Officer Standards and Training.

(2) Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issue of this permit.

(3) The sheriff or superintendent of police, as the case may be, shall immediately notify the Department of Public Safety, in writing, of the issuance of each permit granted under this Section.

D. For the purposes of this Section, "firearm" means pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed for firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

95.1. Illegally supplying a felon with a firearm

A. Illegally supplying a felon with a firearm is the intentional giving, selling, donating, providing, lending, delivering, or otherwise transferring a firearm to any person known by the offender to be a person convicted of a felony and prohibited from possessing a firearm as provided for in R.S. 14:95.1.

B. A person commits the crime of illegally supplying a firearm with a firearm shall be imprisoned for not more than five years and may be fined not less than one thousand dollars nor more than five thousand dollars. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

95.2. Carrying a firearm, or dangerous weapon, by a student or nonstudent on school property, at school-sponsored functions or firearm-free zone

A. Carrying a firearm, or dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school sponsored function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school sponsored function in a specific designated area including but not limited to school sponsored activities, and may be fined not more than five thousand dollars.

B. For purposes of this Section, the following words have the following meanings:

(1) "School" means any elementary, secondary, high school, vocational-technical school, college, or university in this state.
(2) "Campus" means all facilities and property within the boundary of the school property.

(3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

(4) "Nonstudent" means any person not registered and enrolled in that school or a suspended student who does not have permission to be on the school campus.

C. The provisions of this Section shall not apply to:

(1) A federal, state, or local law enforcement officer in the performance of his official duties.

(2) A principal or school official acting during the normal course of his employment or a student acting under the direction of such school official or employee.

(3) Any person having the written permission of the principal.

(4) The possession of a firearm occurring within one thousand dollars in a possession on campus or in school property, at a school function, at a school sponsored event, or in a school sponsored activity.

(5) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.

(6) Any student carrying a firearm to or from a class, in which he is duly enrolled, that requires the use of the firearm in the class.

(7) A student enrolled or participating in an activity requiring the use of a firearm including but not limited to any ROTC function under the authority of a university.

(8) A student who possesses a firearm in his dormitory room or while going to or from his vehicle or any other person with permission of the administration.

D. (1) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school-sponsored function, or in a firearm-free zone shall be imprisoned at hard labor for not more than five years.

(2) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, on school property or in a firearm-free zone with or without a firearm being used in the commission of a crime of violence as defined in R.S. 14:2(B) on school property or in a firearm-free zone, shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both. Any sentence issued pursuant to the provisions of this Paragraph and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(B) shall be served consecutively. Upon commitment to the Department of Public Safety and Corrections after conviction for a crime committed on school property, at a school-sponsored function or in a firearm-free zone, the department shall have the offender evaluated through appropriate examinations or tests conducted under the supervision of the department. Such evaluation shall be made within thirty days of the order of commitment.

E. Lack of knowledge that the prohibited act occurred on or within one thousand feet of school property shall not be a defense.

F. (1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.

(2) If a student is detained by the principal or other school official for violation of this Section or the school principal or other school official confiscates or seizes a firearm or concealed weapon from a student while upon school property, at a school function, or on a school bus, the principal shall immediately notify the police department or sheriff's department where the school is located and shall deliver any firearm or weapon seized to that agency.

(3) A principal or school official in charge who fails to report the detention of a student or the seizure of a firearm or concealed weapon to a law enforcement agency as required by Paragraph F(2) of this Subsection within seventy-two hours of the notice of the detention or seizure may be issued a misdemeanor summons for a violation hereof and may be fined not more than five hundred dollars or sentenced to not more than forty hours of community service, or both. Upon successful completion of the community service or payment of the fine, or both, the arrest and conviction shall be set aside as provided for in Code of Criminal Procedure Article 894(B).

59.6. Firearm-free zone; notice; signs; crime; penalties.

A. "Firearm-free zone" is an area inclusive of any school campus and within one thousand feet of such school campus, and within a school bus.

B. The provisions of this Section shall not apply to:

(1) A federal, state, or local law enforcement building.

(2) A military base.

(3) A commercial establishment which is permitted by law to have firearms or armed security.

(4) Private premises where a firearm is kept pursuant to law.

(5) Any constitutionally protected activity within the firearm-free zone, such as a firearm contained entirely within a motor vehicle.

C. For purposes of this Section:

(1) "School" means any public or private elementary, secondary, high school, or vocational-technical school, college, or university in this state.

(2) "School campus" means all facilities and property within the boundary of the school property.

(3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

D. The local governing authority which has jurisdiction over zoning matters in which each firearm-free zone is located shall publish a map clearly indicating the boundaries of each firearm-free zone in accordance with the specifications in Subsection A. The firearm-free zone map shall be made an official public document and placed with the clerk of court for the parish or parishes in which the firearm-free zone is located.

E. The state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, and the commissioner of higher education, with the approval of the Board of Regents, shall develop a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on in each school bus indicating that such area is a firearm-free zone and that such zone extends to one thousand feet from the boundary of school property. The state Department of Education shall assist each approved school with the posting of notice as required in this Subsection.

F. (1) It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone as provided in this Section.

(2) Whoever violates the provisions of this Subsection shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

59.7. Possession of or dealing in firearms with obliterated number or mark.

A. No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm in which the serial number or mark of identification has been obliterated.

B. This Section shall not apply to any firearm which is an antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade, or which was originally manufactured without such a number.

C. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars and may be imprisoned for not more than six months.

59.8. Illegal possession of a handgun by a juvenile.

A. It is unlawful for any person who has not attained the age of seventeen years knowingly to possess any handgun on his person. Any person possessing any handgun in violation of this Section commits the offense of illegal possession of a handgun by a juvenile.

B. The state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, and the commissioner of higher education, with the approval of the Board of Regents, shall develop a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on in each school bus indicating that such area is a firearm-free zone and that such zone extends to one thousand feet from the boundary of school property. The state Department of Education shall assist each approved school with the posting of notice as required in this Subsection.

C. The provisions of this Section shall not apply to any person under the age of seventeen years who is:

(1) Attending a hunter's safety course or a firearms safety course.
(2) Engaging in practice in the use of a fire-arm or target shooting at an established range.
(3) Hunting or trapping pursuant to a valid license issued to him pursuant to the laws of this state.
(4) Traveling to or from any activity described in Paragraph (1), (2), or (3) of this Subsection while in possession of an unloaded gun.
(5) On real property with the permission of his parent or legal guardian and with the permission of the owner or lessee of the property.
(6) At such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun.

(7) Possessing a handgun with the written permission of such person's parent or legal guardian; provided that such person carries on his person a copy of such written permission.

D. For the purposes of this Section "handgun" means a firearm as defined in R.S. 14:37.2, provided however, that the barrel length shall not exceed twelve inches.

319. Sale of toy pistols prohibited; penalty; exceptions

No person shall sell or offer to sell any toy pistol constructed so as to accommodate blank powder cartridges, blank cartridges, or shells used in firing or discharging toy pistols. Whoever violates this Section shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned for not more than ten days, or both.

Paper cap pistols and other toy pistols not constructed so as to accommodate blank powder cartridges or shells are not included within the provisions of this Section.

Title 40. Public Health and Safety

Chapter 6. Department of Public Safety

1379.3. Statewide permits for concealed handguns; application procedures; definitions

A. (1) Notwithstanding any other provision of law to the contrary, the deputy secretary of public safety services of the Department of Public Safety and Corrections shall issue a concealed handgun permit to any citizen who qualifies for a permit under the provisions of this Section and may promulgate rules and adopt regulations regarding concealed handgun permits in accordance with the Administrative Procedure Act. The permit shall contain a permit number, expiration date, photograph, and the name, address, and date of birth of the permittee.

(2) Any information in any application for a concealed handgun permit or any information provided in connection with the application submitted to the deputy secretary of public safety services of the Department of Public Safety and Corrections under the provisions of this Section shall be held confidential and shall not be subject to any public records request nor shall the information be considered as a public record pursuant to R.S. 14:41 et seq. The Department of Public Safety and Corrections shall not release any list of persons who applied for or received a permit for a concealed handgun pursuant to this Section. However, anything contained herein shall limit or impede the free flow of any normal law enforcement agencies, prohibit the department from releasing information necessary to perform the background investigation, or provide statistical information which does not identify individual applicants or permittees.

B. A concealed handgun permit issued pursuant to this Section shall grant authority to a citizen to carry a concealed handgun on his person. …

J. For the purposes of this Section, the following terms shall have the meanings ascribed herein:

(1) "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridge ammunition. The term "handgun" shall not include shotguns or rifles that have been altered by having their stocks or barrels cut or shortened. …

T. (1) A nonresident concealed handgun permit issued by another state is valid in the state of Louisiana if issued to an individual who as a resident of this state has been denied a handgun permit or has been issued a handgun permit which is under revocation or suspension.

(3) The deputy secretary for public safety services shall have the authority to enter into reciprocity agreements with other states so that full-time active police officers commissioned in another state shall have the same authority as a person issued a concealed handgun permit pursuant to this Section to carry a concealed handgun while in this state, regardless of whether or not they are in the official discharge of their duties. An out-of-state law enforcement officer carrying a concealed handgun pursuant to this Paragraph is bound by the laws of this state regarding carrying a concealed handgun pursuant to a permit issued in accordance with this Section.

(2) A nonresident concealed handgun permit issued by another state is invalid in the state of Louisiana if issued to an individual who as a resident of this state has been denied a handgun permit or has been issued a handgun permit which is under revocation or suspension.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752. Manufacturers and merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has its place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

1754. Registers to be kept; inspection thereof

Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. The register shall show:

(1) The date of the sale, loan, gift, delivery, or receipt of any machine gun;
(2) The name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and
(3) The purpose for which the person, to whom the machine gun was sold, loaned, given, or delivered, purchased or obtained it.

Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff or any police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register required in this
Section and all written permits to purchase or possess a machine gun, which he has retained and filed in his place of business.

1755. Penalty
A. Any manufacturer who:
(1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1753; or
(2) Fails to keep an accurate register, as required in R.S. 40:1754; or
(3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 40:1753, shall be imprisoned at hard labor for not less than one year nor more than five years.
B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.
C. Whoever, having been convicted of murder, treason, armed robbery, gross violation of simple burglary, or aggravated battery, or an attempt to commit any of those crimes, thereafter violates any of the provisions of this Part shall be imprisoned at hard labor for not less than three years nor more than ten years.

Part II. Registration

1781. Definitions For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:
(1) “Dealer” means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.
(2) “Department” means the Department of Public Safety.
(3) “Firearm” means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; and any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver, or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun, grenade launcher, flame thrower, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.
(4) “Importer” means any person who imports or brings into the state any firearm.
(5) “Machine gun” means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.
(6) “Manufacturer” means any person who is engaged in this state in the manufacture, assembling, altering, or repairing of any firearm.
(7) “Machine” or “silencer” includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.
(8) “Transfer” includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

1782. Exemptions from Part This Part does not apply to the following persons and things:
(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.
(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.
(3) The arms, accoutrements, and equipment of the militia.
(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

1783. Registration with department of public safety Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer controlling the fire-arm and the name and home address of the person having actual possession thereof.

1784. Application to possess or transfer; use of information or evidence
A. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Any person seeking approval from the department shall file written applications in duplicate on application forms issued in blank for those purposes by the department, or electronically as approved by the department. In the case of transfers of any firearm, applications shall be filed by the proposed vendor and the proposed vendee.
B. The applications shall set forth, in the original and duplicate, the manufacturer’s number or other mark identifying the firearm. Both the original and duplicate, or electronic application, shall be forwarded to the department. If approved, the original shall be returned to the applicant.
C. No person shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

1786. Seizure and forfeiture of weapons; disposition thereof. Any firearm possessed or transmitted in violation of the provisions of this Part may be seized by the department. Upon seizure, it is forfeited to the state and may be disposed of by the department as follows:
No firearm shall be sold at public sale; the department may order the firearm destroyed or may sell it at private sale to any political subdivision of the state or to any officer thereof, or may retain it for its own use, or may transfer it without charge to any executive department or independent establishment of the state for use by it.

1787. Importation, manufacture, or dealing in without registration Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and all places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

1788. Identification with number or other mark; obliteration or alteration of number or mark
A. Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp otherwise place the number or mark thereon in a manner approved by the department.
B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

1789 Records of importers, manufacturers, or dealers Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this Part as the department requires.

1790. Rules and regulations; importation of firearms The department may prescribe such rules and regulations as are necessary for carrying out the provisions of this Part.

1791. Penalty Upon the first violation of any provision of this Part the penalty shall be a fine of not less than five hundred dollars nor more than two thousand dollars and imprisonment with or without hard labor for not less than one nor more than five years. For any subsequent violation of this Part the penalty shall be a fine of not less than two thousand dollars nor more than five thousand dollars and imprisonment at hard labor for not less than five years nor more than ten years.

1792. Possession of unidentifiable firearm; particular penalties; identification of source of firearm
A. No person shall intentionally receive, possess, carry, conceal, buy, sell, transfer, or transport any firearm which has been illegally obtained or from which the serial number or individual identifying mark, as required by R.S. 40:1788, has been intentionally obliterated, altered, removed, concealed, or corrupted.
B. The provisions of this Section shall not apply to any firearm which is an antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels
of commercial trade, or which was originally manufactured without such a number.

C. Except as otherwise provided in this Section, whoever violates the provisions of this Section may be fined not more than one thousand dollars and shall be imprisoned at hard labor for five years without benefit of probation, parole, or suspension of sentence.

D. Prior to sentencing for a conviction under this Section, the defendant shall be given the opportunity to identify the source of the firearm upon which the conviction was based. If the defendant reveals the identity of the source of the weapon and the identity of the source is confirmed by the prosecutor or the court, the defendant shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

E. Nothing in this Section shall be construed to prevent the prosecution of an individual who obtained the firearm by theft, robbery, deception, or by other unlawful means from the lawful owner of the firearm.

F. Any illegally obtained firearm or a firearm from which the serial number or identifying mark required by R.S. 40:1788 has been obliterated or altered is hereby declared to be contraband and shall be seized by the law enforcement agency of jurisdiction. If it is determined that a person other than the owner was responsible for removing, altering, or obliterating the serial number or identifying mark, the firearm shall be returned to its lawful owner or may be disposed of according to law but only after a new serial number has been permanently fixed on the firearm. If a new serial number is not so affixed, the firearm shall be destroyed by the law enforcement agency in possession of the firearm.

Part II-A. Miscellaneous Provisions

1796 Preemption of state law

A No governing authority of a political subdivision shall enact after July 15, 1985, any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition, however this Section shall not apply to the levy and collection of sales and use taxes, license fees and taxes and permit fees, nor shall it affect the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings.

B. Nothing in this Section shall prohibit a local governing authority in a high risk area from developing a plan with federally licensed firearms manufacturers, dealers, or importers to secure the inventory of firearms and ammunition of those licensees in order to prevent looting of the licensee’s premises in a state of emergency or disaster. Such plan shall be renewed on a periodic basis. The information contained in the plan shall be deemed security procedures as defined by R.S. 44:3.1 and shall be released only to the sheriffs of the parishes or police chiefs of the municipalities in which the declared state of emergency or disaster exists.

C. For purposes of this Section:

1) “Declared emergency or disaster” means an emergency or disaster declared by the governor or parish president pursuant to the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act.

2) “High-risk area” means the parishes of Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Part III. Purchase of Rifles and Shotguns

1801. Declaration of policy

It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns or ammunition in states contiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C.§ 921 et seq. and it is the declared intention of this state that the sale of shotguns and rifles and the sale of ammunition in this state to residents of adjacent states is hereby authorized pursuant to regulations issued under the Gun Control Act of 1968.

1802. Definitions

A. A person contiguous to this state shall mean any state having a common border with this state.

B. All other terms shall be given the meaning prescribed in 18 U.S.C.§ 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

1803. Purchase of rifle or shotgun or ammunition

It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

1804. Application

This Part shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles or shotguns or ammunition by federally licensed firearms manufacturers, importers, dealers or collectors except to permit such purchase, receipt or transportation.

Part IV. Armor-Piercing Bullets

1810. Definition

A. As used in this Part, “armor-piercing bullet” shall mean any bullet, except a shotgun shell or ammunition primarily designed for use in rifles, that:

1) Has a steel inner core or core of equivalent density and hardness, truncated cone, and is designed for use in a pistol or revolver as a body armor or metal piercing bullet; or

2) Has been primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, to breach or penetrate body armor when fired from a handgun.

1811. Prohibitions

A. No person shall import, manufacture, sell, purchase, possess, or transfer armor-piercing bullets.

B. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than one year, or both.

1812. Exemptions

The provisions of this Part shall not apply to:

1) Law enforcement officers and employees acting in the lawful performance of their duties.

2) Law enforcement or other authorized agencies conducting a firearms training course, operating a forensic ballistics laboratory, or specializing in the development of ammunition or explosive ordinance.

3) The Department of Corrections officials and employees authorized to carry firearms while engaged in the performance of their official duties.

4) Members of the armed services or reserve forces of the United States or Louisiana National Guard while engaged in the performance of their official duties.

5) Federal officials authorized to carry firearms while engaged in the performance of their official duties.

6) The lawful manufacture, importation, sale, purchase, possession, or transfer of armor-piercing bullets exclusively to or for persons authorized by law to possess such bullets.

7) A bona fide collector licensed by the Department of Public Safety.
jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in this State or any other State to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was the result of a weapon or a firearm.

2) 1-A. LIMITED PROHIBITION FOR PERSONS, OTHER THAN SEX OFFENDERS, PAROLE OR ADMINISTRATIVE RELEASE;

3) Person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to control a firearm for a period of 3 years.

4) If the commissioner determines that the person has made a request to provide to the commissioner any information relevant to the factors in paragraph E.

B. The commissioner shall notify persons who have been found not criminally responsible or under the laws of the United States or any other State or the Passamaquoddy Tribe or Penobscot Nation in this State or any other State to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in this State or any other State to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was the result of the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury; or

2) 1-B. BACKGROUND.

A. An application under this subsection must be on a form developed by the commissioner.

B. By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury; or

C. An application under this subsection must be on a form developed by the commissioner.

D. The commissioner shall notify persons who have been found not criminally responsible or under the laws of the United States or any other State or the Passamaquoddy Tribe or Penobscot Nation in this State or any other State to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was the result of a weapon or a firearm.

2) Person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to control a firearm for a period of 3 years.

3) If the commissioner determines that the person has made a request to provide to the commissioner any information relevant to the factors in paragraph E.
applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest.

F. If the commissioner finds by clear and convincing evidence that the circumstances that led to the commission of the act have changed, that the applicant is not likely to act in a manner dangerous to public safety and that granting the application for relief will not be contrary to the public interest, the commissioner may grant relief.

G. Notwithstanding any other provision of law, and except as indicated in this paragraph, all applications for relief pursuant to this subsection and documents made a part of the application, refusals and any information of record collected by the commissioner during the process of determining whether an applicant qualifies for relief are confidential and may not be made available for public inspection or copying unless:

1. The applicant waives this confidentiality in writing or on the record of any hearing; or

2. A court of record so orders. Proceedings relating to the grant or denial of relief are not public proceedings under Title 1, chapter 13.

The commissioner shall make a permanent record, in the form of a summary, of the final decision in each application. The summary must include the name of the applicant and indicate whether the application for relief was granted or denied. The information contained in this summary is available for public inspection.

H. An applicant may appeal the denial of an application for relief under this subsection within 30 days of receipt of the written notice of decision by filing a complaint in the District Court for de novo review in the district where the Department of Public Safety has its principal office. Hearings are closed unless otherwise agreed to by the applicant. A party aggrieved by a decision of the District Court may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

5. APPEAL. Any person to whom a permit under subsection 2 has been denied may file a petition for review pursuant to Title 5, chapter 375, subchapter 7.

6. FILING FEE. The commissioner may establish a reasonable filing fee not to exceed $25 to defray costs of processing applications.

7. DEFINITIONS. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

B. "Not criminally responsible by reason of insanity" has the same meaning as used in section 103 and any comparable finding under the laws of the United States or any other state.

C. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 12-A.

E. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

8. PENALTY. A violation of subsection 1, paragraph A-1 or C is a Class C crime. A violation of subsection 1, paragraph D or E is a Class D crime. A violation of subsection 1-A by a person at least 18 years of age is a Class C crime.

9. PRIMA FACIE EVIDENCE. Notwithstanding any other law or rule of evidence, a copy of a court abstract provided by a court to the Department of Public Safety, State Bureau of Identification pursuant to Title 34-B, subsection 3864, subsection 12, if certified by the custodian of the records of that bureau, or the custodian's designee, is admissible in a criminal prosecution brought pursuant to this section as prima facie evidence that the person identified in the abstract has been involuntarily committed by the court issuing the abstract and has been provided the notice required in Title 34-B, section 3864, subsection 5, paragraph A-1 and Title 34-B, section 3864, subsection 13.

10. SUBPOENA POWER. The commissioner is authorized to issue a subpoena in the name of the commissioner in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this section and is not limited to an adjudicatory hearing. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the commissioner, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

11. RULES. The commissioner may adopt rules to implement the provisions of subsections 2 to 4-A. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Chapter 17. Miscellaneous Provisions

455. Record of sales of firearms

1. FORMS. A dealer may not:

A. Sell, loan or transfer a person without making a copy of the form a dealer must keep as prescribed by 18 United States Code, Section 923. The copy must be made and marked as "STATE COPY" before the firearm is delivered; or

B. Refuse to show or refuse to allow inspection of a copy of the form described in paragraph A to a sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney.

A person who violates this subsection commits a civil violation for which a civil penalty of $50 may be adjudged.

2. FALSE OR FICTITIOUS NAME. A person who in a transaction for the sale of a firearm makes a false or fictitious name to a dealer, a person who violates this subsection commits a civil violation for which a fine of $50 may be adjudged.

3. EXCEPTION. This section does not apply to a wholesaler who sells only to other dealers or to a manufacturer who sells only at wholesale.

455-A. Warning requirement upon sales of firearms

1. POSTING OF CONSPICUOUS WARNING. Except as provided in subsection 1-A, any commercial retail sales outlet that sells firearms shall conspicuously post at each purchase counter where firearms may be purchased the following warning in block letters not less than one inch in height:

ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU MAY BE SUBJECT TO FINE, IMPRISONMENT OR BOTH.

KEEP FIREARMS AND AMMUNITION SEPARATE.

KEEP FIREARMS AND AMMUNITION LOCKED UP.

USE TRIGGER LOCKS.

1-A. POSTING OF WARNINGS AT GUN SHOWS. The warning sign as described in subsection 1 must be posted at all entrances of an organized gun show.

2. VIOLATION. Any person who fails to post the warning in compliance with subsection 1, commits a civil violation for which a civil forfeiture of not more than $200 may be adjudged.

Title 17-A. Maine Criminal Code

Chapter 1. Preliminary

2. Definitions. As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. ...

9. Dangerous weapon.

A. "Use of a dangerous weapon" means the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.

B. "Armed with a dangerous weapon" means in actual possession, regardless of whether the possession is visible or concealed, of:

(1) A firearm;

(2) Any device designed as a weapon and capable of producing death or serious bodily injury; or

(3) Any other device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury. For purposes of this definition, the intent may be material.

C. When used in any other context, "dangerous weapon" means a firearm or any device designed as a weapon and capable of producing death or serious bodily injury.

D. For purposes of this subsection, proof that a thing is presented in a covered or open manner as a dangerous weapon gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that it, in fact, is a dangerous weapon.

12-A. "Firearm" means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm. ...

Chapter 23. Offenses Against the Family

554. Endangering the welfare of a child

1. A person is guilty of endangering the welfare of a child if that person: ...
B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, cigarette, tobacco, air rifles, gunpowder, smokeless powder or ammunition for firearms; ...

2. It is an affirmative defense to prosecution under this subsection to prove that:
   C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.

3. Enforcing the welfare of a child is a Class D crime, except that a violation of subsection 1, paragraph B-2 is a Class C crime.

554-A. Unlawful transfer of a firearm to a minor.

1. As used in this section, the following terms have the following meanings.
   A. "Firearm" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.
   C. "Sell" means to furnish, deliver or otherwise provide for consideration.
   D. "Firearm" means a firearm other than a handgun as defined in section 554-B, subsection 1, paragraph A.

2. A person is guilty of unlawfully transferring a firearm to a person under 16 years of age if that person, who is not the parent, foster parent or guardian of the person under 16 years of age, knowingly transfers a firearm to a person under 16 years of age. Violation of this subsection is a Class D crime, except that a violation of subsection A is a Class C crime.

2-A. A person is guilty of unlawfully selling a firearm to a person 16 years of age or older and under 18 years of age if that person, who is not the parent, foster parent or guardian of the person 16 years of age or older and under 18 years of age, knowingly sells a firearm to a person 16 years of age or older and under 18 years of age.

A. A person who violates this subsection commits a civil violation for which a fine of not more than $500 may be adjudged.
   B. A person who violates this subsection after having been adjudicated as having committed one or more violations under this subsection commits a Class D crime.

3. It is an affirmative defense to a prosecution under subsection 2 that:
   A. The actor reasonably believed the person receiving the firearm had attained 16 years of age. A reasonable belief cannot be based solely upon the physical appearance of the person or upon the oral representation of that person to that person's age; or
   B. The transfer of the firearm to the person under 16 years of age was approved by the parent, foster parent or guardian of the person under 16 years of age.

3-A. It is an affirmative defense to a prosecution under subsection 2-A that:
   A. The actor reasonably believed the person receiving the firearm had attained 18 years of age. A reasonable belief cannot be based solely upon the physical appearance of the person or upon the oral representation of that person to that person's age; or
   B. The sale of the firearm to the person 16 years of age or older and under 18 years of age was approved by the parent, foster parent or guardian of the person 16 years of age or older and under 18 years of age.


554-B. Unlawful transfer of handgun to minor.

1. As used in this section, the following terms have the following meanings.
   A. "Handgun" means a firearm that has a short stock and is designed to be held and fired by the use of a single hand, or any combination of parts from which a handgun can be assembled.
   B. "Minor" means a person under 18 years of age.
   C. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

2. A person is guilty of unlawfully transferring a handgun to a minor if that person knowingly transfers a handgun to a person who the transferee knows or has reasonable cause to believe is a minor.

3. This section does not apply to:
   A. A temporary transfer of a handgun to a minor:
      (1) With the prior written consent of the minor's parent or guardian and that parent or guardian is not prohibited by federal, state or local law from possessing a firearm; or
      (2) In the course of employment, target practice, hunting or instruction in the safe and lawful use of a firearm.

   The minor may transport an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in this subparagraph is to take place and directly from the place at which such an activity took place to the transferor;
   B. A minor who is a member of the United States Armed Forces or the National Guard who possesses or is armed with a handgun in the line of duty;
   C. A transfer by inheritance of title to, but not possession of, a handgun to a minor; or
   D. The transfer of a handgun to a minor when the minor takes the handgun in self-defense or in defense of another person against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

   4. The State may not permanently confiscate a handgun that is transferred to a minor in circumstances in which the transferee is not in violation of subsection 1 or 2; or the possession of the handgun by the minor subsequently becomes unlawful because of the conduct of the minor. When that handgun is no longer required by the State for the purposes of investigation or prosecution, the handgun must be returned to the lawful owner.

   5. The following penalties apply:
      A. A person who violates this section commits a Class D crime, except as provided in paragraph B.
      B. A person who violates this section and, at the time of the offense, has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

Chapter 29. Forgery and Related Offenses

705. Criminal simulation.

1. A person is guilty of criminal simulation if:
   A. With intent to defraud, he makes or alters any property so that it appears to have an age, rarity, quality, composition, source or authorship which it does not in fact possess; or with knowledge of its true character and with intent to defraud, he transfers or possesses property so simulated; or ...
   D. With intent to defraud and to prevent identification:
      (1) He alters, removes or obscures the manufacturer's serial number or any other distinguishing identification number, mark or symbol upon any automobile, snowmobile, outboard motor, motorboat, aircraft or any other vehicle or upon any machine, firearm or other object; or
      (2) He possesses any such object or any such item after that number has been altered, removed or obscured.

2. Criminal simulation is a Class E crime.
chine gun shall be given to the former owner by the law enforcement officer who seized the machine
gun.

1054. Forfeiture of machine gun If no claimant for a machine gun seized under the au-
thority of section 1053 appears, the judge shall, on proof to the contrary, declare the same to be for-
feited to the State. If any person appears and claims such machine gun, as having a right to the
possession thereof at the time when the same was seized, he shall file with the judge a
claim in writing stating specifically the right so claimed, the foundation thereof, the item so
claimed, any exemption claimed, the time and place of the seizure and the name of the law
enforcement officer who seized the machine gun, and in it declare that it was not possessed in vi-
olation of this chapter, and state his business and
place of residence and sign and make oath to the
same before said judge. If any person so
claim, he shall be admitted as a party to
the process and the libel, and may hear any
pertinent evidence offered by the libellant or
claimant. If the judge is, upon hearing, satisfied that said machine gun was not possessed in vi-
olation of this chapter, and that claimant is en-
titled to the custody thereof, he shall give an
order in writing, directed to the law enforcement
officer having seized the same, commanding
him to deliver to the claimant the machine gun to
which he is so found to be entitled, within 48
hours after demand. If the judge finds the claim-
ant not entitled to possess the machine gun, he
shall render judgment against him for the
libellant for costs, to be taxed as in civil cases
before such judge, and issue execution there
on, and shall declare such machine gun forfeited to
the State. The claimants may appear and shall
recognize with sureties as on appeals in civil
actions from a judge. The judge may order that
the machine gun remain in the custody of the
seizing law enforcement officer, pending the
planding of the appeal. All machine guns declared
forfeited to the State, or title to which have been transferred to the State in lieu
of forfeiture proceedings shall be turned over to the
Chief of the Maine State Police. If said machine
gun is found to be of a historic, artistic, scientific or
educational value, the State Police may retain
the machine gun in the custody of the police, as
a definite period of time. Any other machine gun declared forfeited and in
possession of the State Police shall be destroyed by a means most convenient to the
Chief of the State Police.

1056. Possession of armor-piercing ammu-
nition
1. A person is guilty of possession of armor-
piercing ammunition if, without authority to do
so, the person knowingly possesses armor-
piercing ammunition other than as part of a bona
fide collection.

2. As used in this chapter, “armor-piercing
ammunition” means a projectile or projectile core
that may be used in a handgun and that is
constructed entirely, excluding the presence of
traces of other substances, from one or a com-
bination of tungsten alloys, steel, iron, brass,
beryllium copper or depleted uranium, including
but not limited to ammunition commonly known
as KTW ammunition. “Armor-piercing ammu-
nition” does not include shotgun shells acquired
by federal or state environmental or game laws,
rules or regulations for hunting purposes, a fran-
gible projectile designed for target shooting or
any projectile or projectile core found by the
United States Secretary of the Treasury or the
secretary’s delegate, pursuant to 27 Code of
Federal Regulations, Section 178.148 or Section
178.149, to be:
A. Primarily intended to be used for sporting
purposes; or
B. Used for industrial purposes, including
a charge used in an oil and gas well perforating
device.
3. Possession of armor-piercing ammunition is
a Class C crime.
4. This section does not apply to members of
the United States Armed Forces, the United
States Reserve Forces or the National Guard, or
to law enforcement officers or agencies or foren-
sic laboratories, in the course of duty or employ-
ment.

Chapter 47. General Sentencing Provisions

1158-A. Forfeiture of firearms
1. As part of every sentence imposed, except
as provided in subsection 2, a court, at the
discretion of the court, shall require that a firearm must be forfeited to the State if
A. That firearm constitutes the basis for convic-
tion under:
(1) Title 15, section 393,...
B. The State pleads and proves that the fire-
arm was used by the defendant or an accomplice
during the commission of any murder or Class A,
B, C or D crime defined in chapter 9, 11 or 13; or
C. The defendant, with the approval of the
state, consents to the forfeiture of the firearm.
2. Except as provided in subsection 3, a court
may not order the forfeiture of a firearm other-
wise qualifying for forfeiture under subsection 1
if another person can satisfy the court by a pre-
ponderance of the evidence and prior to the im-
position of the defendant’s sentence that:
A. Other than in the context of either subsec-
tion 1, paragraph A, subparagraph (1) or sub-
section 1, paragraph B relative to murder or any
other unlawful homicide crime in which the fire-
arm used as a handgun, the other person, at the
time of the commission of the crime, had a right
to possess the firearm to the exclusion of the de-
fendant;
B. In the context of subsection 1, paragraph A,
subparagraph (1), the other person, at the
time of the commission of the crime, had a right
to possess the firearm to the exclusion of the de-
fendant; or
C. In the context of subsection 1, paragraph B
relating to murder or any other unlawful homici-
de crime in which the firearm used is a hand-
gun, the other person, at the time of the commis-
sion of the crime, was the rightful owner from
whom the handgun had been stolen and the
other person was not a principal or accomplice
in the commission of the crime.
3. If another person satisfies subsection 2,
paragraph B, a court shall nonetheless order the
forfeiture of a firearm otherwise qualifying for for-
feiture under subsection 1, paragraph A, subpar-
agraph (1) if the State can satisfy the court by a pre-
ponderance of the evidence both that the
other person knew or should have known that
the defendant was a prohibited person under
Title 15, section 393 and that the other person
intentionally, knowingly or recklessly allowed
the defendant to possess or have under the defen-
dant’s control, a prohibited firearm.
4. The Attorney General shall adopt rules gov-
erning the disposition to state, county and mu-
icipal agencies of firearms forfeited under this
section. A handgun not excepted under subsec-
tion 2, paragraph C must be destroyed by the
State.
5. As used in this section, "handgun" means a
firearm, including a pistol or revolver, that has a
short stock and is designed to be held and fired
by the use of a single hand.

Title 19-A. Domestic Relations

Chapter 101. Protection From Abuse

4006. Hearings
1. FULL HEARING. Within 21 days of the filing
of a complaint, a hearing must be held at
which the plaintiff must prove the allegation of
abuse by a preponderance of the evidence. If a
request for temporary, emergency or interim
relief is denied, the hearing must be held as
soon as practicable within the 21-day period.

2. TEMPORARY ORDERS. The court may enter
temporary orders authorized under subsection 5
that it considers necessary to protect the plaintiff or minor child from abuse, on
good cause shown in an ex parte proceeding,
which the court shall hear and determine as expeditiously as practicable after the filing of
a complaint. Immediate and present danger of
abuse to the plaintiff or minor child constitutes
good cause. An order remains in effect pending a
hearing pursuant to subsection 7. If the court
finds the defendant not to possess a firearm or other
dangerous weapon for the duration of the
temporary order if the complaint demonstrates:
A. Abuse that involves a firearm or other dan-
gerous weapon; or
B. Whether a heightened risk of immediate abuse
to the plaintiff or a minor child. In determining
whether a heightened risk of immediate abuse is
present, the court shall consider, but is not lim-
ited to consideration of, whether:
(1) The temporary order of protection is not
likely to achieve its purpose in the absence of
such a condition;
(2) The defendant has violated orders of pro-
tection;
(3) Past or present abuse to a victim resulted
in injury;
(4) The abuse occurred in public; and
(5) The abuse includes:
(a) Sexual violence;
(b) Killing or threatening to kill pets;
(c) An escalation of violence;
(d) Stalking behavior or extreme obsession;
(e) Sexual violence;
(f) Excessive alcohol or drug use; and
(g) Abuse against a pregnant victim.
If the court finds the defendant from pos-
sessing a firearm or other dangerous weapon
in a temporary order and if the defendant moves
for dissolution or modification of an order pursu-
ant to subsection 7, the court must hear and de-
cide the motion as expeditiously as possible and
must issue a written decision on the motion with-
in 24 hours after a hearing on that motion.
If the court prohibits the defendant from pos-
sessing a dangerous weapon other than a fire-
arm in a temporary order, the court shall specify
the type of weapon the defendant is prohibited
from possessing.

If the court prohibits the defendant from pos-
sessing a firearm or other dangerous weapon
in a temporary order, the court shall direct the
defendant to relinquish, within 24 hours after ser-
vice of the order on the defendant or such earlier
time as the court specifies in the order, all fire-
arms and specified dangerous weapons in the
possession of the defendant to a law enforce-
ment officer or other individual for the duration of

Page 216
the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms and other dangerous weapons at any location if there is probable cause to believe such firearms or dangerous weapons have not been relinquished by the defendant.

4007. Relief.

1. PROTECTION ORDER; CONSENT AGREEMENT. The court, after a hearing and upon finding that the defendant has committed the alleged abuse, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse. This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. Relief granted under this section may include: ...

A-1. Directing the defendant not to possess a firearm or other dangerous weapon for the duration of the order;...

1-A. NO POSSESSION OF FIREARM OR OTHER DANGEROUS WEAPONS FOR DURATION OF ORDER. If the court prohibits the defendant from possessing a dangerous weapon other than a firearm, the court shall specify the type of weapon the defendant is prohibited from possessing.

If the court prohibits the defendant from possessing a firearm or other dangerous weapon, the court shall direct the defendant to relinquish, within 24 hours after service of the order on the defendant or such earlier time as the court specifies in the order, all firearms and specified dangerous weapons in the possession of the defendant to a law enforcement officer or other individual for the duration of the order. If the weapons are relinquished to an individual other than a law enforcement officer, the defendant must file, within 24 hours after such relinquishment, with the court or local law enforcement agency designated in the order a written statement that contains the name and address of the individual holding the weapons and a description of all weapons held by that individual. The court may subsequently issue a search warrant authorizing a law enforcement officer to seize any firearms and other dangerous weapons at any location if there is probable cause to believe such firearms or dangerous weapons have not been relinquished by the defendant. ...

Title 25. Internal Security and Public Safety

PART 5. Public Safety

Chapter 252-A. Firearms Regulations

2011. State preemption

1. PREEMPTION. The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future ordinance, rule or regulation in this field of any political subdivision of the State is void.

2. REGULATION RESTRICTED. Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

3. EXCEPTION. This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

4. LAW ENFORCEMENT AGENCY. Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section, "law enforcement agency" has the same meaning as set forth in section 3701.

2012. Sale of firearms to include safety brochure

1. DEFINITIONS. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization that contains the following information relating to firearms:

(i) Rules for safe handling, storage and use of firearms;

(ii) Nomenclature and descriptions of various types of firearms; and

(iii) Responsibilities of firearm ownership.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Firearm dealer" means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

2. REQUIREMENT. A firearm dealer must:

A. Sell a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer's cost to obtain the brochure;

B. Offer to demonstrate to the purchaser the use of a trigger locking device; and

C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

3. NO LIABILITY. Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

[Current with legislation through the 2009 Second Regular Session of the 124th Legislature]
(iii) the person transports the item directly to the law enforcement unit, barracks, or station.

(c) Preexisting local laws. To the extent that a local law does not create an inconsistency with this section or expand existing regulatory control, a county, municipal corporation, or special taxing district may exercise its existing authority to amend any local law that existed on or before December 31, 1984.

(d) Discharge of firearms (1) Except as provided in paragraph (2) of this subsection, in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

Subtitle 3. Assault Pistols and Detachable Magazines

4-301. "Assault pistol" defined In this sub- title, "assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

(1) AA Arms AP-9 semiautomatic pistol;
(2) Bushmaster semiautomatic pistol;
(3) Claridge HI-TEC semiautomatic pistol;
(4) D Max Industries semiautomatic pistol;
(5) Encom MK-IV, MP-9, OR MP-45 semiautomatic pistol;
(6) Heckler and Koch semiautomatic SP-89 pistol;
(7) Holmes MP-83 semiautomatic pistol;
(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;
(9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;
(10) P.W.S. Type semiautomatic pistol;
(11) Skorpion semiautomatic pistol;
(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
(13) UZI semiautomatic pistol;
(14) Weaver Arms semiautomatic Nighthawk pistol; or
(15) Wilkinson semiautomatic "Linda" pistol.

4-302. Scope of subtitle This subtitle does not apply to:

(i) As specified in the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the national guard, or law enforcement personnel of the State or a local unit in the State;
(ii) A firearm modified to render it permanently inoperable;
(iii) Purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:
   (i) Providing or servicing an assault pistol or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section; or
   (ii) Acting to sell or transfer an assault pistol detachable magazine to a licensed firearm dealer in another state;
(iv) Organizations that are required or authorized by federal law governing their specific business or activity to maintain assault pistols and applicable ammunition and detachable magazines;
(v) The receipt of an assault pistol or detachable magazine by inheritance if the decedent lawfully possessed the assault pistol; or
(vi) The receipt of an assault pistol or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate.

4-303. Assault pistols - prohibited

(a) In general. Except as provided in subsection (b) of this section, a person may not:
   (1) transport an assault pistol into the State; or
   (2) possess, sell, offer to sell, transfer, purchase, or receive an assault pistol.

(b) Exception. A person who lawfully pos-
sessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of the State Police before August 1, 1994, may:
   (1) may continue to possess the assault pistol; or
   (2) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to the law enforcement unit, barracks, or station if the person has notified the law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(c) Seizure and confiscation.

(1) A court may issue a warrant to search for and seize a machine gun possessed in violation of this subsection under the same procedure as for issuance of a warrant for stolen property.

(2) On application by the State's Attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the State or a political subdivision of the State.

4-305. Detachable magazines - prohibited

(a) Scope This section does not apply to a .22 caliber rifle with a tubular maga-zine.

(b) Prohibited A person may not manufac-
ture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a ca-
pacity of more than 20 rounds of ammunition for a firearm.

4-306. Penalties

(a) In general. A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(b) Use in a felony or crime of violence.

Subtitle 4. Uniform Machine Gun Act

4-401. Definitions

(a) In general. In this subtitle the following words have the meanings indicated.

(b) Machine gun. "Machine gun" means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

4-402. Possession of machine gun

(a) Evidence of possession. The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.

(b) Exceptions. This subtitle does not prohibit or interfere with:
   (1) The manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;
   (2) The possession of a machine gun for a scientific purpose;
   (3) The possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon;
   (4) The possession of a machine gun for a purpose that is manifestly not aggressive or offensive.

4-403. Registration of machine gun

(a) Manufacturer registration.

(1) A manufacturer of a machine gun shall keep a register of each machine gun manufac-
tured or handled by the manufacturer.

(2) The register shall contain:
   (i) The method of manufacture and serial number of the machine gun;
   (ii) The date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and
   (iii) The name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(b) Registration of possession.

(1) A person who acquires a machine gun shall register the machine gun with the secretary of the state police:
   (i) Within 24 hours after acquiring the machine gun; and
   (ii) In each succeeding year during the month of May.

(2) The Secretary of the State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:
   (i) The make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;
   (ii) The name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun;
   (iii) The name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of the State Police shall be accompanied by a nonrefundable registration fee of $10.
public inspection. …

4-405. Use of machine gun for aggressive purpose

(a) Presumption of offensive or aggressive purpose. Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:

(1) The machine gun:
   (i) Is on premises not owned or rented for felony under the Maryland Uniform Machine Gun Act.
   (ii) In the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the United States; or
   (iii) Is not registered as required under § 4-403 of this subtitle; or

(2) Empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.

(b) Prohibited. A person may not possess or use a machine gun for an offensive or aggressive purpose.

(c) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

(d) Statute of limitations and in banc review. A person who violates this section is subject to § 5-106(b) of the Courts Article.

4-406. Uniformity This subtitle shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

4-407 Short title This subtitle may be cited as the Uniform Machine Gun Act.

Subtitle 5. Destructive Devices

4-501 Definitions

(a) In general. In this subtitle the following words have the meanings indicated.

(b) Destructive device. (1) "Destructive device" means explosive material, incendiary material, or toxic material that is:

   (i) Combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or
   (ii) Deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordinance.

(2) "Destructive device" includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

(c) Explosive material. (1) "Explosive material" means material that explodes when detonated and has a destructive capability.

   (2) "Explosive material" includes:

   (i) Explosives as defined in § 11-101 of the Public Safety Article; and
   (ii) Dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and canisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 11-101 of the Public Safety Article when the items are used in their original configuration.

(d) Incendiary material. (1) "Incendiary material" means a flammable or combustible liquid.

   (2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

(e) Toxic material. (1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

   (2) "Toxic material" includes:

   (i) Nerve gas, mustard gas, cyanide gas, chlorine gas, sulfuric acid, or their precursors; and
   (ii) A biological substance containing a disease organism or microorganism.

4-502. Scope of subtitle This subtitle does not apply to:

(1) A member of the armed forces of the United States or of the national guard or law enforcement personnel of the United States, the State, or a political subdivision of the State while acting within the scope of official duties;

(2) An officer or employee of the United States, the State, or a political subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;

(3) A person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or

(4) A person who possesses smokeless or black gunpowder under Title 11,Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

4-503 Manufacture or possession of destructive device

(a) Prohibited. A person may not knowingly:

   (1) Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or
   (2) Possess explosive material, incendiary material, or toxic material with intent to create a destructive device.

(b) Penalty.

   (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding $250,000 or both.

   (2) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to institute an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed 5 years.

(4) The court may order the Motor Vehicle Administration to institute an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed 5 years.

(5) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to institute an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed 5 years.

Family Law Article

Title 4. Spouses

Subtitle 5. Domestic Violence

Part I. Household Violence

4-505. Temporary protective orders

(a) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief …

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief; 2. a threat by the respondent to use a firearm against a person eligible for relief; or
3. serious bodily harm to a person eligible for relief caused by the respondent; or
4. a threat by the respondent to cause serious bodily harm to a person eligible for relief.

Title 5. Controlled Dangerous Substances, Prescriptions, and Other Substances

Subtitle 6. Crimes Involving Controlled Dangerous Substances and Paraphernalia

Part III. Related and Derivative Crimes

5-622. Firearm crimes

(a) "Firearm" defined. In this section, "firearm" includes:

   (1) A handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;
   (2) A machine gun, as defined in § 4-401 of this article; and
   (3) A regulated firearm, as defined in § 5-101 of the Public Safety Article.

(b) Prohibited. A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

   (1) A felony under this title;
(2) A crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;
(3) Conspiracy to commit a crime referred to in paragraphs (1) and (2) of this subsection; or
(4) An attempt to commit a crime referred to in paragraphs (1) and (2) of this subsection.
(c) Penalty. A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

Public Safety Article
Title 5. Firearms
Subtitle 1. Regulated Firearms

5-101. Definitions
(a) In this subtitle the following words have the meanings indicated.
(b) Antique firearm. "Antique firearm" has the meaning stated in § 4-201 of the Criminal Law Article.
(c) Crime of violence. "Crime of violence" means:
(1) abduction;
(2) arson in the first degree;
(3) assault in the first degree;
(4) burglary in the first, second, or third degree;
(5) carjacking and armed carjacking;
(6) escape in the first degree;
(7) kidnapping;
(8) voluntary manslaughter;
(9) murder as previously proscribed under former Article 27, § 386 of the Code;
(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
(11) murder in the first or second degree;
(12) rape in the first or second degree;
(13) robbery;
(14) robbery with a dangerous weapon;
(15) sexual offense in the first, second, or third degree;
(16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or
(17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.
(d) Dealer. "Dealer" means a person who is engaged in the business of:
(1) selling, renting, or transferring firearms at wholesale or retail; or
(2) repairing firearms.
(e) Dealer's license. "Dealer's license" means a State regulated firearms dealer's license.
(f) Designated law enforcement agency. Designated law enforcement agency means a law enforcement agency that the Secretary designates to process applications to purchase regulated firearms for secondary sales.
(g) Disqualifying crime. "Disqualifying crime" means:
(1) a crime of violence;
(2) a violation classified as a felony in the State; or
(3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.
(h) Firearms. (1) "Firearm" means:
(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or
(ii) the frame or receiver of such a weapon.
(2) "Firearm" includes a starter gun.
(i) Firearm applicant. "Firearm applicant" means a person who makes a firearm application.
(j) Firearm application. "Firearm application" means an application to purchase, rent, or transfer a regulated firearm.
(k) Fugitive from justice. "Fugitive from justice" means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.
(l) Habitual drunkard. "Habitual drunkard" means a person who has been found guilty of two or more similar criminal offenses.
(m) Habitual user. "Habitual user" means a person who has been found guilty of two or more similar criminal offenses.
(n) Handgun. (1) "Handgun" means a firearm with a barrel less than 16 inches in length.
(2) "Handgun" includes signal, starter, and blank pistols.
(o) Licensee. "Licensee" means a person who holds a dealer's license.
(p) Regulated firearm. "Regulated firearm" means:
(1) a handgun; or
(2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:
   (i) American Arms Spectre da Semi automatic carbine;
   (ii) Ak-47 in all forms;
   (iii) Aligeme AGM-1 type semi-auto;
   (iv) AR 100 type semi-auto;
   (v) AR 180 type semi-auto;
   (vi) Argentine L.S.R. semi-auto;
   (vii) Australian Automatic Arms SAR type semi-auto;
   (viii) Auto-Ordinance Thompson M1 and 1927 semi-automatics;
   (ix) Barrett light .50 cal. semi-auto;
   (x) Beretta AR70 type semi-auto;
   (xi) Bushmaster semi-auto rifle;
   (xii) Calico models M-100 and M-900;
   (xiii) CIS SR 88 type semi-auto;
   (xiv) Clarian Hi TEC C-9 carbines;
   (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
   (xvi) Daewoo Max 1 and Max 2, aka AR 100, 110C, K-1, and K-2;
   (xvii) Dragunov Chinese made semi-auto;
   (xviii) Famas semi-auto (.223 caliber);
   (xix) Feather AT-9 semi-auto;
   (xx) FN LAR and FN FAL assault rifle;
   (xxi) FNC semi-auto type carbine;
   (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
   (xxiii) Galli models AR and ARM semi-auto;
   (xxiv) Galil models AR and ARM semi-auto;
   (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
   (xxvi) HK-94 A2 and A3;
   (xxvii) SKS with detachable magazine;
   (xxviii) AP-74 Commando type semi-auto;
   (xxix) Springfield Armory BM-59, SAR-48, G-3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
   (xxx) STS Sweep and assault type shotgun;
   (xxx) Stiker 12 assault shotgun in all formats;
   (xi) Unique F11 semi-auto type;
   (xii) Waffen USAS 12 semi-auto shotgun;
   (xiii) UZI 9mm carbine or rifle;
   (xiv) Walmet M-76 and M-78 semi-auto;
(2) Weaver Arms "Nighthawk" semi-auto carbine; or
(2) Springfield Arms "Commando MK-45, Mk-9;
(3) Mandell TAC-1 semi-auto carbine; and
(3) Mossberg model 500 Bullpup assault shotgun;
(3) Sterling Mark 6;
(3) P.A.W.S. carbine;
(3) Ruger mini-14 folding stock model (.223 caliber);
(3) SIG 550/551 assault rifle (.223 caliber);
(3) SKS with detachable magazine;
(3) Springfield Armory BM-59, SAR-48, G-3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
(3) STS Sweep and assault type shotgun;
(3) Stiker 12 assault shotgun in all formats;
(4) Unique F11 semi-auto type;
(4) Waffen USAS 12 semi-auto shotgun;
(4) UZI 9mm carbine or rifle;
(4) Walmet M-76 and M-78 semi-auto;
(4) Weaver Arms "Nighthawk" semi-auto carbine; or
(4) Springfield Arms "Commando MK-45, Mk-9;
(4) Mandell TAC-1 semi-auto carbine; and
(4) Mossberg model 500 Bullpup assault shotgun;
(4) Sterling Mark 6;
(4) P.A.W.S. carbine; and
(4) Ruger mini-14 folding stock model (.223 caliber);
(9) a signal pistol or other visual distress signal that the United States Coast Guard approves as a marine safety device.

5-103. Effect of subtitle This subtitle does not affect:
(1) a sale or transfer for bona fide resale in
(2) a sale, rental, transfer, or the use of a regulated firearm by a person authorized or required to do so as part of the person's duties as a member of:
(i) an official police force or other law enforcement agency;
(ii) the armed forces of the United States, including all official reserve organizations; or
(iii) the Maryland National Guard.

5-104. Preemption by State This subtitle supersedes any restriction that a local jurisdiction in the State imposes on a sale of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the sale of a regulated firearm.

5-105. Regulations The Secretary shall adopt regulations to carry out this subtitle.

5-106. Dealer's license
(a) Required. A person must lawfully possess a dealer's license issued by the Secretary before the person engages in the business of selling, renting, or transferring regulated firearms.
(b) One license for each place of business. One dealer's license is required for each place of business where regulated firearms are sold.

5-107. Application for dealer's license required
(a) In general.
(1) An applicant for a dealer's license shall:
(i) submit to the Secretary an application on the form that the Secretary provides; and
(ii) pay to the Secretary an application fee of $50, payable to the Comptroller.
(2) A refund or proration of the application fee is prohibited.
(b) Required information. An application for a dealer's license shall contain:
(1) the applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, and signature;
(2) a clear and recognizable photograph of the applicant, unless the photograph has been submitted in a prior year's application;
(3) a set of the applicant's fingerprints, unless the fingerprints have been submitted with a prior year's application; and
(4) a statement by the applicant that the applicant:
   (i) is a citizen of the United States;
   (ii) is at least 21 years old;
   (iii) has never been convicted of a disqualifying crime;
   (iv) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
   (v) is not a fugitive from justice;
   (vi) is not a habitual drunkard;
   (vii) is not addicted to a controlled dangerous substance or is not a habitual user; and
   (viii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application addressed to the application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to the applicant or to another.
(c) Required warning. Each application for a dealer's license shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than $5,000 or both."
(d) Application of corporation. If an applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the application on behalf of the corporation.

5-108. Criminal history records check
(a) "Central Repository" defined. In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
(b) Application required. The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a dealer's license.
(c) Contents of application. As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:
(1) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and
(2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland's criminal history records; and
(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.
(d) Information forwarded to applicant and State Police. In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history records.
(e) Restrictions on information. Information obtained from the Central Repository under this section:
(1) is confidential and may not be disseminated; and
(2) shall be used only for the licensing purpose authorized by this section.
(f) Subject may contest contents. The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

5-109. Investigation of applicant for dealer's license The Secretary shall conduct an investigation to determine the truth or falsity of the information supplied and the statements made in an application for a dealer's license.

5-110. Disapproval of dealer's license application
(a) Grounds. The Secretary shall disapprove an application for a dealer's license if:
(1) the Secretary determines that the applicant supplied false information or made a false statement;
(2) the Secretary determines that the application is not properly completed; or
(3) the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another.
(b) Notice. If the Secretary disapproves an application for a dealer's license, the Secretary shall notify the applicant in writing of the disapproval.
(c) Effect of disapproval. A person whose application for a dealer's license has been disapproved may not engage in the business of selling, renting, or transferring regulated firearms, unless the disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with subsection (d) of this section.
(d) Appeal. An applicant who is aggrieved because the Secretary has disapproved the application for a dealer's license may appeal to the circuit court of the county where the applicant's place of business is to be located.

5-111. Term of dealer's license
(a) In general. Unless a dealer's license is renewed for a 1-year term as provided in this section, a dealer's license expires on the first June 30 after its effective date.
(b) Applications for renewal. Before a dealer's license expires, the licensee periodically may renew it for an additional 1-year term, if the licensee:
(i) is otherwise entitled to be licensed;
(ii) pays to the Secretary a renewal fee of $25, payable to the Comptroller; and
(iii) submits to the Secretary a renewal application on the form that the Secretary provides.
(2) A refund or proration of the renewal fee is prohibited.

5-112. Nontransferability of dealer's license; new place of business
(a) Nontransferability of dealer's license. A dealer's license is not transferable.
(b) Notice to Secretary of new place of business. Before moving a place of business, a licensee shall inform the Secretary and surrender the dealer's license.
(c) New dealer's license for new place of business. If a licensee desires to revoke the dealer's license does not exist, the Secretary shall issue a new dealer's license without charge covering the new place of business for the rest of the term of the surrendered dealer's license.

5-113. Display of dealer's license
(a) Required. A licensee shall display conspicuously the dealer's license and any other license required by law at the licensee's place of business.
(b) Identification of licensee and location. The dealer's license shall identify the licensee and the location of the licensee's place of business.

5-114. Suspensions and revocations — Grounds; notice; effect
(a) Suspensions. The Secretary shall suspend a dealer's license if the licensee:
(1) is under indictment for a crime of violence; or
(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm.
(b) Revocations. The Secretary shall revoke a dealer's license if:
(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or
(2) the licensee:
(i) is convicted of a disqualifying crime;
(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;
(iii) is a fugitive from justice;
(iv) is addicted to and is a habitual user of a controlled substance or is a habitual user;
(v) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;
(vi) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; or
(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm.
(c) Notice. If the Secretary suspends or revokes a dealer's license, the Secretary shall notify the licensee in writing of the suspension or revocation.
(d) Effect of suspension or revocation. A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overturned by a court in accordance with § 5-116 of this subtitle.

5-115. Suspensions and revocations—Hearings
(a) Right to hearing. A person whose dealer's license is suspended or revoked who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.
(b) Application of contested case provisions. The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

5-116. Judicial review
(a) Stay of revocation. A revocation may not take effect while an appeal is pending.
(b) Application of contested case provisions. Any subsequent judicial review shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

5-117. Application for regulated firearm required A person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

5-118. Firearm application
(a) In general. A firearm applicant shall:
(1) submit to a licensee or designated law enforcement agency a firearm application on the form that the Secretary provides; and
(2) pay to the licensee or designated law enforcement agency an application fee of $10.
(b) Required information. A firearm application shall contain:
(1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;
(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and
(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:
(i) is at least 21 years old;
(ii) has never been convicted of a disqualifying crime;
(iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
(iv) is not a fugitive from justice;
(v) is not a habitual drunkard;
(vi) is not addicted to a controlled substance or is not a habitual user;
(vii) has not spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;
(viii) is not a respondent against whom a current or past civil or criminal protective order has been entered under § 4-506 of the Family Law Article; and
(ix) has never been convicted of a disqualifying crime.

5-119. Exemption from certified firearms training course requirement A firearm applicant is not required to complete a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle if the firearm applicant:
(1) has already completed a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle;
(2) is a law enforcement officer of the State or any local law enforcement agency in the State;
(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;
(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or
(5) holds a permit to carry a handgun under Subtitle 3 of this title.

5-120. Copies of firearm application; fees
(a) Copy to Secretary.
(1) On receipt of a firearm application, a licen-
see or designated law enforcement agency shall promptly forward one copy of it to the Secretary by:
(i) certified mail;
(ii) facsimile machine; or
(iii) electronic means approved by the Secretary.

5-121. Investigation of firearm applicant
(a) Secretary to conduct investigation. On receipt of a firearm application, the Secretary shall conduct an investigation promptly to determine the truth or falsity of the information supplied and statements made in the firearm application.
(b) Request for assistance. In conducting an investigation under this subsection, the Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force.

5-122. Disapproval of firearm application
(a) Grounds. If the Secretary determines that the firearm application is not properly completed; or
(b) Notice. If the Secretary determines that the firearm application is not properly completed; or
(c) Notice. If the Secretary approves a firearm application, the Secretary shall notify the prospective seller, lessor, or transferor in writing of the disapproval within 7 days after the date that the executed firearm application is forwarded to the Secretary by certified mail or facsimile machine.
(d) Notice. After notifying the prospective seller, lessor, or transferor under paragraph (1) of this subsection, the Secretary shall notify the prospective purchaser, lessee, or transferee in writing of the disapproval.
(e) The date when the prospective seller, lessor, or transferor forwards the executed firearm application to the Secretary by certified mail or facsimile machine is the first day of the 7-day period allowed for notice of disapproval to the prospective seller, lessor, or transferor.

5-123. Time for licensee to complete transactions
(a) Seven-day waiting period. A licensee may not sell, rent, or transfer a completed firearm until 7 days after the date the firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by the prospective seller or transferor to the Secretary.
(b) Completion required in 90 days. A licensee shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the fire-
arm application was stamped by the Secretary as not being disapproved.

(c) Incomplete transactions.  
(1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a licensee shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

(d) Notification of completed transaction.  
(1)(i) If the sale, rental, or transfer of a regulated firearm, including its caliber, make, model, any manufacturer’s serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

5-124. Secondary transactions

(a) Seven-day waiting period.  
(1) A person who is not a licensee may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by a licensee to the Secretary.

(2) As an alternative to completing a secondary sale of a regulated firearm through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser, lessee, or transferee may complete the transaction through a designated law enforcement agency.

(b) Processing fee.  
A firearm applicant for a secondary sale of a regulated firearm through a licensee shall pay to the licensee a processing fee not exceeding $20.

(c) Completion required in 90 days.  
A person shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.

(d) Incomplete transactions.  
(1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a person shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

(3) As a general rule, a person who sells, rents, or transfers a regulated firearm in compliance with this subheading shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

(4) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer’s serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(5) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

5-125. Approve, on hold, and disapproved applications

(a) Approved applications.  
An approved firearm application is valid only for the purchase, rental, or transfer of the regulated firearm listed in the firearm application.

(b) On hold and disapproved applications.  
A licensee or other person may not sell, rent, or transfer a regulated firearm to a firearm applicant whose firearm application is placed on hold because of an open disposition of criminal proceedings against the firearm applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-127 of this subtitle.

5-126. Hearings

(a) Right to hearing.  
(1) A firearm applicant who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the firearm applicant under § 5-122 of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) Application of contested case provisions.  
The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) Venue.  
The hearing shall be held in the county of the legal residence of the firearm applicant.

5-127. Judicial review

Any subsequent judicial review shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

5-128. Purchases within 30 days - in general.

(a) Scope of subsection.  
Subsection (b) of this section does not apply to:

(1) a law enforcement agency;

(2) an agency authorized to perform law enforcement duties;

(3) a State or local correctional facility;

(4) a private security company licensed to do business in the State;

(5) the purchase of an antique firearm;

(6) a purchase by a licensee;

(7) the exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement;

(8) a person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately.

(1) the person provides the licensee with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the firearm application;

(ii) the official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date when the loss or theft was reported to the law enforcement agency; and

(iii) the loss or theft occurred within 30 days before the person’s attempt to replace the regulated firearm was reflected by the date of loss or theft on the official police report or official summary of the report.

(b) One purchase limit.  
A person may not purchase more than one regulated firearm in a 30-day period.

(c) On hold and disapproved applications.  
A licensee or other person may not sell, rent, or transfer a regulated firearm to a firearm applicant whose firearm application is placed on hold because of an open disposition of criminal proceedings against the firearm applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-127 of this subtitle.

(d) Penalty.  
A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

5-129. Purchases within 30 days - Multiple purchases allowed.

(a) Requirements.  
Notwithstanding § 5-128 of this subtitle, a person may purchase more than one regulated firearm in a 30-day period if:

(1) the person applies for and the Secretary approves a multiple purchase; and

(2) the purchase of the regulated firearms is for a personal application or a collector series;

(b) the purchase of the regulated firearms is a bulk purchase from an estate sale;

(c) the purchase of not more than two regulated firearms is a multiple purchase to take advantage of a licensee’s discounted price available only for a multiple purchase; and

(2) the purchase is protected from purchasing a regulated firearm during the following 30-day period unless approved under item (i) or (ii) of this item; or

(iv) the purchase is for other purposes similar to items (i) through (iii) of this item.

(b) Application.  
(1) The application for a multiple purchase shall:

(i) list the regulated firearms to be purchased;

(ii) state the purpose of the purchase of more than one regulated firearm in a 30-day period;

(iii) be witnessed by a licensee or designated law enforcement agency; and

(iv) be signed under the penalty of perjury by the firearm applicant.

(2) The application for a multiple purchase of regulated firearms shall be attached to a completed firearm application and forwarded to the Secretary by a licensee or designated law enforcement agency.

(c) Background investigation.  
On receipt of the firearm application and the application for a multiple purchase, the Secretary shall conduct a background investigation as required in § 5-121 of this subtitle.

(d) Penalty.  
A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

5-130. Gun shows

(a) "Gun show" defined.  
In this section, "gun show" means any organized gathering open to the public at which any firearm is displayed.

(b) Scope of section.  
Subsections (c) through (h) of this section do not apply to a gun show.

(c) Temporary transfer permit required.  
A person must obtain a temporary transfer permit issued by the Secretary before the person displays a regulated firearm for sale or transfer from a table or fixed display at a gun show.

(d) Application for temporary transfer permit shall:

(1) An applicant for a temporary transfer permit shall:

(i) submit to the Secretary an application on the form that the Secretary provides; and

(ii) pay to the Secretary a fee of $10 for each calendar year.
(2) Each additional temporary transfer permit during the same calendar year shall be issued without charge.

(e) Required information. The application for a temporary transfer permit shall contain any information that is necessary for the Secretary to conduct the required background investigation.

(f) Required warning. Each application for a temporary transfer permit shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years or a fine not more than $1,000 or both."

(g) Investigation of application; grounds for disapproval.

(1) The Secretary shall conduct an investigation to determine the truth or falsity of the information supplied and the statements made in this application for a temporary transfer permit.

(2) If there is no reason to disapprove the application for a temporary transfer permit, the Secretary shall issue the permit within 7 days after the date of application.

(3) The Secretary shall disapprove an application for a temporary transfer permit if the Secretary determines that:

(i) the application contains false information or made a false statement;

(ii) the application is not properly completed.

(4) If the Secretary disapproves an application for a temporary transfer permit, the Secretary shall notify the applicant in writing of the disapproval.

(h) Label and display.

(1) A temporary transfer permit shall be clearly labeled "temporary" and shall include the statement: "This is not a license to engage in the business of selling firearms.

(2) The temporary transfer permit shall be placed in public view as part of any display of a regulated firearm.

(i) Five permit limit.

(1) A person may not receive more than five temporary transfer permits during a single calendar year.

(2) To display a regulated firearm for sale, trade, or transfer at more than five gun shows in a calendar year, a person shall obtain a dealer's license under this subtitle.

(j) Sale or transfer of regulated firearm. A sale or transfer of a regulated firearm from a table or fixed display at a gun show is governed by §§ 5-103, 5-104, 5-117 through 5-129, and 5-136 of this subtitle.

5-131. Handgun identification requirements

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) "Manufacturer" means a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution.

(3) "Projectile" means the part of handgun ammunition that is expelled through the barrel of the handgun by an explosion.

(4) "Shell casing" means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

(b) Manufacturer requirements. A manufacturer that ships or transports a handgun for sale, rental, or transfer in the State shall include in the box with the handgun in a separate, sealed container:

(1) a shell casing of a projectile discharged from the handgun; and

(2) additional information that the Secretary requires to identify the type of handgun and shell casing.

(c) Actions by dealer.

(1) On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with subsection (b) of this section.

(2) On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.

(d) Crime Laboratory database. On receipt of a shell casing and information as required in subsection (b) of this section, the Department of State Police Crime Laboratory shall enter the information in each relevant database.

5-132. Handgun safety devices

(a) Definitions.

(1) In this section the following words have the meanings indicated.

(2) "Authorized user" means the owner of a handgun or a person authorized by the owner to possess and use the handgun.

(3) "External safety lock" means an external device that is:

(i) attached to a handgun with a key or combination lock;

(ii) designed to prevent a handgun from being discharged unless the device has been deactivated.

(4) "Handgun" does not include a signal, starter, or blank pistol.

(5) "Handgun Roster Board" means the Handgun Roster Board established under § 5-404 of this title.

(6) "Integrated mechanical safety device" means a disabling or locking device that is:

(i) built into a handgun; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(7) "Personalized handgun" means a handgun manufactured with incorporated design technology that:

(i) allows the handgun to be fired only by the authorized user; and

(ii) prevents any of the safety characteristics of the handgun from being readily deactivated.

(b) Scope of section. This section does not apply to:

(1) the purchase, sale, or transportation of a handgun or by a federally licensed gun dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government;

(ii) members of the armed forces of the United States or the National Guard;

(iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and

(iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or

(2) a firearm modified to be permanently inoperable;

(3) the sale or transfer of a handgun by a federally licensed gun dealer or manufacturer covered under item (1) of this subsection;

(4) the sale or transfer of a handgun by a federally licensed gun dealer or manufacturer to a lawful customer outside the State; or

(5) an antique firearm.

(c) Restriction on sale, rent, or transfer of handguns.

(1) A dealer may not sell, offer for sale, rent, or transfer in the State a handgun manufactured on or before December 31, 2002, unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.

(2) On or after January 1, 2003, a dealer may not sell, offer for sale, rent, or transfer in the State a handgun manufactured on or after January 1, 2003, unless the handgun has an integrated mechanical safety device.

(d) Report.

(1) The Handgun Roster Board annually shall:

(i) review the status of personalized handgun technology under paragraph (1) of this subsection, the Handgun Roster Board shall consider:

(ii) the number and variety of models and calibers of personalized handguns that are available for sale; and

(iii) any other information that the Handgun Roster Board considers relevant.

5-133. Restrictions on possession of regulated firearms

(a) Preemption by State. This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) Possession of regulated firearm prohibited. A person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

(2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard;

(5) is addicted to a controlled dangerous substance or is a habitual user;

(6) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health - General Article and has a history of violent behavior against the person or another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another;

(7) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health - General Article, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another;

(8) except as provided in subsection (e) of this section, is a respondent against whom a current non ex parte civil protective order has been entered under § 7; or

(9) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

Page 224
(c) Penalty for possession by convicted felon.

(1) A person may not possess a regulated firearm if the person was previously convicted of:
(i) a crime of violence; or
(ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not less than 5 years, no part of which may be suspended.

(3) A person sentenced under paragraph (1) of this subsection may not be eligible for parole.

(4) Each violation of this subsection is a separate crime.

d) Possession by person under age 21 years prohibited; exceptions.

(1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm or ammunition solely designed for a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:
(i) the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is:
   (1) under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
   (2) acting with the permission of the parent or legal guardian of the transferee or person in possession;
   (ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;
   (iii) a member of the armed forces of the United States or the National Guard while performing official duties;
   (iv) the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is:
      (1) participating in marksmanship training of a recognized organization; and
      (2) under the supervision of a qualified instructor;
   (v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or
   (vi) the possession of a firearm or ammunition for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) Transport of regulated firearms.

This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

(1) the regulated firearm is unloaded;
(2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and
(3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

5-134. Restrictions on sale, rental, or transfer of regulated firearms

(a) Preemption by State. This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a regulated firearm, and the State pre-empted the right of any local jurisdiction to regulate the transfer of a regulated firearm.

(b) Sale, rental or transfer of regulated firearm prohibited. A dealer or other person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe:
(1) is under the age of 21 years;
(2) has been convicted of a disqualifying crime;
(3) has been convicted of a conspiracy to commit a felony;
(4) which convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
(5) is a fugitive from justice;
(6) is a habitual drunkard;
(7) is addicted to a controlled dangerous substance or is a habitual user;
(8) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or
(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101(4)(b) of the Health - General Article, and has a history of violent behavior against the purchaser, lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a physician’s certificate that the recipient is capable of possessing a regulated firearm with due regard to the purchaser, lessee, or transferee or to another;
(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4-505 of the Family Law Article; and
(11) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;
(12) is visibly under the influence of alcohol or drugs;
(13) is a participant in a straw purchase; or
(14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training Commission or that meets standards established by the Police Training Commission under § 3-207 of this article.

(c) Exemption from certified firearms training course requirement. A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section and § 5-118(b)(3)(x) of this subtitle if the person:
(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section and § 5-118(b)(3)(x) of this subtitle;
(2) is a law enforcement officer of the State or any local law enforcement agency in the State;
(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard; or
(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or
(5) has been issued a permit to carry a handgun under Subtitle 3 of this title.

(d) Sale, rental, or transfer of regulated firearm to minor prohibited.

(1) A person may not sell, rent, or transfer:
(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or
(ii) a firearm other than a regulated firearm to a minor.

(2) Violation of this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

5-135. Regulated firearms subject to seizure

A regulated firearm that is sold, rented, transferred, possessed, received, or purchased in violation of this subtitle may be:

(1) seized by a law enforcement agency as contraband; and
(2) after a finding of guilt, disposed of in accordance with Title 13, Subtitle 2 of the Criminal Procedure Article.

5-136. Straw purchases

(a) Scope of section.

This section does not apply to a person who purchases a regulated firearm as a gift if:

(i) the regulated firearm is a gift to a resident of the State; and
(ii) both the purchaser and recipient of the gift comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm.

(b) Prohibited. A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

5-137. Out-of-state purchases

(a) Requirements for purchase. A person who seeks to own a regulated firearm and purchases the regulated firearm from an out-of-state federally licensed gun importer, manufacturer, or dealer shall:

(1) have the federally licensed importer, manufacturer, or dealer ship the regulated firearm to a licensee for processing; and
(2) comply with §§ 5-103, 5-104, 5-117 through 5-129, and 5-136 of this subtitle.

(b) Waiver of requirements. If a person purchases a regulated firearm for use within the scope of the person’s official duties, the Secretary may waive the 7-day waiting period under § 5-124 of this subtitle for:

(1) law enforcement personnel of any unit of the federal government;
(2) members of the armed forces of the United States or the National Guard; or
(3) law enforcement personnel of the State or any local agency in the State.
5-139. False information or misstatement has reasonable cause to believe that the regulated firearm.

5-140. Transporting regulated firearm for unlawful sale or trafficking

(a) Prohibited. A dealer or other person may not transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking of the regulated firearm.

(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(c) Separate crime. Each violation of this section is a separate crime.

5-141. Knowing participation in straw purchase

(a) Prohibited. A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm to a minor or to a person prohibited by law from possessing a regulated firearm.

(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(c) Separate crime. Each violation of this section is a separate crime.

5-142. Removal or alteration of identification mark or number on firearm

(a) Prohibited. A person may not obliterate, remove, change, or alter the manufacturer’s identification mark or number on a firearm.

(b) Presumption. If on trial for a violation of this section possession of the firearm by the defendant is established, the defendant is presumed to have obliterated, removed, changed, or altered the manufacturer’s identification mark or number on the firearm.

5-143. Knowing participation in violation of subtitle

(a) Prohibited. Except as otherwise provided in this subtitle, a dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle.

(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

(c) Separate crime. Each violation of this section is a separate crime.

Subtitle 2. Rifles and Shotguns

5-201. Definitions

(a) In general. In this subtitle the following words have the meanings indicated.

(b) Rifle. "Rifle" has the meaning stated in § 4-201 of the Criminal Law Article.

(c) Short-barreled rifle. "Short-barreled rifle" has the meaning stated in § 4-201 of the Criminal Law Article.

(d) Short-barreled shotgun. "Short-barreled shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.

(e) Shotgun. "Shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.

5-202. Scope of subtitle. This subtitle does not apply to a short-barreled rifle or short-barreled shotgun that is:

(1) an antique firearm as defined in § 4-201 of the Criminal Law Article;

(2) a device designed or redesigned for use other than as a weapon;

(3) a device designed or redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(4) a firearm that cannot:

(i) discharge a projectile by an explosive; and

(ii) be readily restored to a firing condition.

5-203. Possession of short-barreled rifle or short-barreled shotgun

(a) Prohibited. A person may not possess a short-barreled rifle or short-barreled shotgun unless:

(1) the person, while on official business is:

(i) a member of the law enforcement personnel of the federal government, the State, or a political subdivision of the State;

(ii) a member of the armed forces of the United States or the National Guard while on duty or traveling to or from duty;

(iii) a member of the law enforcement personnel of another state or a political subdivision of another state, while temporarily in this State;

(iv) a warden or correctional officer of a correctional facility in the State; or

(v) a sheriff or a temporary or full-time deputy sheriff;

(2) the short-barreled shotgun or short-barreled rifle has been registered with the federal government in accordance with federal law.

(b) Burden of proof. In a prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

(c) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(d) Separate crime. Each violation of this section is a separate crime.

5-204. Purchasers of rifles and shotguns

(a) Established and publication of roster. The Secretary shall compile and maintain a handgun roster of authorized handguns that are useful for legitimate purposes.

(b) Criteria for placement on roster.

(1) A physician’s certificate that the person is capable of possessing a rifle or shotgun without undue danger to the person or to another, a person may possess a rifle or shotgun if the person:

(i) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health - General Article and has a history of violent behavior against the person or another; or

(ii) has been confined for more than 30 consecutive days in a facility as defined in § 10-101 of the Health - General Article.

(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.
mining whether any handgun should be placed on the handgun roster:
(1) concealability;
(2) ballistics accuracy;
(3) weight;
(4) quality of materials;
(5) quality of manufacture;
(6) reliability as to safety;
(7) caliber;
(8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States.
(i) A person must not manufacture for distribution or sale a handgun that is not included on the handgun roster in the State.
(ii) A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985, that is not included on the handgun roster.
(iii) A person may not manufacture, sell, or offer for sale a handgun on which the manufacturer's identification mark or number is obliterated, removed, changed, or otherwise altered.
(iv) A person who sells or offers to sell a handgun in violation of this section is guilty of a misdemeanor and on conviction is fined not exceeding $10,000 for each violation.
(v) A person who sells or offers to sell a handgun in violation of this section is guilty of a misdemeanor and on conviction is fined not exceeding $2,500 for each violation.
(vi) A person who violates this subsection is a separate violation of this section, of a handgun that is not included on the handgun roster.

(d) Action of Board on petition.
(1) Within 45 days after receipt of a petition to place a handgun on the handgun roster, the Board shall:
(i) deny the petition in writing, stating the reasons for denial; or
(ii) approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to the handgun's inclusion on the handgun roster shall be filed with the Board within 30 days.
(2) If the Board fails to deny or approve a petition within the time required under paragraph (1) of this subsection, the petition shall be considered denied.

c) Penalties.
(1) A person who manufactures a handgun for distribution or sale in violation of this section is guilty of a misdemeanor and on conviction is fined not exceeding $10,000 for each violation.
(2) A person who sells or offers to sell a handgun in violation of this section is guilty of a misdemeanor and on conviction is fined not exceeding $2,500 for each violation.
(3) For purposes of this subsection, each handgun manufactured, sold, or offered for sale in violation of this subsection is a separate violation.

Title 11. Explosives

Subtitle 1. Licenses to Engage in Business as Manufacturer or Dealer or to Possess Explosives

11-101. Definitions
(a) In general. In this subtitle the following words have the meanings indicated.
(b) Dealer. "Dealer" means a person who is engaged in the business of buying or selling explosives.
(c) Explosives. "Explosives" means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion.
(d) Explosives for use in firearms. "Explosives for use in firearms" means:
(1) smokeless powder for loading or reloading small arms ammunition; or
(2) black powder for loading or reloading small arms ammunition, antique arms, or replicas of antique arms.

11-102. Scope of subtitle
(a) Transportation of explosives. This subtitle does not apply to explosives while being transported on vessels, vehicles, or railroad cars, while being held for delivery, if the transportation or delivery is subject to and conforms with regulations adopted by the United States Department of Transportation or United States Coast Guard.
(b) Uses of signals. This subtitle does not apply to the receipt, possession, and use of signals required for the safe operation of vessels, motor vehicles, railroad cars, or aircraft by their operators.

11-105. License required; exceptions
(a) In general. Except as otherwise provided in this subtitle, a person engaged in commerce is required to be licensed under this subtitle before the person engages in business as a manufacturer or dealer, possesses explosives other than for use in firearms, or possesses or stores explosives for use in firearms.
(b) License to engage in business as dealer required.
(1) A person shall obtain a license to engage in business as a dealer under this subtitle before the person engages in the business of loading or reloading small arms ammunition in the State.
(c) Exceptions - Armed forces and others handling explosives. This section does not apply to the armed forces of the United States, the National Guard, the State Guard, or officers or employees of the United States, the State, or a local subdivision of the State who are authorized to handle explosives in the performance of their duties.
(d) Exceptions - Possession of explosives for use in firearms.
(1) Subject to paragraph (2) of this subsection, a person need not obtain a license to possess or store up to 5 pounds of smokeless powder for the loading or reloading of small arms ammunition, and up to 5 pounds of black powder for the loading or reloading of small arms ammunition or for use in the loading of antique arms or replicas of antique arms, if the smokeless powder and black powder are stored in their original shipping containers and are possessed only for personal use in firearms.
(2) A person may not possess or store explosives for use in firearms in any quantity in multi-family dwellings, apartments, dormitories, hotels, schools, other public buildings, or buildings or structures open for public use.

11-112. Records and reports of manufacturers and dealers
(a) Records.
(1) Each manufacturer and each dealer shall keep, for all explosives shipped, purchased, or sold, a record that includes:
(i) the name and address of each consignee, buyer, or seller of the explosives;
that the State Fire Marshal requires.

subsection to the State Fire Marshal in the form

(iv) Each manufacturer and each dealer shall

(iii) By federal, agents of the licensing authority and by federal,

(i) The name of each buyer to whom explosives have been shipped by the

(ii) The amount and description of the explosives.

(i) A person may not possess at any time or store in any one place more than 5 pounds of smokeless powder or more than 5 pounds of black powder for use in firearms unless the person is licensed under this subsection.

(ii) A person may not possess, sell, barter, give, or dispose of more than 5 pounds of black powder or smokeless powder for use in firearms to any one person at any one time unless the person is licensed under this subsection.

(iii) A report required under paragraph (1) of this title shall be filed on request, but need not be filed more than once in each calendar month.

(iv) A report required under paragraph (1) of this subsection shall be filed on request, but need not be filed more than once in each calendar month.

(i) A person may not possess at any time or store in any one place more than 5 pounds of black powder or smokeless powder for use in firearms unless the person is licensed under this subsection.

(ii) A person may not fail to file a report of theft of explosives required under § 11-113 of this title.

(iii) Penalty. A person who violates this section is guilty of a misdemeanor on conviction subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

(iv) Additional penalties.

(1) Except as otherwise provided in paragraph (2) of this subsection, a person who violates § 11-114(b) of this title is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

(i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 11-116, Title 7, or § 11-123.1 of the Agriculture Article.

(ii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iii) § 5-503 of the Family Law Article;

(iv) Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;

(v) § 8-713.1, § 8-724, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article; Title 11-726 of the Correctional Services Article;

(vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or Title 10-614;

(vii) Title 5, Subtitle 10A of the Environment Article;

(viii) § 5-503 of the Family Law Article;

(ix) Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;

(x) § 8-713.1, § 8-724, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article; Title 11-726 of the Correctional Services Article;

(xi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or Title 10-614;

(xii) Title 5, Subtitle 10A of the Environment Article;

(xiii) § 5-503 of the Family Law Article;

(xiv) § 109 of the Code of Public Local Laws of Caroline County;

(xv) § 4-103 of the Code of Public Local Laws of Carroll County; or

(xvi) § 8A-1 of the Code of Public Local Laws of Talbot County.

Current through all acts of the 2010 Regular Session]

Annopolis Municipal Code

Title 11. Public Peace, Morals And Welfare

Chapter 11.44. Weapons

11.12.120 Public peace and order.

A violation of any provision of this chapter is declared a municipal infraction and for each violation the person is subject to a fine as established by resolution of the City Council.


11.44.030. Firearms and ammunition - Register of purchasers. Each person engaged in
the business of selling or exchanging any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. The register shall be open to the inspection of the police at all times.

11.44.040. Firearms and ammunition - Registration of sellers. Each person engaged in the business of selling or exchanging any kind of firearms or ammunition shall register his name and place of business with the City Clerk.

11.44.050. Firearms and ammunition - Minors under eighteen years.

A. A person, whether a licensed dealer or not, may not sell, barter or give away any firearms, other deadly weapons or any ammunition to any minor under the age of eighteen years, except with the express written permission of a parent or guardian of the minor.

B. This section does not apply to a member of any organized militia in the state, when the member is engaged in supervised training, marksmanship activities or any other performance of the member's official duty. The restrictions or limitations contained in this section also do not apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

[Anne Arundel County Code current through Ordinance No. O-41-09, amended July 27, 2009]

Anne Arundel County Code

Article 9. Crimes and Civil Offenses, and Fines

Title 1. Crimes

Subtitle 6. Weapons

9-1-604. Explosives.

(a) Except in a place for blasting or in the course of transportation, a person may not store or possess more than 100 pounds of gunpowder or any quantity of dynamite, nitroglycerine, or other explosive in the County.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $300. If a corporation violates any provision of this section, the president of the corporation or any officer or member of its board of directors may be prosecuted for the violation.

Article 18. Zoning

Title 10. Requirements for Conditional Uses

18-10-119. Home occupations.

A home occupation shall comply with all of the following requirements.

(1) A home occupation shall be located and conducted entirely in a principal dwelling unit and shall be incidental and secondary to the use of the structure as a dwelling.

(2) A home occupation may not change the character of the dwelling unit and may not exceed 25% of the total floor area.

(3) Home occupations are limited to the following:

(x) Repair and maintenance of firearms, including handguns, rifles, shotguns, and antique firearms, as those terms are defined in the Criminal Law Article, § 4-201, of the State Code;

(y) The operator of a home occupation shall be a resident of the dwelling unit in which the occupation is located.

(5) No more than one nonresident may be employed in the home occupation.

(6) The sale or rental of goods or products other than those produced on the premises by the home occupation is prohibited.

(7) Outside storage is prohibited.

[Anne Arundel County Code current through May 2009]

Baltimore City Code

Article 19. Police Ordinances

Subtitle 59. Weapons

Part 1. Firearms - In General

59-4. Toy cartridge pistols.

(a) Sale, etc., prohibited. It shall not be lawful for any person or persons to sell, give away, or dispose of in any manner, what is known as "the toy cartridge pistol" within the limits of the City of Baltimore under a penalty of $10 for each and every offense, the same to be collected as other fines and penalties are collected.

(b) Ammunition. "Ammunition" means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) Child safety lock. "Child safety lock" means:

(1) A device that, when locked in place, prevents the trigger from being moved and can itself be removed only by using a key or combination; or

(2) Any other device that:

(i) When locked in place, otherwise renders the firearm inoperable and can itself be removed only by using a key or combination; and

(ii) has been approved for this purpose by the Police Commissioner.

(d) Firearm. "Firearm" means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm, except an inoperable antique firearm.

(e) Minor. "Minor" means any person under the age of 18.


(a) In general. In this Part, the following terms have the meanings indicated.

(b) Ammunition. "Ammunition" means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) Child safety lock. "Child safety lock" means:

(1) A device that, when locked in place, prevents the trigger from being moved and can itself be removed only by using a key or combination; or

(2) Any other device that:

(i) When locked in place, otherwise renders the firearm inoperable and can itself be removed only by using a key or combination; and

(ii) has been approved for this purpose by the Police Commissioner.

(d) Firearm. "Firearm" means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm, except an inoperable antique firearm.

(e) Minor. "Minor" means any person under the age of 18.


(a) Prohibited conduct. Except as provided in subsection (b) of this section, a person may not leave a loaded firearm, or an unloaded firearm that is in close proximity to ammunition, in any location where the person knows or reasonably should know that an unattended minor might gain access to the firearm.

(b) Exceptions. Subsection (a) of this section does not apply if:

(1) The minor's access to the firearm is supervised by a person 21 years old or older;

(2) The firearm is in a locked gun cabinet or similar locked location;

(3) The firearm is secured with a child safety lock;

(4) the minor obtained access to the firearm as the result of an unlawful entry to the premises; or

(5) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties.


(a) Dealers must provide.

(1) A licensed firearm dealer may not sell, lease, or otherwise transfer a firearm without an accompanying child safety lock suitable for that firearm.

(2) The dealer must provide the child safety lock to the recipient of the firearm when transferring the firearm. The dealer may charge for the child safety lock.

(b) Notices.

(1) A licensed firearm dealer who sells, leases, or otherwise transfers a firearm must post conspicuously in the dealer's place of business:

(i) a notice of the prohibition in § 59-12 of this Part against leaving a firearm where an unattended minor can obtain access to it; and

(ii) a notice of the prohibition in subsection (a) of this section against the transfer of a firearm without an accompanying child safety lock.

(2) If the transaction occurs outside the dealer's place of business, or if the dealer does not maintain a place of business in a commercial establishment, the dealer must provide the required notices in writing when transferring the firearm.

59-14. Rules and regulations. The Police Commissioner may adopt rules and regulations to carry out this Part, including but not limited to rules or regulations governing the wording, size, and placement of the notices required by this Part.

59-16. Penalties. Any person who violates any provision of this Part or of a rule or regulation adopted under this Part is guilty of a misdemeanor and, on conviction, is subject to a fine of $1,000 or to imprisonment for 1 year or both.

[Baltimore City Code current through August 31, 2009]

Baltimore County Code

Article 17. Miscellaneous Provisions and Offenses

Title 2. Firearms and Weapons


(a) Prohibited - Purchase of firearm.

(1) A minor may not purchase, trade, acquire in any manner, use, possess, or attempt to use or possess a gun, pistol, rifle, shotgun, or any other type of firearm, unless the minor has filed a statement of possession or use with the Police Department.

(2) The statement of possession or use shall be retained by the Police Department.

(3) No endorsement may be issued by the parents or guardians of the minor unless the endorsement is issued by the parents or guardians of the minor while the minor is in the presence of the parents or guardians.

(i) The endorsement executed by the parents or guardians of a minor shall provide clearly and without exception or qualification that:
1. Any negligence of the minor in the use or possession of a firearm shall be imputed to the parents or guardians; and

2. The parents or guardians shall be jointly and severally liable with the minor for any civil damages caused by the minor's negligence in the use or possession of a firearm.

(4) The statements required under this section shall be signed and sworn to before a person authorized to administer oaths.

(b) Same - Sale of firearm. A person may not sell, give, or transfer a firearm to a minor unless the statements required under subsection (a) of this section have been filed with the Police Department.

(c) Limitation. This section does not apply to antique or unseerviceable firearms sold, transferred, or held as curios or museum pieces.

(d) Serial numbers not required. This section may not be construed to require the registration or listing of firearms by serial number or in any other manner.


[Montgomery County Code current through Bill No. 38-09]

Chapter 57. Weapons

57-1. Definitions. In this Chapter, the following words and phrases have the following meanings:

(a) Child safety handgun box: A secure, lockable box designed to hold the handgun being transferred that:

(1) requires a key or combination to remove;

(2) renders the handgun inoperable when locked; and

(3) is approved by Executive regulation under method (2).

(b) Child safety handgun device: A child safety handgun lock or child safety handgun box.

(c) Child safety handgun lock: A device that when locked in place prevents movement of the trigger of the handgun being transferred without first removing the lock by use of a key or combination. "Child safety handgun lock" also includes any other device that can be attached to a handgun and:

(1) requires a key or combination to remove;

(2) renders the handgun inoperable when locked in place; and

(3) is approved by Executive regulation under method (2).

Crime of violence: Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

Firearm dealer: A person required by State or federal law to obtain a:

(1) regulated firearms dealer’s license; or

(2) temporary transfer permit to display a regulated firearm at a gun show.

Fixed ammunition: Any ammunition composed of a projectile or projectiles, a casing, an explosive compound, and a primer, all of which shall be contained as one (1) unit. Cartridges designed, made and intended to be used exclusively in a device for signaling and safety purposes required or recommended by the United States Coast Guard or (ii) for industrial purposes, shall not be considered fixed ammunition. Curios or relics, as defined in regulations promulgated by the United States Secretary of the Treasury pursuant to 18 United States Code, section 921(A)(13), shall not be considered fixed ammunition.

Fugitive from justice: Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, district, or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun or firearm: Any rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "antique firearm" means (a) any firearm (including any firearm with a match-lock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any firearm described in subparagraph (a) if such replica (i) is not designed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "Handgun" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) The term "short-barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alternation, modification or otherwise) if such weapon, as modified, has an overall length of less than twenty-six (26) inches.

(5) The term "short-barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(6) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Gun shop: An establishment where a handgun is sold or transferred.

Gun show: Any organized gathering where a gun is displayed for sale.

Minor: An individual younger than 18 years old.

Pistol or revolver: Any gun with a barrel less than twelve (12) inches in length that uses fixed ammunition.

Place of public assembly: A "place of public assembly" is a government owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; government owned or operated recreational facility; an multipurpose exhibition facility, such as a fairground or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.

Sell or purchase: Such terms and the various derivatives of such words shall be construed to include giving away, selling, letting on hire, giving, lending, borrowing or otherwise transferring.

Sporting use: "Sporting use" of a firearm and ammunition means hunting or target shooting in compliance with all federal, State, and local laws. Sporting use includes:

(a) participation in a managed hunt sponsored by a government agency; and

(b) the sale or other transfer of ammunition by a sporting club for immediate, on-site use at the club, ...

Vehicle: Any motor vehicle, as defined in the Transportation Article of the Annotated Code of Maryland, trains, aircraft and vessels.

57-7. Access to guns by minors.

(a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.

(b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.

(c) This section must be construed as broadly as possible within the limits of State law to protect minors.


(a) Findings. ... 

(b) Child safety handgun device.

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun in the County must provide to the recipient of the handgun a child safety handgun device for the handgun at the time of the transfer. The dealer may charge for the child safety handgun device.

(2) A person who purchases or otherwise receives a handgun from a firearm dealer (or any transferee who would be a firearm dealer if the transfer occurred in the State) after October 8, 1997 must obtain a child safety handgun device for the handgun:

(A) at the time of a transfer in the County; or

(B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

(c) Notices.

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun must post conspicuously in the dealer's place of business a notice of:
(A) the requirement in subsection (b) for a child safety handgun device; and

(B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

(2) If the firearm dealer transferring a handgun does not maintain a place of business in a commercial establishment, the dealer must provide the notices required by paragraph (1) in writing when transferring the handgun.

(d) Enforcement. The Department of Health and Human Services and any other department designated by the County Executive enforces this section.

(f) Regulations. The Executive may adopt regulations under method (2) to implement this Section.

57-9. Unlawful ownership or possession of firearms. A person must not possess, exercise control over, use, carry, transport, or keep a rifle, shotgun, or pistol, if the person:

(a) is an unlawful user of, addicted to, or is under treatment for an addiction to, marijuana or any depressant or stimulant drug or narcotic drug (as defined in Maryland Criminal Law Code Annotated, sections 1-101, 5-101, 5-401, 5-404, and 5-604); or

(b) has been convicted in any court of a crime of violence, trafficking in narcotics, a criminal violation of any of the provisions of Maryland Public Safety Code Annotated, sections 5-101 to 5-138, 5-142, or any federal firearms control law; or

(c) is a fugitive from justice; or

(d) has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of mental illness and that in the physician's opinion the person is not disabled by such illness in a manner which should prevent the person from possessing a rifle or a shotgun; or

(e) has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of alcoholism and that, in the physician's opinion, the person is not disabled by such illness in a manner which should prevent the person from possessing a rifle or a shotgun. (1981 L.M.C. ch. 42, § 1; 2001 L.M.C., ch. 11, § 1; 2004 L.M.C., ch. 22, § 1.)

57-11. Firearms in or near places of public assembly.

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This Section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for this firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

(6) apply to separate ammunition or an unloaded firearm:

(A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or

(B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a gun show at a purposeful exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show possesses, or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:

(i) the sponsor or promoter of the gun show provides to the Chief of Police, at least 30 days before the show:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the show and will attend the show; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the gun show before the gun show is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

(d) Notwithstanding subsection (a), a gun shop owned and operated by a firearms dealer licensed under Maryland or federal law on January 1, 1997, may conduct regular, continuous operations after that date in the same permanent location under the same ownership if the gun shop:

(1) does not expand its inventory (the number of guns or rounds of ammunition displayed or stored at the gun shop at one time) or square footage by more than 10 percent, or expand the type of guns (handgun, rifle, or shotgun) or ammunition offered for sale since January 1, 1997;

(2) has secure locks on all doors and windows;

(3) physically secures all ammunition and each firearm in the gun shop (such as in a locked box or case, in a locked rack, or with a trigger lock);

(4) has adequate security lighting;

(5) has a functioning alarm system connected to a central station that notifies the police; and

(6) has liability insurance coverage of at least $1,000,000.

57-12. Sale of fixed ammunition.

(a) Legislative intent. The purpose of this section is to provide support to state and local law enforcement officials in their efforts against firearm violence by placing controls on the flow of dangerous ammunition, in addition to those provided by federal law, and to encourage compliance with the state police department's program of voluntary firearm registration. It is not the purpose of this section to place any undue or unnecessary restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, or to discourage or eliminate the private ownership or use of firearms by law-abiding citizens.

(b) Registration of ammunition dealers. Any ammunition dealer (as defined in 18 United States Code, section 921 et seq.) who conducts business in Montgomery County is required to register with the Montgomery County department of police by maintaining on file with that department, at all times, a valid, current copy of his federal ammunition dealer's license.

(c) Conditions for sale. No ammunition dealer may sell fixed ammunition to any other person, unless:

(1) the sale is made in person;

(2) the purchaser purchases, at the time of sale, a valid registration certificate or, in the case of a nonresident, proof that the firearm is lawfully possessed in the jurisdiction where the purchaser resides;

(3) the fixed ammunition to be sold is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of a nonresident;

(4) the purchaser signs a receipt for the ammunition which shall be maintained by the licensed dealer for a period of one (1) year from the date of sale.

(d) Exceptions. The provisions of this section shall not apply to the sale of fixed ammunition:

(1) Which is suitable for use only in rifles or shotguns generally available in commerce, or to the sale of component parts of these types of ammunition;

(2) To any person licensed to possess fixed ammunition under an act of Congress and the law of the jurisdiction where the person resides or conducts business; or

(3) To a federal law enforcement officer of federal, state, local or any other governmental entity, if the officer in his possession a statement from the head of his agency stating that the fixed ammunition is to be used in the officer's official duties.

(e) Penalties. Any ammunition dealer who sells fixed ammunition in violation of the provisions of this section shall be guilty of a class C violation, pursuant to section 1-19 of the Montgomery County Code, punishable only by a civil penalty in the amount of fifteen dollars ($15.00).

(f) Exception for incorporated municipalities. This section shall not be effective in any incorporated municipality which by law has authority to enact a law on the same subject. If any such incorporated municipality adopts this section and requests the county to enforce the adopted provisions thereof within its corporate limits, the county may thereafter administer and enforce the same within the incorporated municipality. The county executive is authorized to enter into agreements with incorporated municipalities to enforce and administer the provisions so adopted and to collect the administrative costs of implementation from such municipalities.


(a) The County must not give financial or in-kind support to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. Financial or in-kind support means anything of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.

(b) An organization referred to in subsection (a) that receives direct financial support from the County must repay the support if the organization allows the display and sale of guns at the organization's facility after receiving the County support. The repayment must include the actual, original value of the support, plus reasonable interest calculated by a method specified by the Director of Finance.

[Publisher's note: 2001 L.M.C., ch. 11, § 2 provides that § 57-13 applies to (1) support that an organization receives from the county after Dec. 1, 2001 and (2) the display of a gun for sale at the facility after Dec. 1, 2001, and that § 57-13 expires December 1, 2011.]

57-14. Exemptions from Chapter.

Nothing in this Chapter applies to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.


Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a class A violation apply. Any violation of Section 57-8 is a Class A civil violation.

[Montgomery County Code current June 30, 2009]

Code of the Town of Cheverly

Sec. 20-5. Supplying firearm materials or dangerous weapons to underage persons.

It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away any ammunition, powder, shot or shells for any dangerous weapon, covered by section 20-4 preceding, to any person under the age of eighteen (18) years. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away any handgun of all types except those classified as antiques to any person under the age of twenty-one (21) years.

Sec. 20-6. Explosive and combustible material.

It shall be unlawful for any person or persons to store gunpowder, oil or any other explosive or combustible material within the town, except for small quantities used to service personal or home equipment when such material is kept in safe containers.

[Codified through Ordinance No. O-4-10, adopted October 14, 2010]

Municipal Code of Town of La Plata

143-5 Weapons.
No pawnbroker, swap shop or secondhand dealer shall receive as a pledge or purchase any revolver, pistol, blackjacket or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

[Codified through Ordinance No. 10-7, adopted August 31, 2010]

Charter and Code Takoma Park

14.16.010 Exemption from County weapons law.

Pursuant to the authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland, Section 1-3A-102 of the Montgomery County Code, the City exempts itself from the provisions of Chapter 57, Weapons, Section 57-SA, Child Safety Handgun Devices and Handguns, and Section 57-7A, Firearms In or Near Places of Public Assembly, of the Montgomery County Code.

14.16.020 Definitions.

"Antique firearm" means:
1. Any firearm (including any firearm with a short barrel) which is capable of being loaded, unloaded, or fired only in the manner and with the use of ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.
2. Any firearm which is designed or intended to be fired from the shoulder and designed or manufactured before 1898; and
3. Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States, a State or the District of Columbia, or of a County, municipality, or other political subdivision, who is responsible for the prevention and detection of crime, and the enforcement of the laws of the United States, a State or the District of Columbia, or a County, municipality, or other political subdivision;
2. Any military or militia personnel directed by the appropriate authority to keep law and order;
Minor" means an individual younger than 18 years old.
"Place of public assembly" means:
1. A place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but is not limited to a place devoted solely to the uses of the public;
2. A place of public assembly includes, but is not limited to:
   a. A public park or other public grounds;
   b. A place of worship;
   c. A school;
   d. A public building, including its grounds and curtilage;
   e. The front or immediate area or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; and
   f. A public parking lot.
3. A place of public assembly includes all property associated with the place and located within 100 yards of the place; and
14.16.040 Child safety handgun devices.
A. Findings. The unintentional discharge of handguns often causes accidental death or injury to children. Additional safeguards are needed to protect children from injury or death from the unintentional discharge of loaded and unlocked handguns. Requiring all handguns in the City to have and use handgun safety devices can prevent unintentional injuries and fatalities to children.
B. It is unlawful for any person, other than a law enforcement officer, to carry, transport or keep a handgun in the City without a child safety handgun device installed on the handgun.
14.16.050 Prohibition of firearms in residences that run programs for minors.
A. Except as provided in this section, no person shall use, carry, transport, keep or leave any firearm in any location where the person knows or reasonably should know that a minor could gain access to the firearm in a residence that is used for programs or activities primarily serving minors during the times in which such activities or programs meet. "Programs or activities primarily serving minors" include day care, child care, recreation programs, sports programs, day camps, club meetings, tutoring programs, and other organized and regular educational activities.
B. This section does not:
1. Prohibit the teaching of firearms safety training for educational purposes in the areas described in subsection (A) of this section;
2. Prohibit historic demonstrations using weapons or replicas of weapons for educational purposes in the areas described in subsection (A) of this section;
3. Apply to a law enforcement officer or to a security guard licensed to carry a firearm when the law enforcement officer or security guard is in the course of his or her employment or duty or is traveling to or from the place of employment or duty;
4. Apply to an unloaded firearm in a locked case or in a child safety handgun box;
5. Apply to activities serving only the person's own minor child or children in the person's own residence, such as babysitting of the child or home schooling.
14.16.060 Prohibition of firearms in places of public assembly.
A. A person must not purchase, sell, transfer, possess, or transport firearms or ammunition or components for firearms in a place of public assembly.
B. This section does not:
1. Prohibit the teaching of firearms safety training or other educational use in a place of public assembly;
2. Apply to a law enforcement officer;
3. Apply to a security guard licensed to carry a firearm when the security guard is in the course of his or her employment or is traveling to or from the place of employment;
4. Apply to the possession of firearms or ammunition in a person's own home;
5. Apply to the possession of one firearm, and ammunition for the firearm at a business by either the owner or an authorized employee of the business;
6. Apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law;
7. Apply to separate ammunition or an unloaded firearm:
   a. Transported in an enclosed case or in a locked firearms rack on a motor vehicle;
   b. Being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.
14.16.070 Penalty.
Any violation of this chapter is a Class A misdemeanor offense, and on conviction is subject to a fine of $1,000.00 or a term of imprisonment of not more than 180 days, or both.

[Current through Ordinance No. 2010-39, passed July 26, 2010]

MASSACHUSETTS

MASS. GEN. L.

Chapter 140. Licenses - Sale of Firearms

121. Definitions; Application for License or Identification Card; Exceptions. As used in sections 122 to 131P, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Ammunition", cartridges or cartridge cases, primers, propellant and any other propellant designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate.

"Assault weapon", shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(30) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: (i) A violet Kalashnikov (AK) (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta AR70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-9C5 and TEC-22; and (vii) revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: (i) any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to 18 U.S.C. section 922 as appearing in such appendix on September 13, 1994, as such weapons were manufactured on October 1, 1993; (ii) any weapon that is operated by manual bolt, pump, lever or slide action; (iii) any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; (iv) any weapon that was manufactured prior to the year 1899; (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable large capacity weapon.

"Large capacity feeding device", (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such appendix on September 13, 1994. The term "large capacity feeding device" shall not include an attached tubular device designed to accept, and capable of operating with, .22 caliber ammunition.

"Large capacity weapon", any firearm, rifle or shotgun: (i) that is semiautomatic with a fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault weapon.

"Firearm", a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun, including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

"Gunsmith", any person who engages in the business of repairing, altering, cleaning, polishing, engraving, bluing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun.

"Imitation firearm", any weapon which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet.

"Large capacity feeding device", (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such appendix on September 13, 1994. The term "large capacity feeding device" shall not include an attached tubular device designed to accept, and capable of operating with, .22 caliber ammunition.

"Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

"Firearm safety training", training for educational purposes in the areas described in subsection (A) of this section; (A) of this section;
2. Apply to a law enforcement officer;
3. Apply to a security guard licensed to carry a firearm when the security guard is in the course of his or her employment or is traveling to or from the place of employment;
4. Apply to the possession of firearms or ammunition in a person's own home;
5. Apply to the possession of one firearm, and ammunition for the firearm at a business by either the owner or an authorized employee of the business;
6. Apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law;
7. Apply to separate ammunition or an unloaded firearm:
   a. Transformed in an enclosed case or in a locked firearms rack on a motor vehicle;
   b. Being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.
14.16.070 Penalty.
Any violation of this chapter is a Class A misdemeanor offense, and on conviction is subject to a fine of $1,000.00 or a term of imprisonment of not more than 180 days, or both.

[Current through Ordinance No. 2010-39, passed July 26, 2010]
“Semiautomatic” length or as modified has an overall length of from a shotgun, whether by alteration, modification or change; the word “purchaser” shall include exchanger; and the verbs “sell” and “purchase”, in their different forms and tenses, shall include the verb exchange in its appropriate form and tense.

“Rifle”, a weapon having a rifled bore with a barrel length equal to or greater than 18 inches and capable of discharging a shot or bullet for each pull of the trigger.

“Sawed-off shotgun”, any firearm made from a shotgun, whether by alteration, modification or change; the word “purchaser” shall include exchanger; and the verbs “sell” and “purchase”, in their different forms and tenses, shall include the verb exchange in its appropriate form and tense.

“Shotgun”, a weapon having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger.

“Semiautomatic”, capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next cartridge, and capable of discharging a shot or bullet for each pull of the trigger.

“Violent crime”, shall mean any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that: (i) has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another; (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another.

“Weapon”, any rifle, shotgun or firearm.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such licensing authority exists, any resident or applicant may apply for such license or firearm identification card directly to the chief of police of the city or a person who has been adjudicated a youthful offender, as defined in section fifty-two of chapter one hundred and nineteen, including those who have not received an adult sentence or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. Every license, if, after a hearing, he is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license. The fee for an application for a license issued under this section may within ten days thereafter apply to the chief of police of the city police for such license, who may direct that said license be forwarded to the commissioner of the department of criminal justice information services. Any person refused a license under this section may within ten days thereafter apply to the commissioner of the department of criminal justice information services. The fee for an application for a license issued under this section shall be $25 of the fee; $50 of the fee shall be deposited into the general fund of the commonwealth; and $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of such application to be forwarded to the commissioner of the department of criminal justice information services. Any such license shall, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.

The secretary of the executive office of public safety may establish such rules and regulations as he may deem necessary to carry out the provisions of this section.

The fee of $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of such application to be forwarded to the commissioner of the department of criminal justice information services. Any such license shall, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.

The fee of $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of such application to be forwarded to the commissioner of the department of criminal justice information services. Any such license shall, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.

The fee of $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of such application to be forwarded to the commissioner of the department of criminal justice information services. Any such license shall, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.
filed for such license, and a justice of said court, after a hearing, may direct that a license be issued the applicant if satisfied there was no reasonable ground for refusing such license and that the applicant was not prohibited by law from holding the same.

Whoever is being licensed, as hereinbefore provided, sells ammunition within the commonwealth shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than two years.

123. Conditions of licenses. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions:

First. That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to.

Second. Every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of the department of criminal justice information services and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, and designation of the license number or permit to purchase number and the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun, or any large capacity feeding device therefor be made to any person not having a license to carry firearms under the provisions of section one hundred and thirty-one nor shall any large capacity firearm or large capacity feeding device therefor be made to any person not having a Class A or Class B license to carry firearms issued under said section 131; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one and a valid firearm identification card number in the case of a firearm, rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction.

Twelfth. That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction.

Thirteenth. That the current validity of any firearm identification card, license to carry firearms or permit to purchase, rent or lease firearms, rifles or shotguns, or a firearm identification card, license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one nor shall any large capacity firearm or large capacity feeding device and; upon being presented with such card or license that is expired, suspended or revoked, the licensee may notify the licensing authority of the presentment of such expired, suspended or revoked card, license or permit; and, further, the licensee may take possession of such card or license provided that, in such case, such licensee shall: (i) issue a receipt, in a form provided by the commissioner of the department of criminal justice information services, to the holder thereof which shall state that the holder's card or license is expired, suspended or revoked, was taken by such licensee and forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the date of issuance for the purpose of providing immunity from prosecution under sections 10 of chapter 269 for unlawfully possessing a firearm, rifle or shotgun or large capacity weapon; (ii) notify the cardholder or licensee of his requirement to renew said card or license; and (iii) forward such expired card or license to the licensing authority forthwith; provided, however, that such licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

Fourteenth. That the licensee shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: 'IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN, FIREARMS, RIFLES OR SHOTGUNS IN A PERMANENT PLACE OF BUSINESS IN A SECURELY LOCKED CONTAINER.'

Fifteenth. That any licensee shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times.

Sixteenth. That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction.

Seventeenth. That every firearm, rifle, or shotgun shall be unloaded when delivered.

Eighth. That no firearm shall be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine nor shall any firearm, rifle or shotgun, or a firearm identification card issued under the provisions of section one hundred and twenty-nine nor shall any large capacity firearm or large capacity feeding device therefor be sold to any person not having a Class A or Class B license to carry firearms issued under section 131 or (i) issue a receipt, in a form provided by the commissioner of the department of criminal justice information services, to the holder thereof which shall state that the holder's card or license is expired, suspended or revoked, was taken by such licensee and forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the date of issuance for the purpose of providing immunity from prosecution under sections 10 of chapter 269 for unlawfully possessing a firearm, rifle or shotgun or large capacity weapon; (ii) notify the cardholder or licensee of his requirement to renew said card or license; and (iii) forward such expired card or license to the licensing authority forthwith; provided, however, that such licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

Ninth. That upon the sale, rental or lease of a firearm, subject to a permit to purchase thereunder, nor shall any rifle or shotgun, be sold, rented or leased to a person who has not a valid firearm identification card number or permit to purchase number and the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one or (i) issue a receipt, in a form provided by the commissioner of the department of criminal justice information services, to the holder thereof which shall state that the holder's card or license is expired, suspended or revoked, was taken by such licensee and forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the date of issuance for the purpose of providing immunity from prosecution under sections 10 of chapter 269 for unlawfully possessing a firearm, rifle or shotgun or large capacity weapon; (ii) notify the cardholder or licensee of his requirement to renew said card or license; and (iii) forward such expired card or license to the licensing authority forthwith; provided, however, that such licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

Tenth. That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the license hereunder is revoked of a violation of any such conditions, the license shall thereafter be deemed null and void.

Eleventh. That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times.

Sixteenth. That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction.
number and caliber and whether such weapon is a large capacity weapon.

Eighteenth. That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm, to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesale dealer (as defined in the general public welfare code); and that such sale or transfer is in conformity with the provisions of section 131E. 

No person licensed under the provisions of section 122 or section 122B shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device to any person who does not have in his possession the required firearm identification card or proof of exemption therefrom, license to carry firearms or permit to purchase, rent or lease firearms and who does not present such card, proof, license or permit to the licensee in person at the time of purchase, rental or lease. No person licensed under the provisions of section 122 or section 122B shall fill an order for a weapon, ammunition or ammunition feeding device that was received by mail, facsimile, telephone or other telecommunication unless such transaction or transfer includes the in-person presentation of the required card, proof, license or permit as required herein prior to any sale, delivery or any form of transfer of possession of the subject weapon, ammunition or ammunition feeding device to any person who does not have in his possession the required firearm identification card or proof of exemption therefrom, license to carry firearms or permit to purchase, rent or lease firearms and who does not present such card, proof, license or permit to the licensee in person at the time of purchase, rental or lease.
term of licenses. Licenses issued under section one hundred and twenty and one hundred and twenty-two shall expire three years from the date of issuance.

125. forfeiture or suspension of licenses; notices. The officials authorized to issue a license under section one hundred and twenty-two, after due notice to the licensee and reasonable opportunity for him to be heard, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any provision of section one hundred and twenty-two; or (b) a violation of any condition or restriction of the license, or in requesting that work be done by a gunsmith, gives a false or fictitious name or address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, current address, criminal record, or possession of a weapon in violation of any law regulating the use, possession, or institutional collection open to the public. The commissioner of the department of criminal justice information services shall be notified in writing of any transfer under this section.

126. Placards, signs or advertisements; prima facie evidence for Sale. If there is exposed from, maintained in or permitted to remain on any vehicle or premises a gunsmith, it shall be prima facie evidence for Sale.

127. Transfer of Licenses. The officials authorized to issue a license under section one hundred and twenty-two may transfer licenses from one location to another within the city or town in which the licenses are in force, but such transfer shall be granted only to the original licensee and upon the same terms and conditions upon which the license was originally granted.

The commissioner of the department of criminal justice information services shall be notified in writing of any transfers made under this section.

128. Penalty for violation of statute on sale of machine gun. Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such a licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth, ninth, sixteenth, eighteenth, nineteenth, twentieth or twenty-first condition of said license, and except as provided in section one hundred and twenty-eight, A, any person who, without being licensed as herein before provided, sells, rents or leases a firearm, rifle, shotgun or machine gun, is engaged in business as a gunsmith, shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment.

Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

128A. Application of Sec. 128. The provisions of section one hundred and twenty-eight shall not apply to any person who, without being licensed as provided in section one hundred and twenty-two, sells or transfers a firearm, rifle or shotgun to a person licensed under said section one hundred and twenty-two, or to a federally licensed firearms dealer or to a federal, state or local historical society, museum or institutional collection open to the public. The provisions of section one hundred and twenty-eight shall not apply if the firearm, rifle, shotgun or machine gun is being licensed as provided in section one hundred and twenty-two, sells or transfers to other than a federally licensed firearms dealer or organization named above not more than four firearms, including rifles and shotguns in any one calendar year; provided, however, if the firearm, rifle, shotgun or machine gun is being licensed as provided in section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine C, or in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine C, or if for a second or subsequent offense, shall be punished by imprisonment for not more than five years, or for a third or subsequent offense, shall be punished by imprisonment for not less than ten years and one half years nor more than five years in the state prison.

129B. Firearm Identification Card; conditions and restrictions. A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(i) Any person residing in a court of the commonwealth, convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C; or (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C.

(ii) Any person who, having been convicted of, or adjudicated delinquent, for any violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C; or (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C; or (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C.

Page 237
94C; provided, however, that, except for the commission of a violent crime or a crime involving the trafficking of weapons or controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever is last occurring, not less than five years immediately preceding such application, and such applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject conviction or adjudication was entered, such conviction or adjudication shall not disqualify such applicant for a firearm identification card.

(iii) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such an illness in a manner that should prevent the applicant from possessing a firearm, rifle or shotgun;

(iv) is or has been under treatment for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, in which case he may make application for such card after the lapse of five years following the date of such confinement or treatment and upon presentation of an affidavit issued by such physician to the effect that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;

(v) is at the time of the application less than 15 years of age;

(vi) is at the time of the application more than 15 but less than 18 years of age, unless the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card;

(vii) is an alien;

(viii) is currently subject to: (a) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (b) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

(ix) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.

(2) Within seven days of the receipt of a completed application for a card, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a card; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card if the renewal applicant's fingerprints are on file with the department of state police. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of mental health, the department of public health, and the commissioner of corrections and parole or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined in section 121.

(7) The firearm identification card shall be in a standard form provided by the executive director of the criminal history systems board in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain an identification number, name, address, photograph, fingerprint, place and date of birth, weight, height, hair color, eye color and signature of the cardholder and shall be marked "Firearm Identification Card". If a firearm identification card is issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for such limited purpose only. The application for such card shall be made in a standard form provided by the executive director of the criminal history systems board which shall require the applicant to affirmatively state, under the penalty of perjury, that he is not disqualified on any of the grounds enumerated in clauses (i) to (ix), inclusive, from being issued such card.

(8) Any person who knowingly files an application containing false information shall be punished by a fine of not less than $500 nor more than $1,000 or by imprisonment for not less than six months nor more than two years in a house of correction, or by both fine and imprisonment.

(9) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue, except that if the cardholder applied for renewal before the card expired, the card shall remain valid for a period of 90 days after the stated expiration date on the card, unless the application for renewal is denied. A card issued on February 29 shall expire on March 1. The executive director of the criminal history systems board shall send by first class mail to the holder of a firearm identification card not less than 90 days before the expiration of the card, a notice of the expiration of the card. The executive director of the criminal history systems board shall include in the notice all pertinent information about the penalties that may be imposed if the firearm identification card is not renewed within the 90 days before expiration.

(9A) Except as provided in clause (9B), the fee for an application for a firearm identification card shall be $100, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial. The licensing authority shall retain $25 of the fee; $50 of the fee shall be deposited in the General Fund; and $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card fee not retained by the licensing authority in the General Fund, not later than January 1, April 1, July 1 and October 1 of each year.

(9B) The application fee for a firearm identification card issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined in section 121.
powder designed to temporarily incapacitate shall be $25, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial. The licensing authority shall retain 50 per cent of the fee and the remaining portion shall be deposited in the General Fund. In the event of any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. There shall be no application fee for the renewal of a firearm identification card issued under this clause.

A firearm identification card issued under this clause shall display, in clear and conspicuous language, that the card shall be valid only for the purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

(10) Any person over the age of 70 shall be exempt from the requirement of paying a renewal fee for a firearm identification card.

(11) A cardholder shall notify, in writing, the licensing authority that issued such card, the chief of police into whose jurisdiction such cardholder moved, the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall cause for revocation or suspension of such card.

(12) Notwithstanding the provisions of section 10 under clause 269, any person in possession of a non-large capacity rifle or shotgun whose firearm identification card issued under this section is invalid for the sole reason that it has expired, meaning after 90 days beyond the stated expiration date on the card, and who shall not be disqualified from renewal upon application therefor under this section, shall be subject to a civil fine of not less than $500 nor more than $5,000 and the provisions of said section 10 of said chapter 269 shall not apply; provided, however, that the exemption from the provisions of said section 10 of said chapter 269 provided herein shall not apply if: (i) such firearm identification card has been revoked or suspended, unless the revocation or suspension was caused by failure to give notice of a change of address as required under this section; (ii) revocation or suspension of such firearm identification card is pending, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; or (iii) an application for renewal of such firearm identification card has been denied. Any law enforcement officer who discovers a person to be in possession of a rifle or shotgun after such person’s firearm identification card has expired or has been revoked or suspended solely for failure to give notice of a change of address shall confiscate any rifle or shotgun and such expired, meaning after 90 days beyond the stated expiration date on the card, or suspended card then in possession, and such officer shall forward such card to the licensing authority by whom it was issued as soon as practicable. Any confiscated weapon shall be returned to the owner upon renewal or reinstatement of such expired or suspended card within one year of such confiscation or such weapon may be otherwise disposed of in accordance with the provisions of section 129D. Pending the issuance of a renewed firearm identification card, a receipt for the fee paid, after five days following issuance, shall serve as a valid substitute and any rifle or shotgun so confiscated shall be returned, unless the applicant is disqualified. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under section 131 or 131F.

(13) Upon issuance of a firearm identification card under this section, the licensing authority shall forward a copy of such approved application and card to the executive director of the criminal history systems board, who shall inform the licensing authority forthwith of the existence of any disqualified condition discovered or occurring subsequent to the issuance of a firearm identification card under this section.

(14) Nothing in this section shall authorize the purchase, possession or transfer of any weapon, ammunition or feeding device that is, or in such manner that is, prohibited by state or federal law.

(15) The secretary of the executive office of public safety, or his designee, may promulgate regulations to carry out the purposes of this section.

129C. Application of Sec. 129B; ownership or possession of firearms or ammunition; transfers; report to executive director; exemptions; etc.; on demand. No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B. No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within seven days, report all such transfers to the executive director of the criminal history systems board according to the provisions set forth in section one hundred and twenty-nine A, and in the case of loss, theft or recovery of any firearm, rifle, or shotgun or ammunition, the seller or transferor forthwith to both the executive director of the criminal history systems board and the licensing authority in the city or town where the owner resides. Failure to so report shall cause for suspension or permanent revocation of such person’s firearm identification card or license to carry firearms, or both, and shall be punished by a fine of not less than $200 nor more than $1,000 for a first offense and by a fine of not less than $1,000 nor more than $5,000 for a second offense.

The provisions of this section shall not apply to the following exempted persons and uses:

(a) Any device used exclusively for signaling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by such manufacturers or dealers, on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(c) To a person voluntarily surrendering a firearm, rifle or shotgun and ammunition therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;

(e) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with a firearm showing or display organized by a regularly existing gun collectors’ club or association;

(h) Any new resident moving into the commonwealth, any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any resident of the commonwealth upon being released from active service with any of the armed services of the United States with respect to any firearm, rifle or shotgun and any ammunition therefor in his possession, for 60 days after such release, return or entry into the commonwealth;

(k) Any person under the age of fifteen with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(m) The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for lawful purposes;

(n) The transfer of a firearm, rifle or shotgun upon the death of any owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within one hundred and eighty days of such transfer, obtain a firearm identification card or a license to
carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

(q) Persons in the military or other service of any state of the Union or the United States, officers and other personnel of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Carrying or possession by nonresidents of so-called black powder rifles, shotguns, and ammunition therefor as described in such paragraph (A) of section 121, and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside;

(q) [Deleted]

(f) Property left by a veteran's organization chartered by the Congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue Service and possession by the members of any such organization when on official parade duty or ceremonial occasions.

(s) Possession by federal, state, local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling;

(t) the possession of firearms, rifles, shotguns, machine guns and ammunition, by banks or institutional lenders, or their agents, servants or employees, when the same are possessed as collateral for a secured commercial transaction or as a result of a default under a secured commercial transaction.

(u) Any nonresident who is eighteen years of age or older at the time of acquiring a rifle or shotgun from a licensed firearms dealer, provided, however, that such nonresident must hold a valid firearms license from his state of residence; provided, further, that the licensing requirements of such nonresident’s state of residence are as stringent as the requirements of the commonwealth for a firearm identification card, as established by rules and regulations promulgated by the state police in which the state police, shall, annually, publish a list of those states whose requirements comply with the provisions of this clause.

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a person under the age of twenty-nine D, except that such firearm, rifle or shotgun shall be returned forthwith upon presentation within thirty days of said license to carry firearms, firearm identification card or receipt for fee paid for such card, or of any firearms license if said identification card is not then in force or of any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority in the receipt and holding the conditions of section one hundred and twenty-nine D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

129D. Surrender of firearms and ammunition to licensing authority upon demand of such person. Whenever a firearm identification card or license; right to transfer; sale by colonel of state police; rules and regulations. Upon revocation, suspension or denial of an application for a firearm identification card pursuant to the conditions of section one hundred and twenty-nine B, or of any firearms license if said identification card is not then in force or of any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority which he resides, all fire-arms, rifles, shotguns and machine guns and ammunition which he then possesses unless an appeal is pending. Such person, or his legal representative, shall have the right, at any time up to one year after said delivery or surrender, to transfer such firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase on or take possession of such firearm, rifle, shotgun, machine gun, and ammunition and ammunition and upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within ten days deliver such firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and due care shall be observed by the licensing authority in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition.

The licensing authority, after taking possession of any firearm, rifle, shotgun, machine gun or ammunition by any means, may transfer possession of such weapons and ammunition to a federally and state licensed dealer of such weapons and ammunition who operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure storage of firearms and a weapon box or similar container for the secure storage of other weapons and ammunition as provided; provided, however, that the licensing authority shall not transfer to such dealer possession of any weapon that is or may be evidence in any current or pending criminal case concerning a violation of any general or special law, rule or regulation governing the use, possession or ownership of such weapon. Any such transfer shall be made by any dealer under the provisions of this section shall: (i) inspect such weapon; (ii) issue to the owner a receipt indicating the make, model, caliber, serial number and condition of each weapon so received; and (iii) store and maintain all weapons so received in accordance with such regulations, as are promulgated by the licensing authority to the highest bidder person lawfully permitted to purchase and possess such firearms, rifles, shotguns or machine guns and ammunition and the proceeds shall be remitted to the state treasurer. Any such weapon that is stored and maintained by a licensed dealer as provided under this section may be so auctioned at the direction of: (i) the licensing authority at any such weapon as provided under this section by transfer to a person lawfully permitted to purchase or take possession of such weapon.

Firearms, rifles, shotguns or machine guns and ammunition not disposed of by public auction shall be sold at public auction by the colonel of the state police to the highest bidder person legally permitted to purchase and possess such firearms, rifles, shotguns or machine guns and ammunition and the proceeds shall be remitted to the state treasurer. Any such weapon that is stored and maintained by a licensed dealer as provided under this section may be so auctioned at the direction of: (i) the licensing authority at the expiration of one year following initial surrender or delivery to such licensing authority; or (ii) the largest bidder person lawfully permitted to purchase and possess such weapon. Storage charges for such weapon have been in arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer for the purpose of transferring ownership to the auctioneer; and provided further, that in either case, after deduction and payment for storage charges and all necessary costs associated with such surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of such weapon.

The secretary of the executive office of public safety may make and promulgate such rules and regulations as are necessary to carry out the provisions of this section.

130. Sale or furnishing weapons or ammunition to aliens or minors; penalty; exceptions. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien eighteen years of age or older who does not hold a permit card issued to him under section one hundred and twenty-nine E, or otherwise as provided in this section or section one hundred and thirty-one E, whoever sells or furnishes any alien or any person under eighteen years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any person under 21 years of age a large capacity rifle or shotgun or ammunition therefor shall have his license to sell
firearms, rifles, shotguns, machine guns and or ammunition revoked and shall not be entitled to apply for such license for ten years from the date of such revocation and shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment in a state prison for not more than ten years or by imprisonment in a house of correction for not more than one-half years, or by both such fine and imprisonment. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervision of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C, nor from furnishing his child or ward, who has attained age fifteen, with a rifle or shotgun that is not a large capacity weapon or ammunition; provided, however, that said child or ward, being between the ages of ten and older, has been issued a valid firearm identification card or alien permit to possess a rifle or shotgun which is in his possession. Nothing in this section shall be construed to prohibit an instructor from furnishing rifles or shotguns or ammunition therefor to pupils; provided, however, that said instructor has the consent of a parent or guardian of a pupil under twenty-one years of age.

130B. Firearm Licensing Review Board

(a) There shall be a firearm licensing review board, established within the department of criminal justice information services, in this section called the board, comprised of 7 members, 1 of whom shall be a member of the department of criminal justice information services appointed by the commissioner and who shall be the chair, 1 of whom shall be the secretary of public safety or his designee, 1 of whom shall be the colonel of state police or his designee, 1 of whom shall be appointed by the Massachusetts Chiefs of Police Association, 1 of whom shall be the attorney general or his designee, 1 whom shall be an attorney with litigation experience in firearm licensing cases and appointed by the governor from a list of qualified persons submitted to the governor by the Massachusetts Bar Association, and 1 of whom shall be a retired member of the judiciary and who is a designee of the Massachusetts Bar Association, and who shall be selected by the governor from the list of qualified persons submitted to the governor by the Massachusetts Bar Association. The governor shall have the power to compel attendance of witnesses at the hearing and shall be entitled to reasonable subsistence and travel allowances in accordance with the provisions of chapter 131; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and, (d) if the board determines, by 2/3rds vote, that: (i) the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent minor or an offense or offense committed prior to 2 1/2 years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of section 129A or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of section 131, and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of this section shall be made by the board; (ii) 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the petitioner’s right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.

(e) The board shall hold hearings at such times and places as in its discretion it reasonably determines to be required, but not less than once every 90 days, and shall give reasonable notice of the time and place of the hearing to the petitioner. The board shall have the power to compel attendance of witnesses at hearings.

(f) All hearings shall be conducted in an informal manner, but otherwise according to the rules and appendix to the board. The board may issue such other orders as it deems necessary to carry out its purposes.

(g) Members of the board shall serve without compensation, but shall be entitled to reasonable subsistence and travel allowances in accordance with the provisions of chapter 131.

131. License to carry firearm; Class A and B; conditions and restrictions.

All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:

(a) A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and, (d) if the board determines, by 2/3rds vote, that: (i) the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent minor or an offense or offense committed prior to 2 1/2 years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of section 129A or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of section 131, and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of this section shall be made by the board; (ii) 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the petitioner’s right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.

(e) The board shall hold hearings at such times and places as in its discretion it reasonably determines to be required, but not less than once every 90 days, and shall give reasonable notice of the time and place of the hearing to the petitioner. The board shall have the power to compel attendance of witnesses at hearings.

(f) All hearings shall be conducted in an informal manner, but otherwise according to the rules and appendix to the board. The board may issue such other orders as it deems necessary to carry out its purposes.

(g) Members of the board shall serve without compensation, but shall be entitled to reasonable subsistence and travel allowances in accordance with the provisions of chapter 131.

131. License to carry firearm; Class A and B; conditions and restrictions. All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:

(a) A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and, (d) if the board determines, by 2/3rds vote, that: (i) the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent minor or an offense or offense committed prior to 2 1/2 years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of section 129A or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of section 131, and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of this section shall be made by the board; (ii) 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the petitioner’s right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.

(e) The board shall hold hearings at such times and places as in its discretion it reasonably determines to be required, but not less than once every 90 days, and shall give reasonable notice of the time and place of the hearing to the petitioner. The board shall have the power to compel attendance of witnesses at hearings.

(f) All hearings shall be conducted in an informal manner, but otherwise according to the rules and appendix to the board. The board may issue such other orders as it deems necessary to carry out its purposes.

(g) Members of the board shall serve without compensation, but shall be entitled to reasonable subsistence and travel allowances in accordance with the provisions of chapter 131.

131. License to carry firearm; Class A and B; conditions and restrictions. All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:

(a) A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and, (d) if the board determines, by 2/3rds vote, that: (i) the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent minor or an offense or offense committed prior to 2 1/2 years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of section 129A or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of section 131, and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of this section shall be made by the board; (ii) 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the petitioner’s right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.
this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.

(b) A Class B license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) non-large capacity firearms and feeding devices and ammunition therefor, for all lawful purposes; subject to such restrictions relative to the possession, use or carrying of such firearm as the licensing authority deems proper; provided, however, that a Class B license shall not entitle the holder thereof to carry or possess a loaded firearm in a concealed manner in any public way or place; and provided further, the licensing authority shall not entitle the holder thereof to possess a large capacity firearm, except under a Class A club license issued under this section or under the direct supervision of a holder of a valid Class A license at an incorporated shooting club or licensed shooting range; and (ii) rifles and shotguns, including large capacity rifles and shotguns, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as he deems proper. A violation of a restriction provided under this paragraph or a restriction imposed by the licensing authority under the provisions of this paragraph, shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than $1,000 nor more than $10,000; provided, however, that the provisions of section 10 of chapter 269 shall not apply to such violations.

A Class B license shall not be a valid license for the purpose of complying with any provision under this chapter governing the purchase, sale, lease, rental or transfer of any weapon or ammunition feeding device if such weapon is a large capacity firearm or if such ammunition feeding device is a large capacity firearm, both as defined in section 121.

(c) Either a Class A or Class B license shall be valid for the purpose of owning, possessing, purchasing and transferring non-large capacity rifles and shotguns, and for purchasing and possessing feeders, and other shooting devices, including but not limited to, similarly propelled liquid, gas or powder designed to temporarily incapacitate, consistent with the entitlements conferred by a firearm identification card issued under section 129B.

(d) Any person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to such licensing authority or the police of the city or town, an application for a Class A or Class B license to carry firearms, or renewal of the same, which such licensing authority or said police of the city or town may issue if it appears that the applicant is a suitable person to be issued such license, and that the applicant has good reason to fear injury to his person or property, or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to such restrictions expressed or authorized under this section, unless the applicant:

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled substances, as defined in section 1H4C.

(ii) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such illness in a manner that shall prevent such applicant from possessing a firearm;

(iii) is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, and such applicant may make application for such license after the expiration of five years from the date of such confinement or treatment and upon presentment of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;

(iv) is at the time of the application less than 21 years of age;

(v) is an alien;

(vi) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction; or

(vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.

(e) Within seven days of the receipt of a completed application for a license to carry or possess firearms, or renewal of same, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the director of the criminal history systems board in a size and shape as required under the provisions of section 1H4C. The director or commissioner to whom the license is submitted shall restitute to the petitioner if such justice finds that there was no reasonable ground for denying, suspending or revoking such license and that the petitioner is not prohibited by law from possessing same.

(f) A license shall be in a standard form provided by the executive director of the criminal history systems board in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a license number which shall clearly indicate whether such license identifies a Class A or Class B license, the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. Such license shall be marked "License to Carry Firearms" and shall clearly indicate whether the license is Class A or Class B. The application for such license shall be made in a
standard form provided by the executive director of the criminal history systems board, which form shall require the applicant to affirmatively state under the pains and penalties of perjury that such applicant is not disqualified on any of the grounds enumerated above from being issued such license.

(h) Any person who knowingly files an application containing false information shall be punished by a fine of not less than $500 nor more than $1,000 or by imprisonment for not less than six months nor more than two years in a house of correction, or by both such fine and imprisonment.

(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee’s date of birth occurring not less than 5 years but not more than 6 years from the date of issue, except that if the licensee applied for renewal before the license expired, the license shall remain valid for a period of 90 days beyond the stated expiration date on the license, unless the application for renewal is denied. Any renewal thereof shall expire on the anniversary of the licensee’s date of birth occurring not less than 5 years but not more than 6 years from the effective date of renewal.

(j) Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be $100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain $25 of the fee; $50 of the fee shall be deposited into the general fund of the commonwealth and not less than $50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board, established in section 130B, for its operations and that any funds not expended by said board for its operations shall revert back to the General Fund; and $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. For law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at $25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain $12.50 of the fee, and $12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. For the purposes of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

Any person over the age of 70 and any law enforcement officer applying for a license to carry firearms through his employing agency shall be exempt from the requirement of paying a renewal fee for a Class A or Class B license to carry.

(j)(1) No license shall be required for the carrying or possession of a firearm known as a deterrent or possession of a firearm known as a deterrent firearm or possession of a firearm known as a deterrent firearm.

(j)(2) No license to carry shall be required for the possession of an unloaded large capacity rifle or shotgun or an unloaded feeding device therefor loaded with a blank cartridge or blank cartridges, so-called, which contain no projectile within such blank or blanks or within the bore or chamber of such large capacity rifle, except that if the firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel.

(k) A bona fide collector of firearms upon application or upon application for renewal of such license shall be entitled to carry firearms issued under section 131F.

(l) The executive director of the criminal history systems board shall send by first class mail to the holder of each such license to carry firearms, a notice of the expiration of such license not less than 90 days prior to such expiration and shall enclose therein a form for the renewal of such license. The taking of fingerprints shall not be required in issuing the renewal of a license if the renewal applicant’s fingerprints are on file with the department of state police. Any person who applies for renewal before the license expired, the license shall be valid, unless revoked or suspended, solely for failure to give notice of a change of address as required under this section. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within one year of such confiscation or may be otherwise disposed of in accordance with the provisions of section 131D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under section 131F.

(m) Notwithstanding the provisions of section 10 of chapter 269, any person in possession of a firearm, rifle or shotgun whose license issued under this section; or (iii) an application for renewal is denied. Any renewal before the license expired, the license shall be valid, unless revoked or suspended, solely for failure to give notice of a change of address as required under this section. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within one year of such confiscation or may be otherwise disposed of in accordance with the provisions of section 131D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under section 131F.

(n) Upon issuance of a license to carry or possession firearms under this section, the licensing authority shall forward a copy of such approved application and license to the executive director of the criminal history systems board, who shall inform the licensing authority forthwith of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of a license under this section.

(o) No person shall be issued a license to carry or possession of a firearm, rifle or shotgun or any weapon, except that a licensing authority or the colonel of state police may issue a machine gun license to:

(i) a firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel;

(ii) a bona fide collector of firearms upon application or upon application for renewal of such license.

(p) The executive director of the criminal history systems board shall promulgate regulations in accordance with chapter 30A to establish criteria for persons who shall be classified as bona fide collectors of firearms.

(q) Nothing in this section shall authorize the purchase, possession or transfer of any weapon, ammunition or feeding device that is, or in such manner that is, prohibited by state or federal law.

(r) The secretary of the executive office of public safety or his designee may promulgate regulations to carry out the purposes of this section.

131½. Roster of large capacity rifles, shotguns, firearms, and feeding devices. The secretary of public safety shall, with the advice of the gun control advisory board established pursuant to the provisions of section 131½, compile and publish a roster of large capacity rifles, shotguns, firearms and feeding devices, all as defined in section 121, and such weapons referred to in clauses Eighteenth to Twenty-first, inclusive, of section 123.

The secretary shall, not less than three times annually, publish the roster in newspapers of general circulation throughout the commonwealth, and shall send a copy thereof to all dealers licensed in the commonwealth under the provisions of section 122 of said chapter 140; and further, the licensing authority shall furnish said roster to all cardholders and licensees upon initial issuance and upon every renewal of the same.

The secretary may amend the roster upon his own initiative or with the advice of said board. A person may petition the secretary to place a weapon on, or remove a weapon from, the roster, subject to the provisions of this section. A person who so petitions shall give the reasons why the roster should be so amended.
A petition to amend the roster shall be submitted in writing to the secretary and shall be in the form and manner prescribed by the secretary. Upon receipt of the petition to place a weapon on the roster, the secretary shall, within 45 days of receipt of the petition, either notify the petitioner that the petition has not been approved, that the petition has been approved and that the weapon shall be added to the roster, or that it shall modify the roster. An addition to the roster shall be effective on the date it is included in the next publication in newspapers of general circulation as provided under this section.

The secretary may promulgate rules and regulations relative to the petitioning process and any other regulations consistent with the provisions of this section and section 2SS of chapter 29, sections 11 and 14 of chapter 131, sections 121, 122, 122B, 123, 128, 128A, 128B, 129B, 129C, 129D, 130, 131, 131A, 131E, 131F and 131K of chapter 140 to effectuate the purposes of each said section.

131A. Permits to purchase, rent or lease firearms or to purchase ammunition; fee; penalties. A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun, or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for the proper purpose, and may revoke such permit at will. The colonel of the state police or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for the proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of the department of public safety and shall not be prorated or refunded in case of revocation, or it shall modify the roster. An addition to the roster shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation, or it shall modify the roster. An addition to the roster shall be effective on the date it is included in the next publication in newspapers of general circulation as provided under this section.

The provisions of this subsection shall be punished by a fine of $500.

131B. Penalty for loan of money secured by weapons. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, shotgun or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both; provided, however, that nothing herein shall prohibit a bank or other institutional lender from loaning money secured by a mortgage, deposit, or pledge of a firearm, rifle, shotgun or machine gun to a manufacturer, wholesaler, or dealer of firearms, rifles, or shotguns. The provisions of section one hundred and twenty-three shall not be applicable to any such mortgage, deposit or pledge unless or until the lender takes possession of the collateral upon default or the collateral is removed from the premises of the debtor.

131C. Carrying Firearm in a vehicle. (a) No person carrying a loaded firearm under a Class A or Class B license issued under section 131F shall carry the same in a vehicle unless such firearm while carried therein is under the direct control of such person. Whoever violates the provisions of this subsection shall be punished by a fine of $500.

(b) No person carrying a firearm under a Class A or Class B license issued under section 131F shall possess the same in a vehicle unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container. Whoever violates the provisions of this subsection shall be punished by a fine of $500.

(c) No person possessing a large capacity firearm or a large capacity feeding device, or anyone acting in combination therefor, shall be punished by a fine of not less than $500 nor more than $5,000.

(d) The provisions of this section shall not apply to (i) any officer, agent or employee of the commonwealth or any state or the United States; (ii) any member of the military or other service of any state or of the United States; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the weapon so carried or possessed and is acting within the scope of his duties.

(e) A conviction of a violation of this section shall be reported forthwith by the court or magistrate to the licensing authority who shall immediately revoke the license or license of the person so convicted. No new such card or license may be issued to any such person until one year after the date of revocation of such license or license of such person.

131E. Purchase by residents; licenses; firearm identification cards; purchase for use of another; penalties; revocation of licenses or cards; reissuance. Any resident of the commonwealth may purchase firearms, rifles, shotguns and ammunition feeding devices from any dealer licensed under section 122, or from such person as shall be qualified under section 128A, or ammunition from a licensee under section 122B, subject to the following conditions and restrictions:

(a) Rifles, shotguns and feeding devices therefor may be so purchased only upon presentation of: (i) a valid firearm identification card issued under section 129B; or (ii) a valid Class A or Class B license to carry firearms issued under section 129C; or (iii) valid proof of exempt status under section 129C; provided, however, that such law enforcement officer, agent or any person not falling within the jurisdiction of a local licensing authority or to an alien that resides outside the commonwealth for purposes of firearms competition and subject to such terms and conditions as said colonel may deem proper; provided, however, that no license shall be issued to a person who has not been convicted of a felony; (b) a misdemeanor punishable by imprisonment for more than two years; (c) a violent crime as defined in section 121; (d) a violation of any law regulating the use, possession, owner-
ship, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammuni-
tion for which a term of imprisonment may be
imposed; or (e) a violation of any law regulating
the use, possession or sale of controlled sub-
stances, as defined in section 1 of chapter 94C.
(ii) has been confined to any hospital or insti-
tution for five years or more, unless the untried
applicant submits with his application an affidavit of a re-
gistered physician attesting that such physician is
familiar with the applicant's mental illness and
that in such physician's opinion the applicant is
not disabled by such an illness in a manner that
should prevent such applicant from possessing a firearm;
(iii) is or has been under treatment for or con-
finement for drug addiction or habitual drunken-
ness, unless such applicant is deemed to be
cured of such condition by a licensed physician,
and such applicant may make application for
the purposes of sports and recreation, for the
expiration or transportation of weapons or ammuni-
tion, or business of similar nature, or a firm li-
censed to manufacture or sell of machine guns and the li-
cense shall be marked "temporary license to possess a machine gun" and may be issued for
any term not to exceed two years and shall ex-
pire in accordance with the provisions of section one hundred and thirty-one.
131F½. Theatrical productions; carrying firearms and blank ammunition.
Notwithstanding the provisions of subsection (a) of
section ten of chapter two hundred and sixty-nine of the General Laws or any other law to the
contrary, the carrying or possession of a firearm and blank ammunition therefor, during the
course of any theatrical, motion, stage or other
theatrical production, by a person within
such production, shall be authorized; provided,
however, that such carrying or possession of
such firearm shall be under the immediate
supervision of a person licensed to carry firearms.
131G. Carrying of firearms by non-residents; conditions. Any person who is not a
resident of the commonwealth may carry a pistol or
revolver in or through the commonwealth for the
purpose of taking part in a pistol or revolver
competition or attending any meeting or exhibition of
an organized group of firearm collectors or for the purpose of hunting;
provided, that such person is a resident of the
United States and has a permit or license to
carry firearms issued under the laws of any
state, district or territory thereof which has
licensing requirements which prohibit the
issuance of permits or licenses to persons who
have been convicted of a felony or who have
been convicted of the unlawful use, possession
or sale of narcotic or harmful drugs; provided,
however, that in the case of a person traveling in
or through the commonwealth for the purpose of
hunting, he has on his person a hunting or
conservation or other lawful license issued by
the state of his destination. Police officers and
other peace officers of any state, territory or
jurisdiction within the United States duly author-
ized to possess firearms by the laws thereof
shall, for the purposes of this section, be
debemed to have a permit or license to carry
firearms as described in this section.
131H. Ownership or possession of firearms by aliens; penalties; seizure and disposition.
No alien shall own or have in his possession or under his control a firearm except as pro-vided in this section or section one hundred and thirty-
one F or a rifle or shotgun except as provided in
this section or section one hundred and thirty-
one F. The colonel of the state police may, after
an investigation, issue a permit to an alien to
own or have in his possession or under his
control a rifle or shotgun; subject to such terms
and conditions as said colonel may deem
proper. The fee for the permit shall be $100, which shall be payable to the licensing authority
and shall not be prorated or refunded in case of
revocation or denial. The licensing authority
shall retain $25 of the fee; $50 of the fee shall be
deposited into the fund of the Firearms Fingerprint Identity Verification Trust Fund. Upon issuing such
permit said colonel shall so notify, in writing, the
chief of police or the board or officer having control of the police in the city or town in which
such alien resides. Each such permit card shall expire at twelve midnight on December thirty-
first next succeeding the effective date of said
permit. If said permit is revoked by said
colonel. In case of revocation, the fee for such
permit shall not be prorated or refunded.
Whenever any such permit is revoked, said col-
nel shall give notification as hereinbefore pro-
vided. The permit issued to an alien under this
section shall be subject to sections one hundred and twenty-nine B and one hundred and twenty-nine
C except as otherwise provided by this sec-
tion.
Violation of any provision of this section shall be punished by a fine of not less than five hun-
dred nor more than one thousand dollars, and
by imprisonment for not more than six months
in a jail or house of correction. If, in any
prosecution for violation of this section, the defendant
alleges that he has been naturalized, or alleges
that he is a citizen of the United States, the bur-
den of proving the same shall be upon him. Any
firearm, rifle or shotgun owned by an alien or in
his possession or under his control in violation of
this section shall be surrendered to the common-
wealth. Any such firearm, rifle or shotgun may
be the subject of a search warrant as provided in
chapter two hundred and seventy-six.
The director of law enforcement of the depart-
ment of fisheries, wildlife and environmental law enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforce-
ment, environmental police officers and deputy
environmental police officers, warden's as de-
deined in section one of chapter one hundred and thirty-one, and members of the state police in
areas over which they have jurisdiction, and all
officers qualified to serve criminal process shall
arrest, without a warrant, any person found with
a firearm, rifle or shotgun in his possession if
they have reason to believe that he is an alien
and if he does not have in his possession a valid
permit as provided in this section.
131I. Falsifying firearm license or identification card; penalty. Whoever falsely
makes, alters, forges or counterfeits or procures or
forgers for or on behalf of another to make or
forge a firearm or identification card, who
counterfeits a license to carry a firearm or a
firearm identification card, or who forgers or
without authority uses the signature, facsimile of
the signature, or validating signature stamp of
the licensing authority or its designee, or
whoever possesses, utters, publishes as true or
in any way makes use of a falsely made, altered,
forged or counterfeited license to carry a firearm
or a firearm identification card, shall be punished
by imprisonment in a state prison for not more
than five years or in a jail or house of correction
for not more than two years, or by a fine of not
less than five hundred dollars, or both such fine
and imprisonment.
131J. Sale or possession of electrical weapons; penalties. No person shall possess a
portable device or weapon from which an
electrical current, impulse, wave or beam may
be directed, which current, impulse, wave or
beam is designed to incapacitate temporarily,
injure or kill, except: (1) a state, county or
city police officer, municipal law enforcement officer, or member of a
special reaction team in a state prison or
designated special operations or tactical team in
a county correctional facility, acting in the
discharge of his official duties who has
completed a training course approved by the
secretary of public safety in the use of such a
device or weapon designed to incapacitate temporarily; or (2) a supplier of such devices or weapons designed to incapacitate temporarily, if possession of the device or weapon is necessary to the supply or sale of the device or weapon within the scope of such sale or supply enterprise. No person shall sell or offer to sell such devices or weapons to any person except to, federal, state or municipal law enforcement agencies. A device or weapon sold under this section shall include a mechanism for tracking the number of times the device or weapon has been fired. The secretary of public safety shall adopt regulations governing who may or may not sell such devices and weapons within the commonwealth and governing law enforcement training on the appropriate use of portable electrical weapons. Whoever violates this section shall be punished by a fine of not less than $500 nor more than $1,000 or by imprisonment in the house of correction for not less than 18 months and not more than 5 years, or by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any person whom he has probable cause to believe has violated this section.

131K. Firearms or large capacity weapons without license; liability. An unauthorized person is guilty of the crime of possessing a large capacity weapon, both as defined in section 121, sold within the commonwealth without a safety device designed to prevent the discharge of such weapon by unauthorized users and approved by the colonel of state police including, but not limited to, mechanical locks or devices designed to recognize and authorize, or otherwise allow the firearm to be discharged only by its owner or authorized user, by solenoid use-limitation devices, key activated or combination trigger or handle locks, radio frequency tags, automated fingerprint identification systems or voice recognition, provided, that such device is commercially available, shall be defective and the sale of such a weapon shall constitute a breach of warranty under section 2-314 of chapter 106 and an unfair or deceptive trade act or practice under section 2 of chapter 93A. Any entity responsible for the manufacture, importation or sale as an inventory item or consumer good, both as defined in chapter 106, who, upon request of the owner or lawfully authorized user, shall be liable in an amount including, but not limited to, that provided under chapter 229. Contributory or comparative negligence shall not be valid de-fenses to an action brought under this section in conjunction with section 2 of chapter 93A or sec-tion 2-314 of chapter 106 or both; provided, however, that nothing herein shall prohibit such liable parties from maintaining an action for in-demnification or contribution against each other or against the lawful owner or other authorized user of said weapon. Any disclaimer, limit or waiver of the liability provided under this section shall be void.

No entity responsible for the manufacture, importation or sale as an inventory item or consumer good, both as defined in chapter 106, who, upon request of the owner or lawfully authorized user, shall be liable in an amount including, but not limited to, that provided under chapter 229. Contributory or comparative negligence shall not be valid de-fenses to an action brought under this section in conjunction with section 2 of chapter 93A or sec-tion 2-314 of chapter 106 or both; provided, however, that nothing herein shall prohibit such liable parties from maintaining an action for in-demnification or contribution against each other or against the lawful owner or other authorized user of said weapon. Any disclaimer, limit or waiver of the liability provided under this section shall be void.

(i) This section shall not apply to the storage or keeping of any firearm, rifle or shotgun with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not de-signed to incapacitate temporarily, by fire or conventional centerfire fixed ammunition.

131M. Assault weapon or large capacity feeding device not lawfully possessed on September 13, 1994; sale, transfer or possession; punishment. No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device which was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than $1,000 nor more than $10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than $5,000 nor more than $15,000 or by imprisonment for not less than five years nor more than 15 years, or by both such fine and imprisonment.

The provisions of this section shall not apply to: (i) the possession by a law enforcement officer for purposes of law enforcement; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.

131N. Covert weapons; sale, transfer or possession; punishment. No person shall sell, offer for sale, transfer or possess any weapon, capable of discharging a bullet or shot, that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble keychains, pens, cigarette lighters or cigarette packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors. Whoever violates the provisions of this section shall be punished, for a first offense, by a fine of not less than $1,000 nor more than $10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than $5,000 nor more than $15,000 or by imprisonment for not less than five years nor more than 15 years, or by both such fine and imprisonment.

Chapter 148. Fire Prevention

35. Repealed, 2010, 160, Sec. 3

Chapter 209A. Abuse Prevention

3B. Order for suspension and surrender of firearms license; surrender of firearms; petition for review; hearing. Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then controls, owns or possesses in accordance with the provisions of this chapter and any license to
carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may store, transfer or otherwise dispose of any such weapon or firearm in the manner provided by section 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seventeen. Upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders or punishable by a fine not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment.

Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been surrendered upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the defendant's employment, and upon a request for an expedited hearing, the court shall order said hearing within two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

Chapter 266. Crimes Against Property

102A. Infernal machine; possession; definition; notice of seizure. Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine", as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the issuance of such an order shall be promptly given to the defendant and the local, county or state government for any costs incurred, damages and financial loss suffered by the local, county or state government for any costs incurred, damages and financial loss suffered by the local, county or state government.

Whoever violates any provision of this section shall not be reduced to less than 18 months nor more than two and one-half years nor more than five years, or by imprisonment for not less than 18 months nor more than two and one-half years nor more than five years, or by imprisonment for not more than two and one-half years nor more than five years in the state prison or by imprisonment for not more than two and one-half years in a house of correction or both such fine and imprisonment.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section makes a false statement in any affidavit filed in said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.
and forty shall be deemed to be in violation of this section.

The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person seventeen years of age or older, charged with a violation of this subsection, or to any charge for an alleged offense which is charged to be a more serious crime if the defendant is convicted of the said offense, shall be punished by imprisonment in the state prison for not less than five years nor more than fifteen years. The sentence imposed upon a person who is convicted of an offense under paragraph (a), (b) or (c) commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for probation or receive any deduction from his sentence for good conduct.

(c) Upon conviction of a violation of this section, the firearm or other article in question or ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the colonel of the state police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may sell or destroy the same except that they may not be lawfully sold in the commonwealth shall be destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

(f) The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person.

(g) Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle, shotgun without complying with the requirements of a serial number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty, shall be punished by confinement in a jail or house of correction for not more than two years or by a fine of not more than five hundred dollars.

(h)(1) Whoever owns, possesses or transfers a large capacity weapon or large capacity feeding device therefor who does not possess a valid Class A or Class B license to carry firearms issued under section 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-half years nor more than ten years. The possession of a valid firearm identification card issued under section 129B shall not be subject to any mandatory minimum sentence imposed by this paragraph. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct. The provisions of section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years nor more than five years in the state prison for not more than one thousand dollars.

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smooth-bore arm from which a shot, bullet or pellet can be discharged by whatever means.

(k) [Deleted]

(l) The provisions of this section shall be fully applicable to any person proceeded against under section seventy-five of chapter one hundred and nineteen and convicted under section eighty-three of chapter one hundred and nineteen, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter one hundred and nineteen to adjudicate a person a delinquent child, including the power so granted under section eighty-three of said chapter one hundred and nineteen.

(m) Notwithstanding the provisions of paragraph (a) or (h), any person not exempted by statute who knowingly has in his possession, or knowingly has under his control in a vehicle, a large capacity weapon or large capacity feeding device therefor who does not possess a valid Class A or Class B license to carry firearms issued under section 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-half years nor more than ten years. The provisions of this paragraph shall be subject to the minimum requirements of paragraph (a).
to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section two of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 17 years of age or over charged with a violation of this section.

(19) Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed-off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2-1/2 years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

(20) For purposes of this section, “ammunition” shall mean cartridges or cartridge cases, shot shells, shot, shorted, or fractions thereof, made of resin-treated glass-fiber cloth, or of any other material or combination of materials, designed to prevent, deflect or deflect the penetration thereof by ammunition, knives or other weapons, shall be punished by imprisonment in the state prison for not less than one-half years nor more than five years for or not less than one year nor more than two and one-half years in a jail or house of correction.

10F. Illegal sale, gifts or transfer of large capacity weapons or large capacity feeding devices; punishment.

(a) Any person who sells, keeps for sale, or offers or exposes for sale, gives or otherwise transfers any large capacity weapon or large capacity feeding device, both as defined in section 121 of chapter 140, to a person 18 years of age or over, except as permitted under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-half years nor more than ten years. Any person who commits a second or subsequent such offense shall be punished by imprisonment in a state prison for not less than five years nor more than 15 years. The sentence imposed upon such person shall not be reduced to less than two and one-half years for a first offense, nor less than five years for a second or subsequent such offense. Any person convicted under this subsection shall be eligible for probation, parole, furlough, work release, or receive any deduction from his sentence for good conduct until he shall have served such minimum term of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill close relative or spouse; or to obtain emergency medical or psychiatric services unavailable at such institution.

(b) Any person who transfers, sells, lends or gives a large capacity weapon or large capacity feeding device to a person under the age of 18, except as permitted under the provisions of chapter 140, shall be punished by imprisonment.
in a state prison for not less than five nor more than 15 years. The sentence imposed upon such person shall not be reduced to less than five years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or restitution of any kind. Nor shall such person be discharged from the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 17 years of age or over charged with a violation of this subsection.

10H. Carrying loaded firearm while under influence. It shall be unlawful for any person to carry on his person, or has under his control in a vehicle, a loaded firearm, as defined in section 121 of said chapter, while under the influence of intoxicating liquor or marijuana, narcotic drugs, depressants or stimulant substances. Whoever, having in effect a license to carry firearms issued under section 131 or 131F of chapter 140, carries on his person, or has under his control in a vehicle, a loaded firearm, as defined in section 121 of said chapter, while under the influence of any intoxicating agent, depressant or stimulant substances, shall be punished by a fine of not more than $ 5,000 or by imprisonment in the house of correction for not more than two and one-half years, or by both such fine and imprisonment.

11. Printing statutes for posters; display. The state secretary shall, annually, cause to be printed, in English and in such other languages as he may deem necessary, and in large letters so as to be easily read, for use as a poster, section one hundred and thirty-one of chapter one hundred and thirty-four of the general laws of 1941, sections B. and fourteen of this chapter. Copies of the said posters shall be sold to the clerks and to the superintendents of schools in all cities and towns for their use as herein provided. The city or town clerks shall cause posters received by them to be displayed in such places as they may select, and in such numbers, according to the population of the city or town, as its clerk may deem expedient. The superintendents of schools shall cause the posters received by them to be distributed among the schools within their jurisdiction, and in such numbers as they may deem necessary. The cost of preparing and printing the posters and of distributing them to the various cities and towns shall be paid by the commonwealth, and the cost of placing or affixing them in each city or town shall be paid by that city or town.

11A. Definitions. For the purposes of this section and sections eleven B. and eleven D. the following words shall have the following meanings:

"Firearm", a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

"Serial number", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"Identification number", the number stamped or placed upon a firearm by the colonel of the state police under authority of section eleven D.

11B. Possession or control of firearm with serial or identification number removed or mutilated, while committing or attempting a felony. If a person, having the authority of the written order of the court, to the colonel of the state police, shall be forwarded to the colonel of the state police, who shall cause said weapon to be destroyed.

11C. Removal or mutilation of serial or identification numbers of firearms; receiving such firearm; destruction. Whoever, by himself or an-other, removes, defaces, alters, obliterate or mutilates in any manner the serial number or number of identification of a firearm, unless he in any way participates therein, and whoever receives a firearm with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be punished by imprisonment in the state prison for not less than one month nor more than two and one half years, or in a jail or house of correction for not less than six months nor more than two and one half years. Upon a conviction of a violation of this section, said firearm or other article, by the authority of the written order of the court, shall be forwarded to the colonel of the state police, who shall cause said weapon to be destroyed.

11D. Serial identification numbers on firearms. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered.

No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured fire- arm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any li- censed manufacturer or distributor deliver firearms, rifles or shotguns designed or intended to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the common- wealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

12A. Air rifles; sale to minors. Whoever sells to a minor under the age of eighteen or who lends, gives or delivers to a minor or allows or lends an air rifle or BB gun, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months.

12B. Air rifles; possession by minors; sale to minors; possession of loaded shotgun or loaded rifle. Whoever has in his possession or under his control a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be punished by imprisonment in the state prison for not less than one month nor more than two and one half years, or in a jail or house of correction for not less than six months nor more than two and one half years. Upon a conviction of a violation of this section, said firearm or other article, by the authority of the written order of the court, shall be forwarded to the colonel of the state police, who shall have an air rifle or so-called BB gun in his possession while in any place to which the public has a right of access unless he is accompanied by an adult or unless he is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides granting him the right of such possession. No person shall discharge a BB shot, pellet or other object from an air rifle or so-called BB gun into, from or across any street, alley, public way or railroad or railway right of way, and no minor under the age of eighteen shall discharge a BB shot, pellet or other object from an air rifle or so-called BB gun in a public place unless he is accompanied by an adult or the holder of a sporting or hunting license. Whoever violates this section shall be punished by a fine of not more than one hundred dollars, and the air rifle or BB gun or other weapon shall be confiscated. Upon a conviction of a violation of this section the air rifle or BB gun or other weapon shall, by the written authority of the court, be forwarded to the colonel of the state police, who may dispose of said article in the same manner as prescribed in section ten.

12D. Rifle or shotgun loaded with shells or cartridges; unlicensed rifle or shotgun; carrying on public way prohibited; exceptions; punishment. (a) Except as exempted or provided by law, no person shall carry on his person on any public way a loaded rifle or shotgun having cartridge or shells in either the magazine or chamber thereof. For purposes of this section, "loaded shotgun or loaded rifle" shall mean any shotgun or rifle having ammunition in either the magazine or chamber thereof, such ammunition including a live cartridge, primer (igniter), bullet or propellant powder designed for use in any firearm, rifle or shotgun and, in the case of a muzzle loading or black powder shotgun or rifle, so-called, a shotgun or rifle containing powder in the flash pan or in the bore or chamber or containing a percussion cap, shot or ball; provided, however, that "loaded shotgun or loaded rifle" shall not in- clude a shotgun or rifle loaded with a blank cartridge, so-called, which contains no projectile within such blank or within the bore or chamber of such shotgun or rifle.

Whoever violates the provisions of this subsection shall be punished by a fine of not less than $ 500 nor more than $ 5,000 or by imprison- ment in the house of correction for not more than two years, or by both such fine and imprison- ment, and may be arrested without a warrant; provided, however, that if such rifle or shotgun is a large capacity weapon, as defined in section 121 of chapter 140, such firearm shall be pun- ished by a fine of not less than $ 1,000 nor more than $ 10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and may be arrested without a warrant.
(b) Except as exempted or provided by law, no person shall carry on his person on any public way an unloaded rifle or shotgun, unless such rifle or shotgun is enclosed in a case.

Whoever violates the provisions of this subsection shall be punished by a fine of not less than $100 nor more than $1,000, and may be arrested without a warrant, provided, however, that if such unloaded rifle or shotgun is a large capacity weapon and is carried simultaneously with a fully or partially loaded large capacity feeding device, such person shall be punished by a fine of not less than $1,000 nor more than $10,000, but in no event more than one year nor more than ten years, or by both such fine and imprisonment, and may be arrested without a warrant.

This subsection shall not apply to drills, parades, military reenactments or other commemorative ceremonies, color guards or memorial service firing squads, so-called, as permitted by law.

(c) Upon a conviction of a violation of any provision of this section, such rifle or shotgun shall be confiscated by the commonwealth and, upon written order of the court, such weapon shall be forwarded to the colonel of the state police, who may dispose of such weapon in the manner prescribed in section 8 of Chapter 122 of the General Laws or by destruction.

(d) The provisions of this section shall not apply to the carrying of a loaded or unloaded rifle or shotgun on a public way by (i) any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel;
(ii) any member of the military or other service of any state or the United States, including members of the national guard, reserves and senior reserve officer training corps; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to so carry a loaded or unloaded rifle or shotgun on a public way and such person is acting within the scope of his duties or training; or (iv) a person who is lawfully engaged in hunting and is the holder of his duties or training; or (iv) a person who is authorized by a competent authority to so carry a loaded or unloaded rifle or shotgun on a public way by (i) any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel;
(ii) any member of the military or other service of any state or the United States, including members of the national guard, reserves and senior reserve officer training corps; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to so carry a loaded or unloaded rifle or shotgun on a public way and such person is acting within the scope of his duties or training; or (iv) a person who is lawfully engaged in hunting and is the holder of

Chapter XIX. Schools

19.1. Possession, Detection, of Weapons in Schoolhouses. No person other than a sworn officer of the Commonwealth, a member of the military service on active duty, or a constable, officer or official of the City or County...
having a license to carry firearms shall in any schoolhouse have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of Section 10 of Chapter 269 of the General Laws, unless authorized by the Superintendent of Schools or the Superintendent's designee. If the Superintendent shall determine public safety requires, a system for detection of weapons may be established in any schoolhouse and no person shall be admitted to, or enter, a schoolhouse without submitting to such detection system. Any person violating the provisions hereof shall be punished by a fine of two hundred ($200.00) dollars.

[City of Boston Municipal Code current through Ord. 2010 c. 12, passed December 22, 2010]

The Municipal Code of the City of Cambridge

Title 9. Public Peace, Morals and Welfare

Chapter 9.16. Weapons

9.16.020. Handgun transactions - Council findings. The City Council finds and declares that:
A. Handguns play a major role in the commission of homicide, aggravated assault, armed robbery and accidental injury and death;
B. Handguns should therefore not be readily available within the City;
C. In order to promote and protect the public health, safety and welfare, to preserve peace and good order, and to maintain the internal police of the City, it is necessary to regulate certain handgun transactions.

9.16.030. Handgun transactions - Handgun defined. As used in this section and Sections 9.16.020, 9.16.040 and 9.16.050 of this chapter, "handgun" means any firearm, as defined in Section 121 of Chapter 140 of the General Laws, of which the length of barrel is less than ten inches.

9.16.040. Handgun transactions - Prohibited - Penalty. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than three hundred dollars. Each such sale, rental or lease shall constitute a separate offense.

9.16.050. Handgun transactions - Exemptions from provisions. This section and Sections 9.16.020, 9.16.040 and 9.16.050 of this chapter shall not apply to:
A. Any person who holds a license to sell, rent or lease firearms from the Chief of Police under section 121 of Chapter 140 of the General Laws, if the license was first issued on or before May 15, 1986; or
B. Any person to whom any licensed mentioned in subsection A of this section is transferred;
C. Any person or circumstances mentioned in Section 128A of Chapter 140 of the General Laws.

9.16.090. Replica firearms. A. Definitions. As used in this section, the following words shall have the following meanings:
1. "Chief" means the Chief of the Cambridge Police Department or his designee.
2. "Department" means the Cambridge Police Department.
3. "Market" means to display for sale.
4. "Replica firearm" means any toy, imitation or facsimile pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun or other similar simulated weapon which because of its color, size, shape or other characteristics, can reasonably be perceived to be a real firearm from which a shot or bullet can be fired and which, pursuant to subsection D of this section, has been determined to pose a threat to public safety.
5. means to exchange or deliver:
   a. as a payment or an inducement to buy.
   b. as a promotion or an inducement to buy.
B. Regulation. Except as provided in subsection C of this section, no person or entity shall sell or market any replica firearm in the City.
C. Exceptions. Notwithstanding the foregoing, the sale of replica firearms shall be permitted if the sale of such replica firearms is solely for purposes of or for transportation in intrastate, interstate or foreign commerce.
D. Enforcement. 1. The Chief shall identify those replica firearms which he deems to pose a threat to public safety and shall make a list thereof. Such list shall include, where available, the following information: the product name, the manufacturer and the model number. The Chief shall post the list in the Department and shall make available copies thereof to the general public. The Chief shall update the list from time to time as he deems warranted. Any individual may provide information to the Chief regarding replica firearms to be added to the list.
2. Any person who observes the sale or marketing of a replica firearm which he believes to be a violation of this section may register a written complaint with the Department. A Cambridge police officer, in response to each complaint, shall investigate forthwith and determine whether there is such a violation.
3. Any Cambridge police officer who observes the sale or marketing of a replica firearm which he believes to be a violation of this section shall investigate forthwith and determine whether there is such a violation.
4. If a Cambridge police officer determines that there is a violation of this section, he shall order the individual or entity to remove immediately from sale or marketing all the replica firearms found to be in violation. In addition, the Department shall impose the following penalties on the individual or entity violating this section:
   a. A written citation or warning for the first violation;
   b. A one hundred dollar fine for the second violation; and
   c. A two hundred dollar fine for the third and any subsequent violations.

5. For purposes of penalties to be imposed under this section, if a Cambridge police officer determines that a sale or marketing of replica firearms has occurred, that determination shall constitute one violation, regardless of the number of replica firearms involved. A Cambridge police officer shall return, unannounced, to the site of the violation within the thirty day period following the determination of a violation to ensure that the individual or entity has not resumed the sale or marketing of replica firearms.
E. Appeal Procedure. Any individual who is aggrieved by an action taken by a Cambridge police officer under this section may, within ten days of such action, file an appeal, in writing, to the Chief. After notice to such individual, the Chief shall hold a hearing, after which he shall issue a decision in which he affirms, annuls or modifies an action taken by a Cambridge police officer, giving his reasons therefor. The Chief shall send the decision to the individual by first class mail within ten days after the hearing. The decision shall be a final administrative decision. The individual shall have thirty days from the date of the written decision to seek judicial review in the Third District Court of Eastern Middlesex County.

[Cambridge City Code current through Ord. No. 1326, passed May 18, 2009]

Revised Ordinances of the City of Worcester

Part I. Regulatory Ordinances

C - Public Safety

Chapter 11. Licenses

Chief of Police

9. Firearm Sales
(a) No person shall sell any firearm without a license issued by the chief of police pursuant to the provisions of G.L. c. 140, §122. The fee shall be twenty dollars per year. Such licenses shall be issued consistent with the provisions of G.L. c. 140, §§ 121 to 131.
(b) The penalty for each violation of this section shall be three hundred dollars.

10. Ammunition Sales
(a) No person shall sell any ammunition for any firearm without a license issued by the chief of police pursuant to the provisions of G.L. c. 140, §122B. The fee shall be twenty-five dollars. The fee for a renewal license shall be one dollar per year.
(b) The penalty for each violation of this section shall be three hundred dollars.

[Revised Ordinances of the City of Worcester current as of December 15, 2009]
issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

3.112. Purchases in Michigan by residents of contiguous states, conformance to federal gun control act. Residents of a contiguous state may purchase rifles and shotguns in this state if they conform to the federal gun control act of 1968 and the regulations issued thereunder as administered by the secretary of the treasury and the laws of the state where the purchaser resides.

[Publisher's Note: The above statutes were originally enacted, amended, and reenacted in this publication as those statutes exist so as conform state law with the Gun Control Act of 1968 (GCA). In 1986 the GCA was amended to permit long guns transfers from Federal Firearms Licensees to residents of any state, whether contiguous or not, if made at the seller's licensed business premises and only if in full compliance with the legal conditions of sale in both the buyer's and seller's states of residence. The Michigan Attorney General's Office has determined that these provisions do not imply restrictions to sales beyond contiguous states by persons properly licensed by the Federal government to deal in firearms.]

Chapter 8. Statutes

8.3t. Firearm; defined. The word "firearm", except as otherwise specifically defined in the statutes, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 calibre by means of spring, gas or air.

Chapter 28. Michigan State Police - Firearms

28.421. Definitions. As used in this act:

(a) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL761.1, or a violation of a law of the United States or another state that is designated as a felony or that is punishable by death or by imprisonment for more than 1 year.

(b) "Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.

(c) "Misdemeanor" means a violation of a penal law of this state or violation of a local ordinance substantially corresponding to a violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine, or both.

(d) "Peace officer" means, except as otherwise provided in this act, an individual who is employed as a law enforcement officer, as that term is defined in section 2 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.602, by this state or another state, a political subdivision of this state or another state, a political subdivision of the United States, and who is required to carry a firearm in the course of his or her duties as a law enforcement officer.

(e) "Pistol" means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(f) "Purchaser" means a person who receives a pistol from another person by purchase or gift.

(g) "Reserve peace officer", "auxiliary officer", or "reserve officer" means, except as otherwise provided in this act, an individual authorized on a voluntary or irregular basis by a duly authorize police agency to engage in this state in a political subdivision of this state to act as a law enforcement officer, who is responsible for the preservation of the peace, the prevention and detection of crime, and the enforcement of the general criminal laws of this state, and who is otherwise eligible to possess a firearm under this act.

(h) "Retired officer", "retired law enforcement officer" means an individual who was a police officer or law enforcement officer who was certified as described under section 9a of the commission on the law enforcement standards act, 1965 PA 203, MCL 28.609a, and retired in good standing from his or her employment as a police officer or law enforcement officer.

(i) "Seller" means a person who sells or gives a pistol to another person.

(j) "State court judge" means a judge of the district court, circuit court, probate court, or court of appeals or justice of the supreme court of this state who is serving either by election or appointment.

(k) "State court retired judge" means a judge or justice described in subdivision (j) who is retired, or a retired judge of the recorders court.

28.421a. Issuance of concealed pistol licenses; standardized system. It is the intent of the legislature to create a standardized system for issuing concealed pistol licenses to prevent criminals and other violent individuals from obtaining a license to carry a concealed pistol, to allow law abiding residents to obtain a license to carry a concealed pistol, and to prescribe the rights and responsibilities of individuals who have obtained a license to carry a concealed pistol. It is also the intent of the legislature to grant an applicant the right to know why his or her application for a concealed pistol license is denied and to create a process by which an applicant may appeal that denial.

28.422. Purchase, possession, etc., of pistol; license requirement, qualifications; applications, disposition; fees; number of copies; exemptions from section; pistol safety brochure; forgery, penalties; licensing authorities, hours.

Sec. 2. (1) Except as otherwise provided in this section, a person shall not purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

(2) A person who brings a pistol into this state who is on leave from active duty with the armed forces of the United States or who has been discharged from active duty with the armed forces of the United States shall obtain a license for the pistol within 30 days after his or her arrival in this state.

(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, possess, or transport pistols, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the case of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, possess, or transport pistols to qualified applicants residing within the city, township, or county, as applicable unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this state or another state of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network pursuant to any of the following:

(ii) Section 464a of the mental health code, 1974 PA 258, MCL 330.464a.

(ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.

(iii) Section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(iv) Subsection 16 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16a.

(b) The person is 18 years of age or older or, if the seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The person is a citizen of the United States and is a legal resident of this state. For the purposes of this section, a person shall be considered a legal resident of this state if any of the following apply:

(i) The person has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(ii) The person is lawfully registered to vote in this state.

(iii) The person is on active duty status with the United States armed forces and is stationed outside of this state, but the person's home of record is in this state.

(iv) The person is on active duty status with the United States armed forces and is permanently stationed in this state, but the person's home of record is in another state.

(d) A felony charge or a criminal charge listed in section 5b against the person is not pending at the time of application for the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(e) The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

(f) The person has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.

(g) The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.

(i) The person correctly answers 70% or more of the questions on a basic pistol safety review questionnaire approved by the department of state police and provided to the individual free of
charge by the licensing authority. If the person fails to correctly answer 70% or more of the questions on the basic pistol safety review questionnaire, the licensing authority shall inform the person of the questions he or she answered incorrectly and allow the person to attempt to complete another basic pistol safety review questionnaire. If the person then answers 70% or more of the questions correctly, the person shall be allowed to attempt to complete more than 2 basic pistol safety review questionnaires on any single day. The licensing authority shall allow the person to attempt to complete the questionnaire during normal business hours on the day the person supplies a copy of the related record. The person shall be permitted up to 24 hours to return the records to the firearm authority. If the person fails to complete the questionnaire, the firearm authority may charge a fee not to exceed $1.00 for the cost of providing the copy. The licensee may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the license. However, the person is not required to have the license in his or her possession while carrying, using, possessing, or transporting the pistol after this period.

(7) This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, or to the sale, barter, or exchange of pistols kept as relics or curios not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols that are inherited if the license to purchase is approved by the commissioner or chief of police, sheriffs, or their authorized deputies, and signed by the personal representative of the estate or by the next kin having authority to dispose of the pistol.

(8) An individual who is not a resident of this state is not required to obtain a license under this section if all of the following conditions apply:

(a) The individual is licensed in his or her state of residence to purchase, carry, or transport a pistol.

(b) The individual is in possession of the license described in subdivision (a).

(c) The individual is the owner of the pistol he or she possesses, carries, or transports.

(d) The individual possesses the pistol for a lawful purpose as that term is defined in section 231 of the Michigan penal code, 1931 PA 329, MCL 750.231a. The individual is in this state for a period of 180 days or less and does not intend to establish residency in this state.

(9) An individual who is a nonresident of this state shall present the license described in subdivision (8)(a) upon demand of a police officer. An individual who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

(10) The licensing authority may require a person claiming active duty status with the United States armed forces to provide proof of 1 or both of the following:

(a) The person's home of record.

(b) Permanent active duty assignment in this state.

(11) This section does not apply to a person who is younger than the age required under subsection (3)(b) and who possesses a pistol if all of the following conditions apply:

(a) The person is not otherwise prohibited from possessing that pistol.

(b) The person is at a recognized target range.

(c) The person possesses the pistol for the purpose of target practice or instruction in the safe use of a pistol.

(d) The person's parent or guardian is physically present and supervising the person.

(e) The owner of the pistol is physically present.

(12) This section does not apply to a person who possesses a pistol if all of the following conditions apply:

(a) The person is not otherwise prohibited from possessing a pistol.

(b) The person is at a recognized target range or shooting facility.
(3) Within 48 hours after receiving the record copies returned under subsection (2), the police department or county sheriff shall forward 1 copy of the record to the department of state police. The police department or county sheriff shall retain the other copy of the record as an official record for not less than 6 years. Within 10 days of receiving the record copies returned under subsection (2), the police department or county sheriff shall electronically enter the information into the pistol entry database as required by the department of state police if it has the ability to electronically enter that information. If the police department or county sheriff does not have that ability, the police department or county sheriff shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any police department or county sheriff that provided pistol descriptions to the concealed weapons licensing board under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. The purchaser has the right to obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The police department or county sheriff shall charge a fee of $1.00 for the cost of providing the copy. The purchaser may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the record. However, the person is not required to have the record in his or her possession while carrying, using, possessing, or transporting the pistol after this period.

(4) This section does not apply to a person or entity exempt under section 2(7).

(5) An individual who makes a material false statement or omission in a sales record under this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both.

(6) The department of state police may promulgate rules to implement this section.

28.424. Restoration of rights to possess, use, transport, etc. firearms; application to concealed weapon licensing board; membership; fee; evidence; petition for review of decision.

(1) A person who is prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f(2) of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.224f of the Michigan Compiled Laws, may apply to the concealed weapons licensing board in the county in which he or she resides for restoration of those rights.

(2) Not more than 1 application may be submitted under subsection (1) in any calendar year. The concealed weapons licensing board may charge a fee of not more than $10.00 for the actual and necessary expenses of each application.

(3) The concealed weapons licensing board shall, by written order of the board, restore the rights of a person to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm as a board determines, by clear and convincing evidence, that all of the following circumstances exist:

(a) The person properly submitted an application for restoration of those rights as provided under this section.

(b) The expiration of 5 years after all of the following circumstances:

(i) The person has paid all fines imposed for the violation resulting in the prohibition.

(ii) The person has served all terms of imprisonment imposed for the violation resulting in the prohibition.

(iii) The person has successfully completed all conditions of probation or parole imposed for the violation resulting in the prohibition.

(iv) The person's record and reputation are such that the person is not likely to act in a manner dangerous to the safety of other persons.

(4) If the concealed weapons licensing board pursuant to subsection (3) refuses to restore a right under this section, the person may petition the circuit court for review of that decision.

28.425. Concelled pistol application kits; forms.

(1) County sheriffs, local police agencies, and county clerks shall provide concealed pistol application kits during normal business hours and free of charge to individuals who wish to apply for licenses to carry concealed pistols.

28.425a. Concealed weapon licensing board; membership.

(1) Each county shall have a concealed weapon licensing board...
(i) A passport-quality photograph of the applicant provided by the applicant at the time of application.

(j) A certificate stating that the applicant has completed the training course prescribed by this act.

(2) The application form shall contain a conspicuous warning that the application is executed under oath and that intentionally making a material false statement on the application is a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both.

(3) An individual who intentionally makes a material false statement on an application under subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,500.00, or both.

(4) The concealed weapon licensing board shall retain a copy of each application for a license to carry a concealed pistol as an official record. One year after the expiration of a concealed pistol license, the county clerk may destroy the record and maintain only a name index of the record.

(5) Each applicant shall pay a nonrefundable fee of $105.00 by any method of payment accepted by that county for payments of other fees and penalties. Except for a local police agency as provided in subsection (9), a unit of local government, an agency of a unit of local government, or an agency or department of this state shall not charge an additional fee, assessment, or other amount in connection with a license under this section. The fee shall be payable to the county. The county treasurer shall deposit $41.00 of each fee collected under this section in the general fund of the county and credit $26.00 of that deposit to the credit of the county clerk and $15.00 of that deposit to the credit of the county sherriff and forward the balance to the state treasurer. The state treasurer shall deposit the balance of the fee in the general fund to the credit of the department of state police. The department of state police shall use the money received under this act to process the fingerprints and to reimburse the federal bureau of investigation for the costs associated with processing fingerprints submitted under subsection (9). The balance of the money received under this act shall be credited to the department of state police.

(6) The county sheriff on behalf of the concealed weapon licensing board shall verify the requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the law enforcement information network and report his or her finding to the concealed weapon licensing board. If the applicant resides in a city, village, or township that has a police department, the concealed weapon licensing board shall contact that city, village, or township police department and has any information relevant to the investigation of whether the applicant is eligible under this act to receive a license to carry a concealed pistol. The concealed weapon licensing board may require a person claiming active duty status with the United States armed forces under this section to provide proof of the following:

(a) The person's home of record.

(b) Permanent active duty assignment in this state.

(7) The concealed weapon licensing board shall issue a license to an applicant to carry a concealed pistol within the period required under this act after the applicant properly submits an application under subsection (1) and the concealed weapon licensing board determines that all of the following circumstances exist:

(a) The applicant is 21 years of age or older.

(b) The applicant is a citizen of the United States or is an alien lawfully admitted into the United States and who has not been expelled from this state, and has resided in this state for not less than the 6 months immediately preceding the date of application. The concealed weapon licensing board may waive the 6-month residency requirement for a temporary license under section 5a(8) if the concealed weapon licensing board determines that it is in the public interest to issue the license. The concealed weapon licensing board may waive the 6-month waiting period and the applicant may apply for a concealed pistol license at the time the applicant's residency in this state is established.

(c) The applicant has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(d) The applicant is lawfully registered to vote in this state.

(8) The person is on active duty status with the United States armed forces and is stationed outside of this state, but the person's home of record is in this state.

(9) The person is on active duty status with the United States armed forces and is permanently stationed in this state, but the person's home of record is in another state.

(c) The applicant has knowledge and has had training in the safe use and handling of a pistol by the successful completion of a pistol safety training course or class that meets the requirements of section 5j, and that is available to the general public and presented by a law enforcement agency, junior or community college, college, or public or private institution or organization or firearms training school.

(d) The applicant is not the subject of an order or disposition under any of the following:

(i) Section 464a of the mental health code, 1974 PA 258, MCL 330.1464a.

(ii) Sections 507(1) of the estates and protected individuals code, 1998 PA 386, MCL 700.5077.

(iii) Sections 2950 and 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

(iv) Section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, if the order provides for a suspended or revoked license under subsection 6b(3) of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.

(v) Section 16b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16b.

(e) The applicant is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

(f) The applicant has never been convicted of a felony in this state or elsewhere, and a felony charge against the applicant is not pending in this state or elsewhere when he or she applies for a license described in this section.

(g) The applicant has not been dishonorably discharged from the United States armed forces.

(h) The applicant has not been convicted of a misdemeanor violation of any of the following in the 8 years immediately preceding the date of application:

(i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a (failing to stop when involved in a personal injury accident).

(ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, punishable as provided in subsection (9)(b) of that section (operating while intoxicated, second offense).

(iii) Section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625m punishable under subsection (4) of that section (operating a commercial vehicle with alcohol content, second offense).

(iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL 257.626 (reckless driving).

(v) Section 627 of the Michigan vehicle code, 1949 PA 300, MCL 257.627 (operating while driving under the influence of intoxicating liquor or a controlled substance, second or subsequent offense).

(vi) Section 381 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.185, (operating aircraft while under the influence of intoxicating liquor or a controlled substance with prior conviction).

(vii) Section 29 of the weights and measures act, 1964 PA 283, MCL 290.629 (hindering or obstructing certain persons performing official weights and measures duties).

(viii) Section 10 of the motor fuels quality act, 1984 PA 44, MCL 290.650 (hindering, obstructing, assaulting, or committing bodily injury upon director or authorized representative).

(ix) Section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, punishable under subsection (c) of section 353 of the railroad code of 1993, MCL 324.82127 (operating a snowmobile under the influence of intoxicating liquor or a controlled substance, second or subsequent offense).

(x) Section 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile under the influence of intoxicating liquor or a controlled substance, punishable as a second or subsequent offense under section 82128(1)(b) or (c) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82128).

(xi) Section 80176 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, and punishable under subsection 80177(1)(b) of that section (operating an ORV under the influence of intoxicating liquor or a controlled substance, second or subsequent offense).

(xii) Section 7403 of the public health code, 1978 PA 368, MCL 333.7403.

(xiii) Section 353 of the railroad code of 1993, MCL 324.82127 (operating a snowmobile under the influence of intoxicating liquor or a controlled substance, or while visibly impaired), punishable under subsection (4) of that section.

(xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually explicit matter to minors).
(xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81 (assault or domestic assault).

(xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA 328, MCL 750.81a (aggravated assault or aggravated domestic assault).

(xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115 (breaking and entering or entering without breaking).

(xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328, MCL 750.136b (fourth degree child abuse).

(xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a (accosting, enticing, or soliciting a child for immoral purposes).

(xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL 750.145n (vulnerable adult abuse).

(xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA 328, MCL 750.157b (solicitation to commit a felony).

(xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL 750.215 (impersonating a peace officer or medical examiner).

(xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL 750.223 (illegal sale of a firearm or ammunition).

(xxiv) Section 224d of the Michigan penal code, 1931 PA 328, MCL 750.224d (illegal use or sale of a self-defense spray).

(xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL 750.226a (sale or possession of a switchblade).

(xxvi) Section 227c of the Michigan penal code, 1931 PA 328, MCL 750.227c (improper transportation of a loaded firearm).

(xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL 750.228 (failure to have a pistol inspected).

(xxviii) Section 229 of the Michigan penal code, 1931 PA 328, MCL 750.229 (accepting a pistol in pawn).

(xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL 750.232 (failure to register the purchase of a firearm or a firearm component).

(XXX) Section 232a of the Michigan penal code, 1931 PA 328, MCL 750.232a (improperly obtaining a pistol, making a false statement on an application to purchase a pistol, or using false identification to purchase a pistol).

(XXXI) Section 233 of the Michigan penal code, 1931 PA 328, MCL 750.233 (intentionally aiming a firearm without malice).

(XXXII) Section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234 (intentionally discharging a firearm without malice).

(XXXIII) Section 234d of the Michigan penal code, 1931 PA 328, MCL 750.234d (possessing a firearm on prohibited premises).

(XXXIV) Section 234e of the Michigan penal code, 1931 PA 328, MCL 750.234e (brandishing a firearm in public).

(XXXV) Section 234f of the Michigan penal code, 1931 PA 328, MCL 750.234f (possession of a firearm by an individual less than 18 years of age).

(XXXVI) Section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235 (intentionally discharging a firearm aimed without malice causing injury).

(XXXVII) Section 235a of the Michigan penal code, 1931 PA 328, MCL 750.235a (parent of a minor who possessed a firearm in a weapon free school zone).

(XXXVIII) Section 236 of the Michigan penal code, 1931 PA 328, MCL 750.236 (setting a spring gun or other device).

(XXXIX) Section 237 of the Michigan penal code, 1931 PA 328, MCL 750.237 (possessing a firearm while under the influence of intoxicating liquor, wine, or beer).

(XL) Section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a (weapon free school zone violation).

(XLI) Section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a (indecent exposure).

(XLII) Section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h (stalking).

(XLIII) Section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e (fourth degree criminal sexual conduct).

(XLIV) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless, or negligent use of a firearm resulting in property damage).

(XLV) Section 2 of 1952 PA 45, MCL 752.862 (reckless, careless, or negligent use of a firearm resulting in property damage).

(XLVI) A violation of a law of the United States, another state, or a local unit of government of this state or another state substantially corresponding to a violation described in subparagraphs (i) to (xlvi).

(L) The applicant has not been found guilty but mentally ill of any crime and has not offered a plea of not guilty of, or been acquitted of, any crime by reason of insanity.

(M) The applicant has never been subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(N) The applicant does not have a diagnosed mental illness at the time the application is made regardless of whether he or she is receiving treatment for that illness.

(O) The applicant is not under a court order of legal incapacity in this state or elsewhere.

(P) Issuing a license to the applicant to carry a concealed pistol in this state is not detrimental to the safety of the applicant or to any other individual. A determination under this subdivision shall be based on clear and convincing evidence of repeated violations of this act, crimes, personal protection orders or injunctions, or police reports or other clear and convincing evidence of the actions of, or statements of, the applicant that bear directly on the applicant's ability to carry a concealed pistol.

(Q) Upon entry of a court order or conviction of 1 of the enumerated prohibitions for using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm in this section the department of state police shall immediately enter the order or conviction into the law enforcement information network. For purposes of this act, information of the court order or conviction shall not be removed from the law enforcement information network, but may be moved to a separate file intended for the use of the county concealed weapon licensing boards, the courts, and other government entities as necessary and exclusively to determine eligibility to be licensed under this act.

(R) An individual, after submitting an application and paying the fee prescribed under
subsection (5), shall request and have classifiable fingerprints taken by the county sheriff or a local police agency if that local police agency maintains fingerprinting capability. If the individual requests that classifiable fingerprints be taken by a local police agency, the individual shall also pay to that local police agency a fee of $15.00 by means of a payment accepted by the unit of local government for payments of other fees and penalties. The county sheriff or local police agency shall take the fingerprints within 5 business days after the request.

(10) The fingerprints shall be taken under subsection (9) in the form and in a manner prescribed by the department of state police. The fingerprints shall be immediately forwarded to the department of state police for comparison with fingerprints already on file with the department of state police. The department of state police shall forward the fingerprints to the federal bureau of investigation, the state police shall forward the fingerprints to the federal bureau of investigation, the department of state police shall provide a copy to the submitting sheriff’s department or local police agency as appropriate and the clerk of the appropriate concealed weapon licensing board. Except as provided in subsection (14), the concealed weapon licensing board shall not issue a concealed pistol license until it receives the fingerprint comparison report prescribed in this subsection. The concealed weapon licensing board may deny a license if an individual's fingerprints are not classifiable by the federal bureau of investigation.

(11) The concealed weapon licensing board shall deny a license to an applicant to carry a concealed pistol if the applicant is not qualified under subsection (7) to receive that license.

(12) A license to carry a concealed pistol that is issued based upon an application that contains a material false statement is void from the date the license is issued. A statement of the specific and articulable facts supporting the denial.

(ii) Copies of any writings, photographs, records, or other documentary evidence upon which the denial is based.

(b) Inform the applicant in writing of the reasons for the denial. Information under this subdivision shall include all of the following:

(i) A statement of the specific and articulable facts supporting the denial.

(ii) Copies of any writings, photographs, records, or other documentary evidence upon which the denial is based.

(c) "Convicted" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt for a criminal law violation or a juvenile adjudication, or disposition by the juvenile division of probate court or family division of circuit court for a violation that committed by an adult would be a crime.

(b) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation of a law of another state that is designated as a felony or that is punishable by death or by imprisonment for more than 1 year.

(c) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life, and includes, but is not limited to, clinical depression.

(d) "Misdemeanor" means a violation of a penal law of this state or violation of a local ordinance substantially corresponding to a violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine, or both.

(e) "Treatment" means care or any therapeutic service, including, but not limited to, the administration of a drug, and any other service for the treatment of a mental illness.

28.425f. Possession of license to carry concealed pistol; disclosures to peace officers; offenses and penalties.

Sec. 5f. (1) An individual who is licensed under this act to carry a concealed pistol shall have or her license to carry that pistol in his or her possession at all times he or she is carrying a concealed pistol.

(2) An individual who is licensed under this act to carry a concealed pistol and who is carrying a concealed pistol shall show both of the following to a peace officer upon request by that peace officer:

(a) His or her license to carry a concealed pistol.

(b) His or her driver license or Michigan personal identification card.

(3) An individual licensed under this act to carry a concealed pistol and who is carrying a concealed pistol and who is stopped by a peace officer shall immediately disclose to the peace officer that he or she is carrying a pistol concealed upon his or her person or in his or her vehicle.

(4) An individual who violates subsection (1) or (2) is responsible for a state civil infraction and may be fined as follows:

(a) For a first offense, by a fine of not more than $500.00 or by the individual's license to carry a concealed pistol being suspended for 6 months, or both.

(b) For any subsequent offense within 3 years of a prior offense, by a fine of not more than $1,000.00 and by the individual's license to carry a concealed pistol being revoked.

(5) An individual who violates subsection (3) is responsible for a state civil infraction and may be fined as follows:

(a) For a first offense, by a fine of not more than $500.00 or by the individual's license to carry a concealed pistol being suspended for 6 months, or both.

(b) For any subsequent offense within 3 years of a prior offense, by a fine of not more than $1,000.00 and by the individual's license to carry a concealed pistol being revoked.

(6) If an individual is found responsible for a state civil infraction under this section, the court shall notify the department of state police and the concealed weapon licensing board of the license that issued the license of that determination.

(7) A pistol carried in violation of this section is subject to immediate seizure by a peace officer. If a peace officer seizes a pistol under this subsection, the individual has 45 days in which to display his or her license or documentation to an authorized employee of the law enforcement entity that employs the peace officer. If the individual displays his or her license or documentation to an authorized employee of the law enforcement entity that employs the peace officer within the 45-day period, the authorized employee of that law enforcement entity shall return the pistol to the individual unless the individual is prohibited by law from possessing a firearm. If the individual does not display his or her license or documentation within the 45-day period, the pistol is subject to forfeiture as provided in section 5g. A pistol is not subject to immediate seizure under this subsection if both of the following circumstances exist:

(a) The individual has his or her driver license or Michigan personal identification card in his or her possession when the violation occurs.

(b) The peace officer verifies through the law enforcement information network that the individual is licensed under this act to carry a concealed pistol.

(8) As used in this section, "peace officer" includes a motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d, and security personnel employed by the state under state section 6c of 1935 PA 59, MCL 28.6c.

28.425i. Individuals licensed prior to July 1, 2001 to carry concealed pistols.

(1) An individual who is licensed to carry a concealed pistol on the effective date of the amendatory act that added this section may carry a concealed pistol under that license until the license expires or the individual's authority to
carry a concealed pistol under that license is otherwise terminated, whichever occurs first.

(2) An individual who is licensed under this act to carry a concealed pistol on the effective date of the amendatory act that added this section may apply for a renewal license upon the expiration of that license as provided in section 5b.

28.425k. Acceptance of license; implied consent to submit to chemical analysis; under influence of alcohol or controlled substance, limitation on carrying concealed pistols.

(1) Acceptance of a license issued under this act to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section. This section also applies to individuals listed in section 12a(a) to (f).

(2) An individual shall not carry a concealed pistol while he or she is under the influence of alcohol or controlled substance or that he or she possesses in his or her possession at all times that he or she is carrying the pistol. For the purposes of this act, the receipt is considered to be part of the license to carry a concealed pistol until a renewal license is issued or denied. Failing to provide proof of an expired license in possession while carrying a concealed pistol or failing to display the receipt to a peace officer upon request is a violation of this act.

(6) The educational requirements under section 5b(7)(c) are waived for an applicant who is a retired police officer or retired law enforcement officer.

(7) The educational requirements under section 5b(7)(c) for an applicant who is applying for a renewal of a license under this act are waived except that the applicant shall certify that he or she has completed at least 3 hours' review of the training described under section 5b(7)(c) and has had at least 1 hour of firing range time in the 3 months immediately preceding the subsequent application.

(8) Beginning January 1, 2007, an applicant who is applying for a renewal of a license issued under section 5b is not required to have fingerprints taken again under section 5b(9) if all of the following conditions have been met:

(a) There has been established a system for the department of state police to save and maintain in its automated fingerprint identification system (AFIS) database all fingerprints that are submitted to the department of state police under section 5b.

(b) The applicant's fingerprints have been submitted to and maintained by the department of state police as described in subdivision (a) for ongoing comparison with the automated fingerprint identification system (AFIS) database.

28.425l. Duration of license to carry concealed pistol; renewal of license; extension of expiration period; possession of application receipt and expired license; application of educational and fingerprinting requirements.

Sec. 5l. (1) A license to carry a concealed pistol issued on or after July 1, 2003 but before July 1, 2006 is valid for 5 years.

(2) A license to carry a concealed pistol issued on or after July 1, 2006 is valid until the applicant's date of birth that falls not less than 4 years or more than 5 years after the license is issued or renewed, as applicable. Except as provided in subsections(7) and (8), a renewal of a license under section 5b shall, except as provided in this section, be issued in the same capacity as an original issuance issued under section 5b.

(3) The concealed weapon licensing board shall issue or deny issuance of a renewal license within 60 days after the application for renewal is properly submitted. The county clerk shall issue the applicant a receipt for his or her renewal application at the time the application is submitted. The receipt shall contain all of the following:

(a) The name of the applicant.
(b) The date and time the receipt is issued.
(c) The amount paid.
(d) A statement that the receipt is for a license renewal.
(e) A statement of whether the applicant qualifies for an extension under subsection(4).
(f) The name of the county in which the receipt is issued.

(g) An impression of the county seal.

(4) If the concealed weapon licensing board fails to act on a renewal license to the person within 60 days as required under subsection(3), the expiration date of the current license is extended by 180 days or until the renewal license is issued, whichever occurs first. This subsection does not apply unless the person pays the renewal fee at the time the renewal application is submitted and the person has submitted a receipt from a police agency that confirms that a background check has been requested by the applicant.

(5) A person carrying a concealed pistol after the expiration date of his or her license pursuant to an extension under subsection(4) shall keep the receipt issued by the county clerk under subsection(3) or his or her possession in his or her possession at all times that he or she is carrying the pistol. For the purposes of this act, the receipt is considered to be part of the license to carry a concealed pistol until a renewal license is issued or denied. Failing to provide proof of an expired license in possession while carrying a concealed pistol or failing to display the receipt to a peace officer upon request is a violation of this act.

28.425m. Carrying of concealed pistol on certain premises; carrying of concealed pistol in violation of administrative rule; exceptions.

Sec. 5o. (1) Subject to subsection (4), an individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(1)(f), shall not carry a concealed pistol on the premises of any of the following:

(a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. As used in this section, "school" and "school property" mean those terms as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

(b) A private or public child care center or day care center, public or private child caring institution, or public or private child placing agency.

(c) A school sports arena or stadium.

(d) A bar or tavern licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the primary source of income of the business is the sale of alcoholic liquor by the glass and consumed on the premises. This subdivision does not apply to an owner or employee of the business. The Michigan liquor control commission shall develop and make available to holders of licenses under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign stating that "This establishment prohibits patrons from carrying concealed weapons". The owner or operator of an establishment licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, may, but is not required to, post the sign developed under this subdivision. A record made available by an establishment licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce this subdivision is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(e) Any property or facility owned or operated by a church, synagogue, mosque, temple, or place of worship, unless the presiding official or officials of the church, synagogue, mosque, temple, or other place of worship permit the carrying of concealed pistol on that property or facility.

(f) An entertainment facility with a seating capacity of 2,500 or more individuals that the individual knows or should know has a seating capacity of 2,500 or more and that has a sign above each public entrance stating in letters not less than 1-inch high a seating capacity of 2,500 or more individuals.

(g) A hospital.

(h) A dormitory or classroom of a community college, college, or university.

(i) An individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(1)(f), shall not carry a concealed pistol in violation of R 432.1212 or a successor rule of the Michigan administrative code promulgated under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.219 to 432.226.

(3) As used in subsection (1), "premises" does not include parking areas of the places identified under subsection (1).

(4) Subsection (1) does not apply to any of the following:

(a) An individual licensed under this act who is a retired police officer or retired law enforcement officer. The concealed weapon licensing board may require a letter from the law enforcement agency stating that the retired police officer or law enforcement officer retired in good standing.

(b) An individual who is licensed under this act and who is employed or contracted by an entity described under subsection (1) to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.

(c) An individual who is licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.

(d) An individual who is licensed under this act and who is a corrections officer of a county sheriff's department.

(e) An individual who is licensed under this act who is a motor carrier officer or captain or security officer of the department of state police.

(f) An individual who is licensed under this act and who is a member of a sheriff's posse.

(g) An individual who is licensed under this act and who is an auxiliary officer or reserve officer of a police or sheriff's department.
(h) An individual who is licensed under this act and who is a parole or probation officer of the department of corrections.

(i) A state court judge or state court retired judge who is licensed under this act. The concealed weapon licensing board may require a state court judge or state court retired judge to retire and carry a letter from the judicial tenure commission stating that the state court retired judge is in good standing as authorized under section 30 of article VI of the state constitution of 1963, and rules promulgated under that section, in order to qualify under this subdivision.

(5) Any jurisdiction that violates this section is responsible for a state civil infraction or guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the individual is responsible for a state civil infraction and may be fined not more than $500.00. The court shall order the individual’s license to carry a concealed pistol suspended for 6 months.

(b) For a second violation, the individual is guilty of a misdemeanor punishable by a fine of not more than $1,000.00. The court shall order the individual’s license to carry a concealed pistol revoked.

(c) For a third or subsequent violation, the individual is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. The court shall order the individual’s license to carry a concealed pistol revoked.

28.426. License to carry concealed pistol; application of federal firearms and immigration law disqualifications. A license shall not be issued to an applicant under section 2 or 5b unless both of the following apply:

(a) The issuing agency has determined through the federal national instantaneous criminal background check system (NICS) that the applicant is not prohibited under federal law from possessing or transporting a firearm.

(b) If the applicant is not a United States citizen, the issuing agency has verified through the United States immigration and customs enforcement databases that the applicant is not an illegal alien or a nonimmigrant alien.

28.428. Revocation of concealed weapon license. Sec. 8. (1) The concealed weapon licensing board that issued a license to an individual to carry a concealed pistol may revoke that license if the board determines that the individual committed any violation of this act other than a violation of section 5f(4). If the board determines that the individual has been found responsible for 3 or more state civil infraction violations of this act during the license period, the board shall conduct a hearing and may suspend the individual's license for not more than 1 year.

(2) Except as provided in subsections (3), (4), and (5), a license shall not be revoked under this section except upon written complaint and an opportunity for a hearing before the board. The board shall give the individual at least 10 days’ notice of a hearing under this section. The notice shall be by personal service or by certified mail delivered to the individual's last known address.

(3) If a concealed weapon licensing board is notified by a law enforcement agency or prosecuting official that an individual licensed to carry a concealed pistol is charged with a felony or misdemeanor as defined in this act, the concealed weapon licensing board shall immediately suspend the individual's license until there is a final disposition of the charge for that offense and send notice of that suspension to the individual's last known address as indicated in the records of the concealed weapon licensing board. The notice shall inform the individual that he or she is entitled to a prompt hearing on the suspension, and the concealed weapon licensing board shall conduct a prompt hearing if requested in writing by the individual. The requirements of subsection (2) do not apply to this subsection.

(4) The concealed weapon licensing board that issued a license to an individual to carry a concealed pistol shall revoke that license if the board determines that the individual has been found responsible for a civil infraction of this act during the license period, the board shall give the individual at least 10 days’ notice of the fact of and the reason for the revocation under this subsection by first-class mail to the individual’s last known address as indicated on the concealed weapon licensing board. The requirements of subsection (2) do not apply to this subsection.

(5) If the concealed weapon licensing board determines by clear and convincing evidence based on specific articulable facts that the applicant poses a danger to the applicant or to any weapon or firearm license holder, the concealed weapon licensing board shall immediately suspend the individual's license pending a revocation hearing under this section. The concealed weapon licensing board shall send notice of the suspension to the individual's last known address as indicated in the records of the concealed weapon licensing board. The notice shall inform the individual that he or she is entitled to a prompt hearing on the suspension, and the concealed weapon licensing board shall conduct a prompt hearing if requested in writing by the individual. The requirements of subsection (2) do not apply to this subsection.

(6) If the concealed weapon licensing board orders an individual to carry a concealed pistol during the license period, the board shall immediately suspend the individual's license pending a revocation hearing under this section. The concealed weapon licensing board shall immediately suspend the individual's license pending a revocation hearing under this section. The concealed weapon licensing board shall immediately suspend the individual's license pending a revocation hearing under this section. The concealed weapon licensing board shall immediately suspend the individual's license pending a revocation hearing under this section.

(7) A suspension or revocation order or amended order issued under this section is immediately effective. However, an individual is not criminally liable for violating the order or amended order unless he or she has received notice of the order or amended order.

(8) If an individual is carrying a pistol in violation of a suspension or revocation order or amended order issued under this section but has not previously received notice of the order or amended order, the individual shall be informed of the order or amended order and be given an opportunity to properly store the pistol or otherwise comply with the order or amended order before the license to carry a concealed pistol is revoked.

(9) If a law enforcement agency or officer notifies an individual of a suspension or revocation order or amended order issued under this section who has not previously received notice of the order or amended order, the law enforcement agency or officer shall enter a statement into the law enforcement information network that the individual has received notice of the order or amended order under this section.

(10) The clerk of the concealed weapon licensing board is authorized to administer an oath to any individual testifying before the board at a hearing under this section.

28.430. Theft of firearm; report to police; violation, penalty. (1) A person who owns a firearm shall, within 5 days after he or she knows his or her firearm is stolen, report the theft to a police agency having jurisdiction. The report shall be in writing and may be filed not more than 6 months after the theft.

(2) A person who fails to report the theft of a firearm as required under subsection (1) is responsible for a civil violation and may be fined not more than $500.00.

28.431. Purchase of firearms; review of criminal histories; report to legislature. Before January 1, 1995, the director of the state police shall, if sufficient money is appropriated by the legislature, by rules promulgated by the department of state police, provide a system for the expedient review of the criminal histories of individuals who purchase firearms and file with the legislature a report of his or her findings and conclusions.

28.432. Exemptions from §28.422; organizations and individuals. Sec. 12. (1) Section 2 does not apply to any of the following:

(a) A police or correctional agency of the United States or of this state or any subdivision of this state.

(b) The United States army, air force, navy, or marine corps.

(c) An organization authorized by law to purchase or receive weapons from the United States or from this state.

(d) The National Guard, armed forces reserves, or other duly authorized military organization.

(e) A member of an entity or organization described in subdivisions (a) through (d) for a pistol while engaged in the course of his or her duties with that entity or while going to or returning from those duties.

(f) The United States army, navy, air force, marine, or national guard, or law enforcement officer who notified an individual to carry a pistol concealed upon his or her person issued by another state.

(g) The regular and ordinary transportation of a firearm as merchandise by an authorized agent of a person licensed to manufacture firearms or a licensed dealer.

(h) Purchasing, owning, carrying, possessing, using, or transporting an antique firearm. As used in this subdivision, "antique firearm" means that term as defined in section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

(i) An individual carrying, possessing, using, and transporting a pistol belonging to another individual, if the individual to whom possession of the pistol is authorized by law and the individual carrying, possessing, using, or transporting the pistol has obtained a license under section 5b to carry a concealed pistol or is exempt from licensure as provided in section 12a.

(2) The exempted act that added subsection (1) shall be known and may be cited as the "Janet Kukuk act".

28.432a. Persons exempted from licensing requirements for carrying of concealed pistol. The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following:
(a) A peace officer of a duly authorized police agency of the United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except a township constable.

(b) A person who is trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, while engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) A person who is employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.

(d) A member of the United States army, air force, navy, or marine corps while carrying a concealed pistol in the line of duty.

(e) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.

(f) A person who is regularly employed and paid by that state to carry a concealed pistol.

(g) The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

(h) A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.

(i) A peace officer or law enforcement officer from Canada.

28.434. Disposition of firearms; retention by law enforcement agencies for sale, trade, or donation.

(a) A law enforcement agency that seizes or otherwise comes into possession of a firearm or a part of a firearm subject to disposal under section 14a may, instead of forwarding the firearm or part of a firearm to the department of state police, return the firearm or part of a firearm to the owner of the firearm or a part of a firearm subject to disposal under this subdivision.

(b) A person who is regularly employed and paid by a federal, state, or local government or a duly authorized military organization while carrying a concealed pistol in the line of duty.

28.435. Federally licensed firearms dealers; sales of firearms in state, conditions.

(1) Except as provided in subsection (2), a federally licensed firearms dealer shall not sell a firearm to this state unless the sale includes 1 of the following:

(a) A commercially available trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm.

(b) A commercially available gun case or storage container that can be secured to prevent unauthorized access to the firearm.

(2) This section does not apply to any of the following:

(a) The sale of a firearm to a police officer or a peace officer.

(b) The sale of a firearm to a person who presents to the federally licensed firearms dealer 1 of the following:

(i) A trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm together with a copy of the purchase receipt for the federally licensed firearms dealer.

(ii) A gun case or storage container that can be secured to prevent unauthorized access to the firearm together with a copy of the purchase receipt for the federally licensed firearms dealer.

(c) The sale of an antique firearm. As used in this subdivision, “antique firearm” means any firearm that is defined in section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

(d) The sale or transfer of a firearm if the seller is not a federally licensed firearms dealer.

(3) A federally licensed firearms dealer shall not sell a firearm in this state unless the firearm is accompanied with, free of charge, a brochure or pamphlet that includes safety information on the use and storage of the firearm in a home environment.

(4) Upon the sale of a firearm, a federally licensed firearms dealer shall sign a statement and require the purchaser to sign a statement stating that the sale is in compliance with subsections (1), (2), and (3).

(5) A federally licensed firearms dealer shall retain a copy of the signed statements prescribed in subsection (4) and, if applicable, a
For a third or subsequent conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(b) For a second conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(c) For a third or subsequent conviction, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $5,000.00, or both.

(15) As used in this section:

(a) "Local firearms dealer" means a person licensed under section 923 of title 18 of the United States Code, 18 U.S.C. 923.

(b) "Firearm or ammunition" includes a component of a firearm or ammunition.

(c) "Person" means an individual, partnership, corporation, association, or other legal entity.

(d) "Political subdivision" means a county, city, village, township, charter township, school district, community college, or public university or college.

(e) "Produce" means to manufacture, construct, design, formulate, develop standards for, prepare, process, assemble, inspect, test, list, certify, give a warning or instructions regarding, market, sell, advertise, package, label, distribute, or transfer.

Chapter 123. Local Governmental Affairs - Firearms and Ammunition

123.1101. Definitions. As used in this act:

(a) "Local unit of government" means a city, village, township, or county.

(b) "Pistol" means that term as defined in section 222 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.223 of the Michigan Compiled Laws.

123.1102. Local government regulation of firearms and ammunition generally.

Sec. 2. A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

123.1103. Local government regulation of conduct with firearms and government employees.

(a) Prohibiting or regulating conduct with a pistol or other firearm that is a criminal offense under state law.

(b) Prohibiting or regulating the transportation, carrying, or possession of pistols and other fire-arms by employees of that local unit of government in the course of their employment with that local unit of government.

123.1104. Prohibition of discharge of firearm. This act does not prohibit a city or a charter township from prohibiting the discharge of a pistol or other firearm within the jurisdiction of that city or charter township.

Chapter 324. Natural Resources and Environmental Protection Act

Chapter 2. Management of Renewable Resources

324.43510. Carrying or transporting firearm, slingshot, bow and arrow, crossbow, or trap in area frequented by wild animals; carrying pistols.

(1) Subject to subsection (2) and as provided in section 43513, [FN1] a person shall not carry or transport a firearm, slingshot, bow and arrow, crossbow, or a trap while in any area frequented by wild animals unless that person has in his or her possession a license as required under this part.

(2) This act or a rule promulgated or order issued by the person authorized under this act shall not be construed to prohibit a person from transporting a pistol or carrying a loaded pistol, whether concealed or not, if either of the following applies:

(a) The person has in his or her possession a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

(b) The person is authorized under the circumstances to carry a concealed pistol without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435, as provided for under any of the following:

(i) Section 12a of 1927 PA 372, MCL 28.432a.

(ii) Section 227, 227a, 231, or 231a of the Michigan penal code, 1931 PA 328, MCL 750.227, 750.227a, 750.231, and 750.231a.

(3) Subsection (2) does not authorize an individual to take or attempt to take a wild animal except as provided by law.

324.43513. Carrying, transporting, or possessing firearm, bow and arrow, or crossbow.

(1) A person may carry, transport, or possess a firearm without a hunting license if the firearm is unloaded in both barrel and magazine and either enclosed in a case or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle. A person may carry, transport, or possess a slingshot, bow and arrow, or crossbow without a hunting license if the slingshot, bow, or crossbow is unstrung, enclosed in a case, or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle.

(2) Regardless of whether the person has a license or it is open season for the taking of game, a person may carry, transport, possess or discharge a firearm, a bow and arrow, or a crossbow if all of the following apply:

(a) The person is not taking or attempting to take game but is engaged in 1 or more of the following activities:

(i) Target practice using an identifiable, artificially constructed target or targets.

(ii) Practice with silhouette, plinking, skeet, or trap.

(iii) Sight-in the firearm, bow and arrow, or crossbow.

(b) The person is, or is accompanied by or has the permission of, either of the following:

(i) The owner of the property on which the activity under subdivision (a) is taking place.

(ii) The lessee of that property for a term of not less than 1 year.

(c) The owner or lessee of the property does not receive remuneration for the activity under subdivision (a).

(3) A person may carry or possess an unloaded weapon at any time if the person is traveling to or from or participating in a historical reenactment.

Chapter 750. Michigan Penal Code

Chapter XXXVII. Firearms

750.222. Definitions. As used in this chapter:

(a) "Alcoholic liquor" means that term as defined by section 190 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

(b) "Barrel length" means the internal length of a firearm as measured from the face of the closed breech of the firearm when it is unloaded, to the forward face of the end of the barrel.

(c) "Controlled substance" means a controlled substance or controlled substance analogue as those terms are defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(d) "Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.

(e) "Pistol" means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

(f) "Produce" means a person who receives a pistol from another person by purchase, gift, or loan.

(g) "Seller" means a person who sells, furnishes, loans, or gives a pistol to another person.

(h) "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger.

(i) "Short-barreled shotgun" means a shotgun having 1 or more barrels less than 18 inches in length or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

(j) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(k) "Short-barreled rifle" means a rifle having 1 or more barrels less than 16 inches in length or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

750.223. Pistols, firearms; unlawful sales.

(1) A person who knowingly sells a pistol without complying with section 2 of Act No. 372...
of the Public Acts of 1927, as amended, being section 28.422 of the Michigan Compiled Laws, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

(2) A person who knowingly sells a firearm more than 30 inches in length to a person under 18 years of age, or who is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both. It is an affirmative defense to a prosecution under this subsection that the person who sold the firearm asked to see and was shown a driver's license or identification card issued by a state that identified the purchaser as being 18 years of age or older.

(3) A seller shall not sell a firearm or ammunition to anyone if the seller knows that either of the following circumstances exist:

(a) The person is under indictment for a felony. As used in this subdivision, "felony" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for 4 years or more.

(b) The person is prohibited under section 224f from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm.

(4) A person who violates subsection (3) is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than $5,000.00, or both.

(5) As used in this section, "licensed dealer" means a person licensed under section 923 of chapter 44 of title 18 of the United States Code who regularly buys and sells firearms as a commercial activity with the principal objective of livelihood and profit.

750.224a. Sale, offer for sale, or possession of portable device or weapon employing electrical current to incapacitate, injure, or kill.

Sec. 224a. (1) Except as otherwise provided in this section, a person who sells or offers for sale, or possesses in this state a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to incapacitate temporarily, injure, or kill.

(a) A device for muffling, silencing, or deadening the report of a firearm.

(b) A combination of parts, designed or redesigned, and intended for use in assembling or fabricating a muffler or silencer.

(c) A part, designed or redesigned, and intended only for use in assembling or fabricating a muffler or silencer.

750.224a. Sale, offer for sale, or possession of portable device or weapon employing electrical current to incapacitate, injure, or kill. (a) A person who violates subsection (1) is guilty of a felony, punishable by imprisonment for 4 years or more.

(b) A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 90 days, or a fine of not more than $2,500.00, or both.

(c) A person who violates subsection (2) is guilty of a felony, punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both.

(d) The possession and reasonable use of a device that uses electro-muscular disruption technology to a person authorized to possess a device that uses electro-muscular disruption technology to a person authorized to possess a device that uses electro-muscular disruption technology.

(e) A person who violates subsection (3) is guilty of a felony punishable by imprisonment for not more than 10 years, or by a fine of not more than $5,000.00, or both.

(f) As used in this section, "licensed dealer" means a person licensed under section 923 of chapter 44 of title 18 of the United States Code who regularly buys and sells firearms as a commercial activity with the principal objective of livelihood and profit.

(g) A person who violates subsection (3) is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than $5,000.00, or both.

(h) The possession and reasonable use of a device that uses electro-muscular disruption technology to a person authorized to possess a device that uses electro-muscular disruption technology.

(i) The device is capable of creating an electro-muscular disruption and is used or intended to be used as a defensive device capable of temporarily incapacitating or immobilizing a person by the direction or emission of conducted energy.

(j) The device is not a firearm under chapter 44 of title 18 of the United States Code, or section 20 of chapter 16 of the code of criminal procedure, 1927 PA 175, MCL 28.422 and 28.422a.

(k) A law enforcement officer of another state or of a political subdivision of another state or of a junior college, college, or university who is authorized by the governing board of that junior college, college, or university to enforce state law and the rules and ordinances of that junior college, college, or university.

(l) A person who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than $5,000.00, or both.

(m) A person who violates subsection (2) is guilty of a felony, punishable by imprisonment for not more than 5 years or a fine of not more than $2,500.00, or both.

(n) The device is not a firearm under chapter 44 of title 18 of the United States Code, or section 20 of chapter 16 of the code of criminal procedure, 1927 PA 175, MCL 28.422 and 28.422a.

(o) A person who violates subsection (3) is guilty of a felony, punishable by imprisonment for not more than 10 years, or by a fine of not more than $5,000.00, or both.

(p) The device is not a firearm under chapter 44 of title 18 of the United States Code, or section 20 of chapter 16 of the code of criminal procedure, 1927 PA 175, MCL 28.422 and 28.422a.
of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than $2,000.00, or both.

(2) This section does not apply to either of the following:
(a) A person who manufactures, distributes, sells, or attempts to manufacture an Armstrong piercing ammunition in this state, if that manufacture, distribution, sale, or use is not in violation of chapter 44 of title 18 of the United States Code.
(b) A licensed dealer who sells or distributes armor piercing ammunition in violation of this section if the licensed dealer is subject to license revocation under chapter 44 of title 18 of the United States Code for that sale or distribution.

(3) As used in this section:
(a) "Armor piercing ammunition" means a projectile or projectile core which may be used in a pistol and which is constructed entirely, excluding the presence of traces of other substances, of tungsten, steel, iron, brass, bronze, beryllium, or a combination of tungsten alloys, steel, iron, brass, bronze, or beryllium copper. Armor piercing ammunition does not include any of the following:
(i) Shotgun shot that is required by federal law or by a law of this state to be used for hunting purposes.
(ii) A frangible projectile designed for target shooting.
(iii) A projectile that the director of the department of state police finds is primarily intended to be used for sporting purposes.
(iv) A projectile or projectile core that the director of the department of state police finds is intended to be used for industrial purposes.
(b) "Licensed dealer" means a person licensed under chapter 44 of title 18 of the United States Code to deal in firearms or ammunition.

(4) The director of the department of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) if that projectile or projectile core is exempted under chapter 44 of title 18 of the United States Code. The director of state police shall exempt a projectile or projectile core under subsection (3)(a)(iii) or (iv) only by a rule promulgated in compliance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

750.224e. Manufacture, sale, or possession of semiautomatic firearm conversion devices.

(1) A person shall not knowingly do any of the following:
(a) Manufacture, sell, distribute, or possess or attempt to manufacture, sell, distribute, or possess a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm.
(b) Demonstrate to another person or attempt to demonstrate to another person how to manufacture or install a device to convert a semiautomatic firearm into a fully automatic firearm.

(2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both.

(3) This section does not apply to any of the following:
(a) A police agency of this state, or of a local unit of government of this state, or of the United States.
(b) An employee of an agency described in subdivision (a), if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as an employee of that agency.
(c) The armed forces.
(d) A member or employee of the armed forces, if the manufacture, sale, distribution, or possession or attempted manufacture, sale, distribution, or possession or demonstration or attempted demonstration is in the course of his or her official duties as a member or employee of the armed forces.
(e) A licensed collector who possesses a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm that was lawfully owned by that licensed collector before the effective date of the amendatory act that added this section. This subdivision does not permit a licensed collector who lawfully owned a device that is designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm before the effective date of the amendatory act that added this section to sell or distribute or attempt to sell or distribute that device to another person after the effective date of the amendatory act that added this section.
(f) As used in this section:
(a) "Fully automatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.
(b) "Licensed collector" means a person who is licensed under chapter 44 of title 18 of the United States Code to acquire, hold, or dispose of firearms as curios or relics.
(c) "Semiautomatic firearm" means a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, but requiring renewed pressure on the trigger for each successive shot.

750.224f. Persons convicted of felonies or specified felonies; possession, use, transportation, etc. of firearms prohibited until conditions met.

(1) Except as provided in subsection (2), a person convicted of a felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until the expiration of 3 years after all of the following circumstances exist:
(a) The person has paid all fines imposed for the violation.
(b) The person has served all terms of imprisonment imposed for the violation.
(c) The person has successfully completed all conditions of probation or parole imposed for the violation.

(2) A person convicted of a specified felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in this state until all of the following circumstances exist:
(a) The expiration of 5 years after all of the following circumstances exist:
(i) The person has paid all fines imposed for the violation.
(ii) The person has served all terms of imprisonment imposed for the violation.
(iii) The person has successfully completed all conditions of probation or parole imposed for the violation.
(b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm has been restored pursuant to section 4 of Act No. 372 of the Public Acts of 1927, being section 28.424 of the Michigan Compiled Laws.
(c) A person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm in violation of this section is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $5,000.00, or both.

(4) This section does not apply to any of the following:
(a) A projectile that is lawfully owned and possessed by the person, or of the United States that is punishable by imprisonment for 4 years or more, or an attempt to violate such a law.
(b) As used in subsection (2), "specified felony" means a felony in which 1 or more of the following circumstances exist:
(i) An element of that felony is the unlawful possession or distribution of a firearm.
(ii) An element of that felony is the unlawful use of an explosive device.

750.226. Firearm or dangerous weapon, carrying with unlawful intent.

Any person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500 dollars.

750.227. Concealed weapons, carrying

(1) A person shall not carry a dagger, dirk, stiletto, a double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife adapted and carried as such, concealed on or about his or her person, or whether concealed or otherwise in any vehicle operated or occupied by the person, except in his or her dwelling house, place of business or on other land possessed by the person.

(2) A person shall not carry a pistol concealed on or about his or her person, or, whether concealed or otherwise, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law and if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon such license.

(3) A person who violates this section is guilty of a felony, punishable by imprisonment for not more than 5 years, or by a fine of not more than $2,500.00.

750.227a. Pistols; unlawful possession by licensee. Any person licensed in accordance with law to carry a pistol because he is engaged
in the business of protecting the person or property of another, except peace officers of the United States, the state or any subdivision of the state railroad policemen appointed and commissioned under the provisions of Act No. 114 of the Public Acts of 1941, being sections 470.51 to 470.61 inclusive of the Compiled Laws of 1948 consolidated in the military service of the United States, who shall have a pistol in his possession while not actually engaged in the business of protecting the person or property of another, except in his dwelling house or on other land possessed by him, is guilty of a felony. This section shall not be construed to prohibit the person from carrying an unloaded pistol to or from his place of employment by the most direct route.

750.227b. Possession of firearm at time of commission or attempted commission of felony; additional sentence, punishment.

(a) A person who carries or has in his or her possession a firearm other than a loaded firearm other than a pistol, unless the firearm is unloaded and is 1 or more of the following:
   (1) Taken down.
   (2) Enclosed in a case.
   (3) Carried in the trunk of the vehicle.
   (4) Inaccessible from the interior of the vehicle.

(b) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

(c) Except as accepted in pawn, by second-hand dealer or junk dealer. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No. 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

(d) Concealed with obliteration marks of identity on firearms.

(e) Any person who shall wilfully alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identity of a pistol or other firearm, shall be guilty of a felony, punishable by imprisonment for not more than 2 years or fine of not more than $1,000.00. Possession of a firearm for which the possession shall have been altered, removed, or obliterated, other than an antique firearm as defined by section 231a (2)(a) or (b), shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

750.227c. Persons authorized to carry concealed weapons.

(a) Except as provided in subsection (2), completely unloaded in a closed case designed for the official transportation of firearms in the trunk of the vehicle.

(b) To the regular and ordinary transportation of pistols as merchandise by an authorized agent of a person licensed to manufacture firearms.

(c) To a person carrying an antique firearm as defined in subsection (2), completely unloaded in a closed case or container designed for the storage of firearms in the trunk of the vehicle.

(d) To a person while transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle.

(e) To a person while transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with section 2 of 1927 PA 372, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of a vehicle that does not have a trunk and is not readily accessible to the occupants of the vehicle.

(f) As used in this section:

   (1) Antique firearm means either of the following:

   (i) A firearm not designed or redesigned for use in rimfire or centerfire ignition with ammunition that is no longer manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica of such a firearm, whether actually manufactured before or after 1898.

   (ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

   (ii) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

   (b) "Lawful purpose" includes the following:

   (i) While en route to or from a hunting or target shooting area.

   (ii) While transporting a pistol en route to or from his home or place of business and place of repair.

   (iii) While moving goods from 1 place of abode or business to another place of abode or business.

   (iv) While transporting a licensed pistol en route to or from a law enforcement agency or for the purpose of having a law enforcement official take possession of the weapon.

   (v) While en route to or from his or her abode or place of business and a gun show or places of purchase or sale.

   (vi) While en route to or from his or her abode to a public shooting facility or public land where...
discharge of firearms is permitted by law, rule, regulation, or local ordinance.

(vii) While en route to or from his or her abode to a private property location where the pistol is to be used as is permitted by law, rule, regulation, or local ordinance.

750.234. Intentional discharge of firearm at emergency or law enforcement vehicle.
(1) An individual who intentionally discharges a firearm at a motor vehicle that he or she knows or has reason to believe is an emergency or law enforcement vehicle is guilty of a felony, punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both.

(2) As used in this section, “emergency or law enforcement vehicle” means 1 or more of the following:
(a) A motor vehicle owned or operated by a fire department of a local unit of government of this state.
(b) A motor vehicle owned or operated by a police agency of the United States, of this state, or of a local unit of government of this state.
(c) A motor vehicle owned or operated by the department of natural resources that is used for law enforcement purposes.
(d) A motor vehicle owned or operated by an entity licensed to provide emergency medical services under part 192 of article 17 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.20901 to 333.20979 of the Michigan Compiled Laws, and that is used to provide emergency medical assistance to individuals.
(e) A motor vehicle owned or operated by a volunteer employee or paid employee of an entity described in subdivisions (a) to (c) while the motor vehicle is being used to perform emergency or law enforcement duties for that entity.

750.234d. Unlawful possession of firearms on various premises.
(1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:
(a) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
(b) A church or other house of religious worship.
(c) A court.
(d) A theatre.
(e) A sports arena.
(f) A day care center.
(g) A hospital.
(h) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(2) This section does not apply to any of the following:
(a) A person who owns, or is employed by or contracted by, an entity described in subsection (1) if that possession is of that firearm is to provide security services for that entity.
(b) A peace officer.
(c) A person licensed by this state or another state to carry a concealed weapon.
(d) A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.
(e) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

750.234e. Knowingly brandishing firearm in public.
(1) Except as provided in subsection (2), a person shall not knowingly brandish a firearm in public.

(2) Subsection (1) does not apply to any of the following:
(a) A peace officer lawfully performing his or her duties as a peace officer.
(b) A person lawfully engaged in hunting.
(c) A person lawfully engaged in target practice.
(d) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.

(3) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

750.234f. Possession by minors of firearms in public.
(1) Except as provided in subsection (2), an individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.

(2) Subsection (1) does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1983, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws, or part 435 (hunting and fishing licensing) of Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws. However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

(3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

750.235. Maiming or injuring by intentional discharge of firearm pointed or aimed at another.
(1) A person who maims or injures another person by discharging a firearm pointed or aimed intentionally but without malice at another person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both.

(2) This section does not apply to a peace officer of this state or another state, or of a local unit of government of this state or another state, or of the United States, performing his or her duties as a peace officer. As used in this section, “peace officer” means that term as defined in section 215.

750.235a. Parent of minor who violates this chapter; penalties
(1) The parent of a minor is guilty of a misdemeanor if all of the following apply:
(a) The parent has custody of the minor.
(b) The minor violates this chapter in a weapon free school zone.
(c) The parent knows that the minor would violate this chapter or the parent acts to further the violation.

(2) An individual convicted under subsection (1) may be punished by 1 or more of the following:
(a) A fine of not more than $2,000.00.
(b) Community service for not more than 100 hours.
(c) Probation.

(3) It is a complete defense to a prosecution under this section if the defendant promptly notifies the local law enforcement agency or the school administration that the minor is violating or will violate this chapter in a weapon free school zone.

750.236. Spring gun, trap or device, setting.
Any person who shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to remain in the immediate presence of some competent person, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 1 year, or by a fine of not more than 500 dollars, and the killing of any person by the firing of a gun or device so set shall be manslaughter.

750.237. Liquor possession or use of firearm by person under influence.
(1) An individual shall not carry, have in possession or under control, or use in any manner or discharge a firearm under any of the following circumstances:
(a) The individual is under the influence of alcohol, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
(b) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
(c) Because of the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the individual’s ability to use a firearm is visibly impaired.

(2) Except as provided in subsections (3) and (4), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00 for carrying or possessing a firearm, or both, and not more than $500.00 for using or discharging a firearm, or both.

(3) An individual who violates subsection (1) and causes a serious impairment of a body function of another individual by the discharge or use in any manner of the firearm is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both.

(4) An individual who violates subsection (1) and causes the death of another individual by the discharge or use in any manner of the firearm is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both.

(5) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in lieu of being charged with, convicted of, or sentenced for the violation of this section.

750.237a. Weapon free school zone, engagement in certain proscribed conduct; possession of weapon in weapon free school zone.
(1) An individual who engages in conduct proscribed under section 224, 224a, 224b, 224c, 224e, 226, 227, 227a, 227i, 234a, 234b, or 234c, or who engages in conduct proscribed under section 223(2) for the second or subsequent time, in a weapon free school zone is guilty of a felony punishable by 1 or more of the following:
(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated.
(b) Community service for not more than 150 hours.
(c) A fine of not more than 3 times the maximum fine authorized for the section violated.

(2) An individual who engages in conduct proscribed under section 223(1), 224d, 226a, 227c, 227d, 231c, 232a(1), or (4), 233, 234, 234e, 234f, 235, 236, or 237, or who engages in conduct proscribed under section 223(2) for the first time, in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:
(a) Imprisonment for not more than the maximum term of imprisonment authorized for the section violated or 93 days, whichever is greater.
(b) Community service for not more than 100 hours.
(c) A fine of not more than $2,000.00 or the maximum fine authorized for the section violated, whichever is greater.
(3) Subsections (1) and (2) do not apply to conduct proscribed under a subsection enumerated in those subsections to the extent that the proscribed conduct is otherwise exempted or authorized under this chapter.
(4) Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor punishable by 1 or more of the following:
(a) Imprisonment for not more than 93 days.
(b) Community service for not more than 100 hours.
(c) A fine of not more than $2,000.00.
(5) Subsection (4) does not apply to any of the following:
(a) An individual employed by or contracted by a school if the possession of that weapon is to provide security services for the school.
(b) A peace officer.
(c) An individual licensed by this state or another state to carry a concealed weapon.
(d) An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon.
(e) An individual who possesses a firearm on school property if that possession is with the permission of the school's principal or an agent of the school designated by the school's principal or the school board.
(f) An individual who is 18 years of age or older who is not a student at the school and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply:
(i) The individual is carrying an antique firearm, completely unloaded, in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or func-
tion involving the exhibition, demonstration or sale of antique firearms.

(ii) The individual is carrying a firearm unload-
ed in a wrapper or container in the trunk of the
person's vehicle, while in possession of a valid
Michigan hunting license or proof of valid mem-
bership in an organization having shooting range
facilities, and while en route to or from a hunting
or target shooting area.

(iii) The person is carrying a firearm in a
wrapper or container in the trunk of the person's
vehicle from the place of purchase to his or her
home or place of business or to a place of repair
or back to his or her home or place of business,
or in moving goods from one place of abode or
business to another place of abode or business.

(iv) The person is carrying an unloaded fire-
arm in the passenger compartment of a vehicle
that does not have a trunk, if the person is other-
wise complying with the requirements of sub-
paragraph (i) or (iii) and the wrapper or container
is not readily accessible to the occupants of the
vehicle.

(6) As used in this section:

(a) "Antique firearm" means either of the
following:

(i) A firearm not designed or redesigned for
use with fixed ammunition and manufactured in or
before 1898, including a matchlock, flintlock,
percussion cap, or similar type of ignition system
or a replica of such a firearm, whether actually
manufactured before or after the year 1898.

(ii) A firearm using fixed ammunition manu-
ufactured in or before 1898, for which ammunition
is no longer manufactured in the United States
and is not readily available in the ordinary chan-
nels of commercial trade.

(b) "School" means a public, private, denom-
inational, or parochial school offering develop-
mental kindergarten, kindergarten, or any grade
from 1 through 12.

(c) "School property" means a building, play-
ing field, or property used for school purposes to
impart instruction to children or used for func-
tions and events sponsored by a school, except
a building used primarily for adult education or
college extension courses.

(d) "Weapon free school zone" means school
property owned or operated by a school transport-

750.239. Unlawful firearms; methods of
disposition by state police; civil liability.

(1) Except as provided in subsection (2) and
subject to section 239a, all pistols, weapons, or
deVICES carried, possessed, or used contrary to
this chapter are forfeited to the state and shall
be turned over to the department of state police
for disposition as determined appropriate by the
director of the department of state police or his
or her designated representative.

(2) The director of the department of state
police shall dispose of firearms under this
section by 1 of the following methods:

(a) By conducting a public auction in which
firearms received under this section may be
bought at a sale conducted in compliance
with section 4708 of the revised judicature act of
1961, 1961 PA 236, MCL 600.4708, by
individually authorized by law to possess those
firearms.

(b) By destroying them.

(c) By other lawful manner prescribed by
the director of the department of state police.

(3) Before disposing of a firearm under this
section, the director of state police shall do both of the following:

(a) Determine through the law enforcement
information network whether the firearm has
been reported lost or stolen. If the firearm has
been reported lost or stolen and the name and
address of the owner can be determined, the
director of the department of state police shall
provide 30 days' written notice of his or her
intention to dispose of the firearm under this
section to the owner, and allow the owner to claim
the firearm within that 30-day period if he or she is
authorized to possess the firearm.

(b) Provide licensed firearms dealers the public on the
department of state police website of the owner's
information network whether the firearm has
determination that a serial number has been
as a part of a firearm under this section to the owner, and
allow the owner to claim the firearm within that
30-day period if he or she is authorized to
possess the firearm. If the police agency
determines that a serial number has been
altered or has been removed or obliterated from
the firearm, the police agency shall submit the
firearm to the department of state police or a
forensic laboratory for serial number verification
or restoration to determine legal ownership.

Chapter 752. Crimes and Offenses - Spring,
Gas, or Air Operated Handguns

752.891. Possession or use of BB handgun
by person under 18 years of age. No person
under 18 years of age shall use or possess any
handgun, designed and manufactured exclu-
Key: [Current through No. 4, of the 2010 Regular
Session, 95th Legislature]
Subd. 3. Parent or guardian duties. A parent or guardian may not knowingly direct, allow, or permit a person under the age of 16 to possess a firearm in violation of this section.

Subd. 2. Seizure of unlawfully possessed firearms. A law enforcement officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the conservation officer in charge of the area where the seizure was made.

Subd. 3. Return or forfeiture of seized firearms. A person whose this firearm may not be returned to the person from whom it was seized when the person presents a firearms safety certificate to the conservation officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner.

Chapter 242. Corrections; Youth

242.31. RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIREARMS

Subdivision 1. Restoration. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following certification under the provisions of section 260B.125 is finally discharged by order of the commissioner, that discharge shall restore all civil rights of the person to all civil rights. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred.

Subd. 2. Order of discharge. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment of it, is discharged from probation, the court shall issue an order of discharge pursuant to subdivision 2a and section 609.165.

This order restores the defendant to civil rights.

Subd. 2a. Crimes of violence; ineligibility to possess firearms. The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. Any person who has received such a discharge and who thereafter receives a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, shall not be subject to the restrictions of this subdivision.

Chapter 245. Department of Human Services

245.041. PROVISION OF FIREARMS BACKGROUND CHECK INFORMATION

Notwithstanding section 253B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies on an individual request basis by means of the criminal information network from the department of human services through the Minnesota crime information system for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

Chapter 260B. Delinquency

260B.245. EFFECT OF JUVENILE COURT PROCEEDINGS.

Subdivision 1. Effect. …

(a) A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. A person who has been sentenced under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, is not subject to the restrictions of this subdivision.

Chapter 471. Municipal Rights, Powers, Duties

471.633. FIREARMS The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that:

(a) a governmental subdivision may regulate the discharge of firearms; and

(b) a governmental subdivision may adopt regulations identical to state law.

Any regulation inconsistent with this section is void.

471.634. DEFINITION For purposes of section 471.633, the terms "municipal corporation" and "governmental subdivision," or instrumentality thereof, do not include school districts and other entities composed exclusively of school districts when school boards or school administrators are regulating school grounds, school facilities, school transportation services, school programs, or the conduct of students at any activities conducted under the direct or indirect supervision or control of the school board or administration.

471.635. ZONING ORDINANCES Notwithstanding section 471.633, a governmental subdivision may regulate by reasonable, nondiscriminatory, and nonarbitrary zoning ordinances, the location of businesses where firearms are sold by a firearms dealer. For the purposes of this section, a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections 471.633 and 471.634.

Chapter 609. Criminal Code

609.11. MINIMUM SENTENCES OF IMPRISONMENT …

Subd. 5. Firearm. (a) Except as otherwise provided in paragraph (b), any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice acquires, possesses, controls, assumes possession of, or uses a firearm shall be sentenced to the commis- sioner of corrections for not less than three years, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the def- endant or an accomplice, at the time of the of- fense, had in possession or used a firearm shall be committed to the commissioner of corrections for not less than five years, nor more than the maximum sentence provided by law.

(b) Any defendant convicted of violating sec- tion 624.713, subdivision 1, clause (b), shall be committed to the commissioner of corrections for not less than five years, nor more than the maximum sentence provided by law.

609.165 RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIREARMS

Subdivision 1. Restoration. When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.

Subd. 1a. Certain convicted felons ineligible to possess firearms. The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. Any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, shall not be subject to the restrictions of this subdivision.

Subd. 2b. Violation and penalty. (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both.

(b) A conviction and sentencing under this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

(c) The criminal penalty in paragraph (a) does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under subdivision 1d.

Subd. 1c. [Repealed] Subd. 1d. Judicial restoration of ability to possess a firearm by a felon. A person prohibited by state law from shipping, transporting, possessing, or receiving a firearm because of a
conviction or a delinquency adjudication for committing a crime of violence may petition a court to restore the person's ability to possess, receive, ship, or transport firearms and otherwise deal with firearms.

The court may grant the relief sought if the person shows good cause to do so and the person has been released from physical confinement.

If a petition is denied, the person may not file another petition until three years have elapsed without the permission of the court.

**Subd. 2. Discharge.** The discharge may be:

1. By the court following stay of sentence or stay of execution of sentence; or
2. Upon expiration of sentence.

**Subd. 3. Applicability.** This section does not apply to a forfeiture of and disqualification for a public office as provided in section 609.42, subdivision 2.

609.242 DOMESTIC ASSAULT

**Subd. 3. Domestic assaults; firearms.** (a) When a person is convicted of a violation of the subsection or section 609.221, 609.222, 609.223, or 609.224, or 609.2247, the court shall determine and make written findings on the record as to whether:

1. The defendant has committed against a family or household member, as defined in section 518B.01, subdivision 2;
2. The defendant owns or possesses a firearm; and
3. The firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a misdemeanor and may be sentenced as provided in paragraph (a): (1) If the act was committed against a family or household member, as defined in section 518B.01, subdivision 2; or
(2) If the defendant owns or possesses a firearm; and
(3) If the firearm was used in any way during the commission of the assault.

(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a firearm if the person has been convicted after August 1, 1992, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

609.66 DANGEROUS WEAPONS

**Subdivision 1. Misdemeanor and gross misdemeanor crimes.** (a) Whoever does any of the following is guilty of a crime and may be sentenced as provided in paragraph (b): (1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or
(2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or...
(3) possesses any other dangerous article or substance for the purpose of being unlawfully as a weapon against another; or
(4) outside of a municipality and without the parent's or guardian's consent, furnishes a child under 14 years of age or 14 years of age under the guardian's control a firearm to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under clause (b).

(b) A person convicted under paragraph (a) may be sentenced as follows:

1. If the act was committed in a public housing zone, as defined in section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both;
2. Otherwise, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both.

**Subd. 1a. Felony crimes; silencers prohibited; reckless discharge.** (a) Except as otherwise provided in subdivision 1b, whoever does any of the following is guilty of a felony and may be sentenced as provided in paragraph (b):

1. Sells or has in possession any device designed to silence or muffle the discharge of a firearm;
2. Intentionally discharges a firearm under circumstances that endanger the safety of another;
3. Recklessly discharges a firearm within a municipality.

(b) A person convicted under paragraph (a) may be sentenced as follows:

1. If the act was a violation of paragraph (a), clause (1) or (3), and was committed in a public housing zone, as defined in section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; or
2. Otherwise, to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both.

**Subd. 1b. Felony; furnishing to minors.** Whoever, in any municipality in this state, furnishes or permits under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian of or from the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine not more than $20,000.

**Subd. 1c. Felony; furnishing a dangerous weapon.** Whoever recklessly furnishes a person with a firearm under the provisions of paragraph (a) or (b) of a known substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both.

**Subd. 1d. Possession on school property; penalty.** (a) Except as provided under paragraphs (c) and (e), whoever possesses, stores, or keeps a dangerous weapon or uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both.

(b) Whoever possesses, stores, or keeps a replica firearm or a BB gun on school property is guilty of a gross misdemeanor.

(c) Notwithstanding paragraph (a) or (b), it is a misdemeanor for a person authorized to carry a firearm for personal or other reasons to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(d) As used in this subdivision:

1. "School property" means:
(i) A public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;
(ii) A child care center licensed under chapter 245A during the period children are present and participating in a child care program;
(iii) The area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and
(iv) That portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(e) This subdivision does not apply to:

1. The discharge of a firearm while acting in the line of duty.
2. The discharge of a firearm in the line of duty in the course of an official investigation.
3. The discharge of a firearm in the course of an official investigation.
4. The discharge of a firearm in the course of an official investigation.
5. The discharge of a firearm in the course of an official investigation.
6. The discharge of a firearm in the course of an official investigation.
7. The discharge of a firearm in the course of an official investigation.
(1) Active licensed peace officer;
(2) Military personnel, or students participating in military training, who are on-duty, performing official duties;
(3) Persons authorized to carry a pistol under section 624.714 while I a motor vehicle or outside a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;
(4) Persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 or 624.715 or other firearms in accordance with section 97B.045;
(5) Fireworks marksmanship courses, or activities conducted on school property;
(6) Possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
(7) A gun or knife show held on school property;
(8) Possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
(9) Persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student or employee is present on the land for a school-related activity.
(f) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.
Subd. 1e. Felony; drive-by shooting. ...
This section does not apply to:

(1) members of the armed forces of either the United States or the state of Minnesota when for use in the course of duties;

(2) educational institutions when the devices are manufactured or used in conjunction with an official education course or program;

(3) governmental organizations using propellant-actuated industrial tools manufactured, imported, and distributed for their intended purpose;

(4) items that are neither designed or redesigned for use as explosive devices or incendiary devices;

(5) authorized and designated law enforcement officers for use in the course of their duties;

(6) governmental organizations using explosive devices or incendiary devices for agricultural purposes or control of wildlife;

(7) the general type and disposition of any federal license or registration number, if applicable; the purpose for which the device will be used; and such further information as the department may require.

Subd. 3. Uses permitted. The following persons may own or possess a machine gun or short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) law enforcement officers for use in the course of their duties;

(2) fire department personnel for use in the course of their duties;

(3) governmental organizations using propellant-actuated industrial tools manufactured, imported, and distributed for their intended purpose;

(4) persons possessing explosive devices or incendiary devices that although designed as devices have been determined by the commissioner of public safety, or his designee, to pose a threat to public safety, or by the superintendent of the bureau of criminal apprehension showing the name and address of the dealer or manufacturer;

(5) governmental and political subdivisions; and

(6) persons employed by the Minnesota National Guard as security guards.

Chapter 624. Crimes, Other Provisions

624.71. GUN CONTROL, APPLICATION OF FEDERAL LAW

Subdivision 1. Notwithstanding any other law to the contrary, it shall be lawful for any federal-ly licensed importer, manufacturer, dealer, or collector to sell and deliver firearms and ammuni-tion to a resident of a contiguous state in any instance in which such a sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law Number 90-618).

Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sales and delivery is lawful under the federal Gun Control Act of 1968 (Public Law Number 90-618).

624.711 DECLARATION OF POLICY It is not the intent of the legislature to regulate shortguns, rifles and other long guns of the type commonly used for hunting and not defined as pistols or semiautomatic military-style assault weapons, or to place any type of restriction upon those citizens who wish to possess or carry pistols or semiautomatic military-style assault weapons lawfully, or to confiscate or otherwise restrict the use of pistols or semiautomatic military-style assault weapons by law-abiding citizens.

624.712. DEFINITIONS Subdivision 1. Scope. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. Pistol. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. "Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. Antique firearm. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or re-designed, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. Saturday night special pistol. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breech-block:

(a) of any material having a melting point (liquids) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. Crime of violence. "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.229 (crimes bombing, or the proximity of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.50 (use of drugs to injure or facilitate crime); 609.52 (involving theft of a firearm, theft of or possessing a bullet-resistant vest); 609.561 (arsen in the first degree); 609.562 (arsen in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67, subdivision 1 (use of a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Subd. 6. Transfer. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or semiautomatic military-style assault weapon or the frame or receiver of a pistol or semiautomatic military-style assault weapon.

Subd. 7. Semiautomatic military-style assa ult weapon. "Semiautomatic military-style assault weapon" means:

(1) any of the following firearms:

(i) Avtomat Kalashnikov (AK-47) semiautomatic rifle type;

(ii) Beretta AR-70 and BM-59 semiautomatic rifle types;

(iii) Colt AR-15 semiautomatic rifle type;

(iv) Daewoo Max-1 and Max-2 semiautomatic rifle types;

(v) Famas MAS semiautomatic rifle type;

(vi) Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle types;

(vii) Galil semiautomatic rifle type;

(viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle types;

(ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine types;

(x) Intratec TEC-9 semiautomatic pistol type;

(xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle types;

(xii) SKS with detachable magazine semiautomatic rifle type;

(xiii) Steyr AUG semiautomatic rifle type;

(xiv) Street Sweeper and Stiker-12 revolving-cylinder shotgun types;

(xv) USAS-12 semiautomatic shotgun type;

(xvi) Uzi semiautomatic pistol and carbine types; or

(xvii) Valmet M76 and M78 semiautomatic rifle types;

(2) any firearm that is another model made by the same manufacturer as one of the firearms listed in clause (1), and has the same action design as one of the listed firearms, and is a resemble d, renamed, or renumbered version of one of the firearms listed in clause (1), or has a slight modification or enhancement, including but not limited to a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet; or

(3) any firearm that has been manufactured or sold by another company under a licensing agreement with a manufacturer of one of the firearms listed in clause (1) entered into after the effective date of Laws 1993, chapter 326, to manufacture or sell firearms that are identical or nearly identical to those listed in clause (1), or described in clause (2), regardless of the company of production or country of origin.

The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv), and (xv), are the weapons the importation of which was barred by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury in July 1989.

Except as otherwise specifically provided in paragraph (d), a firearm is not a "semiautomatic military-style assault weapon" if it is generally recognized as particularly suitable for or readily adaptable to sporting purposes under United States Code, title 18, section 921, paragraph (d), or any regulations adopted pursuant to that law.

Subd. 8. Included weapons. By August 1, 1993, and annually thereafter, the superinten-dent of the bureau of criminal apprehension shall publish a current authoritative list of the firearms included within the definition of "semiautomatic military-style assault weapon" under this section. Dealers, purchasers, and other persons may rely on the list in complying with this chapter.

Subd. 9. Business day. "Business day" means a day on which state offices are open for normal business and excludes weekends and legal holidays.

Subd. 10. Crime punishable by imprison-ment for a term exceeding one year. "Crime punishable by imprisonment for a term exceeding one year" does not include:

(1) any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or

(2) any state offense classified by the laws of this state or any other state as a misdemeanor and punishable by a term of imprisonment of two years or less.
What constitutes a conviction of a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Subd. 11. Commissioner. "Commissioner" means the commissioner of public safety unless otherwise indicated.

624.713. CERTAIN PERSONS NOT TO POSSESS FIREARMS

Subdivision 1. Ineligible persons. The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon in the actual presence or under the direct supervision of the person’s parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person’s ability to possess a firearm has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person’s ability to possess a firearm has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person’s ability to possess a firearm has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.05 for chemical dependency, and an officer possessing a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been adjudicated delinquent, or convicted as an extended jurisdiction juvenile for committing, a crime of violence, and has not been convicted of any other such violation of these sections: section 609.2242, subdivision 3, against a family or household member; and section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of section 609.2242, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of a crime of violence has been dismissed;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person’s ability to possess a firearm has been restored under subdivision 4;

(a) a person named in any other clause of this subdivision in good faith is not liable for the possession of firearms other than pistols and semiautomatic military-style assault weapons until the person

(b) has been discharged from the armed forces of the United States under dishonorable conditions; or

(c) has renounced the person’s citizenship having been a citizen of the United States; or

(d) a person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or conduct of a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms for pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial notice" does not apply to any person proceeding pursuant to sections 253B.07 through 253B.09 or a comparable law from another state.

Subd. 1a. Ineligible to receive, ship, transport. A person presently charged with a crime punishable by imprisonment for a term exceeding one year shall not be entitled to receive, ship, or transport any pistol or semiautomatic military-style assault weapon. A violation of this subdivision is a gross misdemeanor.

Subd. 2. Penalties.

(a) A person named in subdivision 1, clause (1), who possesses a pistol or semiautomatic military-style assault weapon is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

(b) A person named in subdivision 1, clause (2), who possesses any type of firearm is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both.

(c) A person named in any other clause of subdivision 1 who possesses any type of firearm is guilty of a gross misdemeanor.

Subd. 3. Notice.

(a) When a person is convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon for the remainder of the person’s lifetime, and that it is a felony offense to violate this prohibition.

(b) When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation
in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Subd. 4. Restoration of firearms eligibility to civilly committed person; petition authorized. (a) A person who is prohibited from possessing a firearm under subdivision 1, due to commitment resulting from a judicial determination that the person is mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent, may petition a court to restore the person's ability to possess a firearm.

(b) The court may grant the relief sought in paragraph (a) in accordance with the principles of the present criminal justice system and the person's disqualifying condition and the person's record and reputation are determined to be such that:

1. The person is not likely to act in a manner that is dangerous to public safety; and
2. The granting of relief would not be contrary to the public interest.

(c) When determining whether a person has met the requirement of paragraph (b), clause (1), the court may consider evidence from a licensed medical doctor or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of three consecutive years.

(d) Review on appeal shall be de novo.

624.7131. TRANSFEREE PERMIT; PENALTY

Subdivision 1. Information. Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) A statement that the proposed transferee authorizes the release to the local police authority or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

(d) When determining whether a person has met the requirement of paragraph (b), clause (1), the court may consider evidence from a licensed medical doctor or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of three consecutive years.

(e) Review on appeal shall be de novo.

Subd. 2. Investigation. The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. Forms. Chiefs of police and sheriffs shall make transferee permit applications available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for issuance of a transferee permit.

Subd. 4. Grounds for disqualification. A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon shall be the only basis for refusal to grant a transferee permit.

Subd. 5. Granting of permits. The chief of police or sheriff shall issue a transferee permit if the person does not meet the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.

Subd. 6. Periodic valid statewide. Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all renewed permits must comply with the standards adopted by the commissioner under section 624.7151. Permits issued pursuant to this section are not transferrable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. Permit voided. The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(d) A statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application, a certificate of the application date, and a statement that the applicant must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 21.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. Investigation. The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 12. Local regulation. This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

624.7132. REPORT OF TRANSFER

Subdivision 1. Required information. Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) A statement that the proposed transferee authorizes the release to the local police authority or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

(d) A statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon;

(e) The address of the place of business of the transferee.

The report shall be signed and dated by the transferee and the proposed transferee. The report shall be delivered to the transferee to the chief of police or sheriff no later than two days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. Investigation. Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. Notification. The chief of police or sheriff shall notify the transferee and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. Delivery. Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.
weapon to a proposed transferee until five business days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period. The chief of police or sheriff shall deliver to a chief of police or sheriff a copy of the transfer report and receive no written notification of disqualification of the proposed transferee within five business days after delivery of the agreement to transfer, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee.

Subd. 5. Grounds for disqualification. A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon shall be the sole basis for a notification of disqualification under this section.

Subd. 6. Transferee permit. If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transfer permit, and the permit shall be issued.

Subd. 7. [Repealed]

Subd. 8. Report not required. If the proposed transferee presents a valid transfer permit issued under section 624.713 or a valid permit to carry issued under section 624.714, the transferee need not file a transfer report.

Subd. 9. Number of pistols or semiautomatic military-style assault weapons. Any number of pistols or semiautomatic military-style assault weapons may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or semiautomatic military-style assault weapons a person may acquire.

Subd. 10. Restriction on records. If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, the transferor shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. Forms; cost. Chiefs of police and sheriffs shall keep a transfer report form available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer.

Subd. 12. Exclusions. Except as otherwise provided in section 609.66, subdivision 1f, this section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) a transfer to a person other than a federally licensed firearms dealer;
(b) a loan to a prospective transferee if the loan is intended for a period of no more than one day;
(c) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;
(d) a loan to a teacher to carry a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
(e) a loan between persons at a firearms collectors exhibition;
(f) a loan to law enforcement officers who have the power to make arrests other than citizen arrests; and
(g) a loan between law enforcement officers in pursuit or target shooting if the loan is intended for a period of no more than 12 hours;
(h) a loan between employees or between the employer and an employee in a business for which the employee is not a law enforcement officer, to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. Appeal. A person aggrieved by the determination of a chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon may appeal the determination as provided in this subdivision. The district court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol or semiautomatic military-style assault weapon by section 624.713.

Subd. 14. Transfer to unknown party. (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another transferee unless the transferee shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

(b) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.

(c) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.

Subd. 15. Penalties. (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;
(2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferee knows or has reason to know the transferee has made the false statement;
(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or
(4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or
(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferee knows or has reason to know the transferee has made the false statement.

Subd. 16. Local regulation. This section shall be construed to supersede municipal or county ordinances or regulations.

Subd. 1a. Permit required; penalty. A person, other than a peace officer, as defined in section 626.84, subdivision 1, who carries, holds, or possesses a pistol in a motor vehicle, snowmobile, snow sled, jet ski, or boat, or on or about the person’s clothes or the person, or otherwise in possession or control in a public place, as defined in section 624.7181, subdivision 1, paragraph (c), without first having obtained a permit to carry the pistol is guilty of a gross misdemeanor. A person who is convicted a second or subsequent time is guilty of a felony.

Subd. 1b. Display of permit; penalty. (a) The holder of a permit to carry must have the permit card and a driver’s license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol and must display the permit card and identification upon request of a peace officer or a licensed firearms dealer.

(b) A citation issued for violating paragraph (a) shall be limited to a determination of whether the person demonstrates, in court or in the office of the arresting officer, that the person was authorized to carry the pistol at the time of the alleged violation.

(c) Upon the request of a peace officer, a permit holder must write a sample signature in the officer’s presence to aid in verifying the person’s identity.

(d) Upon the request of a peace officer, a permit holder shall disclose to the officer whether or not the permit holder is currently carrying a firearm.

Subd. 2. Where application made; authority to issue permit; criteria; scope. (a) Applications by Minnesota residents for permits to carry shall be made to the county sheriff where the applicant resides. Nonresidents, as defined in section 171.01, subdivision 42, may apply to any sheriff.
Subd. 7. Permit card contents; expiration; renewal.  
(a) Permits to carry must be on an official, standardized permit card adopted by the commissioner of public safety, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.  
(b) The permit card must also identify the issuing sheriff and state the expiration date of the permit. The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.  
(c) A permit to carry a pistol issued under this section expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, ....

Subd. 9. Carrying pistols about one's premises or purpose of repair, target practice. A permit to carry is not required of a person:  
(a) To keep or carry on the person's place of business, dwelling house, premises or on land possessed by the person a pistol;  
(b) To transport in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gun-box, or securely tied package.  
(c) To carry a pistol about on the waters of this state for the purpose of hunting or of target shooting in a safe area; or  
(d) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gun-box, or securely tied package.  
(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gun-box, or securely tied package.

Subd. 10. False representations. A person who gives or causes to be given any false material information in applying for a permit to carry, knowing or having reason to know the information is false, is guilty of a gross misdemeanor.

Subd. 11. No limit on number of pistols. A person shall not be restricted as to the number of pistols the person may carry.

Subd. 12. Exception in adult correctional facility officers. A permit to carry a pistol is not required of any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty.

Subd. 18. Employers; public colleges and universities.

(a) An employer, whether public or private, may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment. Employment related civil sanctions may be invoked for a violation.

(b) A public or postsecondary institution regulated under chapter 136F or 137 may establish policies that restrict the carry or possession of firearms by its students while on the institution's property. Academic sanctions may be invoked for a violation.

(c) Notwithstanding paragraphs (a) and (b), an employer or a postsecondary institution may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.  

Subd. 22. Short title; construction; severability. This section may be cited as the Minnesota Citizens' Personal Protection Act of 2003. The legislature of the state of Minnesota recognizes that the second amendment of the United States Constitution guarantees the fundamental, individual right to keep and bear arms. The provisions of this section are declared to be necessary to accomplish compelling state interests in regulation of those rights. The terms of this section must be construed according to the compelling state interest test. The invalidation of any part of this section shall not invalidate any other provision.

Subd. 23. Exclusivity. This section sets forth the complete and exclusive criteria and procedures for the issuance of permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit to carry.

624.7141. TRANSFER TO INELIGIBLE PERSON.  
Subdivision 1. Transfer prohibited. A person is guilty of a gross misdemeanor who intentionally transfers a pistol or semiautomatic military-style assault weapon to another if the person knows that the transferee:  
(1) has been denied a permit to carry under section 624.714 because the transferee is not eligible to possess a pistol or semiautomatic military-style assault weapon;  
(2) has been found ineligible to possess a pistol or semiautomatic military-style assault weapon by a chief of police or sheriff as a result of an application for a transferee permit or a transfer report; or  
(3) is disqualified under section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

Subd. 2. Felony. A violation of this section is a felony if the transferee possesses or uses the weapon within one year after the transfer in furtherance of a felony crime of violence.

Subd. 3. Subsequent eligibility. This section is not applicable to a transfer to a person who became eligible to possess a pistol or semiautomatic military-style assault weapon under section 624.713 after the transfer occurred but before the transferee used or possessed the weapon.

624.7142. CARRYING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE  
Subdivision 1. Acts prohibited. A person may not carry a pistol on or about the person's clothes or person in a public place:  
(1) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;  
(2) when the person is under the influence of a combination of any two or more of the elements named in clauses (1) and (4);  
(3) when a person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to impair the person's clearness of intellect or physical control;  
(4) when the person is under the influence of alcohol;  
(5) when the person's alcohol concentration is 0.10 or more; or  
(6) when the person's alcohol concentration is less than 0.10, but more than 0.04.  

Subd. 1a. (a) A person who violates a provision under subdivision 1, clauses (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross misdemeanor.  
(b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

(c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is revoked and the person may not reapply for a period of one year from the date of conviction.

(d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is suspended for 180 days from the date of conviction.

Subd. 2a. (a) Notwithstanding section 609.531, a firearm carried in violation of subdivision 1, clause (6), is not subject to forfeiture.  
624.715. EXEMPTIONS; ANTIQUES AND ORNAMENTS  
Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical or collector's value.

624.7151 STANDARDIZED FORMS  
By December 1, 1992, the commissioner shall adopt statewide standards governing the form and contents, as required by sections 624.7131 to 624.714, of every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or after January 1, 1993. Every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or after January 1, 1993, must meet the statewide standards adopted by the commissioner. Notwithstanding the provisions of this section, neither failure of the Department of Public Safety to adopt standards nor failure of the police chief or county sheriff on or after January 1, 1993, must meet the statewide standards adopted by the commissioner. Notwithstanding the previous sentence, neither failure of the Department of Public Safety to adopt standards nor failure of the police chief or county sheriff to meet them shall delay the timely processing of applications nor invalidate permits issued on other forms, forms, or combinations of forms that meet the requirements of sections 624.7131 to 624.714.

624.716. SATURDAY NIGHT SPECIALS PROHIBITED; PENALTY  
Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures...
Subdivision 1. Definitions.

SECURITY MEASURES REQUIRED

Subd. 1. Intent.

Subd. 2. Security measures required. After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steel gun cabinet, or on a locked, hardened steel rod or cable that runs through the pistol's trigger guards. The safe, gun cabinet, rod, or cable must be anchored to prevent its removal from the premises.

Subd. 3. Security standards. The commissioner of public safety shall adopt standards specifying minimum security requirements for small and large firearms dealers. By January 1, 1993, all firearms dealers shall comply with the standards. The standards may provide for:

1. alarm systems for small and large firearms dealers;
2. site hardening and other necessary and effective security measures required for large firearms dealers;
3. a system of inspections, during normal business hours, by local law enforcement officials for compliance with the standards; and
4. other reasonable requirements necessary and effective to reduce the risk of burglaries at firearms dealers' business establishments.

624.7162. FIREARMS DEALERS; SAFETY REQUIREMENTS.

Subdivision 1. Firearms dealers.

For purposes of this section, a firearms dealer is any person who is federally licensed to sell firearms from any location.

Subd. 2. Notice required.

In each business location where firearms are sold by a firearms dealer, the dealer shall post in a conspicuous location the following warning in block letters not less than one inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE A LOADED FIREARM WHERE A CHILD CAN OBTAIN ACCESS."

Subd. 3. Fine.

A person who violates the provisions of this section is guilty of a petty misdemeanor and may be fined not more than $200.

624.7117. LOCAL REGULATION.

Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols.

624.719. POSSESSION OF FIREARM BY NONRESIDENT ALIEN.

A nonresident alien who does not possess a firearm except to take game as a nonresident under the game and fish laws. A firearm possessed in violation of this section is contraband and may be confiscated.

624.7191 METAL-PENETRATING BULLETS

Subdivision 1. Intent.

This section is designed to give law enforcement officers performing their official duties a reasonable degree of protection from penetration of quality body armor. It is not the intent of this section to restrict the availability of ammunition for personal defense, sporting, or hunting purposes.

Subd. 2. Definition.

For purposes of this section, "metal-penetrating bullet" means a handgun bullet of 9 mm, .22, .357, .38, .41, .44, or .451 caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloys which purposely reduces the normal expansion or mushrooming of the bullet's shape upon impact. "Metal-penetrating bullet" excludes any bullet composed of copper or brass jacket with lead or lead alloy cores and any bullet composed of lead or lead alloys.

Subd. 3. Use or possession in commission of crime.

Any person who uses or possesses a metal-penetrating bullet during the commission of a crime is guilty of a felony and may be sentenced to one, two, or three terms of imprisonment of not more than ten years or to payment of a fine of not more than $5,000, or both. Any imprisonment sentence imposed under this subdivision shall run consecutively to any sentence imposed for the other crime.

Subd. 4. Local regulation.

This section shall be construed to supersede any municipal or county regulation of ammunition, including its component parts.

[Current through 2010 Legislative Session]

Minnesota Rules

Department of Public Safety

Driver and Vehicle Services Division

Chapter 7416. Firearms Permits

7416.0100 APPLICATION FOR A HANDGUN TRANSFEREE PERMIT

An application for a handgun transferee permit must be made on a form en-titled "Minnesota Uniform Firearm Application/Receipt Transferee Permit or Report of Transfer for Firearms." A facsimile of the form is reproduced at part 7416.9911.

7416.0200 PISTOL TRANSFEREE PERMIT

A pistol transferee permit must be issued on a form entitled "Minnesota State Permit to Acquire Hand-guns From Federal Firearms Dealers." A facsimile of the form is reproduced at part 7416.9940.

7416.0300 REPORT OF TRANSFER OF A HANDGUN

A report of transfer of a handgun must be made on a form entitled "Minnesota Uniform Firearm Application/Receipt Transferee Permit or Report of Transfer for Firearms." A facsimile of the form is reproduced at part 7416.9911.

7416.0400 APPLICATION FOR A PERMIT TO CARRY A PISTOL

An application for a permit to carry a pistol must be made on a form entitled "Minnesota Uniform Firearm Application/Receipt, Carry Permit for Handgun in Public Place." A facsimile of the form is reproduced at part 7416.9931.

7416.0500 PERMIT TO CARRY A PISTOL

A permit to carry a pistol must be issued on a form en-titled "Minnesota State Permit to Carry a Handgun." The permit, when issued, must be wallet sized and must be covered by plastic or some other material to protect against tampering or alteration of the permit. A facsimile of the form is reproduced at part 7416.9950.

State Patrol Division

Chapter 7500. Explosives, Blasting Agents, Firearms

7500.0100 DEFINITIONS

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subpart 6. Explosives. "Explosives" means a chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes dynamite and other high explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Subpart 7. Purposes of this subpart, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

A. High explosives are explosive materials that can be caused to detonate by means of a blasting cap when unconfined; for example, dynamite.

B. Low explosives are explosive materials that can be caused to deflagrate when confined, for example: black powder, safety fuses, ignitors, igniter cord, fuse lighters, and special fireworks defined as class B explosives by United States Department of Transportation regulations in Code of Federal Regulations, title 49, part 173.

C. Blasting agents include, for example, ammonium nitrate-fuel oil and certain water gels...

Subp. 16. Small arms ammunition. "Small arms ammunition" means a shotgun, rifle, pistol, or revolver cartridge; or cartridge for propellant-actuated power devices and industrial guns. This term does not include military-type ammunition containing explosive bursting charges and spotting or pyrotechnic projectiles.

Subp. 17. Small arms ammunition primers. "Small arms ammunition primers" means small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

Subp. 18. Smokeless propellant. "Smokeless propellant" means a solid propellant, called a smokeless powder in the trade, used in small arms ammunition, cannons, rockets, propellant-actuated power devices, or other devices.

7500.3400 SMALL ARMS AMMUNITION

Subpart 1. Restricted scope. Parts 7500. 3400 to 7500.3600 do not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

This part does not apply to the transportation of small arms ammunition governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. Quantity limitations. No quantity limitations are imposed on the storage of small arms ammunition in warehouses, retail stores, and other general occupancies, except those imposed by limitation of storage facilities and consistency with public safety.

Subp. 3. Separate storage. Small arms ammunition must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.
Small arms ammunition must not be stored together with explosives or blasting agents, unless the storage facility is adequate as described in Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982).

7500.3500 SMOKELESS PROPELLANTS

Subpart 1. Restricted scope. This part does not apply to the transportation of smokeless propellants governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. Transportation and storage. Small arms ammunition primers must not be transported or stored except in the original shipping container approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 3. Truck or rail transportation. Truck or rail transportation of small arms ammunition primers must comply with the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. Quantity limitations. Not more than 25,000 small arms ammunition primers may be transported in a passenger vehicle.

Not more than 10,000 small arms ammunition primers may be stored in residences.

Not more than 10,000 small arms ammunition primers may be displayed or stored in commercial establishments.

Subp. 5. Separate storage. Small arms ammunition primers must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet.

Subpart 2. Storage of large quantities. Quantities of small arms ammunition primers in excess of 1,000,000 must be stored in magazines in accordance with part 7500.0800.

7500.5100 DEFINITIONS

Subpart 1. Scope. For the purpose of parts 7500.5100 to 7500.5600 the following terms have the meanings given them:

Subp. 2. Approved machine gun or short-barreled shotgun. "Approved machine gun or short-barreled shotgun" means a machine gun or short-barreled shotgun that, although designed as a weapon, has been determined by the superintendent as not likely to be used as a weapon, has been determined by the superintendent to appear on the National Firearms Act Curios and Relics List, as provided by United States Code, title 18, chapter 44, and as issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C.).


Subp. 4. Report form. "Report form" means the official form created by the bureau on which the data specified in Minnesota Statutes, section 609.67, subdivision 4 is to be reported to the superintendent.

Subp. 5. Superintendent. "Superintendent" means the superintendent of the bureau or a delegate.

Chapter 7504. Firearms Dealers; Security Standards

7504.0100 DEFINITIONS

Subpart 1. Scope. For purposes of this chapter, the terms in subparts 2 to 6 have the meanings given them:

Subp. 2. Firearms dealer. "Firearms dealer" means a dealer federally licensed to sell pistols who operates a retail business in which pistols are sold from a permanent business location other than the dealer's home. For the purposes of this chapter, a dealer's home does not include the following:

A. A building located on property that is zoned commercial;
B. A business location where the square footage used in the business of selling firearms exceeds the square footage used for the dealer's residence;
C. A building located on the same property as the dealer's home that is not attached to the dealer's home.

Subp. 3. Small firearms dealer. "Small firearms dealer" means a firearms dealer who operates a retail business at which no more than 50 pistols are displayed for sale at any time.

Subp. 4. Large firearms dealer. "Large firearms dealer" means a firearms dealer who operates a retail business at which more than 50 pistols are displayed for sale at any time.

Subp. 5. Pistol. "Pistol" means a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (1) from which may be fired or ejected one or more solid projectiles by the action of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. Pistol does not include a device firing or ejecting a shot measuring .18 of an inch in diameter and commonly known as a BB gun, a scuba gun, a stud gun or nail gun used in the construction industry, or children's pop guns or toys.

Subp. 6. Displayed for sale. "Displayed for sale" means a pistol available for sale to customers that is either displayed or stored at the dealer's place of business. This does not include pistols temporarily stored at the place of business for repair or servicing.

7504.0200 Security measures for small firearms dealers. After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steel gun cabinet, or on a locked, hardened steel rod or cable that runs through the pistols' trigger guards.

A. The door to a safe must be recessed or flush and made of at least seven gauge steel. The body of a safe must be made of hot rolled steel of at least 12 gauge thickness. A safe must have an Underwriters Laboratory (UL) listed Group 2 combination lock.
B. A rod or cable used to secure a pistol must be hardened steel. The rod or cable must be at least one-fourth inch in diameter. The rod or cable must be secured with a hardened steel lock which has a shackle that is protected or shielded from cutting or driving.
C. No more than five pistols may be affixed to any one rod or cable.
D. The safe, gun cabinet, rod, or cable must be anchored to prevent its removal from the premises.
E. The door to a gun cabinet must be made of at least 14 gauge steel. The door may be recessed, flush, or overlapping. If the door is flush or overlapping, it must be designed to conceal the location of the locking bolts and hinges from the outside of the cabinet. The door must be reinforced and must be attached to the body by one continuous hinge or at least two hinges that are located either inside or outside the body. If the hinges are located outside the body of the safe, the safe must have an interior locking system consisting of permanent or moveable locking pins securing the door from the inside when it is in the closed position. The body of a gun cabinet must be made of hot rolled steel of at least 14 gauge thickness and must be continuously welded to create a single solid structure. A gun cabinet must have either a UL-listed group two combination lock or a UL-listed key lock that is encased in a high security, drill-resistant lock body. A key lock must use a restricted key that can only be duplicated by a factory-authorized source.
7504.0300 SECURITY MEASURES FOR LARGE FIREARMS DEALERS  A large firearms dealer shall comply with the requirements of items A to H or the requirements of part 7504.0200, items A to D, except that a large firearms dealer shall not use a gun cabinet.

A. The dealer shall install vehicle-resistant barriers to prevent the penetration of the dealer's place of business by a motor vehicle. The barriers must protect any areas that are accessible to vehicles and that have a free run distance of 50 feet or more.

B. The dealer shall secure each perimeter doorway according to sub-item (1), (2), or (3):

1. The dealer may use a windowless steel security door equipped with both a dead bolt and a doorknob lock.
2. The dealer may use a windowed metal door that is equipped with both a dead bolt and a doorknob lock. The window must be made of one-half inch polycarbonate or glass reinforced with metal mesh. If the window has an opening of five inches or more measured in any direction, then the window must be covered with steel bars or metal grating affixed to the interior of the door.
3. The dealer may use a metal grate that is padlocked and affixed to the premises independent of the door and door frame.

C. A dealer shall cover all windows with steel bars that are anchored internally to the wall joists.

D. A dealer shall secure a room where pistols are stored after hours with a locked steel door or metal grating.

E. A dealer shall not display pistols within four feet of a window unless the window is covered by metal screen that is anchored internally to the wall joists.

F. A dealer shall secure heating, ventilating, air conditioning, and service openings with steel bars, metal grating, or an alarm system as described in part 7504.0400.

G. A dealer shall illuminate each perimeter doorway so that the doorway is clearly visible after dark from a distance of 100 feet.

H. Metal grates and grating must have spaces no larger than six inches wide along any diagonal. Metal screen must have spaces no larger than three inches wide along any diagonal. Steel bars must be no more than six inches apart on center.

7504.0400 ELECTRONIC SECURITY FOR ALL FIREARMS DEALERS  A firearms dealer shall install and maintain an electronic security system that meets the requirements of items A to I:

A. The system must emit an audible alarm at the dealer's place of business when triggered.

B. The system must transmit a silent alarm when triggered. The silent alarm must be transmitted directly to a public safety answering point where this service is available. If no local public safety answering point provides an alarm-monitoring service, the silent alarm must automatically transmit a violation signal to a UL-approved monitoring station that must notify an appropriate law enforcement agency within two minutes of receiving the violation signal.

C. A large firearms dealer's system must include a backup silent alarm that transmits the alarm as described in item B if the primary transmission system fails.

D. The system must include a line cut alarm unless the incoming phone lines are hardened by routing them through underground conduit or similar protective barrier. The line cut alarm must be triggered when the phone line is cut, and must emit an audible alarm.

E. The system must monitor all exterior doors, windows, and other entry points, including but not limited to heating, ventilating, air conditioning, and customer and service entry points.

F. The system must use motion and heat sensors to monitor pistol storage areas and alarm control boards.

G. The system must monitor all interior doors that provide access to pistol storage areas.

H. All components of the system must be UL-approved.

I. All components of the system must be independently tested and certified to comply with this part at least once per year. The test must be conducted by an alarm system installation or monitoring firm or a person approved by the alarm system manufacturer or distributor. Written certification must be available for inspection by a local law enforcement authority.

7504.0500 INSPECTION BY LAW ENFORCEMENT  A large firearms dealer shall make its place of business available to local law enforcement officials during normal business hours for the purpose of verifying compliance with this chapter. A local law enforcement official is not required to give advance notice of an inspection.

7504.0600 EXEMPTIONS  Upon written request from a firearms dealer, the commissioner of public safety shall grant an exemption from compliance with a requirement of this chapter if the following conditions are met:

A. The request identifies the requirement from which the dealer wants to be exempt.

B. The request identifies security measures used in lieu of complying with the requirement.

C. The requirement is not specifically set out in statute; and

D. The commissioner determines that the security measures will provide a degree of security similar to the degree of security provided by the requirement or will cause a delay in the unauthorized entry into the dealer's business premises equivalent to the delay provided by complying with the requirement.

[Current through 2010]
licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall timely comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

Title 75. Regulation of Trade, Commerce and Investments

Chapter 67. Loans

Article 7. Mississippi Pawnshop Act

75-67-305. Information Required on pawn ticket

(1) At the time of making the pawn or purchase transaction, the pawnbroker shall enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

(a) A clear and accurate description of the property, including the following:

(i) Brand name;

(ii) Model number;

(iii) Serial number;

(iv) Size;

(v) Color, as apparent to the untrained eye;

(viii) In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length and finish; and

(ix) Any other unique identifying marks, numbers, names or letters;

(b) The name, residence address and date of birth of pledgor or seller;

(c) Date of pawn or purchase transaction;

(d) Driver’s license number or social security number or Mississippi identification card number, as defined in Section 45-35-1, Mississippi Code of 1972, of the pledgor or seller or identification information verified by at least two (2) forms of identification, one (1) of which shall be a photographic identification;

(e) Description of the pledgor including approximate height, sex and race;

(f) Amount of cash advanced;

(g) The maturity date of the pawn transaction and the amount due; and

(h) The monthly rate and pawn charge. Such rates and charges shall be paid in accordance with the rules and regulations of the Board of Governors of the Federal Reserve.

(2) Each pawn or purchase transaction document shall be consecutively numbered and entered in a corresponding log or record book. Separate logs or record books for pawn and purchase transactions shall be kept.

(3) Records may be in the form of traditional hard copies, computer printouts or magnetic media if readily accessible for viewing on a screen with the capability of being promptly printed upon request.

(4) Each licensee shall maintain a record which indicates the total number of accounts and the total dollar value of all pawn transactions outstanding as of December 31 of each year.

Title 97. Crimes

Chapter 37. Weapons and Explosives

97-37-1. Concealment of deadly weapon

(1) Except as otherwise provided in Section 45-9-101, any person who carries, concealed in whole or in part, any pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffer or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any firearm, shall be subject to conviction for the following:

(a) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.

(b) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.

(c) By confinement in the custody of the department of corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.

(d) By confinement in the custody of the department of corrections for not less than one (1) year nor more than ten (10) years, for any person previously convicted of any felony who is convicted under this section.

(2) It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed in whole or in part within the confines of his own home or his place of business, or any real property associated with his home or business or within any automobile nor shall it be a violation of this section for any person to carry a firearm or deadly weapon concealed in whole or in part if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal sports activity which normally involves the use of a firearm or other weapon.

97-37-3. Forfeiture; sale at auction

(1) Any weapon used in violation of Section 97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.

(2)(a) If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.

(b) A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections 19-3-85 and 21-39-21 to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.

97-37-5. Possession by felon

(1) It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffer or silencer for any firearm unless such person has received a pardon for such felony, has received a receipt from the director of public safety pursuant to Section 925(c)(2) of Title 18 of the U.S. Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.

(2) Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the Mississippi Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.

(3) A person who has been convicted of a felony under the laws of this state may apply to the court in which he was convicted for a certificate of rehabilitation. The court may grant such certificate in its discretion, provided that such person has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his sentence and upon the finding of the court that he will not be likely to act in a manner dangerous to public safety.

97-37-7. Permits for certain employees; fees; fingerprint checks; renewal; reciprocal agreements for out-of-state law enforcement officers

(1)(a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, workmen, railroad and similar employees of companies engaged in business of transporting money, securities or other valuables, while actually engaged in the performance of their duties and authorized by law, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars ($100.00) to the Department of Public Safety.

(b) No permit shall be issued to any person who has ever been convicted of a felony under the laws of this state or any other state or of the...
United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history check. The department shall charge a fee which includes the enrolment required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks in the possession of the enrolment file set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and Federal Bureau Investigation name check conducted by the Mississippi Safety Patrol at the request of the Department of Public Safety.

(c) A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar ($15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.

(d) (i) No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars ($50.00); provided, however, that an honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars ($15.00).

(ii) Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(iii) A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section.

(2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigating officers employed by the Attorney General, district attorneys, legal assistants to district attorneys, criminal investigators employed by the district attorneys, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their official duties, knowingly to have any handgun in such person's possession or to carry, whether openly or concealed, any internal revenue service which uses firearms as a part of such performance; or

(iv) Hunting or trapping pursuant to a valid license issued to such person by the Department of Wildlife, Fisheries and Parks or as otherwise allowed by law; or

(v) The possession by any handgun in such person's possession being unloaded to or from any activity described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (a) and paragraph (b).

(b) Any person under the age of eighteen (18) years who is on real property under the control of an adult and who has the permission of such adult to carry a handgun.

(3) This section shall not apply to any person who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home or place of domicile and any such person shall not be held criminally liable for such use of a handgun or other firearm.

"Handgun" means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, is less than sixteen (16) inches.

97-37-15. Parent not to permit child to or carry concealed weapon; penalty Any parent, guardian or custodian who shall knowingly suffer or permit any child under the age of eighteen (18) years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than One Thousand Dollars ($1,000.00), and shall be imprisoned not more than six (6) months in the county jail. The provisions of this section shall not apply to a minor who is exempt from the provisions of Section 97-37-14.

97-37-17. Weapons possession on educational property (1) The following definitions apply to this section:

(a) "Educational property" shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity, and shall include the facilities and property of the Oakley Youth Development Center operated by the Department of Human Services; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.

(b) "Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, or a person in the custody of the Oakley Youth Development Center operated by the Department of Human Services, whether the person is an adult or a minor. Any person who shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.

(d) "Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.

(ii) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the proper body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or

(iii) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group under 501(c)(3) as determined by the federal...
(a) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

(b) Armed forces personnel of the United States military or the militia and national guard, law enforcement personnel, any private police employed by an educational institution, state militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, and any law enforcement personnel or guard at a state juvenile training school, when acting in the discharge of their official duties;

(c) Home schools as defined in the compulsory school attendance law, Section 37-13-91;

(d) Competitors while participating in organized shooting events;

(e) Any person as authorized in Section 97-37-32, while in the performance of his official duties;

(f) Any mail carrier while in the performance of his official duties;

(g) Any weapon not prescribed by Section 97-37-1 which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section 43-21-105, which is used to bring or pick up a student at a school building, school property or school function.

(8) All schools shall post in public view a copy of the provisions of this section.

97-37-31. Silencers and armor piercing ammunition; prohibition and registration

It shall be unlawful for any person, persons, corporation or manufacturing establishment, not duly authorized under federal law, to make, manufacture, sell or possess any instrument or device which, if used on firearms of any kind, will arrest or muffle the report of said firearm when shot or fired or armor piercing ammunition as defined in federal law. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or imprisoned not exceeding six (6) months, or both.

(5) It shall be a misdemeanor for any person to cause, encourage, or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, ledged cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or imprisoned not exceeding six (6) months, or both.

(4) It shall be a misdemeanor for any person to possess or carry, whether openly or conceal ed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or imprisoned not exceeding six (6) months, or both.

(3) It shall be a felony for any person to cause, encourage, or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

MISSOURI
Mo. REV. STAT.
Title III. Legislative Branch
Chapter 21. General Assembly
21.750. Firearms legislation preemption by general assembly, exceptions—limitation on civil recovery against firearms or ammunition manufacturers, when, exception
The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future legislation, rule, regulation, or custom which has in any manner or form adopted any regulation in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

(2) No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

(3) Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RMSO, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms or any design, prediction, provided such ordinance complies with the provisions of section 252.243, RMSO.

(4) The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

(5) No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by a firearm or dealer, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which such persons reside.

Title XXXVIII. Crimes and Punishment; Peace Officers and Public Defenders

Chapter 571. Weapons Offenses

571.010. Definitions. As used in this chapter, the following terms shall mean:

(1) "Antique, curio or relic firearm," any firearm which cannot be detonated by the test principal of act Article 18, U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

(a) Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured before 1898, said ammunition not being manufactured any longer, this includes any matchlock, wheel-lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

(b) Curio or relic firearm is any firearm deriv ing value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war; ...

(2) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, was incident to using an explosive weapon; ...

(3) "Deface", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(4) "Detonator", any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating-cord delay connectors;

(5) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and high explosives, powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

(6) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive;

Title XXVI. Trade and Commerce

Chapter 407. Merchandising Practices

407.500. Missouri residents may purchase rifles and shotguns in contiguous states, when Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

407.505. Residents of contiguous states may purchase rifles and shotguns in Mis- souri, when Residents of a state contiguous to the state of Missouri may purchase rifles and shotguns in the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which such persons reside.

Chapter 571. Weapons Offenses

571.010. Definitions. As used in this chapter, the following terms shall mean:

(1) "Antique, curio or relic firearm," any firearm which cannot be detonated by the test principal of act Article 18, U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

(a) Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured before 1898, said ammunition not being manufactured any longer, this includes any matchlock, wheel-lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

(b) Curio or relic firearm is any firearm deriv ing value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war; ...

(2) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, was incident to using an explosive weapon; ...

(3) "Deface", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(4) "Detonator", any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating-cord delay connectors;

(5) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and high explosives, powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

(6) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive;
ful dramatic performance; but if the weapon is a type described in subdivision (1) or (4) of subsection 1 of this section it must be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, machine gun, or firearm silencer may be possessed, manufactured, transported, sold, or transferred as a curio, or an ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an antique firearm as defined in subdivision 3 of section 571.080, or unless such firearm has been designated a collectors item by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a).

3. A crime pursuant to subdivision (1), (2), (3), (4), (5) or (6) of subsection 1 of this section is a class C felony; a crime pursuant to subdivision (7), (8) or (9) of subsection 1 of this section is a class A misdemeanor.

571.030. Unlawful use of weapons -- exceptions -- penalties

1. A person commits the crime of unlawful use of weapons if he or she knowingly:
   (1) Carries concealed upon him or about his or her person and in such a manner as to constitute a blackjack or any other weapon readily capable of lethal use; or...
   (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or...
   (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials, the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following:
   (1) All state, county and municipal peace officers, and their domestic partner or member of the armed forces or national guard while performing his or her official duty; or
   (2) Warden, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime.
   (3) Members of the armed forces or national guard while performing their official duty;
   (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
   (5) Any person whose bona fide duty is to execute process, civil or criminal;
   (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921;
   (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
   (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the board of directors established by the board of police commissioners under section 84.340, RSMo; and...
   (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or an unloaded state with ammunition not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which case it is a class B misdemeanor, or subdivision (5) or (10) of subdivision 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony...

571.050. Possession of defaced firearm, penalty

1. A person commits the crime of defacing a firearm if he knowingly defaces any firearm.
2. Defacing a firearm is a class A misdemeanor.

571.060. Unlawful transfer of weapons, penalty

1. A person commits the crime of unlawful transfer of weapons if he:
   (1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such firearm or ammunition;
   (2) Knowingly sells, leases, loans, gives away or delivers a black jack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the armed forces or national guard while performing his official duty;
   (3) Recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class D felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

571.070. Possession of concealable firearm unlawful for certain persons -- penalty -- exception

1. A person commits the crime of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
   (1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or
   (2) Such person is a fugitive from justice, is habitually an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. A lawful possession of a firearm is a class C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

571.080 Transfer of concealable firearms

A person commits the crime of transfer of a concealable firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).

571.095. Confiscation of firearms and ammunition, when -- exceptions

Upon conviction for or attempting to commit a felony in violation of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the penalty provided by law for such offense, order the confiscation and disposal or sale or trade to a licensed firearms dealer of firearms and ammunition used in the commission of the crime or found in the possession or under the immediate control of the defendant at the time of his arrest or her arrest. The proceeds of any sale or gains from trade shall be the property of the police department or sheriff’s department responsible for the defendant’s arrest or the confiscation of the firearms and ammunition. If such firearms or ammunition are not the property of the convicted felon, they shall be returned to their rightful
Title 45. Crimes
Chapter 6. Offenses Against Property
Part 3. Theft and Related Offenses

45-6-326 Obscuring identity of machine. (1) A person commits the offense of obscuring the identity of a machine if the person: (a) removes, defaces, covers, alters, destroys, or otherwise obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any machine, vehicle, electrical device, or firearm with the purpose to conceal, misrepresent, or transfer any machine, vehicle, electrical device, or firearm; or (b) possesses with the purpose to conceal, misrepresent, or transfer any machine, vehicle, device, or firearm knowing that the serial number or other identification number or mark has been removed or otherwise obscured. (2) A person convicted of obscuring the identity of a machine shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. (3) The fact of possession or transfer of any machine, vehicle, electrical device, or firearm described in subsection (1) creates a presumption that the person knew the serial number or other identification number or mark had been removed or otherwise obscured.

Chapter 8. Offenses Against Public Order
Part 3. Weapons

45-8-301. Uniformity of interpretation. Sections 45-8-302 through 45-8-305 and 45-8-307 must be interpreted and construed to effectuate their general purpose to make uniform the law of those states that enact them.

45-8-302. Definitions. In 45-8-303 through 45-8-307, the following definitions apply: (1) "Crime of violence" means any of the following crimes or an attempt to commit any of the crimes: any forcible felony, robbery, burglary, and criminal trespass. (2) "Machine gun" means a firearm designed to discharge more than one shot by a single function of the trigger. (3) "Person" includes a firm, partnership, association, or corporation.

45-8-303. Possession or use of machine gun for offensive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years. 45-8-305. Presumption of offensive or aggressive purpose. A conviction or use of a machine gun must be presumed to be for an offensive or aggressive purpose when the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any court of record, state or federal, in the United States of America or its territories or insular possessions who is subject to an additional sentence under 46-18-221. 45-8-307. Exceptions. Sections 45-8-301 through 45-8-305 and this section do not prohibit or interfere with: (1) the manufacture of machine guns for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision of the United States or transportation required for that purpose; (2) the possession of a machine gun for scientific purpose or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; (3) the possession of a machine gun for a purpose manifestly not aggressive or offensive.

45-8-313. Unlawful possession of firearm by convicted person. (1) A person commits the offense of unlawful possession of a firearm by a convicted person if the person purposely or knowingly purchases or possesses a firearm after the person has been convicted of: (a) a felony for which the person received an additional sentence under 46-18-221; or (b) an offense under the law of another state or of the United States that is equivalent to an offense that when committed in Montana is subject to an additional sentence under 46-18-221. (2) A person convicted of unlawful possession of a firearm by a convicted person shall be imprisoned in a state prison for not less than 2 years or more than 10 years. (3) A person who has been issued a permit under 45-8-314 may not be convicted of a violation of this section.

45-8-314. Lifetime firearms supervision of certain convicted persons. (1) For the purposes of rehabilitation and public protection, a person convicted of an offense referred to in 45-8-313 shall, as part of the sentence imposed, be sentenced to life supervision by the state for the purpose of restricting the person's right to purchase and possess firearms. Supervision by a probation or parole officer is not required but may be imposed by the court. "Supervision" means that the person may not violate 45-8-313 and must comply with other state and federal law restrictions on the purchase and possession of firearms. (2)(a) A person subject to subsection (1) may apply to the district court for the county in which the person resides for a permit to purchase and possess one or more firearms. The person shall show good cause for the possession of each firearm sought to be purchased and possessed. The grant or denial of the application does not prevent the person from making another application, except that if an application is denied, another application may not be made for the next 12 months.
(b) The application must contain the following information:

(i) the person's full name and any past or present aliases;
(ii) the person's date and place of birth;
(iii) the person's address;
(iv) the person's occupation;
(v) the make and model of each firearm sought to be purchased and possessed;
(vi) the date and place of each conviction of an offense referred to in 45-8-313, the name of the offense, the state and county in which the offense occurred, the sentence imposed, the place or places of incarceration, and the date of discharge from supervision for the last offense;
(vii) the name and business address of the person's last probation or parole officer; and
(viii) any other information considered necessary by the court.

(c) The person shall, at the time of filing the application, copy to the county attorney and county sheriff.

(d) The county attorney or county sheriff shall file a written objection with the court. If no objection is filed, the court may grant the permit if it finds that the person has shown good cause to purchase and possess the firearm or firearms listed in the application. If an objection is filed, a hearing shall be held within 60 days after the filing of the objection. If the court first finds that the person has shown good cause to purchase and possess the firearm or firearms listed in the application and that, but for the objection, the court would have granted a permit, the court shall decide whether the objection is valid and overrides the good cause showing and requires denial of the permit.

45-8-315. Definition. "Concealed weapon" means any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.

45-8-332. Definitions. (1) "Destructive device", as used in this chapter, includes but is not limited to the following weapons:

(a) A projectile containing an explosive or incendiary material or any other similar chemical substance, including but not limited to that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(b) A bomb, grenade, explosive missile, or similar device or a launching device therefor;

(c) A weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition other than a shotgun or shotgun ammunition;

(d) A rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch or a launching device therefor and a rocket, rocket-propelled projectile, or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;

(e) A breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) "Explosive," as used in this chapter, means any explosive defined in rules adopted by the department of justice pursuant to 50-3-102(3). The term includes, but is not limited to:

45-8-333 Reckless or malicious use of explosives. A person who recklessly or maliciously uses, handles, or has in his person's possession any blasting powder, giant or Hercules powder, giant caps, or other highly explosive substance through which any human being is intimidated, terrified, or endangered is guilty of a misdemeanor.

45-8-334 Possession of destructive device. (1) A person who, with the purpose to commit a felony, has in his person's possession any destructive device on a public street or highway, in or near any theater, hall, school, college, church, hotel, public building, or private habitation, in or near any aircraft, railway passenger train, car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of the offense of possession of a destructive device.

(2) A person convicted of the offense of possession of a destructive device shall be imprisoned in the state prison for a period of not more than 10 years or be fined an amount of not more than $50,000, or both.

45-8-335 Possession of explosives. (1) A person commits the offense of possession of explosives if the person possesses, manufactures, transports, buys, or sells an explosive compound, flammable material, or timing, detonating, or similar device for use with an explosive compound or incendiary device and:

(a) has the purpose to use the explosive, material, or device to commit an offense; or

(b) knows that another has the purpose to use the explosive, material, or device to commit an offense.

(2) A person convicted of the offense of possession of explosives shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed $50,000, or both.

45-8-336 Possession of silencer. (1) A person commits the offense of possession of a silencer if the person possesses, manufactures, transports, buys, or sells a silencer and has the purpose to use it to commit an offense or knows that another person has such a purpose.

(2) A person convicted of the offense of possession of a silencer is punishable by imprisonment in the state prison for a term of not less than 5 years or more than 30 years or by a fine of not less than $1,000 or more than $20,000, or both.

45-8-337 Possession of unregistered silencer or of bomb or similar device prima facie evidence of unlawful purpose. Possession of a silencer that is not registered under federal law or of a bomb or similar device charged or fitted with one or more explosives is prima facie evidence of a purpose to use the same to commit an offense.

45-8-340 Sawed-off firearm -- penalty. (1) A person commits the offense of possession of a sawed-off firearm if the person knowingly possesses a rifle or shotgun that when originally manufactured had a barrel length of:

(a) 16 inches or more and an overall length of 26 inches or more in the case of a rifle; or

(b) 18 inches or more and an overall length of 26 inches or more in the case of a shotgun; and

(c) the firearm has been modified in a manner so that the barrel length, overall length, or both, are less than specified in subsection (1)(a) or (1)(b).

(2) The barrel length is the distance from the muzzle to the rear-most point of the chamber.

(3) This section does not apply to firearms possessed:

(a) by a peace officer of this state or one of its political subdivisions;

(b) by an officer of the United States government authorized to carry weapons;

(c) by a person in actual service as a member of the national guard;

(d) by a person called to the aid of one of the persons named in subsections (3)(a) through (3)(c); or

(e) for educational or scientific purposes in which the firearms are incapable of being fired;

(f) by a person who has a valid federal tax stamp for the firearm, issued by the bureau of alcohol, tobacco, and firearms; or

(g) by a bona fide collector of firearms if the firearm is a muzzle loading, sawed-off firearm manufactured before 1900.

(4) A person convicted of the offense of possession of a sawed-off firearm shall be fined not less than $200 or more than $500 or be imprisoned in the county jail for not less than 5 days or more than 6 months, or both, upon a first conviction. If a person has one or more prior convictions under this section or one or more prior felony convictions under a law of this state, another state, or the United States, the person shall be fined an amount not to exceed $1,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both.

45-8-344. Use of firearms by children under fourteen prohibited -- exceptions. It is unlawful for a parent, guardian, or other person having charge or custody of a minor child under the age of 14 years to permit the minor child to carry or use in public any firearms, except when the child is accompanied by a person having charge or custody of the child or under the supervision of a firearms safety instructor or an adult who has been authorized by the parent or guardian.

45-8-345. Criminal liability of parent or guardian -- prosecution. (1) Any parent, guardian, or other person violating the provisions of 45-8-344 shall be guilty of a misdemeanor.

(2) The county attorney, on complaint of any person, must prosecute violations of 45-8-344.

45-8-351. Restriction on local government regulation of firearms. (1) Except as provided in subsection (2), no county, city, town, consolidated local government, or other local government unit may prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in possession, transportation, use, or concealment) of any firearm, rifle, shotgun, handgun, or concealed handgun.

(2) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the
possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained herein shall allow any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, nor shall anything contained herein prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

45-8-360. Establishment of individual licensure. In consideration that the right to keep and bear arms is protected and reserved to the people in Article II, section 12, of the Montana constitution, a person who has not been convicted of a violent, felony crime and who is lawfully able to own or to possess a firearm under the Montana constitution is considered to be individually licensed and verified by the state of Montana within the meaning of the provisions regarding individual licensure and verification in the federal Gun-Free School Zones Act.

45-8-361. Possession or allowing possession of weapon in school building – exceptions - penalties - seizure and forfeiture or return authorized - definitions.

(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3) A person convicted under this section shall be fined an amount not to exceed $500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b)(i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(4) As used in this section:

(a) "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nunchucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense.

Part 4. Montana Street Terrorism Enforcement and Prevention Act

45-8-406. Supplying of firearms to criminal street gang.

(1) A person commits the offense of supplying firearms to a criminal street gang if the person purposely or knowingly supplies, sells, or gives possession or control of any firearm to another, and the person has actual knowledge that the other person will use the firearm to commit an offense enumerated in 45-8-405 while actively participating in any criminal street gang whose members engage in a pattern of criminal street gang activity.

(2) Subsection (1) does not apply to a person who is convicted as a principal to the offense committed by the person to whom the firearm was supplied, sold, or given.

(3) A person convicted of the offense of supplying firearms to a criminal street gang shall be imprisoned in the county jail for a term not to exceed 1 year or be fined an amount not to exceed $1,000, or both.

[Current through all 2009 legislation]
(a) From a person related to such juvenile within the second degree of consanguinity or affinity if the transfer of physical possession of such firearm does not occur until such time as express permission has been obtained from the juvenile’s parent or guardian;
(b) For a legitimate and lawful sporting purpose, or
(c) Who is under direct adult supervision in an appropriate educational program.

(3) This section applies to the transfer of a handgun except as specifically provided in subsection (2) of section 28-1204.

(4) Unless a transfer of a firearm to a juvenile is a Class III felony.

28-1204.02. Confiscation of firearm; disposition. Any firearm in the possession of a person in violation of section 28-1204 or 28-1204.01 shall be confiscated by a peace officer or other authorized law enforcement officer. Such firearm shall be held by the agency employing such officer until it no longer is required as evidence.

28-1204.04. Unlawful possession of a firearm at a school; penalty; exceptions; confiscation of certain firearms; disposition.

(1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, in a vehicle or other resources program of such school, or at a school-sponsor sponsored event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training,
(b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor,
(c) firearms which may lawfully be possessed by a member of a college or university rifle team, within the scope of such person’s duties as a member of the team,
(d) firearms which may lawfully be possessed by a person employed by a college or university in this state, or by a person participating in any program or resources program of such college or university, within the scope of such person’s employment,
(e) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle, or
(f) a handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law. For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm until such time as it is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall upon the filing of a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation causing the confiscation, and contain a request for the destruction and disposal of such firearm in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the owner can show that the firearm was taken from him or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school. The court shall release the firearm to the owner of the firearm if the owner can show that the firearm was taken from him or her property or place of business unlawfully or without the knowledge and consent of the owner.

28-1205. Use of a deadly weapon to commit a felony; possession of a deadly weapon during the commission of a felony; penalty; separate and distinct offense; proof of possession.

(1)(a) Any person who uses a firearm, a knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state commits the offense of the use of a deadly weapon to commit a felony.
(b) Use of a deadly weapon, other than a firearm to commit a felony is a Class II felony.
(2)(a) Any person who possesses a firearm, a knife, brass or iron knuckles, or a destructive device during the commission of any felony which may be prosecuted in a court of this state commits the offense of possession of a deadly weapon during the commission of a felony.
(b) Possession of a deadly weapon, other than a firearm, during the commission of a felony is a Class III felony.
(c) Possession of a deadly weapon, which is a firearm, during the commission of a felony is a class II felony.
(3) Those offenses defined in this section shall be treated as separate and distinct offenses from the felony being committed, and sentences imposed under this section shall be consecutive to any other sentence imposed.

(4) Possession of a deadly weapon may be proved through evidence demonstrating either active or constructive possession of a firearm, a knife, brass or iron knuckles, or a destructive device during, immediately prior to, or immediately after the commission of a felony.

(5) For purposes of this section:
(a) Destructive device has the same meaning as in section 28-1213; and
(b) a firearm is a deadly weapon includes the discharge, employment, or visible display of any part of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony or communication to another indicating the presence of a firearm, a knife, brass or iron knuckles, any other deadly weapon, or a destructive device during, immediately prior to, or immediately after the commission of a felony, regardless of whether such firearm, knife, brass or iron knuckles, deadly weapon, or destructive device was discharged, actively employed, or displayed.

28-1206. Possession of a deadly weapon by a prohibited person; penalty.

(1)(a) Any person who possesses a firearm, a knife, or brass or iron knuckles and who has previously been convicted of a felony, who is a fugitive from justice, or who is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order, or
(b) Any person who possesses any firearm or brass or iron knuckles and who has been convicted within the past seven years of a misdemeanor crime of domestic violence, who is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order, or
(c) Any person who possesses any firearm or brass or iron knuckles who has been convicted of a misdemeanor crime of domestic violence within the past seven years of a misdemeanor crime of domestic violence, who is the subject of a current and validly issued domestic violence protection order and is knowingly violating such order.

(2) The felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3)(a) Possession of a deadly weapon which is not a firearm by a prohibited person is a Class III felony.
(b) Possession of a deadly weapon which is a firearm by prohibited person is a Class IB felony for a first offense and a Class II felony for a second or subsequent offense.

(4)(a)(i) For purposes of this section, misdemeanor crime of domestic violence means:
(A)(I) A crime that is classified as a misdemeanor under the laws of the United States or the District of Columbia or the laws of any state, territory, possession, or tribe;
(II) A crime that has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon, and
(III) A crime that is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship.

Page 289
in a dating relationship as defined in Section 28-323; or (B)(l) Assault in the third degree under Section 28-310, stalking under subsection (I) of Section 28-311.04, false imprisonment in the second degree under Section 28-315, or first offense domestic assault in the fourth degree under subsection (I) of Section 28-323 or any attempt or conspiracy to commit one of these offenses; and (II) The crime is committed by another against his or her spouse, his or her former spouse, a person with whom he or she has a child in common, whether or not they have been married or lived together at any time, or a person with whom he or she is or was involved in a dating relationship as defined in Section 28-323. (3) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence unless: (A) The offense was represented by counsel in the case or knowingly and intelligently waived the right to counsel in the case; and (B) In the case of a prosecution for a misdemeanor crime of domestic violence for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either: (I) The case was tried to a jury; or (II) The person knowingly and intelligently waived the right to have the case tried to a jury. For purposes of this section, subject to a current and validly issued domestic violence protection order pertains to a current court order that was validly issued pursuant to Section 28-311.09 or 42-924, or that meets or exceeds the criteria set forth in Section 28-311.10 regarding protection orders issued by a court in another state, territory, possession, or tribe. 28-1207. Possession of a defaced firearm; penalty. (1) Any person who knowingly possesses, receives, sells, or leases, other than by delivery to law enforcement officials, any firearm from which the manufacturer's identification mark or serial number has been removed, defaced, altered, or destroyed, commits the offense of possession of a defaced firearm. (2) Possession of a defaced firearm is a Class III felony. 28-1208. Defacing a firearm; penalty. (1) Any person who intentionally removes, defaces, covers, alters, or destroys the manufacturer's identification mark or serial number or other distinguishing numbers on any firearm commits the offense of defacing a firearm. (2) Defacing a firearm is a Class III felony. 28-1209. Failure to register tranquilizer guns; penalty. (1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns. (2) Failure to register tranquilizer guns is a Class III misdemeanor. 28-1210. Stolen firearm; prohibited acts; violation; penalty. Any person who possesses, receives, retails, or disposes of a stolen firearm knowing that it has been or believing that it has been stolen when the firearm is a gun of Class III felony unless the firearm is possessed, received, retained, or disposed of with intent to restore it to the owner. 28-1213. Explosives, destructive devices, other terms; defined. For purposes of sections 28-1213 to 28-1239, unless the context otherwise requires: (I) Person means any individual, corporation, company, association, firm, partnership, limited liability company, society, or joint-stock company; (II) Business enterprise means any corporation, partnership, limited liability company, company, association, or joint-stock company; (III) Explosive materials means explosives, blasting agents, and detonators; (IV) Explosives means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, including, but not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, ignited cord, igniters, display fireworks as defined in such section, gaseous, kerosene, naphtha, turpentine, benzene, acetone, ethyl ether, benzol, fixed ammunition and primers for small arms, safety fuses, or matches; ... (7)(a) Destructive devices means: (I) Any explosive, incendiary, chemical or biological weapon against any person or property, or (J) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or (ii) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7)(a)(i) of this section from which a destructive device may be readily assembled. (b) The term destructive device does not include: (i) any device which is neither designed nor redesigned for use as a weapon to be used against person or property, (ii) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device, (iii) surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to 10 U.S.C. 4684(2), 4685, or 4686, as such sections existed on March 7, 2006, (iv) any other device which the Nebraska State Patrol finds is not likely to be used as a weapon or is an antique, or (v) any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property; (8) Federal permittee means any lawful user of explosive materials who has obtained a federal user permit under 18 U.S.C. Chapter 40, as such chapter existed on January 1, 2010; and (9) Federal licensee means any importer, manufacturer, or dealer in explosive materials who has obtained a federal importers', manufacturers', or dealers' license under 18 U.S.C. Chapter 40, as such chapter existed on January 1, 2010; and (10) Smokeless propellants means solid propellants commonly called smokeless powders in the trade and used in small arms ammunition. 28-1214. Explosives control; applicability of sections. (1) Sections 28-1213 to 28-1239 shall apply to persons engaged in the manufacture, ownership, possession, storage, use, transportation, purchase, sale, or gift of explosive materials, except as may be otherwise indicated herein. (2) Sections 28-1213 to 28-1239 shall not apply to explosive materials while being transported in compliance with federal law or regulations, nor, except as may be otherwise provided in such sections, to the ownership, possession, storage, use, transportation, purchase, or sale of explosive materials by the armed forces of the United States, the National Guard, other reserve components of the armed forces of the United States, and the duly constituted police and firefighting forces of the United States and of the state and its political subdivisions in the lawful discharge of their official duties. 28-1215. Unlawful possession of explosive materials, first degree; exception; penalty. (1) Except as provided in subsection (2) of this section, any person who is ineligible to obtain a permit from the Nebraska State Patrol and who possesses or stores explosive materials commits the offense of unlawful possession of explosive materials in the first degree. (2) Subsection (1) of this section shall not be applicable to any person transporting explosive materials in accordance with section 28-1235 or to any person who has obtained a permit from the Nebraska State Patrol to store or use such explosive materials or, in the case of a business enterprise, a permit to purchase such explosive materials.
(3) Unlawful possession of explosive materials in the first degree is a Class IV felony. 28-1216. Unlawful possession of explosive materials, second degree; penalty. (1) Except as provided in subsection (2) of this section, any person who is eligible to obtain a permit from the Nebraska State Patrol or has valid educational, industrial, commercial, agricultural, or other legitimate need for a permit and who possesses or stores explosive materials without such a permit commits the offense of unlawful possession of explosive materials in the second degree. (2) The exclusions provided in subsection (2) of section 28-1215 shall be applicable to this section. (3) Unlawful possession of explosive materials in the second degree is a Class I misdemeanor. 28-1217. Unlawful sale of explosives; penalty. (1) Any person who knowingly and intentionally sells, transfers, issues, or gives any explosive materials to any person who does not display a valid permit issued by the Nebraska State Patrol authorizing the storage or use of such explosive materials or, in the case of a business enterprise, a permit to purchase such explosive materials commits the offense of unlawful sale of explosives. (2) Unlawful sale of explosives is a Class IV felony. 28-1220. Possession of a destructive device; penalty; permit or license for explosive materials; no defense. (1) Any person who possesses in his or her possession a destructive device, as defined in subdivision (7) of section 28-1213, commits the offense of possession of a destructive device. (2) A permit or license issued under any state or political subdivision thereof; and (3) The use of explosive materials in medicines and medicinal agents in forms prescribed by the official United States Pharmacopoeia or the National Formulary; (2) The sale, transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any state or political subdivision thereof; (3) Small arms ammunition and components thereof; (4) The storage or possession of or dealing in black powder used for recreation purposes by a sportsperson; (5) The storage or possession of or dealing in smokeless propellants, percussion caps, primers, and other components used by a sportsperson in the reloading of small arms ammunition; (6) Bona fide war trophies capable of exploding and innocently found explosive materials possessed under circumstances negating an intent to use the same unlawfully, but the owner thereof shall surrender such items forthwith to any nationally certified hazardous device technician or military explosive ordnance expert upon demand by a law enforcement officer or agency or fire department; and (7) The storage in minimum amounts necessary for lawful educational purposes of explosive materials to be used in the natural science laboratories of any state-accredited school system. Chapter 69. Personal Property Article 24. Handguns 69-2402. Terms, defined. For purposes of sections 69-2401 to 69-2425: (1) Antique handgun or pistol shall mean any handgun or pistol, including those with a matchlock, flintlock, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; (2) Criminal history record check shall include a check of the criminal history records of the Nebraska State Patrol and a check of the Federal Bureau of Investigation’s National Instant Criminal Background Check System; and (3) Handgun shall mean any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand. 69-2403. Sale, lease, rental, and transfer; certificate required; exceptions. (1) Except as provided in section 69-2409, a person shall not purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with section 69-2404. Except as provided in section 69-2409, a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate. (2) The certificate shall not be required if: (a) The person acquiring the handgun is a licensed firearms dealer under federal law; (b) The handgun is an antique handgun; or (c) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency. (3) The transfer is a temporary transfer of a handgun and the transferee remains (i) in the line of sight of the transferor or (ii) within the premises of an established shooting facility; or (4) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent. (f) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or (g) The person acquiring the handgun is a peace officer as defined in section 69-2429. 69-2404. Certificate; application; fee. Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief of police or sheriff of the applicable place of residence for a certificate. The application may be made in person or by mail. The application form and certificate shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall include the applicant’s full name, address, date of birth, and citizenship. If the applicant is not a United States citizen, the application shall include the applicant’s place of birth and his or her alien admission number. If the application is made in person, the applicant shall also present a current Nebraska motor vehicle operator’s license, state identification card, or military identification card, or if the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the applicant through such a license or card. An applicant shall receive a certificate if he or she is over twenty-one years of age or older and is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922. A fee of five dollars shall be charged for each application for a certificate to cover the cost of a criminal history record check. 69-2405. Application; chief of police or sheriff; duties; immunity. Upon the receipt of an application for a certificate, the chief of police or sheriff shall issue a certificate or deny a certificate and furnish the applicant the specific reasons for the denial in writing. The chief of police or sheriff shall be permitted up to three days in computing the three-day period to determine whether the applicant is prohibited by law from purchasing or possessing a handgun. If the certificate or denial is mailed to the applicant, it shall be mailed to the applicant’s address by first-class mail within the three-day period. If it is determined that the purchase or possession of a handgun by the applicant would be in violation of applicable federal, state, or local law, the chief of police or sheriff shall deny the certificate. In computing the three-day period, the day of receipt of the application shall not be included and the last day of the three-day period shall be included. The three-day period shall expire at 11:59 p.m. of the third day unless it is a Saturday, Sunday, or legal holiday in which event the period shall run until 11:59 p.m. of the next day which is not a Saturday, Sunday, or legal holiday. No later than the end of the three-day period the chief of police or sheriff shall issue or deny such certificate and, if the certificate is denied, furnish the applicant the specific reasons for denial in writing. No civil liability shall arise to any law enforcement agency if such law enforcement agency complies with sections 69-2401, 69-2403 to 69-2408, and 69-2409. 69-2406. Certificate; denial or revocation; appeal; filing fee. Any person who is denied a certificate or whose certificate is revoked, or who has not been issued a certificate upon expiration of the three-day period may appeal within ten days of receipt of the denial or revocation to the county court of the county of the applicant’s place of residence. The applicant shall file with the court the specific reasons for the denial or revocation by the chief of police or sheriff and a filing fee of ten dollars in lieu of any other filing fee required by law. The court shall issue its decision within thirty days of the filing of the appeal. 69-2407. Certificate; contents; term; revocation. A certificate issued in accordance with section 69-2404 shall contain the holder’s name, address, and date of birth and the effective date of the certificate. A certificate shall authorize the holder to acquire any number of handguns during the period that the certificate is valid. The certificate shall be valid throughout the state and shall become invalid three years after its effective date. If the certificate is revoked, or if the holder has become disqualified for the certificate under section 69-2404, he or she may immediately revoke the certificate and require the holder to surrender the certificate immediately. Revocation may be appealed pursuant to section 69-2406. 
69-2408. False information on application; other violations; penalties; confiscation of handgun. Any person who willfully provides false information on an application form for a certificate under section 69-2404 shall, upon conviction, be guilty of a Class IV felony, and any person who intentionally violates any provision of sections 69-2401, 69-2403 to 69-2407, and 69-2409.01 shall, upon conviction, be guilty of a Class I misdemeanor. As a part of the judgment of conviction, the court may order the confiscation of the handgun.

69-2409. Automated criminal history files; legislative intent; system established. The Nebraska State Patrol shall maintain a data base required by this section. This information necessary to set up and maintain the data base shall be furnished by the Department of Health and Human Services. Such information shall be furnished pursuant to section 29-3702 shall not be retained in the data base maintained by the department on persons who have been discharged from those commitments more than five years previously. Any such information maintained or disclosed under this subsection shall not be privileged or intended to be not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 to 69-2423 with respect to such sale or delivery, the Nebraska State Patrol shall conduct the criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any importer, manufacturer, or dealer subject to this act shall be responsible for the prompt furnishing of such information as may be necessary for the Nebraska State Patrol to conduct the instantaneous background check pursuant to this section without reasonable belief that the named individual has submitted false information on an application form. The Nebraska State Patrol shall as soon as possible during the licensee's telephone call or by return telephone call (a) check its criminal history records and records maintained by the Federal Bureau of Investigation's National Instant Criminal Background Check System to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law; and (b) request of the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun or (ii) provide the licensee with a unique approval number.

(4) In the event of electronic failure or similar emergency beyond the control of the Nebraska State Patrol, the patrol shall immediately notify a requesting licensee of the reason for and estimated length of such delay. In any event, no later than the next business day the Nebraska State Patrol shall either (a) inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun or (b) provide the licensee with the approval number. If the licensee is not informed by the end of the next business day that the potential buyer is prohibited from receipt or possession of a handgun, and regardless of whether the unique approval number has been received, the licensee may complete the sale or delivery and shall not be deemed to be in violation of sections 69-2410 to 69-2423 with respect to such sale or delivery.

(5) A fee of three dollars shall be charged for each request of a criminal history record check required pursuant to section 69-2410, which amount shall be transmitted monthly to the Nebraska State Patrol. Such amount shall be for the purpose of covering the costs of the criminal history record check.

69-2412. Mental health treatment data base; created; disclosure; limitation; liability; prohibited act; violation; penalty. (1) For purposes of sections 69-2401 to 69-2425, the Nebraska State Patrol shall be furnished upon the patrol's request with only such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to state or federal law. Such information shall be furnished by the Department of Health and Human Services. The clerks of the various courts shall furnish to the Department of Health and Human Services, within thirty days after the order of commitment or finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-3702. The Department of Health and Human Services shall also maintain in the data base a listing of persons committed to treatment pursuant to section 29-3702. Information regarding the mental health treatment and commitments pursuant to section 29-3702 shall be notified to all licensees who receive unique approval numbers corresponding to such dates for not to exceed one year.

(2) Nothing in this section shall be construed to authorize the State to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other identification of licensees and potential buyers or transferees including persons not otherwise prohibited by law from the receipt or possession of handguns.
69-2413. Nebraska State Patrol; toll-free telephone number; personnel. The Nebraska State Patrol shall establish a toll-free telephone number which shall be operational seven days a week between 8 a.m. and 10 p.m. for purposes of responding to requests under section 69-2410. The Nebraska State Patrol shall employ and train such personnel as is necessary to expediently administer the provisions of sections 69-2410 to 69-2423.

69-2414. Records; amendment; procedure. Any person who is denied the right to purchase or receive a handgun as a result of procedures established by sections 69-2410 to 69-2423 may request amendment of the record pertaining to him or her by petitioning the Nebraska State Patrol. If the Nebraska State Patrol fails to amend the record within seven days, the person requesting the amendment may petition the county court of the county in which he or she resides for an order directing the patrol to amend the record. If the person proves by a preponderance of the evidence that the record should be amended, the court shall order the record be amended. If the record demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the Nebraska State Patrol shall destroy any records it maintains which are based on information derived from the criminal history record check.

69-2416. Licensed importer, manufacturer, or dealer; compliance not required; when. A licensed importer, manufacturer, or dealer shall not be required to comply with the provisions of subdivision (2) of section 69-2410 and sections 69-2411 to 69-2423, except:

(1) Unavailability of telephone service at the licensed premises due to (a) the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises due to the location of such premises or (b) the interruption of telephone service by reason of hurricane, flood, natural disaster, other act of God, war, riot, or other bona fide emergency or reason beyond the control of the licensee; or

(2) Failure of the Nebraska State Patrol to comply reasonably with the requirements of sections 69-2410 to 69-2423, except:

69-2417. Nebraska State Patrol; license; liability defense; when. Compliance with sections 69-2410 to 69-2423 shall be a defense by the Nebraska State Patrol and the licensee transferring a handgun in any cause of action under the laws of this state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer, of any handgun which has been shipped or transported in interstate or foreign commerce to any person who has been convicted in any court of any crime punishable by a term of more than one year.

69-2418. Instant criminal history record check; requirements; exemptions. Sections 69-2410 to 69-2423 shall not apply to:

(1) Any antique handgun or pistol;

(2) Any firearm which is a curio or relic as defined in 27 C.F.R. 478.11.

69-2419. Criminal history records; prohibited acts; violation; penalty. Any licensed importer, manufacturer, or dealer who knowingly and intentionally requests a criminal history record check from the Nebraska State Patrol for any purpose other than compliance with sections 69-2410 to 69-2423 or knowingly and intentionally disseminates any criminal history record check information to any person other than the subject of such information shall be guilty of a Class I misdemeanor.

69-2420. False statement; false identification; prohibited acts; violation; penalty. Any person who, in connection with the purchase, transfer, or attempted purchase of a handgun pursuant to sections 69-2410 to 69-2423, knowingly and intentionally makes any materially false oral or written statement or knowingly and intentionally furnishes any false identification intended or likely to deceive the licensee shall be guilty of a Class IV felony.

69-2421. Sale or delivery; violation; penalty. Any person who knowingly and intentionally sells or delivers a handgun in violation of sections 69-2401 to 69-2425 shall be guilty of a Class IV felony.

69-2422. Obtaining handgun for prohibited transfer; violation; penalty. For purposes of sections 69-2401 to 69-2425, any person who knowingly and intentionally obtains a handgun for the purposes of transferring it to a person who is prohibited from receipt or possession of a handgun by state or federal law shall be guilty of a Class IV felony.

69-2424. Rules and regulations. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 69-2401 to 69-2423.

69-2425. City or village ordinance; not preempted. Any city or village ordinance existing on September 6, 1991, shall not be preempted by sections 69-2401 to 69-2425.

69-2426. Dealers of firearms; distribution of information; Firearm Information Fund; created.

(1) Dealers of firearms shall distribute to all purchasers information developed by the Department of Health and Human Services regarding the dangers of leaving loaded firearms unattended around children.

(2) There is hereby created the Firearm Information Fund. Private contributions shall be credited to the State Treasurer to such fund for the implementation of the provisions of this section.

[Current through the 101st Legislature Second Regular Session 2010]

Lincoln Municipal Code

Title 9. Public Peace and Welfare

Chapter 9.36. Weapons

9.36.020. Minors Not to be Furnished with Firearms, Ammunition or Weapons.

(a) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, fencing piece, or other firearm, any ammunition or component thereof, or any pocket knife having a blade more than three and one-half inches in length; provided, it shall be lawful to sell, loan, or furnish shotguns or rifles, of a type commonly used for hunting, and any ammunition or component thereof for the same, to persons eighteen years of age or older.

(b) This section shall not apply to delivery or transfer of rifles or shotguns or ammunition or components thereof to a juvenile:

(1) By the juvenile’s parent or legal guardian for a legitimate and lawful sporting purpose; or

(2) Who is under direct adult supervision in an appropriate educational or competitive shooting program.

9.36.025. Firearms Offered for Sale at Retail; Access Restricted. It shall be unlawful for any person to display for sale at retail any firearm or firearms, or any ammunition for firearms or reloading components thereof, without such firearm or firearms, or ammunition for firearms or reloading components thereof, being secured so as to cause them to be inaccessible without the assistance of authorized sales personnel of the retailer.

9.36.030. Report of Sale of Firearms. Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale, or within three days after the sale, if the firearm or ammunition of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon.

9.36.090. Transporting Explosives; Port of Entry; Routes; Penalties. It shall be unlawful for any person, firm, or corporation to convey, or transport through any street, avenue, alley, or other public place within the city, any dynamite, nitroglycerine, gunpowder, guncotton, TNT, or any other explosive material, including fireworks of every nature or description, without first having stopped at a port of entry hereafter designated by the Department of the city of their intention to move said vehicle within or through the city and requesting a police escort. Such vehicle, or vehicles, shall follow such route, or routes, as may be designated to them by such police escort. The City Council shall, by resolution, designate ports of entry within all such areas.

9.36.100 Unlawful Possession of Firearms. (a) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years:

Neb. Rev. Stat. § 28-905; Fleeing in a vehicle to
Municipal Code § 9.16.180; Operating a motor
Rev. Stat. § 28-806; Public indecency or
28-709; Public indecency in violation of Neb.
Rev. Stat. § 28-323; Criminal
trespass in the first degree in violation of Neb.
Rev. Stat. § 28-520; Contributing to the delin-
quency of a child in violation of Neb. Rev. Stat. §
28-709; Public indecency in violation of Neb.
Rev. Stat. § 28-806; Public indecency or indec-
cy in violation of the Uniform
Municipal Code § 10.14.280; Any violation of the Uniform
Controlled Substances Act as set forth in Neb.
Rev. Stat. §§ 28-401 to 28-456.01; Toxic
compounds, unlawful use in violation of Lincoln
Municipal Code §9.16.110; Criminal attempt in
violation of Neb. Rev. Stat. § 28-201 for any of the
state crimes set forth in this subsection (a).
(b) It shall be unlawful for any person to
possess any firearm within the corporate limits or on any property of the City of Lincoln outside
the corporate limits when that person has been
convicted of two or more of the following
offenses within the last ten years: Driving under
the influence of alcoholic liquor or drugs in
violation of Neb. Rev. Stat. § 60-6,196; Driving under
the influence of alcoholic liquor or drugs in
violation of Lincoln Municipal Code § 10.16.030;
Implied consent to submit to chemical test,
refusal in violation of Neb. Rev. Stat. § 60-6,197;
Chemical test, refusal in violation of Lincoln Municipal Code §10.16.040; or any conviction under a law of another state or municipality if at the
time of the conviction under said law the
offence for which the person was convicted
would have been a violation of Neb. Rev. Stat.
§§ 60-6,196 or 60-6,197.
(c) The provisions of this section shall not apply to (1) the issuance of firearms or the
possession by members of the Armed Forces of the United States, active or reserve, the National
Guard of this state, or Reserve Officers Training
Corps, when on duty or training, or peace officers or
other duly authorized law enforcement officers,
nor shall it apply to vehicles containing firearms
that are parked in locked enclosures or build-
ings, such as garages or other storage facilities.
9.36.110 Firearms in Unattended Motor
Vehicle; Unlawful. It shall be unlawful for any person to keep a firearm in an unattended motor
vehicle for a period in excess of twenty-four
hours.
The provisions of this section shall not apply to
members of the Armed Forces of the United States, active or reserve, the National
Guard of this state, or Reserve Officers Training
Corps, when on duty or training, or peace officers or
other duly authorized law enforcement officers,
nor shall it apply to vehicles containing firearms
that are parked in locked enclosures or build-
ings, such as garages or other storage facilities.
9.36.120 Firearm; Defined. For purposes of Sections 9.36.100 and 9.36.110 of the Lincoln
Municipal Code, "firearm" shall mean any weapon
which is designed to or may be readily con-
verted to fire or may be readily converted to
being a firearm, and shall not include any device or
frame or receiver of any such weapon
including, but not limited to, any pistol, revolver,
shotgun, or rifle. [Lincoln Municipal Code current through 2010]
19-382. Same - Appeals. A finding, and the action taken thereon, by the police chief at the conclusion of the hearing on the suspension or revocation of a permit issued under the provisions of this division may be appealed by the permittee to the city council upon written application to the council of appeal. Upon hearing such appeal, the council may reverse, change or modify the finding or action of the police chief. A permit shall remain in effect pending the outcome of such appeal.

Division 3. Firearms Exhibitions

19-383. Permit required. It shall be unlawful for any person to promote or sponsor a firearms exhibition without first obtaining a permit to do so from the permits and inspections division.

19-384. Federal license required. No permit shall be issued under the provisions of this division to an applicant who does not possess a valid, current license issued by the Alcohol, Tobacco, Tax and Firearms Division of the Internal Revenue Service of the Department of the Treasury of the United States.

19-385. Date of application for permit. No permit for a firearm exhibition shall be issued unless applied for more than five days before the date of the exhibition.

19-386. Permit fee. The fee for a firearms exhibition sponsor's permit shall be $10.00, and this fee shall be waived for retail and/or wholesale firearms dealers currently licensed to do business in the city.

19-387. Duration of exhibition. No firearms exhibition shall continue for more than three consecutive days.

19-388. Approval of permit. Before any permit is issued under the provisions of this division, the application therefor shall be approved by the police chief or someone under his direction.

19-389. Location. No person operating under the provisions of this division shall be allowed to do business in more than one place under one permit.

19-390. Transfer of permit. Permits issued under the provisions of this division shall not be transferable, nor shall they be assigned.

19-391. Duties of promoter. It shall be the duty of the person promoting or sponsoring a firearms exhibition to provide:

(a) Security personnel at each entrance to the exhibition, who shall check every firearm brought into the exhibition by the general public for the purpose of determining that the firearms are not loaded.

(b) Twenty-four-hour-per-day security at the site of the exhibition.

(c) A written notice to each exhibitor stating that all applicable federal, state, and local laws and ordinances must be observed.

(d) To the chief of police or his agent(s), a list of the names and addresses of all exhibitors.

19-392. Duties of exhibitors. Any person who is designated as an exhibitor under section 19-391(d), shall keep an accurate record of all firearms sold, purchased, bartered or traded for, regardless of their antiquity or value or whether said firearms are functioning or nonfunctioning. The record shall be kept in the English language and shall list the serial number, if any, the caliber or gauge, the manufacturer's name, and the name and address of the buyer or seller. Said record shall be made available to the police department, at the request of the police department, during the time of the firearms exhibition and for a period of two years thereafter.

19-392.1. Exhibition or sale of ammunition. It shall be unlawful to exhibit or sell any ammunition in an assembled state at a firearms exhibition.

19-392.2. Possession of concealable weapons. Notwithstanding any other provision of this Code, any exhibitor who is a nonresident of this city may possess concealable firearms without registering them with the chief of police. Such possession shall be legal only at the site of the exhibition, while in direct route to or from the exhibition and during the time of exhibition.

Chapter 20 Offenses

Article VII. Weapons

Division 1. Generally

20-191. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Concealable firearm: A firearm having a barrel less than 18 inches in length.

Firearm: Any instrument which releases a projectile by means of an explosive charge.

Machine gun: A firearm which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Paint ball gun: Any gun which releases a paint ball propelled by spring mechanism or compressed gas.

Stun gun: An electronic device that is powered by an internal power source, such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced shall be capable of disrupting a person's central nervous system and rendering him/her temporarily incapable of normal functioning. The electrical current may be introduced by means of direct pressure to the body from fixed electrodes on the electronic device and/or one or more electrodes attached to a length of wire and which, upon being fired from a firearm or mechanical device, strikes the human body.

Weapon: A firearm, stun gun or any other instrument the use of which is intended or likely to cause death or bodily injury.

20-193. Confiscation. As a part of the judgment of conviction of any person under this article, confiscation and destruction of the weapon shall be ordered by the court provided, in cases where the gun in question was reported stolen to the appropriate law enforcement agency, it shall be ordered returned to the lawful innocent owner if claimed by such person prior to the conviction. Claimed, as used herein means reporting a missing weapon by serial number or other identifiable marking to the appropriate law enforcement agency and then possessing a legal registration for the same weapon.

20-195. Possession or transportation of firearms.

(a) It shall be unlawful for any person to knowingly or purposely transport in any conveyance or in any other manner, or to possess off his own premises, any rifle, shotgun, air gun, air rifle, paint ball gun or machine gun unless the same is unloaded and contained in any enclosed gun case, or unloaded and broken down. The removal of the bolt from any such firearm or carrying the same in a holster type gun case without further breaking down such firearm shall not be deemed to be in compliance with the requirements of this section.

(b) The provisions of this section shall not be applicable to:

(1) Authorized law enforcement officers;

(2) The armed forces of the United States, including ROTC units and the National Guard in the performance of their duties;

(3) The carrying of concealed and uncased rifles in parades or using rifles in ceremonials;

(4) The possession of rifles, machine guns, or shotguns at shows or exhibits; or

(5) Any other lawful use, purpose or activity, including but not limited to skeet and trap shooting, target shooting at rifle ranges, hunter safety instruction conducted by qualified instructors, when such does not endanger public safety or are detrimental to public welfare; provided, however:

a. The prior approval of the police chief shall have been obtained for such use, purpose or activity; and

b. With respect to skeet and trap shooting ranges located or to be located in public parks, the final determination of the safety of the same shall be made by the city council.

20-198. Sale of firearm to minor; penalty.

(a) It shall be unlawful for any person to sell or otherwise furnish or deliver any firearm, component parts or ammunition to any individual who is known, or there is reason to believe that the individual is less than 18 years of age, and if the firearm, component parts or ammunition is a concealable firearm, to any person who has not reached the age of 21.

(b) Any person convicted under the provisions of this section shall be punished by a mandatory fine of $500.00 and by a mandatory imprisonment of six months.

20-199. Display of firearms or ammunition.

It shall be unlawful for any person purposely or knowingly to exhibit for sale or distribution in a display window or any other place which can be seen from a public thoroughfare any firearm or ammunition therefor.

20-200. Permit required for purchasing or renting firearm. It shall be unlawful for any person to sell or rent a concealable firearm to any person who has not obtained a written permit from the chief of police as provided for in this article.

20-201. Pawnning firearm. It shall be lawful for any person to pawn, pledge or store a concealable firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this article. No such firearm shall be returned to any person until such person has registered it as provided for in this article.

20-202. Report of sales and rentals of firearms. Any person engaged in the sale, pawning, exchange, loan, rental or delivery of firearms must preserve and furnish daily to the chief of police a record of any such transaction indicating the date of the transaction, a description of the firearm, including number, color, make, caliber, and all other identifying marks, and the name, address, age, height, complexion, color of hair, color of eyes, weight, and apparent deformities or peculiarities of the person with whom such transaction was had.

20-203. Possession of machine guns.

(a) It shall be unlawful for any person to possess any machine gun.
concealable firearm which has not been registered concealed firearm in its corporate name. However, the corporation may consent to a person possessing or controlling the corporation's registered concealable firearm only if that person: (1) Is a part-time or full-time employee of the corporation; (2) Is acting within the scope of his or her employment with the corporation; and, (3) Possesses a current identification card issued pursuant to section 20-208 upon satisfaction of the requirements of section 20-207.

20-252. Confiscation of firearm upon conviction of violation. As a part of the judgment of conviction of any person under this division, confiscation of a concealable firearm may be ordered by the court.

20-253. Application. (a) Any person desiring to register a concealable firearm shall make an application to the chief of police stating therein that he or she holds the qualifications to register a concealable firearm in accordance with this section. (b) The chief of police will conduct an investigation to determine if the applicant is qualified to register the firearm. A concealable firearm may not be registered to any person who: (1) Is currently the subject of an active protective order; (2) Has provided false information on the registration request. (3) Has a conviction of an offense listed below which has not been pardoned or set aside under state or federal law: a. Any felony. b. Carrying a concealed weapon or being a minor in possession of a concealable firearm; c. Within the previous five years, assault, child abuse, or violation of any provision of Chapter 20, article VII of the Omaha Municipal Code. (4) Has been convicted of any charge of domestic violence, including stalking or harassment. (5) Has a record of mental disorder which would show the applicant to be a danger to self or others. (6) Is a fugitive from justice in this state or any other jurisdiction. (7) Has been dishonorably discharged from the United States Armed Forces. (8) Is a user of, or addicted to, unlawful controlled substances. (9) Is not a citizen of the United States. (10) Is under the age of 21 years. (c) A registration fee of $10.00 shall accompany each application made to the chief of police for each concealable firearm. The fee will be applied to the administrative costs of processing the application.

20-254. Issuance or denial of permit. Upon the filing of an application for registration of a concealable firearm, the chief of police shall issue a permit or deny a permit and furnish the applicant the specific reasons for the denial in writing. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

20-255. Consideration of application by chief of police; custody of firearms pending decision on permit. The chief of police shall be permitted seven days in which to consider an application for registration of a concealable firearm. The chief of police may take custody of the concealable firearm in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

20-256. Disposition of firearm upon denial of permit. Any person whose application for registration of a concealable firearm is denied shall have ten days in which to provide for proper registration or other lawful disposition of the concealable firearm. During this time the chief of police shall maintain custody of the concealable firearm. If the applicant fails to provide for the proper registration or other lawful disposition of the concealable firearm within this time, it shall be presumed that the concealable firearm is an unregistered concealable firearm and the chief of police may apply to the municipal court for an order of confiscation.

20-257. Revocation. A firearm registration may be revoked when: (a) The applicant or registrant fails to hold all of the qualifications set forth in section 20-253 of the Omaha Municipal Code; or (b) The information furnished on the application for a firearm registration was false or misleading or no longer continues to be true. In the event revocation occurs under the provisions of the Omaha Municipal Code, the chief of police shall furnish the registrant with the specific reasons for the revocation in writing.

20-258. Appeals. Any person aggrieved by the denial or revocation of any registration issued under the provisions of this division may appeal therefrom to the administrative appeals board by complying with all of the provisions of section 2-171 et seq. of this Code.

[Omaha Municipal Code codified through Ord. No. 39147, enacted October 25, 2011]
or possess a firearm as an integral part of the adverse party's employment; and
(b) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision of subsection 1, subsection 2, or subsection 3 of section 2, or subsection 1 or subsection 2 of section 3, who is the owner or who is otherwise under control of a firearm is guilty of a gross misdemeanor. If the court includes any such provision in an extended order, the court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.

Title 15. Crimes and Punishment

Chapter 202. Crimes Against Public Health and Safety

Weapons

202.253. Definitions. As used in NRS 202.253 to 202.369, inclusive:
1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.
2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.
3. "Roadarm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.
4. "Motor vehicle" means every vehicle that is self-propelled.

202.254. Private person authorized to obtain background check on person who wishes to obtain firearm from him; fee.
1. A private person who wishes to transfer a firearm to another person may, before he transfers the firearm, request that the central repository for Nevada records of criminal history perform a background check on the person who wishes to acquire the firearm.
2. The person who requests the information pursuant to subsection 1 shall provide the central repository with identifying information about the person who wishes to acquire the firearm.
3. Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the central repository shall within 5 business days after receiving the request:
   (a) Perform a background check on the person who wishes to acquire the firearm; and
   (b) Notify the person who requests the information whether the information available to the central repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.
4. If the person who requests the information does not receive notification from the central repository regarding his request within 5 business days after making the request, he may presume that the receipt of a firearm by the person who wishes to acquire a firearm would not violate a state or federal law.
5. The central repository may charge a reasonable fee for performing a background check and notifying a person of the results of the background check pursuant to this section.
6. The failure of a person to request the central repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.

202.257. Possession of firearm when under influence of alcohol, controlled substance or other intoxicating substance; administration of evidentiary test; penalty; forfeiture of firearm.
1. It is unlawful for a person who:
   (a) Has a concentration of alcohol of 0.10 or more in his blood or breath; or
   (b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely exercising actual physical control of a firearm, to have in his actual possession any firearm.
   This prohibition does not apply to the actual physical possession of a firearm by a person who was within his personal residence and had the firearm in his possession solely for self-defense.
2. An evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484.383 to 484.3947, inclusive, except that submission to the evidentiary test is required of any person who is directed by a police officer to submit to the test. If a person to be tested fails to submit to a required test as directed by a police officer, the officer may direct that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.
3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.
4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is branded, aimed or otherwise handled by the person in a manner which endangered others.
5. "Concentration of alcohol of 0.10 or more in his blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

202.260. Unlawful possession, manufacture or disposition of explosive or incendiary device: Penalty; exceptions.
1. A person who unlawfully possesses, manufactures or disposes of any explosive or incendiary device with the intent to destroy life or property is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.
2. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his or her duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his or her duties.
3. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his or her duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his or her duties.

202.261. Possession of component of explosive or incendiary device with intent to manufacture explosive or incendiary device: Penalty; exceptions.
1. A person shall not knowingly possess any component of an explosive or incendiary device with the intent to manufacture an explosive or incendiary device.
2. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.
3. This section does not prohibit a person from possessing, manufacturing or using any material, component, substance or device as required for the performance of his or her duties related to mining, agriculture, construction or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his or her duties.

202.263. Unlawful manufacture, possession, sale, advertisement or transportation of hoax bomb: Penalty.
1. A person shall not manufacture, purchase, possess, sell, advertise for sale or transport a hoax bomb if the person knows or should know that the hoax bomb is to be used to make a reasonable person believe that the hoax bomb is an explosive or incendiary device.
2. A person who violates subsection 1 is guilty of a gross misdemeanor.
3. This section does not prohibit:
   (a) The purchase, possession, sale, advertising for sale, transportation or use of a military artifact, if the military artifact is harmless or inert, unless the military artifact is used to make a reasonable person believe that the military artifact is an explosive or incendiary device.
   (b) The authorized manufacture, purchase, possession, sale, transportation or use of any material, substance or device by a member of the Armed Forces of the United States, a fire department or a law enforcement agency if the person is acting lawfully while in the line of duty.
4. As used in this section "hoax bomb" means:
   (a) An inoperable facsimile or imitation of an explosive or incendiary device; or
   (b) A device or object that appears to be or to contain an explosive or incendiary device.

202.265. Possession of dangerous weapon on property or in vehicle of school or child care facility: penalty; exceptions.
1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the of Nevada System of Higher Education or a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:
   (a) An explosive or incendiary device;
   (b) A dirk, dagger or switchblade knife;
   (c) A nunchaku or trefoll;
   (d) A blackjack or ballistic club or metal knuckles; or
   (e) A pistol, revolver or other firearm; or
   (f) Any device used to mark any part of a person with paint or any other substance.
2. Any person who violates subsection 1 is guilty of a gross misdemeanor.
3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:
   (a) A private or public school or child care facility by a:
      (1) Peace officer;
      (2) Security guard; or
   (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
   (b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.
   (c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.
   (d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.
   (e) "Trefoil" has the meaning ascribed to it in NRS 202.350.
   (f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

202.273. Unlawful manufacture or sale of certain metal-penetrating bullets: Exceptions; penalty.
1. Except as provided in subsection 2, it is unlawful to manufacture or sell any metal-penetrating bullet capable of being fired from a handgun.
2. A person may manufacture and sell metal-penetrating bullets pursuant to an agreement with a law enforcement agency for the sale of such bullets to that agency.
3. A person who violates the provisions of this section is guilty of a gross misdemeanor.

4. As used in this section, "metal-penetrating bullet" means a bullet whose core:
   (a) Reduces the normal expansion of the bullet upon impact;
   (b) Is at least as hard as the maximum hardness attainable using solid red metal alloys, and which can be used in a handgun. The term does not include any bullet with a copper or brass jacket and a core of lead or a lead alloy, or a bullet made of lead or lead alloys.

202.275. Possession, manufacture or disposition of short-barreled rifle or short-barreled shotgun; Penalty; exceptions.
1. Except as otherwise provided in subsection 3, a person who knowingly or willfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun is guilty of a category D felony and shall be punished as provided in NRS 193.130.
2. For purposes of this section:
   (a) "Short-barreled rifle" means:
      (1) A rifle having one or more barrels less than 16 inches in length; or
      (2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.
   (b) "Short-barreled shotgun" means:
      (1) A shotgun having one or more barrels less than 18 inches in length; or
      (2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:
   (a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties;
   (b) The possession of any short-barreled rifle or short-barreled shotgun by a person who is licensed as a firearms importer, manufacturer, collector or dealer by the United States Department of the Treasury, or by a person to whom such a rifle or shotgun is registered with the United States Department of the Treasury; or
   (c) The possession of any short-barreled rifle or shotgun that has been determined to be a collector’s item pursuant to 26 U.S.C. chapter 53 or a curio or relic pursuant to 18 U.S.C. chapter 44.

202.277. Changing, altering, removing or obliterating serial number of firearm prohibited; possession of firearm with serial number changed, altered, removed or obliterated prohibited; penalties.
1. A person shall not intentionally change, alter, remove or obliterate the serial number upon any firearm. Any person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.
2. A person shall not knowingly possess a firearm on which the serial number has been intentionally changed, altered, removed or obliterated. Any person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

202.300. Use or possession of firearm by child under age of 18 years; unlawful to aid or permit child to commit violation; penalties; child 14 years of age or older authorized to possess firearm under certain circumstances.
1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or an adult person authorized by the parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.
2. A person who aids or knowingly permits a child to violate subsection 1:
   (a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.
   (b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.
   (c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.
3. A person does not aid or knowingly permit a child to violate subsection 1 if:
   (a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;
   (b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;
   (c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting;
   (d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. As otherwise provided in subsection 8, a child who is 14 years of age or older, who has in his possession a valid license to hunt, may handle or have in his possession or under his control, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him:
   (a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his parent or guardian to handle or have in his possession or under his control the rifle or shotgun; or
   (b) A firearm capable of being recocked or reimpeaced upon the person, if the child has the written permission of his parent or guardian to handle or have in his possession or under his control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm, and the child is traveling to the area in which he will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

6. Except as otherwise provided in subsection 8, a child who is 14 years of age or older may handle or have in his possession or under his control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him, if the child has the permission of his parent or guardian to handle or have in his possession or under his control the rifle or shotgun and the child:
   (a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;
   (b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;
   (c) Participating in a lawfully organized competition or performance involving the use of a firearm;
   (d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and he is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;
   (e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;
   (f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property;
   (g) At his residence.

7. Except as otherwise provided in subsection 8, a child who is 14 years of age or older may handle or have in his possession or under his control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 6, a firearm capable of being
concealed upon the person, without being accompanied by his parent or guardian or an adult person authorized by his parent or guardian to have control or custody of him, if the child:

(a) Has the written permission of his parent or guardian to handle or have in his possession or under his control such a firearm for the purpose of engaging in such an activity; and
(b) Is not otherwise prohibited by law from possessing such a firearm.

8. A child shall not handle or have in his possession or under his control a loaded firearm if he is:

(a) An occupant of a motor vehicle;
(b) Within any residence, including his residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or
(c) Within an area designated by a county or municipality, ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless he is within a facility licensed for target practice.

9. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm; or
(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or
(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semi-automatic firearm.

202.310. Sale of firearms to minors; penalty. Any person in this state who sells or bars a weapon to a child who is under the age of 18 years, with reckless disregard of whether the child is under the age of 18 years, or with knowledge or reason to know that the child is under the age of 18 years, a pistol, revolver or a firearm capable of being concealed upon the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

202.350. Manufacture, importation, possession or use of dangerous weapon; penalty. Any person who manufactures, imports, possesses or uses a dangerous weapon without permit; penalties; issuance of permit to carry concealed weapon; exceptions.

1. Except as otherwise provided in this section and NRS 202.355 and NRS 202.3653 to 202.369, inclusive, a person within this state shall not:

(d) Carry, concealed upon his person any:
1. Explosive substance, other than ammunition or any components thereof;
2. Dirk, dagger or machete;
3. Pistol, revolver or other firearm, or other dangerous or deadly weapon; or
4. Knife which is made an integral part of a belt buckle.

2. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of:
(a) Paragraph (a) or (c) or subparagraph (2) or (4) of paragraph (d) of subsection 1 is guilty:
1. For the first offense, of a gross misdemeanor;
2. For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.
(b) Paragraph (b) or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this state the concealed weapon described in the permit. The sheriff shall not issue a permit to a person to carry a switchblade knife. This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.

4. Except as otherwise provided in subsection 5, this section does not apply to:
(a) Sheriffs, constables, marshals, peace officers, correctional officers employed by the department of corrections, special police officers, police officers of this state, whether active or honorably retired, or other appointed officers.
(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.
(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.
(d) Members of the armed forces of the United States on duty.
5. The exemptions provided in subsection 4 do not include a former peace officer who is retired for disability unless his former employer has approved his fitness to carry a concealed weapon.

6. The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal license, authorization or permission is upon the person possessing the license, authorization or permission.

7. This section shall not be construed to prohibit a qualified law enforcement officer or a qualified retired law enforcement officer from carrying a concealed weapon in this State if he is authorized to do so pursuant to 18 U.S.C. § 926B or 196C.

8. As used in this section:
(a) “Concealed weapon” means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.
(b) “Honorably retired” means retired in Nevada after completion of 10 years of creditable service as a member of the public employees’ retirement system. A former peace officer is not “honorably retired” if he was discharged for cause or resigned before the final disposition of allegations of serious misconduct.
(c) “Machine gun” means any weapon which shoots, is designed to shoot or can be readily reloaded to shoot more than one shot, without manual reloading, by a single function of the trigger.
(d) “Qualified law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926B(c).
(e) “Qualified retired law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926B(c).
(f) “Silencer” means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed, and intended for use in assembling or fabricating a silencer or muffler, and any part intended only for use in such assembly or fabrication.

202.357. Electronic stun device: Use prohibited except for self-defense; possession by certain persons prohibited; sale, gift or other provision to certain persons prohibited; penalties.

1. Except as otherwise provided in this section, a person shall not use an electronic stun device on another person for any purpose other than self-defense.

2. Except as otherwise provided in this section, a person shall not have in his possession or under his custody or control any electronic stun device if the person:
(a) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;
(b) Is a fugitive from justice;
(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
(d) Is illegally or unlawfully in the United States.

3. A child under 18 years of age shall not have in his or her possession or under his or her custody or control any electronic stun device.

4. Except as otherwise provided in this section, a person within this State shall not sell, give or otherwise provide an electronic stun device to another person if he or she has actual knowledge that the other person:
(a) Is a child under 18 years of age;
(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;
(c) Is a fugitive from justice;
(d) Has been adjudicated as mentally ill or has been committed to any mental health facility; or
(e) Is illegally or unlawfully in the United States.

5. A person who violates the provisions of:
(a) Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.
(b) Paragraph (c) or (d) of subsection 2 is guilty of a category C felony and shall be punished as provided in NRS 193.130.
(c) A child who violates subsection 3 commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.
(d) A person who violates the provisions of subsection 4 is guilty of a category D felony and shall be punished as provided in NRS 193.130.
(e) The provisions of subsections 1, 2 and 4 do not apply to a peace officer who possesses or uses or sells, gives or otherwise provides to another person an electronic stun device within the scope of his or her duties.

9. As used in this section, “electronic stun device” means a device that:
(a) Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and
Concealed Firearms

202.3653. Definitions. As used in NRS 202.3653 to 202.369, inclusive, unless the context otherwise requires:
1. "Concealed firearm" means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.
2. "Department" means the department of public safety.
3. "Pardon" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.369, inclusive, and Sections 2 and 3 of this act.
4. "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limiting the generality thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;
5. "Semiautomatic firearm" means a firearm which:
   (a) Uses the energy of the explosive in a fixed cartridge to extract a fixed cartridge and chamber a fresh cartridge with each single pull of the trigger; and
   (b) Requires the release of the trigger and another pull of the trigger for each successive shot.

202.3657. Application for permit; eligibility; denial or revocation of permit.
1. Any person who is a resident of this state may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the department. Application forms for permits must be furnished by the sheriff of each county upon request.
2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains, except that the sheriff may deny the processing of an application for transfer of a firearm if, during the immediately preceding 5 years, the person has been convicted of a felony in this state or under the laws of any state, territory or possession of the United States.
3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:
   (a) Has an outstanding warrant for his or her arrest;
   (b) Has been judicially declared incompetent or insane;
   (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years;
   (d) Has been convicted of a felony involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 5 years;
   (e) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States;
   (f) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence;
   (g) Has been convicted of a crime involving the use of an intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:
      (i) Convicted of violating the provisions of NRS 484C.110; or
      (j) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.
   (h) Has been convicted of a crime involving the use of an intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:
      (i) Convicted of violating the provisions of NRS 484C.110; or
      (j) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.
   (i) Has been convicted of a crime involving the use of an intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:
      (i) Convicted of violating the provisions of NRS 484C.110; or
      (j) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.
   (j) Has made a false statement on any application for a permit or for the renewal of a permit.
4. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.
5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use of an intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:
      (i) Convicted of violating the provisions of NRS 484C.110; or
      (j) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.
   (k) Has been convicted of a crime involving the use of an intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:
      (i) Convicted of violating the provisions of NRS 484C.110; or
      (j) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.
   (l) Has made a false statement on any application for a permit or for the renewal of a permit.

Page 300
charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:
   (a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;
   (b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;
   (c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;
   (d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;
   (e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;
   (f) The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;
   (g) Whether the application pertains to revocation;
   (h) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and
   (i) A nonrefundable fee set by the sheriff not to exceed $60.

202.366. Investigation of applicant for permit; issuance or denial of permit; expiration of permit.

1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to federal law or the sheriff determines that the applicant is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is not denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in such form as the Department may authorize.

NEVADA CONCEALED FIREARM PERMIT

County. Permit Number .

Photograph
Signature
Issued by ................ Date of Issue ................

Make, model and caliber of each authorized semiautomatic firearm, if any

Revised ................. yes ... no

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

202.367 Permittee to carry permit and proper identification when in possession of concealed firearm; penalty.

1. Each permittee shall carry the permit, or a duplicate issued pursuant to the provisions of NRS 202.367, together with proper identification whenever the permittee is in actual possession of a concealed firearm. Both the permit and proper identification must be presented if requested by a peace officer.

2. A permittee who violates the provisions of this section is subject to a civil penalty of $25 for each violation.

202.367 Duplicate permit; notification to sheriff of recovered permit; penalty.

1. A permittee shall notify the sheriff who issued his or her permit in writing within 30 days if the permittee
   (a) Permanent address changes; or
   (b) Permit is lost, stolen or destroyed.

4. A permittee who fails to notify a sheriff pursuant to the provisions of this section is subject to a civil penalty of $25.

202.369. Regulations. The department may adopt such regulations as are necessary to carry out the provisions of NRS 202.3653 to 202.369, inclusive, and section 1 of this act.

Tear Gas Bombs and Weapons

202.370. Definitions. As used in NRS 202.370 to 202.440, inclusive:

1. "Shell," "cartridge" or "bomb" includes all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosion will cause or permit the release or emission of tear gas.

2. "Tear gas" includes all liquid, gaseous or solid substance whose active ingredient is derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air. The term does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" includes all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.375. Applicability of NRS 202.370 to 202.440, inclusive, to small weapons containing "CS" tear gas and to certain law enforcement, correctional and military personnel.

1. The provisions of NRS 202.370 to 202.440, inclusive, do not apply to the sale or purchase by any accountant, or the possession or use by any person, including a minor but not including a convicted person as defined in NRS 179C.010, of any form of:
   (a) Cartridge which contains not more than 2 fluid ounces in volume of "CS" tear gas that may be propelled by air or another gas, but not an explosive, in the form of an aerosol spray; or
   (b) Weapon designed for the use of such a cartridge which does not exceed that size, and which is designed and intended for use as an instrument of self-defense.

2. A seller, before delivering to a purchaser a cartridge or weapon which may be sold pursuant to subsection 1, must record and maintain for not less than 2 years the name and address of the purchaser and the brand, model number or type, and serial number if there is one, of the weapon or cartridge, or both.

3. The provisions of NRS 202.370 to 202.440, inclusive, do not prohibit police departments or regular salaried peace officers thereof, sheriffs and their regular salaried deputies, the director, deputy director and superintendents of, and guards employed by, the department of corrections, personnel of the Nevada highway patrol or the National or naval forces of this state or of the United States from purchasing, possessing or transporting any shells, cartridges, bombs or weapons for official use in the discharge of their duties.

4. As used in this section, "CS" tear gas means a crystalline powder containing orthochlorobenzalmalononitrile.

202.380. Sale or possession of tear gas bombs or weapons which are not permitted under NRS 202.370 to 202.440, inclusive; penalties.

1. A person, other than a convicted person, who within this state knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, is guilty of a gross misdemeanor.

2. A convicted person who owns or has in his or her possession or under his or her custody or control any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon de-signed for the use of such a shell, cartridge or bomb, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. As used in this section, the term "convicted person" has the meaning ascribed to it in NRS 179C.010.

202.390. Weapon to bear name of manufacturer and serial number; penalty for removal.

1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possession has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.

202.400. Permit for possession, transportation and use in protective system to be issued by sheriff.
1. The sheriff of any county may issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons to any applicant who submits proof that good cause exists for issuance of the permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

1. All applications for such permits shall:
   (a) Be filed in writing;
   (b) Be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation; and
   (c) State the name, business in which engaged, business address, a full description of the place or vehicle in which such shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.

2. If such shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install such protective system.

Every person, firm or corporation to whom a permit is issued shall either carry the same upon his person or keep the same in the place described in the permit. The permit shall be open to inspection by any peace officer or other person designated by the authority issuing the permit.

Permits issued in accordance with NRS 202.370 to 202.440, inclusive, may be revoked by the issuing authority at any time when it shall appear that the need for the possession or transportation of such shells, cartridges, bombs, weapons, or protective system involving the use of the same, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of such shells, cartridges, bombs or weapons or the permit issued.

202.440. License for retail sale of bombs or weapons or ammunition. The sheriff of any county may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:
1. Such business shall be carried on only in the building designated in the license.
2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.
3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive.
4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser’s permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied thereon. This record shall be open to the inspection of any peace officer or other person designated by the sheriff.

Title 40. Public Health and Safety
Chapter 453A. Medical Use of Marijuana
453A.300. Acts for which registry identification card is held or exempt from state prosecution and may not raise affirmative defense; additional penalty.
1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:
   (c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

Title 42. Protection from Fire; Explosives
Chapter 476. Explosives and Inflammable Materials
476.010. Distribution of excessive amount of dynamite, nitroglycerin, gunpowder or other explosives; manufacture, importation, purchase or distribution of explosives; record required; information required to be included in record; unlawful to fail to make required entry or to make false or misleading entry in record; notification of law enforcement agency upon storing of explosives; penalty; exceptions.
1. Except in the due course of trade or otherwise provided in subsection 9, it is unlawful for any person to manufacture, import, purchase or distribute any explosive or explosive article containing dynamite, nitroglycerin, gunpowder or any other explosive to distribute to any person, in any unusual manner, an excessive amount of such commodities.
2. It is unlawful for any person to manufacture, import, purchase or distribute any explosive article containing dynamite, nitroglycerin, gunpowder or any other explosive to distribute to any person, in any unusual manner, an excessive amount of such commodities.
3. Any person who stores any explosive shall, within 24 hours after beginning to store the explosive, notify the local law enforcement agency or local fire department in whose jurisdiction the explosive is stored of:
   (a) The type of explosive that is being stored; and
   (b) The location of the site where the explosive is stored.

8. Any person who violates the provisions of this section is guilty of a gross misdemeanor.

9. The provisions of this section do not apply with respect to a person who is acting in his or her official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.

10. As used in this section:
   (a) "Distribute" means to sell, issue, give, transfer or otherwise dispose of an explosive.
   (b) "Person" means any of the following:
      (1) A natural person.
      (2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a partnership, trust or unincorporated organization.
      (3) A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Title 54. Professions, Occupations and Businesses
Chapter 647. Dealers in Junk and Secondhand Materials; Scrap Metal Processors
647.018. "Secondhand dealer" defined.
1. "Secondhand dealer" means any person engaged in whole or in part in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if:
   (a) The person engages in that business at a show that:
      (1) Is held at:
(I) A convention facility which is owned or operated by and located on the premises of a resort hotel; or

(II) A recreational facility which is owned or operated by a county fair and recreation board; and

(2) Is conducted for not more than 7 days during any 6-month period; and

(b) The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923.

[Current through the 76th (2010) Special Session]

Clark County Code

Title 6. Business Licenses

Chapter 6.12. Fees and Related Matters

6.12.557. Gunsmith shop. Any person who repairs firearms or who fits special barrels, stocks, or trigger mechanisms to firearms shall pay a semiannual license fee determined by the amount of semiannual gross revenue as contained in the schedule in Section 6.12.995 of this chapter. This includes the sale of parts and accessories necessary for conducting this business. This license does not permit the business to be conducted as a home occupation or from a warehouse location.

6.12.930. Sporting goods store. Any person who sells sports related wares and merchandise at retail as a regular course of business, maintaining an inventory commensurate with sales, established in a location with not less than one thousand square feet dedicated to the display of merchandise, excluding the warehouse and office areas, shall pay a semiannual license fee determined by the amount of semiannual gross revenue as contained in the schedule in Section 6.12.995 of this chapter. This definition does not include a person who makes occasional sales, exchanges, or purchases of sporting goods for the enhancement of a personal collection or for a hobby. Any business operating with a home occupation permit or as a mail order business is prohibited from taking orders for or selling any weapon as defined in Title 29 [sic] of this code.

Title 12. Public Peace, Safety and Morals

Chapter 12.04. Firearms and Air Guns

12.04.010. Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

(1) Dealer means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

(2) "Firearm capable of being concealed" includes all firearms having a barrel less than twelve inches in length.

(3) "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

(4) "Manager" means the natural person authorized by a dealer to approve and finalize all pistol sales, purchases or pledges and the person whose signature is required on all documents in connection therewith.

(5) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.


(A) It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

(B) Each natural person authorized or employed as a manager to buy, sell or accept pledges of pistols as security for loans must apply for and receive such pistol permit.

12.04.030. Business to which pistol permits may be issued. Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.

12.04.040. Application and investigation. Any person desiring a pistol permit to engage in the business of buying or selling pistols, or of accepting pledges of pistols as security for loans, in the unincorporated area of Clark County, or managing such business under the provisions of this chapter, shall first make written application to the board of county commissioners, on forms of application prescribed therefor by the board of the sheriff, setting out his name, address and other information required, and the business (other than selling in pistols) (including selling in pistols) that the person intends to be carried on, and expressly requesting the issuance of a pistol permit to deal in pistols at such location. Such application will then be referred to the sheriff for investigation and recommendation, and then returned to the board of county commissioners, which may approve or disapprove such application or disapprove such application. If disapproved, no pistol permit shall be issued. If approved, the office of the sheriff shall issue a pistol permit to such applicant to deal in pistols at the place named or described, and under the present business license of such applicant or as a manufacturer of pistols, dealer under this chapter, seventy-two hours after the same is mailed or otherwise delivered to the person to whom issued.

12.04.050. Persons prohibited from purchasing or owning pistols. It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism as defined in NRS 200.160 through 200.190;

(f) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane;

(g) Is seventeen years of age or under;

12.04.055. Purchase, sales and transfer of a pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070. Certain persons prohibited from purchasing or owning pistols. It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession or control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080. Time between sale and delivery of pistol. When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser transferring the pistol, a complete description of the pistol (including the manufacturer, model and manufacturer’s serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advice to the purchaser or transferee if a resident of the county that the pistol must be registered with the sheriff within seventy-two hours.

12.04.090. Exceptions to Section 12.04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed by pay for his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.100. Sheriff to be notified. A dealer making a sale of a pistol shall, within twenty-four hours thereof, furnish the sheriff with a duplicate copy of the receipt referred to in Section 12.04.080 of this chapter, signed by the dealer and by the purchaser or transferee of such pistol.

12.04.110. Registration of pistols within seventy-two hours. Any person receiving title to a pistol, whether by purchase, gift, or any other transfer, and whether from a dealer or from any other person, shall, within seventy-two hours of such receipt, personally appear at the county sheriff’s office, together with the pistol, for the purpose of registering the same with the sheriff. It shall be the duty of the sheriff to register the pistol, and he may, and is hereby authorized to cooperate in any manner he sees fit with other law enforcement agencies, and with licensed dealers, relative to registration of pistols, so that efficient registration shall be secured at minimum cost and duplication.
10.66.100. Definitions. As used in this Chapter:

“Dealer” means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

“Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion. “Firearm capable of being concealed” includes all firearms having a barrel less than twelve inches in length.

“Pistol” means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

10.66.020. Dealer permit - Required - Leasing prohibited. It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

10.66.030. Dealer permit - Eligible firms. Applications for pistol permits shall be accepted only from duly licensed hardware stores, gunsmith shops, sporting goods stores, stores which outfit and equip police officers and security guards, Class IV secondhand dealers and pawnshops where pistols may be sold or purchased in compliance with this Chapter.

10.66.040. Dealer permit - Application - Investigation - Issuance. (A) Any person desiring a pistol permit to engage in the business of buying or selling pistols, or of accepting pledges of pistols as security for loans, under the provisions of this Chapter, shall first apply to the City Council setting out his name, address, and other information as may be required and the business (other than dealing in pistols) intended to be carried on and stating a request for a pistol permit to deal in pistols at such place.

(B) The application will then be referred to the Sheriff of the Metropolitan Police Department, or his designee, for his investigation and his recommendation, then back to the Council which may, after considering same in any manner that may appear to it proper, approve or disapprove such application. If disapproved, then no pistol permit shall be issued. If approved, the Sheriff or his designee shall issue a pistol permit to such applicant to deal in pistols at the place named and under the present business license of such applicant.

10.66.050. Disqualifications for sale or transfer. It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

(A) Who is under the age of eighteen years;
(B) Who is under the influence of intoxicating beverages;
(C) Who is a fugitive from justice;

(D) Who has been convicted of a felony in the state or any state or territory of the United States or any political subdivision thereof;
(E) Who is an unlawful user or seller of narcotics;
(F) Who is a member of an association advocating criminal activities as defined in NRS 203.160 through 203.190;
(G) Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

10.66.060. Sale-delivery waiting period - Manner of delivery. (A) When any sale of a pistol is made by a dealer under this Chapter, seventy-two hours must elapse between the time of sale and time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth:

(1) The name, address and description of the purchaser or transferee;
(2) A complete description of the pistol, including the manufacturer, model and manufacturer’s serial number therefor;
(3) The date and time of sale and the date and time of delivery of the pistol; and
(4) A statement notifying the purchaser or transferee that the pistol must be registered with the Sheriff or his designee within seventy-two hours if the purchaser or transferee is a resident of the City.

(B) The seventy-two-hour waiting period before delivery shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a Federal law enforcement agency, that he is a peace officer of the State or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in the County, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Sheriff or his designee to waive said waiting period; provided, however, that all of the other provisions shall apply to such sales.

10.66.070. Notice to Police of delivery. A dealer making a sale of a pistol shall, within twenty-four hours after the delivery thereof, deliver to the Sheriff of the Metropolitan Police Department or his designee a duplicate copy of the receipt referred to in Section 10.66.060, signed by the dealer and by the purchaser or transferee of such pistol.

10.66.080. Altered or removed identification marks. It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer’s serial number has been removed or altered.

10.66.090. Window display. No pistols or ammunition shall be displayed in any store or business window.

10.66.100. Ammunition compatibility. No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made made for the pistol.

10.66.110. Home-made pistols. No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act of 1934.

10.66.120. Safe and first-class condition. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

10.66.130. Window displays of pistols and ammunition prohibited. No pistols or ammunition shall be openly displayed in any store or business window, except only during such hours when said store is open for business and under the supervision of the licensee or adult authorized personnel.

10.66.140. Sale of foreign made pistols with ammunition restricted. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

10.66.150. Sale of homemade pistols prohibited. No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.

10.66.160. Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

10.66.170. Unlawful use of electronic stun device. It is unlawful, within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.210. Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferee thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

10.66.220. Unlawful to furnish persons under eighteen years to have possession or control of pistol. It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.210. Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferee thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

10.66.220. Unlawful to furnish persons under eighteen years to have possession or control of pistol. It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.210. Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferee thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

10.66.220. Unlawful to furnish persons under eighteen years to have possession or control of pistol. It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.210. Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferee thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

10.66.220. Unlawful to furnish persons under eighteen years to have possession or control of pistol. It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.210. Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferee thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

10.66.220. Unlawful to furnish persons under eighteen years to have possession or control of pistol. It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice or other lawful purpose.
10.66.130. Unlawful possession - Persons under age eighteen. It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 10.66.050 to receive from another by loan, gift, purchase, or in any manner, to attempt to obtain in any manner, or have in his or her possession or control, any pistol, provided, however, that a person under the age of eighteen years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting, target practice or other lawful purpose.

10.66.140. Registration of ownership required.

(A) Any resident of the City receiving title to a pistol, whether by purchase, gift or other transfer, and whether from a dealer or any other person, shall, within seventy-two hours of such receipt, personally appear, together with such pistol, and register the same with the Sheriff of the Metropolitan Police Department or his designee. It shall be unlawful to possess a pistol which is not so registered.

(B) It shall be the duty of the Sheriff or his designee to register said pistol and he is authorized to cooperate with other law enforcement agencies and licensed dealers in effecting registration of pistols to the end that efficient registration will be secured at a minimum of cost and duplication.

10.66.150. Permitting possession by those under eighteen. It shall be unlawful for any person to aid or knowingly permit another under the age of eighteen years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge of his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

Chapter 10.71. Electronic Stun Devices


(A) It is unlawful for any person, other than a Law Enforcement Officer, to use an electronic stun device for any purpose other than self-defense.

(B) It is unlawful for any of the following to possess an electronic stun device:

1. Any person who has been convicted of a felony;
2. Any person who is mentally ill;
3. Any person who is a habitual drunkard;
4. Any person who is under the influence of intoxicating beverages;
5. Any person who is under the age of eighteen (18) years;
6. Any person who is a member of an organization advocating criminal syndicalism, as defined in NRS 203.160;
7. Any person who is a criminal syndicalist, as defined in NRS 203.160;
8. Any person who is the successor or member of a gang or any group advocating the overthrow of the government by force or violence.

10.71.020. Dealer’s license. It shall be the duty of the Sheriff or his designee to register said pistol and he is authorized to cooperate with other law enforcement agencies and licensed dealers in effecting registration of pistols to the end that efficient registration will be secured at a minimum of cost and duplication.


A. Any person who has been convicted of a felony or other violation of the Criminal Code of the state of Nevada shall not be permitted to receive from another by loan, gift, purchase, or in any manner, to attempt to obtain in any manner, or have in his or her possession or under his or her control any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting, target practice or other lawful purpose.

B. It shall be unlawful for any person, other than a Law Enforcement Officer, to use an electronic stun device to the end that efficient registration will be secured at a minimum of cost and duplication.

10.71.040. Homemade pistols prohibited. It is unlawful for any of the following to possess, purchase, sell, lease, lend, or transfer in any manner, or to have in possession or control, any pistol as provided in Section 9.36.120.

10.71.050.Definitions. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this chapter:

"Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

"Pistol" means any firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by any mechanical, chemical, electrical or other means.

"Police" means any person who is regularly employed and paid by the state of Nevada, or in any state or territory of the United States or any political subdivision thereof.


A. When any sale of a pistol is made by a dealer under this chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered all pistols must be unloaded.

B. This section shall not apply to federal law enforcement agencies or to a police officer of the state of Nevada or any subdivision thereof who is regularly employed and paid by the state or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the chief of police to waive the seventy-two (72) hour waiting period.

10.71.090. Notification of chief of police. A dealer or other person making a sale of a pistol shall on or before the thirty-first day following the sale notify the chief of police in writing of such sale, giving the name, address and description of the purchaser or transferee, together with the number of the pistol and a complete description thereof and shall notify the purchaser or transferee, at the time of delivery, that the pistol must be registered with the chief of police within twenty-four (24) hours.

10.71.100. Registration.

A. Any person who has been a resident of the city for a period of sixty (60) days or more is required to register any pistols in their possession as set forth in Section B of this section.

B. Any resident receiving title to a pistol, whether by purchase, gift or any other transfer, shall within seventy-two (72) hours of receipt, personally appear at the police station, together with the pistol, for the purpose of registering the same with the chief of police. It shall be the duty of the chief of police to register the pistol and he may cooperate with the registrar of motor vehicles and other law enforcement agencies in effecting registration of pistols to the end that efficient registration will be secured at a minimum cost and duplication.

10.71.110. Satisfactory pistol identification required. It is unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer’s serial number has been removed or altered unless, upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case the means of identification shall be noted upon the registration card.

10.71.120. Persons prohibited from purchasing or owning pistols. It is unlawful for any person to receive from another by loan, gift, purchase or in any manner, to attempt to obtain in any manner, or have in his possession or under his control a pistol as defined by this chapter who:

A. Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;
B. Is a fugitive from justice;
C. Is an unlawful user or seller of narcotics;
D. Is under the influence of intoxicating beverages;
E. Is a habitual drunkard;
F. Is a member of an organization advocating criminal syndicalism, as defined in NRS 203.160;
G. Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

10.71.130. Prohibited sales and transfers of pistols. It is unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

A. Is under the influence of intoxicating beverages;
B. Is mentally ill or disturbed;
C. Is under eighteen (18) years of age;
D. Is a person prohibited from purchasing a pistol as provided in Section 9.36.120.

10.71.140. Display restriction. No pistols or ammunition for the same shall be displayed in any store or business window during those hours when not open for business and under supervision.

10.71.150. Sales of foreign-made pistols. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

10.71.160. Homehaving periods prohibited. No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

10.71.170. Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe, operable condition.

10.71.180. Use by minors restricted. No juvenile under eighteen (18) years of age shall handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent, guardian or a responsible adult, a pistol. Any person violating Section 9.36.180 or aiding or knowingly permitting any such juvenile to violate the same shall be guilty of a misdemeanor.

10.71.190. Aiding violation by minor. Any person violating Section 9.36.180 or aiding or knowingly permitting any such juvenile to violate the same shall be guilty of a misdemeanor.

10.71.200. Blank cartridge pistols prohibited. Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes, for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers, is prohibited.
I. A defendant has been convicted in another jurisdiction of New Hampshire at the time such felony was committed. Nothing in this section shall prevent anyone convicted of a felony in another jurisdiction of being owned or transferred by museums, antique or arms collectors, or licensed gun dealers at auctions, gun shows, or private premises provided such ownership or transfer does not conflict with federal statutes.

159:3. Convicted Felons. I. No person who has been convicted of any felony, in this state or any other state, the District of Columbia, the United States, the Commonwealth of Puerto Rico or any territory or possession of the United States of:

(a) Owns or has in his possession or under his control, a pistol, revolver, or any firearm which is a matchlock, percussion or pin-fire, but no pistol, gun cane, or revolver which utilizes readily available center fire or rim-fire cartridges which are in common use shall be deemed to be an antique pistol, gun cane, or revolver.

II. Nothing in this section shall prevent antique pistols, gun canes, or revolvers stationed at or owned by a museum, antique or arms collector, or licensed gun dealers at auctions, gun shows, or private premises provided such ownership or transfer does not conflict with federal statutes.

159:5. Exceptions. I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to any such police officer designated by them respectively, upon application of a nonresident, upon application of the director of state police, or some person designated by them respectively, upon application of a nonresident.

III. Notwithstanding any other provision of law, the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

159:6. License to Carry. I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to any such police officer designated by them respectively, upon application of a nonresident.
subdivision thereof or of the federal government while in the performance of official duties or upon written consent, for good cause shown, of the superior court in the county where said license was issued.

159:6-b Suspension or Revocation of License. I. The issuing authority may order a license to carry a loaded pistol or revolver issued to any person pursuant to RSA 159:6 to be suspended or revoked for just cause, provided written notice of the suspension or revocation and the reason therefore is given to the licensee. A licensee whose license is suspended or revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by the licensee to the issuing authority within 7 days of the suspension or revocation.

II. When the licensee hereunder ceases to be a resident of the community in which the license was issued he shall notify in writing the issuing authority at his new place of residence that he has a current license. Such license shall remain in effect until it expires pursuant to RSA 159:6.

159:6-c Appeal From Denial, Suspension, or Revocation. Any person whose application for a license to carry a loaded pistol or revolver has been denied or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may within 30 days thereafter, petition the district or municipal court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 days after receipt of the petition. During this hearing the burden shall be upon the issuing authority to demonstrate by clear and convincing proof why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant or reinstate the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license.

159:6-d. Full Faith and Credit for Licenses From Other States; Reciprocity. Notwithstanding the provisions of RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides or who is a peace officer in the state in which he resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; and

II. The state in which such person is a resident provides a reciprocal privilege for residents of this state.

159:6-e. Sale Without License. Any person aggrieved by a violation of the licensing sections of this chapter by a licensing entity may petition the superior court of the county in which the alleged violation occurred for injunctive relief. The court shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states the sections of the licensing laws of the state of the state of residence of the person aggrieved, the place of residence of the person aggrieved, the place where the alleged violation occurred, and the relief which shall be granted.

159:6-f. Remedies. I. If any licensing entity or employee or member of the city council or board of selectmen, in violation of the provisions of this chapter, refuses to comply with this chapter, such entity or person shall be liable for reasonable attorney's fees and costs incurred in a legal action brought not later than 15 days after receipt of the petition. The court shall have jurisdiction to issue an order directing the licensing entity to issue a license or otherwise comply with the provisions of this chapter.

II. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

159:7. Sales to Felons. No person shall sell, deliver, or otherwise transfer a pistol, revolver or any other firearm, to a person who has been convicted, in any jurisdiction, of a felony. Whoever violates the provisions of this section shall be guilty of a class B felony.

159:8. License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the director of the division of state police, effective for not more than 3 years from date of issue, to any person who has not been convicted of any violation of any of the provisions of this chapter, or to the holder of any other firearms license. Such licenses to sell pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

II. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

III. No pistol, revolver, or other firearm shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to a person who has been convicted of a felony.

159:8-a. Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of RSA 159:8 shall sell a pistol or revolver to a nonresident unless such nonresident is known to the seller or who does not present clear evidence of his identity, nor to a person who has been convicted of a felony.

159:8-b. Penalties. If a licensee shall in any court be found guilty of a violation of any of the provisions of RSA 159:8-a, such court shall, for each such violation, order the suspension of his license for a period of 3 months, and may, in addition, impose a fine not in excess of $100.

159:10. Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession, with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11. False Information. Any person who, in purchasing or otherwise securing delivery of a pistol, revolver, or other firearm, gives false information or offers false evidence of his identity, shall be guilty of a misdemeanor for the first offense, and be guilty of a class B felony for any subsequent offense.

159:12. Sale to Minors. I. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor.

II. This section shall not apply to:

(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

(b) Individuals instructing minors in the safe use of firearms during a supervised firearms training program, provided the minor's parent or legal guardian has granted the minor permission to participate in such program.

(c) Licensed hunters accompanying a minor while lawfully taking wildlife.

(d) Individuals supervising minors using firearms during a lawful shooting event or activity.

159:13. Changing Marks. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other distinctive marks identifying any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

159:14. Exemption. None of the provisions of any of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person licensed under this chapter or to a person personally known to him. State Jurisdiction

159:26. Firearms and Ammunition; Authority of the State. I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may
regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating the use of real property in the same manner as other businesses or to take any action allowed under RSA 207:59.

II. Upon the effective date of this section, all municipal ordinances and regulations not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, or firearms supplies shall be null and void.

Chapter 159-D. Criminal Background Checks

159-D:1. Sale of Firearms; Criminal History Record and Protective Order Check. The department of safety may become the point of contact for the federal government for the purposes of the National Instant Criminal Background Check System (NICS). 159-D:2. Confidentiality.

I. If the department of safety conducts criminal background checks under RSA 159-D:1, any records containing information pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of state or federal law, which are created by the department of safety to conduct the criminal background check, shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within one day after the day of the receipt of the licensee’s request.

II. The department shall retain records containing any information pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a firearm for 3 years.

III. Notwithstanding the provisions of this section, the department may maintain only a log of dates of requests for criminal background checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of firearm transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of firearms.

159-D:3. Penalties for Attempts to Purchase Firearms Illegally. A person who completes and signs an application for purchase of a firearm and who knows that such purchase is illegal because he or she is subject to a protective order shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

Chapter 173-B. Protection of Persons From Domestic Violence

173-B:1. Definitions. In this chapter: ...

VII. "Deadly weapon" means "deadly weapon" as defined in RSA 625:11, V. ...

XI. "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by force of gunpowder. ...

173-B:4. Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse to a petitioner by a current or former domestic partner, or the petitioner requests the court, within 15 days prior to the expiration of the order, or if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant, ...

II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.

IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.

X. (a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have the right to appear and be heard, and to the law enforcement agency which has control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:

(1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and

(2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.

(b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the defendant from owning firearms, or if the court denies the defendant's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.

(c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be surrendered to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.

(d) No law enforcement agency shall be held liable for alleged damage or deterioration due to
storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

173-B:9 Violation of Protective Order; Penalty.

I. (a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

173-B:10 Protection by Peace Officers.

I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:

(a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant’s control, ownership, or possession.

...
nition generally recognized as suitable for sport-
ing purposes; (4) any Molotov cocktail or other
device consisting of a breakable container con-
taining flammable liquid and having a wick or
similar device capable of being ignited. The term
does not include any device manufactured for the
purpose of illumination, distress signaling, line-
throwing, gluing or similar purposes.
e. “Explosive” means any chemical compound
or mixture that is commonly used or is pos-
sessed for the purpose of producing an explo-
sion and which contains any oxidizing and com-
bustible materials or other ingredients in such
proportions, quantities or packing that an explo-
sion by fire, friction or concussion or by detona-
tion of any part of the compound or mixture may
cause such a sudden generation of highly
heated gases that the resultant gaseous pres-
sure are capable of producing destructive ef-
ccts on contiguous objects. The term shall
not include small arms ammunition, or explosives in
the form prescribed by the official United States
Pharmacopoeia.
f. “Firearm” means any handgun, rifle, shotgun,
machine gun, automatic or semiautomatic
rifle, or any gun, device or instrument in the na-
ture of a weapon from which may be fired or
exhibited any solid projectile ball, slug, pellet,
missile or similar thing, fired by propulsive
force, with or without a barrel, that is capable of
being held in the hand and from which the prop-
eller force is a spring, elastic band, carbon
dioxyde, compressed or other gas or vapor, air, or
compressed air, or is ignited by compressed air,
and ejecting a bullet or missile smaller than
three-eighths of an inch in diameter, with suf-
cient force to injure a person.
g. “Firearm silencer” means any instrument,
attachment, weapon or appliance for causing the
firing of any gun, revolver, pistol or other firearm
to be silent, or intended to lessen or muffle the
noise of the firing of any gun, revolver, pistol or
other firearm...h. “Machine gun” means any firearm, mechan-
ism or instrument not requiring that the trigger
be depressed in order to fire, and having a recoil
belt or other means of storing and carrying am-
munition which can be loaded into the firearm,
mechanism or instrument and fired therefrom.
i. “Manufacturer” means any person who re-
ceives or obtains raw materials or parts and pro-
cesses them into firearms or finished parts of
firearms, except a person who exclusively pro-
cesses grips, stocks and other nonmetal parts of
firearms. The term does not include a person who
repairs existing firearms or receives new and
used raw materials or parts solely for the re-
pair of existing firearms.
j. “Handgun” means any pistol, revolver or
other firearm originally designed or manufactur-
ed to be fired by the use of a single hand.
k. “Retail dealer” means any person including a
gunsmith, except a manufacturer or a whole-
sale dealer, who sells, transfers or assigns for a
fee or profit any firearm or parts of firearms or
ammunition which he has purchased or obtained
with the intention, or for the purpose, of resell-
mg or reassigning to persons who are reasonably
understood to be the ultimate consumers, and
includes any person who is engaged in the busi-
ness of repairing firearms or who sells any fire-
am to satisfy a debt secured by the pledge of a
firearm.
m. “Rifle” means any firearm designed to be
fired from the shoulder and using the energy of
the explosive in a fixed metallic cartridge to fire
a single projectile through a rifled bore for each
single pull of the trigger.
n. “Shotgun” means any firearm designed to be
fired from the shoulder and using the energy of
the explosive in a fixed shotgun shell to fire
through a smooth bore either a number of ball
shots or a single projectile for each pull of the
trigger, or any firearm designed to be fired from
the shoulder which does not fire fixed ammu-
nition.
o. “Sawed-off shotgun” means any shotgun
having a barrel or barrels of less than 18 inches
in length measured from the breech to the muzz-
le, or a rifle having a barrel or barrels of less
than 16 inches in length measured from the
breech to the muzzle, or any firearm made from
a rifle or a shotgun, whether by alteration, or oth-
erwise, such firearm as modified has an overall
length of less than 26 inches.
p. “Weapon” means anything readily capable of
lateral use or of inflicting serious bodily injury.
The term includes, but is not limited to, all (1)
firearms, even though not loaded or lacking a
clip or other component to render them immedi-
ately operable; (2) components which can be
readily assembled into a weapon; (3) gravity
knives, switchblade knives, daggers, dirks, stilet-
tos, or other dangerous knives, billies, black-
jacks, budgeons, metal knuckles, sand-clubs,
slingshots, cesti or similar leather bands studded
with metal filings or razor blades imbedded in
wood; and (4) stun guns; and any weapon or other
device which projects, releases, or emits tear
gas or any other substance intended to pro-
duce temporary physical discomfort or perma-
nent injury through being vaporized or otherwise
dispersed in the air.
q. “Wholesale dealer” means any person, ex-
cept a manufacturer, who sells, transfers, or as-
signs firearms, or parts of firearms, to persons
who are reasonably understood not to be the ul-
timate consumers, and includes persons who re-
ceives finished parts of firearms and assemble
them into completed or partially completed fire-
arms, in furtherance of such purpose, except
that it shall not include those persons dealing ex-
clusively in grips, stocks and other nonmetal
parts of firearms.
r. “Saw” gun” means any weapon or other de-
vice which emits an electrical charge or current
intended to temporarily or permanently disable a
person...
s. “Imitation firearm” means an object or de-
vice reasonably capable of being mistaken for a
firearm.
t. “Assault firearm” means:
(1) The following firearms:
Aligeme AGM1 type
Any shotgun with a revolving cylinder such as the
"Street Sweeper" or "Striker 12"
Armalite AR-180 type
Australian Automatic Arms SAR
Avtomat Kalashnikov type semi-automatic
firearms
Beretta AR-70 and BM59 semi-automatic
firearms
Bushmaster Assault Rifle
Calico M990 Assault carbine and M-900
CETME G3
Chartered Industries of Singapore SR-88 type
Colt AR-15 and CAR-15 series
Daewoo K-1, K-2, Max 1 and Max 2, AR 100
types
Demco TAC-1 carbine type
Encom MP-9 and MP-45 carbine types
FAMAS MAS223 types
FN-FAL, FN-LAR, or FN-FNC type semi-
a utomatic firearms
Franchi SPAS 12 and LAW 12 shotguns
G3SA type
Gall type Heckler and Koch HK91, HK93,
HK04, MPS, PSG-1
Intratec Tec 9 and 22 semi-automatic
firearms
M1 carbine type
M14S type
MAC 10, MAC 11, MAC 11-9mm carbine type
firearms
PKP M-68 carbine type
Plainfield Machine Company Carbine
Ruger K-Mini-14/5F and Mini-14/5RF
SIG AMT, SIG 550SP, SIG 551SP, SIG PE-
57 types
SKS with detachable magazine type
Spectre Auto carbine type
Springfield Armory and SAR-48 type
Sterling MK-6, MK-7 and SAR types
Steyr A.U.G. semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-
a utomatic firearms
Weaver Arm Nighthawk.
(2) Any firearm manufactured under any des-
ignation which is substantially identical to any of
the firearms listed above.
(3) A semi-automatic shotgun with either a
magazine capacity exceeding six rounds, a pis-
tol grip, or a folding stock.
(4) A semi-automatic rifle with a fixed maga-
azine capacity exceeding fifteen rounds.
(5) A part or combination of parts designed or
intended to convert a firearm into an assault fire-
arm, or any combination of parts from which an
assault firearm may be readily assembled if
those parts are in the possession or under the
control of the same person.
t. “Semi-automatic” means a firearm which
fires a single projectile for each single pull of the
trigger and is self-reloading or automatically
chambers a round, cartridge, or bullet.
u. “Large capacity ammunition magazine”
means a box, drum, tube or other container
which is capable of holding more than 15 rounds
of ammunition for which it is commercially
designed and intended, and which contains a
magazine capacity exceeding 15 rounds.
(5) Any firearm manufactured under any des-
ignation which is substantially identical to any of
the firearms listed above.
"Pistol grip" means a well-defined handle,
similar to that found on a handgun, that pro-
vides unobstructed rearward movement of the
trigger, and permits the handgun to be
held and fired with one hand.
 aa. “Antique handgun” means a handgun
manufactured before 1898, or a replica thereof,
which is recognized as being historical in nature
or of historical significance and either (1) utilizes
a match, friction, flint, or percussion ignition,
or which utilizes a pin-fire cartridge in which the
pin is part of the cartridge or (2) does not fire fixed
ammunition or for which cartridge ammunition is
not commercially available.
 bb. "Trigger lock" means a commercially
available device approved by the Superinten-
dent of State Police which is operated with a key
or combination lock that prevents a firearm from
being discharged while the device is attached to
the firearm. They are not limited to devices that
obstruct the barrel or cylinder of the firearm, as
devices that immobilize the trigger.
 cc. "Trigger locking device" means a device
that, if installed on a firearm and secured by
means of a key or mechanically, electronically
or electromechanically operated combination lock,
prevents the firearm from being discharged with- out first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a hand- gun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recog- nized user. The technology limiting the hand- gun's operational use may include, but not be limited to: radio frequency tagging, touch memo- rym, remote control, fingerprint, magnetic encod- ing and other automatic user identification in sys- tems utilizing biometric, mechanical or electronic systems. No make or model of a handgun shall be deemed to be a "personalized handgun" un- less the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliable standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.

2C:39-3. Prohibited weapons and devices

a. Possession of firearms, weapons, de- structive devices, silencers, or explosives in a vehicle. When a firearm, weapon, destructive device, silencer, or explosive described in this chapter is found in a vehicle, it is presumed to be in the possession of the occupant if there is but one. If there is more than one occupant in the vehicle and it is found to be in the possession of any, and if not, in the possession of all, except under the following circum- stances:

(1) When it is found upon the person of one of the occupants, it shall be presumed to be in the possession of that occupant alone;

(2) When the vehicle is not a stolen one and the weapon or other instrument is found out in view of a glove compartment, trunk or other en- closed customary depository, it shall be presumed to be in the possession of the occupant or occupants who own or have authority to oper- ate the vehicle; and

(3) When the vehicle is a taxicab and a weap- on or other instrument is found in the passen- ger's portion of the vehicle, it shall be presumed to be in the possession of all the passengers, if there are any, and if not, in the possession of the driver.

b. Licenses and permits. When the legality of a person's conduct under this chapter de- pends on his possession of a license or permit or on his having registered with or given notice to a particular person or agency, it shall be presumed that he does not possess such a license or permit or has not registered or given the required notice, until he establishes the contrary.

c. Exceptions.

(1) Nothing in subsection e., f., j., or k. of this section shall apply to any law enforcement officer who has com- mitted, seized or otherwise taken possession of ammunition described above. A distinctive variation includes a different head stamp, compo- sition, design, or color.

d. Certain weapons. Any person who know- ingly has in his possession any small firearm, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, sling-shot, cestus or similar leather band studded with metal- filings or razor blades imbedded in wood, bal- listic knife, or any firearm or other weapon or device is guilty of a crime of the fourth degree.

e. Dum-dum or body armor penetrating bul- lets.

(1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any firearm which is comprised of a bullet whose core or jacket is thicker than 0.25 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hard- ness Scale; and

(2) Any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means:

(a) ammunition primarily designed for use in a handgun, and

(b) which is comprised of a bullet whose core or jacket is thicker than 0.25 of an inch, made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hard- ness Scale.

f. Dum-dum or body armor penetrating bul- lets.

f.(1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large ca- pacity ammunition magazine at its licensed premises for sale or disposition to another li- censed dealer, the Armed Forces of the United States or the National Guard, or to a law en- forcement agency, provided that the sell main- tains a record of any sale or disposition to a law enforcement agency. The technology limiting the hand- gun's operational use may include, but not be limited to: radio frequency tagging, touch memo- rym, remote control, fingerprint, magnetic encod- ing and other automatic user identification in sys- tems utilizing biometric, mechanical or electronic systems. No make or model of a handgun shall be deemed to be a "personalized handgun" un- less the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliable standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.

2C:39-2. Presumptions

When the legality of a person's conduct under this chapter depends on his possession of a license or permit or on his having registered with or given notice to a particular person or agency, it shall be presumed that he does not possess such a license or permit or has not registered or given the required notice, until he establishes the contrary.

c. Exceptions.

(1) Nothing in subsection e., f., j., or k. of this section shall apply to any law enforcement officer who has com- mitted, seized or otherwise taken possession of ammunition described above. A distinctive variation includes a different head stamp, compo- sition, design, or color.

d. Certain weapons. Any person who know- ingly has in his possession any small firearm, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, sling-shot, cestus or similar leather band studded with metal- filings or razor blades imbedded in wood, bal- listic knife, or any firearm or other weapon or device is guilty of a crime of the fourth degree.

e. Dum-dum or body armor penetrating bul- Lets.

(1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any firearm which is comprised of a bullet whose core or jacket is thicker than 0.25 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hard- ness Scale; and

(2) Any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means:

(a) ammunition primarily designed for use in a handgun, and

(b) which is comprised of a bullet whose core or jacket is thicker than 0.25 of an inch, made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hard- ness Scale.

f. Dum-dum or body armor penetrating bul- lets.

f.(1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large ca- pacity ammunition magazine at its licensed premises for sale or disposition to another li- censed dealer, the Armed Forces of the United States or the National Guard, or to a law en- forcement agency, provided that the sell main- tains a record of any sale or disposition to a law enforcement agency. The technology limiting the hand- gun's operational use may include, but not be limited to: radio frequency tagging, touch memo- rym, remote control, fingerprint, magnetic encod- ing and other automatic user identification in sys- tems utilizing biometric, mechanical or electronic systems. No make or model of a handgun shall be deemed to be a "personalized handgun" un- less the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliable standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.
uses as handcuffs may have, is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs possessed in violation of the law.

2C:39-4. Possession of weapons for unlawful purposes

a. Firearms. (1) Any person who has in his possession any firearm with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

(2) Any person who possesses, receives or transfers a community gun is guilty of a crime of the second degree and shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at one-half of the sentence imposed by the court or three years, whichever is greater and during which the defendant shall be ineligible for parole.

As used in this paragraph, "community gun" means a firearm that is transferred among, between or within any association of two or more persons who, while possessing that firearm, engage in criminal activity or use it unlawfully against the person or property of another.

b. Explosives. Any person who has in his possession or carries any explosive substance with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

c. Destructive devices. Any person who has in his possession any destructive device with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the third degree.

d. Other weapons. Any person who has in his possession any weapon, except a firearm, with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the fourth degree.

2C:39-4.1. Weapons; controlled dangerous substances and other offenses, penalties


b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-5, is guilty of a crime of the second degree.

c. Rifles and shotguns. Any person who knowingly has in his possession any rifle or shotgun without having obtained a permit to carry the same as provided in N.J.S. 2C:58-3, is guilty of a crime of the third degree.

d. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of the second degree.

(1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S. 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any weapon under circumstances not manifestly appropriate for such lawful uses as the weapon may have, while in the course of committing, attempting to commit, or conspiring to commit a violation of N.J.S. 2C:35-3, N.J.S. 2C:35-5, section 3 or section 5 of P.L. 1997, c. 194 (C. 2C:35-5.2 or 2C:35-5.3), N.J.S. 2C:35-6, section 1 of P.L. 1987, c. 101 (C. 2C:35-7), section 1 of P.L. 1997, c. 327 (C.2C:35-7.1), N.J.S. 2C:35-11 or N.J.S. 2C:16-1 is guilty of a crime of the second degree.

e. Fried guns. Any person who has in his possession any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution is guilty of a crime of the fourth degree.

(3) Any person who knowingly has in his possession any imitation firearm or in any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution, or while on any school bus is a disorderly person, irrespective of whether he possesses a valid permit to carry a firearm or a valid firearms purchaser identification card.

f. Violent offenses. Any person who knowingly has in his possession any firearm is guilty of a crime of the second degree except if the assault firearm is licensed pursuant to N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12); or rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13).

g. Possession of firearms. Any person who possesses, uses or transfers a community gun is guilty of a crime of the second degree.

h. Castle doctrine. Any person who commits a crime of the third degree under subsection a. or b. of this section shall be sentenced by the court to a term of imprisonment, which shall include the imposition of a minimum term during which the defendant shall be ineligible for parole, if the court finds that the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies. The minimum term of imprisonment shall be fixed at five years. The sentencing court shall make a finding on the record as to whether the aggravating circumstance set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, and the court shall presume that there is a substantial likelihood that the defendant is involved in organized criminal activity if there is
a substantial likelihood that the defendant is a member of an organization or group that engages in criminal activity. The prosecution at the sentencing hearing shall have the initial burden of producing evidence or information concerning the defendant's membership in such an organization or group.

2C:39-6. Exemptions

a. Provided a person complies with the requirements of subsection j. of this section, N.J.S.2C:39-5 does not apply:

(1) Members of the Armed Forces of the United States or of the National Guard while actually engaged in the performance of active duty or while actually on call to perform active duty, or while actually on call to perform any duty of the United States under the National Defense Act of 1950, P.L.1981, c.409 (C.40A:17-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(2) A juvenile corrections officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commissioner of human services;

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of his official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned full-time or part-time to an arson investigation or similar duty and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties. Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor. All firearms returned each day pursuant to this paragraph shall be stored in locked containers located in a secure area;

(11) A county corrections officer at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent of the county correctional institution, testing his proficiency in the handling of firearms.

b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and when going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry employed in the performance of arrest and investigative duties and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization or group actually engaged in the transportation of explosives;

(7) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;


(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has satisfied the training requirements of the Police Training Commission, pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the Department of Community Affairs while actually under orders to carry a firearm prior to or from the prescribed place of meeting and carrying the weapons prescribed for, drill, exercise or parade;

(14) A parole officer employed by the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the performance of his duties;

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has completed an approved academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;
A) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et seq.) at all times while in the State of New Jersey; or

B) A probation officer assigned to the "Probation Officer Community Safety Unit" created under subsection a. of N.J.S.2C:39-5 by P.L.2001, c.65 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission. See N.J.S.A. 44:17E-3.5 to 44:17E-3.15 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired in a manner specified for purposes of exhibition or demonstration at an authorized target range in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent, provided that the cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent, provided that the performer has given at least 30 days' notice to the superintendent.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that the performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such fireworks are repaired, for the purpose of repair. For the purpose of repair, the place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A person of any rifle or pistol club organized in accordance with the rules and regulations prescribed by the National Board for Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent, and further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting, target practice or fishing in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license;

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder;

(c) In the case of a firearm, directly to or from any place where firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signaling device approved by the United States Coast Guard;

(5) All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in the State, or of the United States Postal Service, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and Senior Services and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

Such exemptions shall be used solely to repel only those canines or other animal attacks when the canines or other animals are not restrained in a fashion sufficiently to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and noninjurious products, by the Commissioner of Health and Senior Services.

(1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this section shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.00.

i. A person shall qualify for an exemption from the provisions of N.J.S.2C:39-5, as specified under subsections a. and c. of this section, if the person satisfies all requirements established by the Commissioner of Health and Senior Services and has satisfactorily completed a firearms training course approved by the Police Training Commission.

Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

j. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce
temporary physical discomfort or temporary identification.

I. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a 10-year law enforcement officer prior to retiring. This section does not apply to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3.

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the case of a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

(4) The superintendent shall issue to an approved retired officer an identification card permitting that retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for one year from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing before the Superior Court of New Jersey in the county in which the application is received by writing the chief law enforcement officer of the county. The hearing shall be held within 30 days of the filing of the request. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. The hearing shall be held in accordance with the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer’s privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein he resides or the superintendent, and shall be disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife listed in the Division of Fish and Wildlife of the New Jersey Department of Environmental Protection; or any person employed by, or permitted to carry a handgun pursuant to this subsection.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife listed in the Division of Fish and Wildlife of the New Jersey Department of Environmental Protection; or any person employed by, or permitted to carry a handgun pursuant to this subsection.

2C:39-7. Certain persons not to have weapons

a. Except as provided in subsection b. of this section, any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1 or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-3, or any person convicted of a crime involving domestic violence as defined in N.J.S.2C:35-2 who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

b.(1) A person having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1, endangering the welfare of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10) or a crime involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person having been convicted of a crime pursuant to the provisions of N.J.S.2C:35-5 through N.J.S.2C:35-6, inclusive; section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree and upon conviction thereof, the person shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term, which shall be fixed at five years, during which the defendant shall be ineligible for parole. If the defendant is sentenced to a term of imprisonment pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall include the imposition of a minimum term, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.
A person is for the purpose of personal self-enforcement purposes by duly authorized other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of subsection d. of N.J.S.2C:39-5, which is intended for use by financial and other business institutions as part of an integrated security system, place of business or other locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree.

f. (1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any weapon, including a firearm, a firearm silencer, or ammunition, which is intended to be used for illegal purposes in violation of any law or regulation, shall be guilty of a crime of the third degree. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 21 years, except as permitted in section 12 of P.L. 1990, c. 32 (C. 2C:58-13) commits a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

g. Assault firearms. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of an assault firearm, or in completing the certification or transfer, en any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to carry a firearm, or a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certification or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel is guilty of a crime of the fourth degree.

i. Transporting firearms into this State for an unlawful sale or transfer. Any person who knowingly transports, ships or otherwise brings into this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual shall be guilty of a crime of the second degree. The temporary transfer of a firearm while hunting or target shooting, the transfer of any firearm that uses air or carbon dioxide to expel a projectile, or the transfer of an antique firearm shall not constitute a violation of this subsection.

21. Violation of the regulatory provisions relating to firearms; false representation in applications

a. (1) Except as otherwise provided in paragraph (2) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms, shall be guilty of a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to carry a firearm, or a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L. 1990, c. 32 (C. 2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L. 1990, c. 32 (C. 2C:58-13) commits a crime of the fourth degree.

e. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 18 years, except as permitted in section 14 of P.L. 1979, c. 179 (C. 2C:58-6.1), is guilty of a crime of the third degree. Notwithstanding any other provision of law to the contrary, the sentence imposed for a conviction under this subsection shall include only such deviations as are reasonably necessary under the circumstances.

f. Unless the recipient is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a handgun to a person who is under the age of 21 years, except as permitted in section 14 of P.L. 1979, c. 179 (C. 2C:58-6.1), is guilty of a crime of the third degree.
g. Any person who knowingly gives or causes to be given any false information or knowingly engages in any other fraudulent conduct in applying for an exemption to purchase more than one handgun in a 30-day period in violation of the provisions of section 4 of P.L.2009, c. 186 (C.2C:58-3.4) shall be guilty of a crime of the third degree. The provisions of this subsection of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to persons convicted under the provisions of this subsection.

2C:39-11. Pawnbrokers; loaning on firearms

a. Any pawnbroker who sells, offers to sell or to lend or give away any weapon, destructive device or explosive is guilty of a crime of the third degree.

b. Any person who loans money, the security for which is any handgun, rifle or shotgun is guilty of a disorderly persons offense.

d. Appeals. Any person aggrieved by the refusal of the superintendent to register him as a manufacturer or wholesale dealer or a wholesale dealer's agent, or by revocation of his certificate or license, may appeal to the Appellate Division of the Superior Court.

e. Records of Sales. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm sold by him. The record shall include the date of sale, the name and address of the purchaser, a description of each firearm and the serial number thereof. The records shall be available for inspection at all reasonable times by any law enforcement officer.

2C:38-2. Retailing of firearms; licensing of dealers and their employees

a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare. Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications prescribed by the superintendent, and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health or welfare.

The superintendent shall issue a certificate of registration to every person registered under this section, and such certificate shall be valid for a period of 3 years from the date of issuance.

b.你可以将其翻译成中文。
In addition, every retail dealer shall pay a fee of $5 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the retail dealer's employ.

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

1. The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

2. The license or a copy certified by the issuing authority shall be displayed at all times in a prominent and conspicuous place in the business premises where it can be easily read.

3. No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

4. No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

5. No handgun shall be delivered to any person unless:

a. Such person possesses and exhibits a valid permit to purchase a firearm and at least seven days have elapsed since the date of application for the permit;

b. The person is personally known to the seller or presents evidence of his identity;

c. The handgun is unloaded and securely wrapped;

d. Except as otherwise provided in subparagraph (e) of this paragraph, the handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility; provided, however, this provision shall not apply to antique handguns. The exemption afforded under this subparagraph for antique handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and

e. Only after the first day of the sixth month following the date on which the list of personalized handguns is prepared and delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), the handgun is identified as a personalized handgun and included on that list or is an antique handgun. The provisions of subparagraph (d) of this section shall not apply to the delivery of a personalized handgun.

6. The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section and the record shall state the trigger lock, locked case, gun box, container or other secure facility delivered along with the handgun.

7. A dealer shall not knowingly deliver more than one handgun to any person within any 30-day period. This limitation shall not apply to:

a. a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the performance of their law enforcement duties;

b. a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a)(13) who has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives;

c. transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;

d. any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in a consignment sale for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent;

e. any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L.2002, c.186 (C.2C:58-3.4).

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber, manufacturer of the handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures in register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.


The Superintendent of State Police, in consultation with the Attorney General, shall promulgate guidelines to effectuate the purposes of P.L. 1999, c. 233.

2C:58-2.3. Retail sales availability; production model

a. On the first day of the sixth month following the effective date of P.L.2002, c.130 (C.2C:58-2.2), the Attorney General shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes. If the Attorney General determines that personalized handguns are not available for retail sales purposes, the Attorney General, every six months thereafter, shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes until such time as the Attorney General shall deem that personalized handguns are available for retail sales purposes and so report to the Governor and the Legislature. In making this determination, the Attorney General may consult with any other neutral and detached public or private entity that may have useful information and expertise to assist in determining whether, through performance and other relevant indicators, a handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

b. For the purposes of this section, personalized handguns shall be deemed to be available for retail sales purposes if at least one manufacturer has delivered at least one production model of a personalized handgun to a registered or licensed wholesale or retail dealer in New Jersey or any other state. As used in this subsection, the term "production model" shall mean a handgun manufactured by a public or private entity that may have useful information and expertise to assist in determining whether, through performance and other relevant indicators, a handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

2C:58-2.4. List of personalized handguns that may be sold

a. On the first day of the 24th month following the date on which the Attorney General reports that personalized handguns are available for retail sales purposes pursuant to section 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General shall direct the Superintendent of State Police to promulgate a list of personalized handguns that may be sold in the State. This list shall identify those handguns by manufacturer, model and caliber.

b. The list required under subsection a. of this section shall be prepared within six months of the Attorney General's directive to the superintendent and a copy thereof made available to registered and licensed firearms dealers in this State. Whenever a handgun is determined to meet the statutory definition of a personalized handgun as set forth in N.J.S.2C:39-1, the Attorney General shall report that determination in writing to the Governor and the Legislature within 60 days. The superintendent shall promptly amend and supplement the list to include hand-
guns which meet the statutory definition of a personalized handgun as set forth in N.J.S.2C:58-1 or to remove previously listed handguns, if appropriate. Registered and licensed retail firearms dealers in this State shall be notified forthwith of any such changes in the list. The notice shall be given in the manner prescribed by rule and regulation. The Attorney General shall promulgate rules and regulations establishing a process for handgun manufacturers to demonstrate that their handguns meet the statutory definition of a personalized handgun set forth in N.J.S.2C:58-1 and request that their handguns be added to this list. These rules and regulations may require that the handgun manufacturer:

1. deliver a handgun or handguns to the Attorney General or his designee for testing;
2. pay a reasonable application fee; and
3. pay any reasonable costs incurred in, or associated with, the testing and independent scientific analysis of the handgun, including any analysis of the technology the manufacturer has incorporated within the handgun’s design to limit its operational use, that is conducted to determine whether the handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:58-1.

2C:58-6. Return commission to qualify use by law enforcement; penalty

a. On and after the first day of the sixth month following the preparation and delivery of the list of personalized handguns which may be sold in the State pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), no person registered or licensed by the superintendent as a manufacturer, wholesale dealer of firearms, retail dealer of firearms or agent or employee of a wholesale or retail dealer of firearms pursuant to the provisions of N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport into this State, sell, expose for sale, possess with the intent of selling, assign or otherwise transfer any handgun unless it is a personalized handgun or an antique handgun.

b. The provisions of this section shall not apply to handguns to be sold, transferred, assigned and delivered for official use to:
   (1) State and local law enforcement officers of this State;
   (2) federal law enforcement officers and any other federal officers and employees required to carry firearms pursuant to their official duties and (3) members of the Armed Forces of the United States or of the National Guard.

c. The provisions of this section also shall not apply to handguns to be sold, transferred, assigned and delivered solely for use in competitive shooting matches sanctioned by the Civilian Marksmanship Program, the International Olympic Committee or USA Shooting. The Attorney General may promulgate rules and regulations governing the scope and application of the exemption afforded under this section. The Attorney General, by rule and regulation, may require, at a minimum, that a person acquiring a handgun pursuant to this section submit valid proof of participation in these sanctioned shooting matches.

d. No later than 30 days after the preparation and delivery of the list of personalized handguns which may be sold in the State pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), there shall be set up by the Home Commissioner in the Department of Law and Public Safety that shall meet at least once a year to determine whether personalized handguns qualify for use by State and local law enforcement officers.

The Governor shall appoint the following six members of the commission: a county sheriff; a county law enforcement officer; a county prosecutor; one local law enforcement officer who shall be an active member of the New Jersey Fraternal Order of Police; one local law enforcement officer who shall be an active member of the New Jersey State Policemen’s Benevolent Association; and an experienced firearms instructor who shall be a graduate of a firearms training course approved by the Police Training Commission. The seventh member of the commission shall be the Superintendent of State Police.

The commission shall issue a report to the Attorney General upon its determination that personalized handguns qualify for use by State and local law enforcement officers. In making that determination, the commission shall consider any advantages and disadvantages to using these weapons in the performance of the official duties of law enforcement officers and shall give due regard to the safety of law enforcement officers and others. The commission shall expire thereon.

2C:58-7. Free from privilege

a. A person who knowingly violates the provisions of this section is guilty of a crime of the fourth degree.

2C:58-2.6. Rules and regulations

The Attorney General, in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

2C:58-3. Purchase of firearms

a. Permit to purchase a handgun

No person shall sell, give, transfer, assign or otherwise dispose of, or receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card

No person shall sell, give, transfer, assign or otherwise dispose of, or receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer’s registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain

No person of good character, who is not under the age of 21 years, and who is not subject to any of the disabilities set forth in subsection a. of this section or sections 2C:58-2a. or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

1. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), and physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who, pursuant to the provisions of section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

2. To any person who is a juvenile as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is the owner of a weapon at the time of such offense, or to any person who is a habitual drunkard;

3. To any person who has suffered from a physical illness, injury, or mental illness, or who is under mental disability, who is not subject to any of the disabilities set forth in subsection a. of this section, or subsection c. of this section, or who is under age 21 years, or to any person who is physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

4. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), and physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

5. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), and physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

6. To any person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

7. To any person who is a juvenile as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is the owner of a weapon at the time of such offense, or to any person who is a habitual drunkard;

8. To any person who has suffered from a physical illness, injury, or mental illness, or who is under mental disability, who is not subject to any of the disabilities set forth in subsection a. of this section, or subsection c. of this section, or who is under age 21 years, or to any person who is physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

9. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), and physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

10. To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), and physically or emotionally dangerous to a minor or other person to whom possession of a weapon at the time of such offense, or to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard.
e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P.L. 1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or mental hospital, has ever been convicted of a crime or disorderly persons offense, whether the person is subject to the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person has ever been confined or committed to a mental or psychiatric condition, giving the name and location of the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent or from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; quadraplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadraplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadraplicate and the seller shall complete all of the information required on the form. Within the next 30 days after the date the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to:

(1) a federal, State or local law enforcement officer or agent who purchases handguns for use by officers in the actual performance of their law enforcement duties;

(2) a collector of handguns as curios or relics as defined in section 92a of Title 26 of the United States Code and N.J.S.2C:39-18(12) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer;

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer for exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L. 2000, c.186 (N.J.S.2C:39-14a).

The provisions of this subsection shall not be construed to authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes.

The restrictions shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection (b) of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of law, if in this section the term "purchaser" includes the term "transferee of ownership," then in the event of the death of a principal who possesses a valid firearms purchaser identification card, the firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section or in N.J.S. 2C:58-2 shall apply to the sale or purchase of a visual distress signaling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person, except such persons under the age of 18 years shall purchase or sell any person under the age of 18 years such a visual distress signaling device. 2C:58-3. Temporary transfer of firearms; duration; presence of owner or dealer

a. Notwithstanding the provisions of N.J.S. 2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary, a temporary transfer or disposition of firearms, the legal owner, or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a handgun, rifle or shotgun to another person who is 18 years of age or older, whether or not the person receiving the firearm is a qualified firearms purchaser or a qualified firearms purchaser identification card or a person to carry a handgun. The person to whom a handgun, rifle or shotgun is temporarily transferred by the legal owner of the firearm or a licensed dealer may receive, possess, carry and use that handgun, rifle or shotgun, if the transfer is made upon a firing range operated by a licensed dealer, by a law enforce-
ment agency, a legally recognized military organization or a rif...and code of its charter with the superintendent for immediate use at that range.

**2C:58-4. Permits to carry handguns**

a. **Scope and duration of authority.** Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in all parts of this State, except as prohibited by section 2C:39-5e. One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit.

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of such permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and such other information as the superintendent may prescribe for the determination of the applicant’s fitness for a firearms license and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least 3 years preceding the date of application, and who shall certify thereon that the appli-
c. Investigation and approval. Each application shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent,

(1) if the applicant is an employee of an armored car company;

(2) if there is no chief police officer in the municipality where the applicant resides, or

(3) if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in 2C:58-3c, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. If the application is not approved by the chief police officer or the superintendent, the awardees of fingerprints of the applicant shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

d. Issuance by Superior Court; fee. If the application has been approved by the chief police officer or the superintendent, as the case may be, the applicant shall forthwith present it to the Superior Court of the county in which the applicant resides, or to the Superior Court in any county where he intends to carry a handgun, in the case of a nonresident or employee of an armored car company. The court shall issue the permit to the applicant if, but only if, it is satisfied that the applicant is a person of good character who is not subject to any of the disabilities set forth in section 2C:58-3c, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. The court may at its discretion issue a limited-type permit which would restrict the applicant as to the types of handguns he may carry and when and where they may be carried. At the time of issuance, the applicant shall pay to the county clerk of the county where the permit was issued a permit fee of $20.00.

e. Appeals from denial of applications. Any person aggrieved by the denial of an application for a permit to carry a handgun may request a hearing in the Superior Court of the county in which he resides or in any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor, and the chief police officer of the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at such a hearing shall be taken in the same manner and under the same conditions as apply to the courts of this State.

f. Revocation of permits. Any permit issued under this section shall be void at such time as the holder thereof becomes subject to any of the disabilities set forth in section 2C:58-3c, and the holder of such a void permit shall immediately surrender the permit to the superintendent who shall give notice to the permittee of such circumstance. Any revocation may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

g. Filing fee. A filing fee of $75.00 shall be required for each application filed pursuant to the provisions of this section, and this fee shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L. 1971, c. 317 (C.52:4B-1 et seq.).

h. Appeals. Appeals from the determination of the court under this section shall be taken in the same manner and under the same conditions as apply to original applications. If the holder of a license dies, the holder's heirs or estate shall have 90 days to dispose of that firearm, unless the permit is surrendered in accordance with the provisions of this section.

2C:58-7. Persons possessing explosives or destructive devices in an unregistered or unlicensed place of business

a. Any person who becomes the possessor of any explosive, destructive device, or ammunition therewith, which is or may be loaded or otherwise dangerous, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, is authorized in subsection d. of N.J.S. 2C:39-6, shall within 15 days notify the police authorities of the municipality in which he resides or the State Police that the same is in his possession and shall present the same to them for inspection.

b. When any such ammunition, explosive or destructive device is presented for inspection it shall be accompanied by a statement by the owner or possessor of the fire, and in the event that it is found to be loaded or of a dangerous character, it shall be destroyed or be unloaded or so processed as to remove its dangerous character before being returned to the possessor.

c. Any police officer having reasonable cause to believe that any person is possessed of any such ammunition, explosive, or destructive device shall investigate, under a proper search warrant when necessary, and shall seize the same for the purpose of inspection, unloading, processing or destruction, as provided in this section, and the same shall not be returned to the possessor thereof until it has been unloaded or so processed.

2C:58-12. Assault firearms; registration; death of registrant; civil liability for use in crime

a. Within 90 days of the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.), the Attorney General shall prepare a list of the names of any assault firearm which the Attorney General determines an assault firearm which is used for legitimate target-shooting purposes. This list shall include, but need not be limited to, the Colt AR-15 and any other assault firearm used in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

b. The owner of an assault firearm purchased on or before May 1, 1990 which is on the list of assault firearms determined by the Attorney General to be legitimate for target-shooting purposes shall have one year from the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.) to register that firearm. In order to register an assault firearm, the owner shall:

(1) Complete an assault firearm registration statement, in the form to be prescribed by the Superintendent of the State Police;

(2) Pay a registration fee of $50.00 per assault firearm as provided in subsection h. of the registration fee required pursuant to section 11 of P.L. 1990, c. 32 (C.2C:58-12 et al.).

(4) Submit valid proof that the person is a member of a rifle or pistol club in existence prior to the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.).

Membership in a rifle or pistol club shall not be considered valid unless the person joined the club no later than 210 days after the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.) and unless the rifle or pistol club files its charter with the Superintendent no later than 180 days following the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.). The rifle or pistol club charter shall contain the name and address of the club’s headquarters and the name of the club’s official registered with the Attorney General as the owner of the firearm.

The information to be provided in the registration statement shall include, but shall not be limited to: the name and address of the registrant; the number or numbers on the registrant’s firearms purchaser identification card, permit to carry handguns, or permit to purchase a handgun; the name, address, and telephone number of the rifle or pistol club in which the registrant is a member, and the make, model, and serial number of the firearm being registered. Each registration statement shall be signed by the registrant, and the signature shall constitute a representation of the information contained in the registration statement.

c. For an applicant who resides in a municipality with an organized full-time police department, the registration shall take place at the main office of the police department. For all other applicants, the registration shall take place at the State Police station.

d. Within 60 days of the effective date of P.L. 1990, c. 32 (C.2C:58-12 et al.), the Superintendent shall prepare the form of registration statement as described in subsection b. of this section and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

e. One copy of the completed assault firearms registration statement shall be returned to the registrant, a second copy shall be sent to the Superintendent, and, if the registration takes place at a municipal police department, a third copy shall be retained by that municipal police department.

f. If the owner of an assault firearm which has been registered pursuant to this section dies, the owner’s heirs or estate shall have 90 days to dispose of that firearm in accordance with section 12 of P.L. 1990, c. 32 (C.2C:58-13).

g. If an assault firearm registered pursuant to the provisions of this section is used in the commission of a crime, the registrant of that assault firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply if the assault firearm used in the commission of the crime was stolen and the registrant reported the theft of the firearm to law enforcement authorities within 24 hours of the registrant’s knowledge of the theft.

h. Of the registration fee required pursuant to subsection b. of this section, $20.00 shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Crime Victims Compensation Act of 1971," P.L. 1971, c. 317 (C.52:4B-1 et seq.).

2C:58-13. One year period to transfer, render inoperable, or surrender assault firearm in lieu of registration

a. Any person who legally owns an assault firearm on the effective date of this act and who is unable to register or chooses not to register the firearm pursuant to section 11 of P.L. 1990, c. 32 (C.2C:58-12) may retain possession of that firearm for a period not to exceed one year from the effective date of this act. During this time period, the owner of the assault firearm shall either:

(1) Transfer the assault firearm to any person or firm lawfully entitled to own or possess such firearm;

(2) Render the assault firearm inoperable; or

(3) Voluntarily surrender the assault firearm pursuant to the provisions of N.J.S. 2C:39-12.

b. If the owner of an assault firearm elects to render the firearm inoperable, the owner shall file a certification on a form prescribed by the Superintendent of the State Police indicating the date on which the firearm was rendered inoperable. This certification shall be filed with either the chief law enforcement officer of the municipality in which the owner resides or, in the case of an owner who resides outside this State but stores or possesses an assault firearm in this State, with the Superintendent of the State Police.

c. As used in this section, "inoperable" means that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have in his control over the parts necessary to make the firearm operable.

2C:58-15. Access by minors to loaded firearm; disorderly persons offense; exceptions

a. A person who knows or reasonably should know that a minor is likely to gain access to a loaded firearm at a premises under the person’s control commits a disorderly persons offense if a minor gains access to the firearm, unless the person:

(1) Stores the firearm in a securely locked box or container;

(2) Stores the firearm in a location which a reasonable person would believe to be secure; or

(3) Secures the firearm with a trigger lock.

c. As used in this section, "minor" means a person under the age of 16.

2C:58-16. Warning to purchasers of criminal liability for leaving loaded firearm within access by minor

a. Upon the retail sale or transfer of any firearm, the retail dealer or his employee shall deliver to the purchaser or transferee the following warning, printed in block letters not less than one-fourth of an inch in height:

"IT IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE AND IMPRISONMENT, FOR AN ADULT TO LEAVE A LOADED FIREARM WITHIN EASY ACCESS OF A MINOR."

b. Every wholesale and retail dealer of firearms shall conspicuously post at each purchase counter the following warning, printed in block letters not less than one inch in height:

"IT IS A CRIMINAL OFFENSE TO LEAVE A LOADED FIREARM WITHIN EASY ACCESS OF A MINOR."

c. Violation of this section by any retail or wholesale dealer of firearms is a petty disorderly persons offense.

2C:58-17. KeepSafe program

a. There is established a "KeepSafe" program to encourage and stimulate the safe storage of
firearms in the State of New Jersey by providing instant rebates to firearms purchasers who purchase trigger locking devices.

Under the program, a person who purchases a firearm from a retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be eligible for a $5 instant rebate when a compatible trigger locking device is purchased along with that firearm. The licensed retail dealer shall deduct the rebate from the price of the compatible locking device in order to reduce by $5 the cost of the device for the purchaser.

b. The Superintendent of State Police, in conjunction with the Attorney General, shall adopt guidelines in accordance with the Administrative Procedure Act, P.L. 1968, c. 410 (C.52:14B-1 et seq.), to effectuate the purposes of this act. In addition, the superintendent shall prepare and deliver to each licensed retail firearms dealer in the State the forms necessary to record and report participation in the program. The forms, which shall set forth the name, address, telephone number, State tax number and State license number of the retail firearms dealer, the name of the firearms purchaser and his firearms purchaser identification card number or permit to purchase a handgun number, the make and model number of the compatible trigger locking device purchased and the date of the sale, shall be in duplicate. One copy shall be retained by the retail dealer for his records. The other shall be submitted to the Attorney General for reimbursement. The reimbursement copies shall be submitted monthly at a time prescribed by the superintendent. The submitting retail dealer shall be entitled to a reimbursement of $5 for each trigger locking device sold as part of the Keep-Safe program. To help defray any administrative costs, each participating retail dealer shall receive, in addition to the reimbursement, $0.50 for each valid reimbursement copy submitted.

The superintendent also shall provide each licensed retail firearms dealer with a sign to be prominently displayed at a conspicuous place on the dealer's business premises where firearms are offered for sale. The sign shall state substantially the following:

"KEEP NEW JERSEY FIREARMS SAFE!! TO ENCOURAGE NEW JERSEY GUN OWNERS TO STORE THEIR FIREARMS SAFELY, THE STATE IS OFFERING A $5 INSTANT REBATE WHEN YOU PURCHASE A COMPATIBLE TRIGGER LOCK ALONG WITH YOUR FIREARM. REMEMBER - THE USE OF A TRIGGER LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED, UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN. NEW JERSEY'S FAMILIES AND CHILDREN ARE PRECIOUS - KEEP THEM SAFE!!"

Chapter 30. Criminal Offenses

Article 7. Weapons and Explosives

30-7-1. "Carrying a deadly weapon" "Carrying a deadly weapon" means being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use.

30-7-2. Unlawful carrying of a deadly weapon

A. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or the type of deadly weapon anywhere, except in the following cases:
(1) in the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;
(2) in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property;
(3) by a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act [29-7-1 NMSA 1978];
(4) by a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency;
(5) by a person in possession of a valid concealed handgun license issued to him by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].
B. Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.
C. Whoever commits unlawful carrying of a deadly weapon is guilty of a petty misdemeanor.

30-7-2.1. Unlawful carrying of a deadly weapon on school premises

A. Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises except by:
(1) a peace officer;
(2) school security personnel;
(3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
(4) a person conducting or participating in a school-sponsored program, class or other activity involving the carrying of a deadly weapon;
(5) a person older than nineteen years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.
B. As used in this section, "school premises" means:
(1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board, or
(2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed.
C. Whoever commits unlawful carrying of a deadly weapon on school premises is guilty of a fourth degree felony.

30-7-2.2. Unlawful possession of a handgun by a person; exceptions; penalty

A. Unlawful possession of a handgun by a person consists of a person knowingly having a handgun in his possession or knowingly transporting a handgun, except when the person is:
(1) in attendance at a hunter's safety course or a handgun safety course;
(2) engaging in the use of a handgun for target shooting at an established range authorized by the governing body of the jurisdiction in which the range is located or in an area where the discharge of a handgun without legal justification is not prohibited by law;
(3) engaging in an organized competition involving the use of a handgun;
(4) participating in or practicing for a performance by an organization that has been granted exemption from federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1954, as amended or renumbered;
(5) legal hunting or trapping activities;
(6) traveling, with an unloaded handgun in his possession, or from an activity described in Paragraph (1), (2), (3), (4) or (5) of this subsection; or
(7) on real property under the control of the person's parent, grandparent or legal guardian and the person is being supervised by his parent, grandparent or legal guardian.
B. A person who commits unlawful possession of a handgun by a person is guilty of a misdemeanor.
C. As used in this section:
(1) "person" means an individual who is less than nineteen years old; and
(2) "handgun" means a loaded or unloaded pistol, revolver or firearm which will or is designed to or may readily be converted to expel a projectile by the action of an explosion and the barrel length of which, not including a revolving, detachable or magazine breech, does not exceed twelve inches.

30-7-2.3. Seizure and forfeiture of a handgun possessed or transported by a person in violation of unlawful possession of a handgun by a person

NEW MEXICO
N.M. STAT.
A. A handgun is subject to seizure and forfeiture by a law enforcement agency when the handgun is possessed or transported by a person in violation of the offense of unlawful possession of a handgun by a person.

B. The provisions of the Forfeiture Act [31-27-1 NMSA 1978] apply to the seizure, forfeiture and disposal of a handgun subject to forfeiture pursuant to Subsection A of this section.

30-7-2.4 Unlawful carrying of a firearm on university premises; notice; penalty

A. Unlawful carrying of a firearm on university premises consists of carrying a firearm on university premises except by:

(1) a peace officer;

(2) university security personnel;

(3) a student, instructor or other university-authorized personnel who are engaged in military, navy, marine corps or air force reserve officer training corps programs or a state-authorized hunter safety training program;

(4) a person conducting or participating in a university-approved program, class or other activity involving the carrying of a firearm; or

(5) a person older than nineteen years of age on university premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

B. A university shall conspicuously post notices on university premises that state that it is unlawful to carry a firearm on university premises.

C. As used in this section:

(1) "university" means a baccalaureate degree-granting post-secondary educational institution, a community college, a branch community college, a technical-vocational institute and an area vocational school; and

(2) "university premises" means:

(a) the buildings and grounds of a university, including playing fields and parking areas of a university, in or on which university or university-related activities are conducted; or

(b) any other public buildings or grounds, including playing fields and parking areas that are not university property, in or on which university-related and sanctioned activities are performed.

D. Whoever commits unlawful carrying of a firearm on university premises is guilty of a petty misdemeanor.

30-7-4. Negligent use of a deadly weapon

A. Negligent use of a deadly weapon consists of:

(2) carrying a firearm while under the influence of an intoxicant or narcotic;

(3) endangering the safety of another by handling or using a firearm or other deadly weapon in a negligent manner; or ...

B. The provisions of Paragraphs (1), (3) and (4) of Subsection A of this section shall not apply to a peace officer or other public employee who is required or authorized by law to carry or use a firearm in the course of his employment and who carries, handles, uses or discharges a firearm while lawfully engaged in carrying out the duties of his office or employment.

C. The exceptions from criminal liability provided for in Subsection B of this section shall not preclude or affect civil liability for the same conduct.

Whoever commits negligent use of a deadly weapon is guilty of a petty misdemeanor.

30-7-5. Dangerous use of explosives

Dangerous use of explosives consists of maliciously exploding, attempting to explode or placing any explosive with the intent to injure, intimidate or terrify another, or to damage another's property.

Whoever commits dangerous use of explosives is guilty of a third degree felony.

30-7-6. Negligent use of explosives

Negligent use of explosives consists of negligently exploding, attempting to explode or placing any explosive in such a manner as to result in injury to another or to property of another, or in the probability of such injury.

Whoever commits negligent use of explosives is guilty of a petty misdemeanor.

30-7-7. Unlawful sale, possession or transportation of explosives

Unlawful sale, possession or transportation of explosives consists of:

A. knowingly selling or possessing any explosive or causing such explosive to be transported without having plainly marked in large letters in a conspicuous place on the box or package containing such explosive the name and explosive material thereof and the date of manufacture.

For the purposes of this subsection, the term "explosive" is as defined in Section 2 [30-7-18 NMSA 1978] of the Explosives Act, but shall not include:

(1) explosive materials in medicine and medical agents in the forms prescribed by the official United States pharmacopoeia or the national formulary;

(2) small arms ammunition and components thereof;

(3) commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches and friction primers intended to be used solely for sporting, recreational or cultural purposes as defined in Section 921(a)(16) §921(a)(4) of Title 18 of the United States Code, or in antique devices as exempted from the term "destructive device" in Section 921(a)(4) § 921(a)(16) of Title 18 of the United States Code; or

(4) explosive materials transported in compliance with the regulations of the United States department of transportation and agencies thereof or

B. knowingly transporting or taking any explosive upon or into any vehicle belonging to a common carrier transporting passengers. For the purposes of this subsection, the term "explosives" is as defined in Section 2 [30-7-18 NMSA 1978] of the Explosives Act, but shall not include:

(1) explosive materials in medicines and medical agents in the forms prescribed by the official United States pharmacopoeia or the national formulary;

(2) small arms ammunition or components thereof;

(3) explosive materials transported in compliance with the regulations of the United States department of transportation and agencies thereof.

Whoever commits unlawful sale, possession or transportation of explosives as set forth in Subsection A of this section is guilty of a petty misdemeanor.

Whoever commits unlawful transportation of explosives as set forth in Subsection B of this section is guilty of a fourth degree felony.

30-7-9. Firearms; sale and purchase

Residents of New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.

30-7-16. Firearms or destructive devices; receipt, transportation or possession by a felon; penalty

A. It is unlawful for a felon to receive, transport or possess any firearm or destructive device in this state.

Any person violating the provisions of this section shall be guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act [31-18-12 NMSA 1978].

C. As used in this section:

(1) "destructive device" means:

(a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; and

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled.

The term "destructive device" does not include any device that is neither designed nor re-designed for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

(2) "felon" means a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof and:

(a) less than ten years have passed since the person completed serving his sentence or period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence; and

(3) "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. "Firearm" includes any handgun, rifle or shotgun.

30-7-18. Definitions

As used in the Explosives Act [30-7-17 NMSA 1978]:

A. "explosive" means any chemical compound or mixture of device, the primary or common purpose of which is to explode and includes but is not limited to dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters; and

B. "explosive device" or "incendiary device" means:

(1) any explosive bomb, grenade, missile or similar device;

(2) any device or mechanism used or created to start a fire or explosion with or without a timing mechanism except cigarette lighters and matches; or

(3) any incendiary bomb or grenade, fire bomb or similar device or any device which includes a flammable liquid or compound and a
30-7-19. Possession of explosives
A. Possession of explosives consists of knowingly possessing, manufacturing or transporting any explosive device or complete combination of parts thereof necessary to make an explosive device or incendiary device. This subsection shall not apply to any fireworks as defined in Section 60-2C-2 NMSA 1978 or any lawfully acquired household, commercial, industrial or sporting device or compound included in the definition of explosive device or incendiary device in Section 30-7-18 NMSA 1978 that has legitimate and lawful commercial, industrial or sporting purposes or that is lawfully possessed under Section 30-7-7 NMSA 1978.
B. Any person who commits possession of explosives is guilty of a fourth degree felony.

Chapter 32a. Children’s Code
Article 2. Delinquency
32A-2-33. Child in possession of a firearm on school premises; detention; hearing
A. If a public school administrator or employee has reasonable cause to believe that a child is in possession of or has been in possession of a firearm on school premises in violation of Section 30-7-2.1 NMSA 1978, the administrator or employee shall immediately report the child’s actions to a law enforcement agency and the children, youth and families department.
B. Upon receipt of a report pursuant to Subsection A of this section, the law enforcement agency may conduct an investigation to determine if there is probable cause to believe that the child possessed a firearm on school premises.

If the law enforcement agency determines there is probable cause to believe that the child possessed a firearm on school premises, the law enforcement agency may take the child into custody and deliver the child to a detention facility licensed by the department. After the child is delivered to a detention facility, the department shall comply with the notification provisions set forth in Subsection C of Section 32A-2-10 NMSA 1978. The child shall be detained in the detention facility, pending a detention hearing pursuant to the provisions of Section 32A-2-13 NMSA 1978.
D. As used in this section, “firearm” means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. “Firearm” includes any handgun, rifle or shotgun.
class A misdemeanor, punishable as provided in the penal law.

396-ff. Pistol and revolver ballistic identification databank

(1) For the purposes of this section, the following terms shall have the following meanings:

(a) "Manufacturer" means any person, firm, or corporation having a valid federal license that permits such person, firm or corporation to engage in the business of manufacturing pistols or revolvers or ammunition therefor for the purpose of sale or distribution.

(b) "Shell casing" means that part of ammunition capable of being used in a pistol or revolver that contains the primer and propellant powder that permits such person, firm or corporation to engage in the business of manufacturing pistols or revolvers or ammunition therefor for the purpose of sale or distribution.

(c) "Paint pellet gun" means a gun, air gun, pistol, rifle, or device in appearance or function, capable of and designed for discharging and propelling through the air to a target a small quantity of paint enclosed within a pellet or pellet-like device or capsule or capsule-like device that breaks upon impact with the target, over-sprays or spreads the target with paint.

(d) "Imitation weapon" means any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, air rifle, pellet gun, or "B-B" gun; unless such imitation weapon (a) is colored other than black, blue, silver or aluminum, (b) is marked with a non-removable orange stripe which is at least one inch in width and runs the entire length of the barrel on each side and the front end of the barrel, and (c) has a barrel at least one inch in diameter, that is closed for a distance of not less than one-half inch from the front-end of its barrel with the same material of which the imitation weapon is made. "Imitation weapon" does not include any nonfiring replica of an antique firearm, the original of which was designed, manufactured and produced prior to eighteen hundred ninety-eight.

872. Prohibitions No person, firm, corporation or agent or employee thereof shall import, manufacture, sell, hold for sale or distribute within the state any imitation weapon unless such device is declared to be manufactured, sold, held for sale and distributed:

1. solely for subsequent transportation in interstate commerce; or
2. solely for lawful use in a theatrical production, including a motion picture, television or stage production.

873. Enforcement Whenever the attorney general shall believe from evidence satisfactory to him that any person, firm, corporation or association or agent or employee thereof has violated any provision of this article, he may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation, and for a civil penalty of not more than one thousand dollars for each violation. If it shall appear to the satisfaction of the court or justice that the defendant has violated any provision of this article, no proof shall be required that any person has been injured thereby nor that the defendant knowingly or intentionally violated such provision. In such action preliminary relief may be granted under article sixty-three of the civil practice law and rules. In connection with any such proposed application, the attorney general is authorized to take proof, issue subpoenas and administer oaths in the manner provided in the civil practice law and rules.

Article 39-DD. Sale of Firearms, Rifles or Shotguns at Gun Shows

885. Definitions For the purposes of this article:

1. "Gun show" means an event sponsored, whether for profit or not, by an individual, national, state or local organization, association or other entity devoted to the collection, competitive use, sporting use, or any other legal use of firearms, rifles, or shotguns, or an event at which (a) twenty percent or more of the total number of exhibitors are firearm exhibitors or (b) ten or more firearm exhibitors are participating or (c) a total of twenty-five or more pistols or revolvers are offered for sale or transfer or (d) a total of fifty or more firearms, rifles or shotguns are offered for sale or transfer. The term gun show shall include any building, structure or facility where firearms, rifles or shotguns are offered for sale or transfer and any grounds used in connection with the event.

2. "Firearm exhibitor" means any person, firm, partnership, corporation or company that exhibits, sells, offers for sale, transfers, or exchanges firearms, rifles or shotguns at a gun show.

3. "Gun show operator" means any person, firm, partnership, corporation or company that organizes, produces, sponsors or operates a gun show.

4. "Firearm" has the same meaning as that term is defined in 18 U.S.C. 921(a)(3), but shall not include an "antique firearm" as that term is defined in 18 U.S.C. 921(a)(16).

5. "Rifle" has the same meaning as that term is defined in 18 U.S.C. 921(a)(7).

6. "Shotgun" has the same meaning as that term is defined in 18 U.S.C. 921(a)(5).

886. Operation of a gun show

1. A gun show operator shall:
(a) at all times during such show conspicuously post and maintain signs stating "A National Instant Criminal Background Check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns". Signs must be posted at all entrances to the gun show, at all places where admission tickets to the gun show are sold and not less than four additional locations within the grounds of the gun show;

(b) notify all firearm exhibitors in writing that a national instant criminal background check must be completed prior to all firearm sales or transfers, including sales or transfers of rifles or shotguns;

(c) provide access to the gun show to a firearm dealer licensed under federal law who is authorized to perform a national instant criminal background check where the seller or transferee of a firearm, rifle or shotgun is not authorized to conduct such a check by (i) requiring firearm exhibitors who are firearm dealers licensed under federal law and who are authorized to conduct a national instant criminal background check to provide such a check at cost or (ii) designating a specific location at the gun show where a firearm dealer licensed under federal law is authorized to conduct a national instant criminal background check pursuant to paragraph 2; and

2. Whenever the attorney general shall believe from evidence satisfactory to him or her that a gun show operator has violated any of the provisions of this section, the attorney general may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty in an amount not to exceed ten thousand dollars. If it shall appear to the satisfaction of the court that the defendant has violated any provisions of this section, no proof shall be required that any person has been injured thereby nor that the defendant intentionally violated such provision. In such action preliminary relief may be granted under article sixty-three of the penal law; any violation of any provision of article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly and automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by bisecting the distance between the muzzle and the face of the bolt, breech, or breechblock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. The firearm does not include an antique firearm...  

4. "Dispose of" means to dispose of, give away, lease-loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

5. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

6. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or truthing, or who performs any mechanical operation on, any firearm, large capacity ammunition feeding device or machine gun.

7. "Dealer in firearms" means any person, firm, partnership, corporation or company which engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any assault weapon, large capacity ammunition feeding device, pistol or revolver.

8. "Antique firearm" means: Any unloaded firearm which was defined as a misdemeanor punishable as provided for in the former penal law.

Penal Law
Article 265. Firearms and Other Dangerous Weapons
265.00. Definitions As used in this article and in article four hundred, the following terms shall mean and include:

1. "Firearm" means a weapon designed or redesigned, made or remade, and intended to be fired after the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

2. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired after the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each single pull of the trigger.

3. "Antique firearm" means: Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

4. "Loaded firearm" means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.

5. "Electronic dart gun" means any device designed or manufactured for the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile. ...  

6. "Certified not suitable to possess a self-defense spray device, a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a self-defense spray device, as defined in section 265.20 of this article, or a rifle or shotgun.

7. "Serious offense" means:
(a) any of the following offenses defined in the former penal law as in force and effect immediately prior to the effective date of this chapter: felonies, including a misdemeanor punishable as provided for in the former penal law; any violation of any provision of article three hundred twenty-six of the penal law; any violation of any provision of article one hundred sixty-seven of the penal law; illegal using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglary's instrument; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-four, four hundred eighty-five, four hundred eighty-six, four hundred eighty-seven, four hundred eighty-eight, four hundred eighty-nine, four hundred eighty-ten, four hundred eighty-eleven, four hundred eighty-twelve, and one hundred sixty-seven of such former penal law; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one of such former penal law, and any violation of provisions of article seven hundred forty-four A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven of such former penal law.

(b) [See also par. (b) below.]

Any of the following offenses defined in the penal law: illegally...
using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; any of the offenses defined in article two hundred thirty-five; issuing abortion articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred thirty-five; issuing abortion articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; (b) [See also par. (b) above.] any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortion articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred thirty-five.

18. "Armor piercing ammunition" means any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium.

19. "Duly authorized instructor" means (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation under the laws of the state of New York; or (c) by a person duly qualified and designated by the department of environmental conservation under paragraph d of subdivision six of section 11-0713 of the environmental conservation law as its agent in the giving of instruction and the making of certifications of qualification in responsible hunting practices.

20. "Disguised gun" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be something other than a gun.

21. "Semiautomatic" means any repeating rifle, shotgun or pistol, regardless of barrel or overall length, which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge or shell.

22. "Semiautomatic weapon" means (a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:
   (i) a folding or telescoping stock;
   (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
   (iii) a bayonet mount;
   (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;
   (v) a grenade launcher; or
   (b) a semiautomatic shotgun that has at least two of the following characteristics:
   (i) a folding or telescoping stock;
   (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
   (iii) a fixed magazine capacity in excess of five rounds;
   (iv) an ability to accept a detachable magazine; or
   (v) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:
   (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
   (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handguard or silencer;
   (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
   (iv) a manufactured weight of fifty ounces or more when the pistol is unloaded;
   (v) a semiautomatic version of an automatic rifle, with a folding or detachable stock; or
   (vi) any rifle, shotgun or firearm that has a manufactured weight of fifty ounces or more when the pistol is unloaded; a fixed or detachable magazine; (iii) a folding or telescoping stock; or
   (iv) a semiautomatic version of an automatic rifle, with a folding or detachable stock; and
   (b) a semiautomatic shotgun that has at least two of the following characteristics:
   (i) a folding or telescoping stock;
   (ii) a fixed magazine capacity in excess of five rounds;
   (iii) a fixed magazine capacity in excess of five rounds;
   (iv) an ability to accept a detachable magazine or
   (v) a fixed magazine capacity in excess of five rounds.

23. "Large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device, manufactured after September thirtteenth, nineteen hundred ninety-four, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

24. "Criminal possession of a weapon in the fourth degree" A person is guilty of criminal possession of a weapon in the fourth degree when:
   (1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switch-blade knife, pilum ballistic knife, metal ball, brass knuckles, brass knuckles, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sand-cub, wrist-brace type slingshot or slingshot, shiker or "Kung Fu star";
   (2) He possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another;
   (3) He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution;
   (4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or
   (5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or
   (6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision six of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the head of the such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.
   (7) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.
   (8) He possesses any armor piercing ammunition with intent to use the same unlawfully against another.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

265.02. Criminal possession of a weapon in the third degree A person is guilty of criminal possession of a weapon in the third degree when:
   (1) Such person commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or
   (2) Such person possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or
It shall be unlawful for any person to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the possessor of a machine-gun, rifle, shotgun, machine-guns, firearm silencer, assault weapon, large capacity ammunition feeding device, or any weapon, instrument or substance specified in subdivision one of section 265.05, except a firearm, shall not be governed by this section.

Criminal possession of a weapon in the second degree is a class D felony.

265.05. Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, piston or CO2 cartridge in or upon a building or grounds used for educational purposes, or any school, college or university, without the written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation.

265.08. Criminal use of a firearm in the second degree A person is guilty of criminal use of a firearm in the second degree when he commits any class C violent felony offense as defined in paragraph (b) of subdivision one of section 70.02 and he either:

(1) possesses a deadly weapon, if the weapon is a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged; or

(2) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

Criminal possession of a weapon in the third degree is a class C felony.

265.09. Criminal use of a firearm in the first degree (1) A person is guilty of criminal use of a fire-arm in the first degree when he commits any class B violent felony offense as defined in paragraph (a) of subdivision one of section 70.02 and he either:

(a) possesses a deadly weapon, if the weapon is a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged; or

(b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

Criminal use of a firearm in the second degree is a class B felony.

265.05. Criminal possession of a weapon in the second degree A person is guilty of criminal possession of a weapon in the second degree when:

(1) with intent to use the same unlawfully against another, such person:

(a) possesses a machine-gun; or

(b) possesses a loaded firearm; or

(c) possesses a disguised gun; or

(2) such person possesses five or more firearms.

Criminal possession of a weapon in the second degree is a class C felony.

265.04. Criminal possession of a weapon in the first degree A person is guilty of criminal possession of a weapon in the first degree when such person:

(1) possesses any explosive substance with intent to use the same unlawfully against the person or property of another; or

(2) possesses ten or more firearms.

Criminal possession of a weapon in the first degree is a class B felony.

265.05. Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

265.06. Unlawful possession of a weapon upon school grounds. It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds used for educational purposes, or any school, college or university, without the written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation.

265.08. Criminal use of a firearm in the second degree A person is guilty of criminal possession of a weapon in the third degree when:

(1) possesses a deadly weapon, if the weapon is a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged; or

(2) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

Criminal possession of a weapon in the third degree is a class C felony.

It shall be unlawful for any person to own, possess, sell, purchase, carry, transport or conceal a machine gun, rifle, shotgun, large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise five or more firearms, is guilty of a class D felony. Any person who transports or ships as merchandise any firearm, other than an assault weapon, switchblade knife, gravity knife, pilum ballistic knife, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, Kung Fu star, chuka stick, sandbag, sandclub or slingshot is guilty of a class A misdemeanor.

Any person who disposes of any machine-gun, large capacity ammunition feeding device or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, large capacity ammunition feeding device, rifle or shotgun is guilty of a class D felony.

Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of section 265.01, except a firearm, is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

Any person who disposes of any of the weapons, instruments, appliances or substances specified in section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who willfully defaces any machine-gun, large capacity ammunition feeding device or firearm is guilty of a class D felony.

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau, Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

265.11. Criminal sale of a firearm in the third degree A person is guilty of criminal sale of a firearm in the third degree when such person is not authorized pursuant to law to possess a firearm and such person unlawfully either:

(1) sells, exchanges, gives or disposes of a firearm or large capacity ammunition feeding device to another person; or

(2) possesses a firearm with the intent to sell it.

Criminal sale of a firearm in the third degree is a class D felony.

265.12. Criminal sale of a firearm in the second degree A person is guilty of criminal sale of a firearm in the second degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another five or more firearms; or

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of five or more firearms in a period of not more than one year.

Criminal sale of a firearm in the second degree is a class C felony.
265.13. Criminal sale of a firearm in the first degree A person is guilty of a criminal sale of a firearm in the first degree when such person:

1. unlawfully sells, exchanges, gives or disposes of to another ten or more firearms; or

2. unlawful sells, exchanges, gives or disposes of to another person or persons a total of ten or more firearms in a period of not more than one year.

Criminal sale of a firearm in the first degree is a class B felony.

265.14. Criminal sale of a firearm with the aid of a minor A person is guilty of criminal sale of a firearm in the first degree if he or she knowingly and unlawfully sells, exchanges, gives or disposes of a firearm to another person over the age of eight years of age, acting with the mental culpability required for commission thereof, solicits, requests, commands, importunes or intentionally aids such person under sixteen years of age to engage in such conduct.

Criminal sale of a firearm with the aid of a minor is a class C felony.

265.15. Presence of possession, unlawful intent and defacement 1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.

2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, explosive or incendiary bomb, bombshell, gravity knife, switchblade knife, plumb ballistic knife, metal knuckle knife, dagger, dirk, stiletto, brass knuckles, cruise missile, knuckless, chuka stick, sandbag, sandclub or slungshot is presumptive evidence of its possession by all per-sons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in section 265.04 is presumptive evidence of possessing such substance with the intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. The possession by any person of any dagger, dirk, stiletto, dangerous knife or any other weapon, instrument, appliance or substance designed, made or adapted for use primarily as a weapon, is presumptive evidence of intent to use the same unlawfully against another.

5. The possession by any person of a defaced machine-gun, firearm, rifle or shotgun is presumptive evidence that such person defaced the same.

6. The possession of five or more firearms by any person is presumptive evidence that such person possessed the firearms with the intent to sell same.

265.16. Criminal sale of a firearm to a minor A person is guilty of criminal sale of a firearm to a minor when he is not authorized pursuant to law to possess a firearm and he unlawfully sells, exchanges, gives or disposes of a firearm to another person who is or reasonably appears to be less than nineteen years of age who is not licensed pursuant to law to possess a firearm.

Criminal sale of a firearm to a minor is a class C felony.

265.17. Criminal purchase of a weapon A person is guilty of criminal purchase of a weapon when: 1. Knowing that he or she is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other reason which would render such person ineligible to lawfully possess a firearm, rifle or shotgun in this state, such person attempts to purchase a firearm, rifle or shotgun from another person; or

2. Knowing that it would be unlawful for another person to possess a firearm, rifle or shotgun, he or she purchases a firearm, rifle or shotgun for, on behalf of, or for the use of such other person.

Criminal purchase of a weapon is a class A misdemeanor.

265.20. Exemptions a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulation or by order to possess the same.

(b) Police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

(c) Peace officers as defined by section 2.10 of the criminal procedure law.

(d) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(e) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(f) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the superintendent of the division of state police or to the sheriff of the county in which such person resides, or in the county of Nassau or in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown in the county of Suffolk to the commissioner of police or a member of the police department thereof designated by such commissioner, or if such person resides in a city, town other than one named in this subparagraph, or village to the police commissioner or head of the police force or department thereof or to a member of the force or department designated by such commissioner or head; and provided further, that such surrender shall be voluntarily made, further, that the surrender shall be voluntarily made by such person in accordance with such terms and conditions as may be established by such superintendent, sheriff, police force or department.

Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property pending lawful disposition of such property, or otherwise lawfully permitted to possess the same. If no request to deliver the property is received by such official within two years of the delivery of such property, such official shall dispose of it in accordance with the provisions of section 400.05 of this chapter.

2. Possession of a machine-gun, firearm, large capacity ammunition feeding device, switchblade knife, gravity knife, plumb ballistic knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a per-son to whom a license therefor has been issued as provided in subdivision four of section 265.01 to whom a license therefor has been issued as provided in subdivision four of section 265.01 to whom a license therefor has been issued as provided in subdivision four of section 265.01 to whom a license therefor has been issued as provided in this chapter; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01 of this article.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carry-ing a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a per-son other than a person who has been convicted of a class A-1 felony or a violent felony offense, as defined in subdivision one of section 70.02 of this chapter, who has been convicted of such offense as defined in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section seven hundred three- b of the correction law.

6. Possession of a switchblade or gravity knife for use while hunting, trapping or fishing by a person carrying a valid license issued to him pursuant to section 11-0713 of the environ-mental conservation law.

7. Possession, at an indoor or outdoor shoo-ting range for the purpose of loading and firing, of a rifle or shotgun, the propelling force of which is gunpowder by a person under sixteen years of age.
age but not under twelve, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, air force, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state, or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation; or (d) an agent of the department of environmental conservation appointed to conduct courses responsible hunting practices pursuant to article eleven of the environmental conservation law.

7-a. Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person duly licensed to possess a pistol or revolver pursuant to section 400.00 or 400.01 of this chapter at a pistol or revolver duly so licensed to another person who is present at the time.

7-b. Possession and use, at an indoor or outdoor pistol range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in small arms or at a target pistol shooting competition under the auspices of or approved by the national rifle association for the purpose of loading and firing the same, by a person who has applied for a license to possess a pistol or revolver and pre-licensure possession of same pursuant to section 400.00 or 400.01 of this chapter, who has not been previously convicted of a felony or serious offense, and who does not appear to be, or pose a threat to be, a danger to himself or to others, and who has been approved for possession and use herein in accordance with section 400.00 or 400.01 of this chapter; provided however, that such possession shall be of a pistol or revolver duly licensed to and shall be used under the supervision, guidance and instruction of, a person specified in paragraph seven of this subdivision and provided further that such possession and use be within the jurisdiction of the licensing officer with whom the person has made application therefor or within the jurisdiction of the superintendent of state police in the case of a retired sworn member of the division of state police who has made an application pursuant to section 400.01 of this chapter.

7-c. Possession for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under the age of eighteen years of age but not under twelve, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

7-d. Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle, pistol or shotgun, the propelling force of which may be either air, compressed gas or springs, by a person under twelve years of age, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state, or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation.

8. The manufacturer of machine-guns, assault weapons, large capacity ammunition feeding devices, disguises guns, pillum ballistic knives, switchblade or gravity knives, billies or black-jacks as merchandise and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in treason, a violation of the laws of this state or of the United States; Or for the repair and return of the same to the lawful possessor or for research and development.

9. The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery of the firearms for a period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

9-a. Except as provided in subdivision b hereof, the regular and ordinary transport of pistols or revolvers by a manufacturer of firearms to whom a license as a dealer in firearms has been issued pursuant to section 400.00 of this chapter, or by an agent or employee of such manufacturer of firearms who is otherwise duly authorized to transport a pistol or revolver and is duly authorized in writing by such manufacturer of firearms to transport pistols or revolvers on the date or dates specified, directly between places where the manufacturer of firearms regularly conducts business provided such pistols or revolvers are transported unloaded, in a locked opaque container. For purposes of such subdivision, "a place where the manufacturer of firearms regularly conducts business includes, but is not limited to places where the manufacturer of firearms regularly or customarily conducts development or design of pistols or revolvers, or regularly or customarily conducts tests on pistols or revolvers, or regularly or customarily participates in the exposition of firearms to the public.

b. The transportation of such pistols or revolvers into, out of or within the city of New York may be done only with the consent of the police commissioner of the city of New York. To obtain such consent, the manufacturer must notify the police commissioner in writing the name and address of the manufacturer and the address of the place where the manufacturer regularly conducts business within the city of New York. The police commissioner in writing may grant or deny such consent, and such police commissioner may deem necessary. The manufacturer must not transport such pistols and revolvers between the designated places of business for such reasonable period of time designated in writing by the police commissioner as such official may deem necessary for investigation and to give consent. The police commissioner may not unreasonably withhold his consent.

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

11. Possession of a firearm or large capacity ammunition feeding device by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

12. Possession of a pistol or revolver by a person who is a member or coach of an accredited university or university target pistol team while transporting the pistol or revolver into or through New York state to participate in a collegiate, olympic or target pistol shooting competition under the auspices of or approved by the national rifle association, provided such pistol or revolver is unloaded and carried in a locked carrying
case and the ammunition therefor is carried in a separate locked container.

13. Possession of pistols and revolvers by a person who is a nonresident of this state while attending or traveling to or from, an organized competitive pistol match or league competition under auspices of, or approved by, the National Rifle Association which he is a competitor, within forty-eight hours of such event or by a person who is a non-resident of the state while attending or traveling to or from an organized match sanctioned by the International Handgun Metallic Silhouette Association and in which he is a competitor, within forty-eight hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a copy of the match program, registration cards or match registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence.

For purposes of this subdivision, a person licensed in a jurisdiction which does not authorize such license to his possession of a firearm who has previously been convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of such jurisdictions which has not been previously convicted of a felony or a crime which, if committed in New York state would constitute a felony.

13-a. Except in cities not wholly contained within a single county of the state, possession of pistols and revolvers by a person who is a non-resident of this state while attending or traveling to or from, an organized convention or exhibition for the display of or education about firearms, which is conducted under auspices of, or approved by, the National Rifle Association and in which he is a registered participant, within forty-eight hours of such event, provided that he has not been previously convicted of a felony or a crime which, if committed in New York, would constitute a felony, and further provided that the pistols or revolvers are transported unloaded in a locked opaque container together with a copy of the convention or exhibition program, convention or exhibition schedule or convention or exhibition registration card. Such documentation shall constitute prima facie evidence of exemption, providing that such person also has in his possession a pistol license or firearms registration card issued in accordance with the laws of his place of residence.

For purposes of this subdivision, a person licensed in a jurisdiction which does not authorize such license to his possession of a firearm who has previously been convicted of a felony shall be presumed to have no prior conviction. The superintendent of state police shall annually review the laws of jurisdictions within the United States and Canada with respect to the applicable requirements for licensing or registration of firearms and shall publish a list of such jurisdictions which has not been previously convicted of a felony or a crime which, if committed in New York state would constitute a felony.

14. Possession in accordance with the provisions of this paragraph of a self-defense spray device as defined herein for the protection of a person or property and use of such self-defense spray device under circumstances which would justify the use of physical force pursuant to article thirty-five of this chapter shall not be deemed to constitute a violation of the terms and conditions of any former conviction or sentence.

(a) As used in this section "self-defense spray device" shall mean a pocket sized spray device which contains and releases a chemical or organic substance which is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air or any like device containing tear gas, pepper spray or any similar device.

(b) The exemption under this paragraph shall not apply to a person who:

(i) is less than eighteen years of age; or
(ii) has previously been convicted of a felony or assault; or
(iii) has previously been convicted of a felony or assault outside the state of New York which if committed in New York would constitute a felony or assault crime.

(c) The department of health, with the cooperation of the division of criminal justice services and the superintendent of state police, shall develop standards and promulgate regulations regarding the sale of self-defense spray devices which may lawfully be purchased, possessed and used pursuant to this paragraph. The regulations shall include a requirement that every self-defense spray device which may be lawfully purchased, possessed or used pursuant to this paragraph have a label which states: "WARNING: The use of this substance or device for any purpose other than self-defense is a criminal offense under the law. The contents are dangerous - use with care. This device shall not be sold by anyone other than a licensed or authorized dealer. Possession of this device by any person under the age of eighteen or by anyone who has been previously convicted of a felony or assault is illegal. Violators may be prosecuted under the law."

15. Possession and sale of a self-defense spray device as defined in paragraph fourteen of this subdivision by a dealer in firearms licensed pursuant to section 400.00 of this chapter, a pharmacist licensed pursuant to article one hundred ity of this chapter or any person licensed to carry, possess or use pepper spray as defined in paragraph fourteen of this chapter shall not be deemed to constitute a violation of the terms and conditions of any former conviction.

(a) Every self-defense spray device shall be accompanied by an insert or inserts which include directions for use, first aid information, safety and storage information and which shall contain a toll free telephone number for the purpose of allowing any purchaser to call and receive additional information regarding the availability of local courses in self-defense training and safety in the use of a self-defense spray device.

(b) Before delivering a self-defense spray device to any person, the licensed or authorized dealer shall require proof of age and a sworn statement on a form approved by the superintendent of state police that such person has not been convicted of a felony or any crime involving an assault. Such forms shall be forwarded to the division of state police at such intervals as directed by the superintendent of state police. A certificate stating that the weapon shall remain in the possession of the vendor and shall be open at all reasonable hours for inspection by any peace officer or police officer, acting pursuant to his or her special duties. No more than two self-defense spray devices may be sold at any one time to a single purchaser.

16. The terms "rifle," "shotgun," "pistol," "revolver," and "firearm" as used in paragraphs three, four, five, seven, seven-a, seven-b, nine, nine-a, ten, twelve, thirteen and thirteen-a of this subdivision shall not include a disguised gun or an assault weapon.

b. Section 265.01 shall not apply to possession of that type of billy commonly known as a "police baton" which is twenty-four to twenty-six inches in length and no more than one and one-quarter inches in thickness by members of an auxiliary police force of a city with a population in excess of one million persons or the county of Suffolk who are duly authorized by regulation or order issued by the police commissioner of such city or such county respectively. Such regulations shall require training in the use of the police baton including but not limited to the defensive use of the baton and instruction in the legal use of deadly physical force pursuant to article thirty-five of this chapter. Notwithstanding the provisions of any other provision of law, possession of such baton shall not be authorized when used intentionally to strike another person except in those situations where the use of deadly physical force is authorized by such article thirty-five. ....

265:40 Purchase of rifles and/or shotguns in contiguous states Definitions. As used in this act:

1. "Contiguous state" shall mean any state having any portion of its border in common with a portion of the border of the state of New York;

2. All other terms herein shall be given the meaning prescribed in Public Law 90-618 known as the "Gun Control Act of 1968" (18 U.S.C. 921).

It shall be lawful for a person residing in this state, to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

Article 400. Licensing and Other Provisions Relating to Firearms

400.00. Licenses to carry, possess, repair and dispose of firearms

(a) A license to carry or possess a firearm shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) twenty-one years of age or older, provided, however, that such applicant has been honorably discharged from the United States army, navy, marine corps, air force or coast guard, or the national guard of the state of New York, no such age restriction shall apply; (b) of good moral character; (c) who has not been convicted of a felony or a serious offense; (d) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; (e) who has not had a license revoked or who is not under a suspension or inability order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section fifty-three of the gun control act of 1968; (f) in the county of Westchester, who has successfully completed a firearms safety course and test as evidenced by a certificate of completion issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor, except that: (i) persons
who are honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are not required to have completed those hours of a fire- arms safety course pertaining to the safe use, carrying, storage, transportation and storage of a firearm; and (ii) persons who were licensed to possess a pistol or revolver prior to the effective date of this paragraph are not required to have completed a firearms safety course and test; and (g) concerning whom no good cause exists for the refusal to issue the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business or any person, other than an assault weapon or a disguised firearm, to the licensing officer at the place of business in the city or county where the license is issued. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previ- ous or present mental illness of the applicant shall be available for inspection by the investi- gating officer of the police authority. The investigation shall be conducted without unnecessary delay and the results thereof shall be made available to the applicant.

3. Applications. (a) Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required in the good character, competency and integrity of each person or individual signing the application. An applica- tion shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a li- cense as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of forma- tion, and parent and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

(b) Application for an exemption under para- graph seven-b of subdivision a of section 265.20 of this chapter. Each applicant desiring to obtain the exemption set forth in paragraph seven-b of subdivision a of section 265.20 of this chapter shall make such request in writing of the licensing officer with whom his application for a li- cense is filed, at the time of filing such applica- tion, and the person authorized to instruct and supervise the applicant, that has met with the applicant and that he has deter- mined that, in his judgment, said applicant does not appear to be or poses a threat to be, a danger to himself or to others. He shall include a copy of his certificate as an instructor in small arms, if he is required to be certified, and state his address and telephone number. He shall specify the exact location by name, address and telephone number where such instruction will take place. Such licensing officer shall, no later than ten business days after such filing request the duly constituted police authorities of the locality where such application is made to investi- gate and ascertain any previous criminal record of the applicant pursuant to subdivision four of this section. Upon completion of this investiga- tion, the police authority shall report the results to the licensing officer without unnecessary de- lay. The person authorized to instruct and supervise the applicant, within ten business days after the receipt of such investiga- tion, determine if the applicant has been pre- viously denied a license, been convicted of a felony, or been convicted of a serious offense, and either approve or disapprove the applicant for exemption purposes based upon such determina- tions. If the applicant is approved for the ex- emption, the licensing officer shall notify the appro- priate duly constituted police authorities and the applicant. Such exemption shall terminate if the application for the license is denied, or at any earlier time based upon any information ob- tained since the granting of the appropriate police authorities which would cause the license to be denied. The applicant and appropriate police authorities shall be notified of any such terminations.

4. Investigation. Before a license is issued or renewed, there shall be an investigation of all statutorily required reports or applications by the duly constituted police authorities of the locality where such application is made. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previ- ous or present mental illness of the applicant shall be available for inspection by the investi- gating officer of the police authority. In order to ascertain any previous criminal record, the investi- gating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed and verified. Two copies of such finger- prints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken in the case of a license to carry a firearm and must be forwarded to the department of a standard card supplied by the federal bureau of investigation; provided, however, that in the case of a corporate applicant that has already been issued a dealer in firearms license and seeks to operate a firearm dealership at a second or subsequent location, the original fingerprints on file may be used to ascertain any previous record in the case of a second or subsequent application unless any of the corporate officers have changed since the prior application, in which case the new corporate officer shall comply with procedures governing an initial application for such license. When completed, one standard card shall be forwarded to and retained by the division of criminal justice services in the executive department, at Albany. A search of the files of such division and written notification of the results of the search to the investigating officer shall be made without unnecessary delay. Thereafter, such division shall notify the investigating officer of the executive department and the division of state police, Albany, of any criminal record of the applicant filed therein subsequent to the search of its files. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the investigating police authority. The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a permit pursuant to the provisions of this section. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issu- ance of the license, and the other remain on file with the investigating police authority. No such fingerprints may be inspected by any person other than the peace officer who is assigning the applicant to his special duties, or a police officer, except on order of a judge or justice of a court of record either upon notice to the licensee or with- out notice, as the judge or justice may deem ap- propriate. Upon completion of the investiga-
the police authority shall report the results to the licensing officer without unnecessary delay.

4-a. Processing of license applications. Applications for licenses shall be accepted for processing by the licensing officer at the time of presentation. Except upon written notice to the applicant specifically of the reason or reasons for any delay, in each case the licensing officer shall act upon any application for a license pursuant to this section within six months of the date of presentation of such an application to the appropriate authority. Such delay may only be for good cause and with respect to the applicant. In acting upon an application, the licensing officer shall either approve or disapprove the same specifically and concisely stated in writing or grant the application and issue the license applied for.

4-b. Westchester county firearms safety course certificate. In the county of Westchester, at the time of application, the licensing officer to which the license application is made shall provide a copy of the safety course booklet to each license applicant. Before such license is issued, such licensing officer shall require that the applicant submit a certificate of successful completion of a firearms safety course and test issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor.

5. Filing of approved applications. The application for any license, if granted, shall be filed by the licensing officer with the clerk of the county of issuance, except that in the city of New York and in the counties of Nassau and Suffolk, the licensing officer shall designate the place of filing in the county of issuance, bureaus of the police department thereof, and in the county of Suffolk the clerk is hereby authorized to transfer all records or applications relating to firearms to the licensing authority of that county. The name and address of any person to whom an application for any license has been granted shall be a public record. Upon application by a licensee who has changed his place of residence, such records or applications shall be transferred to the appropriate officer at the licensee’s new place of residence. A duplicate copy of such application shall be filed by the licensing officer in the executive department, division of state police, Albany, or the county police commissioner of the city or county, as the case may be, upon the issuance of a license. Nothing in this subdivision shall be construed to change the expiration date or term of such licenses if otherwise provided for in law.

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license have been purchased from a licensed dealer within the city of New York and are being transported by a person to said city for lawful and immediate use only from said dealer; (b) the license is issued in a locked container and the trip through the city of New York is continuous and uninterrupted; or provided that (c) the firearms covered by such license are carried by armored car security guards transporting money or other valuables, in, to, or from motor vehicles commonly known as armored cars, during the course of their employment; or provided that (d) the licensee is a retired police officer as defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or a retired federal law enforcement officer, as defined in section 2.15 of the criminal procedure law, who has been issued a license by an authorized licensing officer as defined in subdivision ten of section 265.00 of this chapter; provided, further, however, that if such employment is in the city of New York it must be marked “Retired Police Officer” or “Retired Federal Law Enforcement Officer”, as the case may be, and, in the case of a retired officer the license shall be deemed to permit only police or federal law enforcement regulations weapons; or provided that (e) the licensee is a peace officer described in subdivision four of section 2.10 of the criminal procedure law and the license, if issued by the commissioner of the New York State Department of State Police, Albany. Such license shall be valid outside the city or county, as the case may be, where issued.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police and marked “New York” and the county of issuance and shall be valid only for the state of New York. Elsewhere than in the city of New York, a person licensed to carry or possess a pistol or revolver may apply at any time to his licensing officer for amendment of his license to include or add more such weapons or to cancel weapons held under license. If granted, a record of the amendment describing the weapons involved shall be signed by the licensing officer in the executive department, division of state police, Albany. Notification of any change of residence shall be made in writing by any licensee within ten days after such change occurs, and a record of such change shall be inscribed by such licensee on the reverse side of his or her license. Elsewhere than in the city of New York, and in the counties of Nassau and Suffolk, such notification shall be made to the executive department, division of state police, Albany, and in the city of New York to the police commissioner of that city, and in the county of Nassau to the police commissioner of that county, and in the county of Suffolk to the licensing officer of that county, who shall, within ten days after such notification shall be received by him, give notice in writing of such change to the executive department, division of state police, at Albany.

10. License: expiration, certification and renewal. Any license for gunsmith or dealer in firearms and, in the city of New York, any license for pistol or revolver dealer in or possession of firearms, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than three years after the date of issuance. In the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than five years after the date of issuance; however, in the county of Westchester, such license shall be certified prior to the first day of April, two thousand, in accordance with a schedule to be contained in regulations promulgated by the commissioner of the division of criminal justice services, and every such license shall be recertified every five years thereafter. For purposes of this section certification shall mean that the license shall provide officer with the following information only: current name, date of birth, current address, and the make, model, caliber and serial number of all firearms currently possessed. Such certification information shall be filed by the licensing officer in the same manner as an amendment.
than in the city of New York and the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not previously revoked or cancelled, shall remain in force and effect for thirty days beyond the stated expiration date on such license. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition of the application by the licensing officer. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

11. License: revocation and suspension. The conviction of a licensee anywhere of a felony or seditious instrument, appliance or substance likely to be dangerous or destructive is hereby declared a ground for the revocation suspension of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two of the family court act. A license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, in the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York and the counties of Nassau, Suffolk, by the superintendent of state police. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

11. License: revocation and suspension. The conviction of a licensee anywhere of a felony or seditious instrument, appliance or substance likely to be dangerous or destructive is hereby declared a ground for the revocation suspension of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two of the family court act. A license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, in the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

11. License: revocation and suspension. The conviction of a licensee anywhere of a felony or seditious instrument, appliance or substance likely to be dangerous or destructive is hereby declared a ground for the revocation suspension of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two of the family court act. A license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, in the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof of a current valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

16. Unlawful disposal. No person shall except as otherwise authorized pursuant to law dispose of any firearm unless he is licensed as a gunsmith or dealer in firearms.

13. Expenses. The expense of providing a licensing officer with blank applications, licenses and record books for carrying out the provisions of this section shall be a charge against the county, and in the city of New York against the city.

14. Fees. In the city of New York and the county of Nassau, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council, or a board or commission in the county of Nassau the Board of Supervisors shall fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars. The fee for processing a license transfer between counties shall be five dollars. The fee for processing a license or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law shall be waived in all counties throughout the state.

15. Any violation by any person of any provision of this section is a class A misdemeanor.
peace officer, it shall be surrendered immediately to the official mentioned in paragraph (f) of subdivision one of section 265.20, except that such weapon, instrument, appliance or substance coming into the possession of the state police shall be surrendered to the superintendent of state police.

400.10. Report of theft or loss of a firearm, rifle or shotgun

1. (a) Any owner or other person lawfully in possession of a firearm, rifle or shotgun who suffers the loss or theft of said weapon shall within twenty-four hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

(b) Whenever a person reports the theft or loss of a firearm, rifle or shotgun to any police department or sheriff's office, the officer or department receiving such report shall forward notice of such theft or loss to the division of state police via the New York Statewide Police Information Network. The notice shall contain information in compliance with the New York Statewide Police Information Network Operating Manual, including the caliber, make, model, manufacturer's name and serial number, if any, and any other distinguishing number or identification mark on the weapon.

2. The division of state police shall receive, collect and file the information referred to in subdivision one of this section. The division shall cooperate, and undertake to furnish or make available to law enforcement agencies this information, for the purpose of coordinating law enforcement efforts to locate such weapons or firearms.

3. Notwithstanding any other provision of law, a violation of paragraph (a) of subdivision one of this section shall be punishable only by a fine not to exceed one hundred dollars.

[Current through September 8, 2009]

Code of the City of Albany

Chapter 193. Firearms and Ammunition

Article I. Carrying of Loaded Firearms

193-1. Unlawful to carry loaded firearms; exception. Any person, other than a peace officer, who shall in any public street, highway or place within the City of Albany have upon his person or carry any loaded pistol, revolver or other firearm without having been authorized as provided by law to carry the same shall be guilty of a misdemeanor, punishable by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

193-2. Commissioner of Police authorized to issue permit to carry loaded firearms. Any person, except as provided in this Article, who has occasion to carry a loaded revolver, pistol or firearm for his protection may apply to the Commissioner of Police, and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give said person a permit allowing him to carry such loaded firearm for such period of time as he may deem proper. Any non-resident who does business in the City of Albany and has occasion to carry a loaded pistol, revolver or firearm while in said city shall make application for permission to do so, to the Commissioner of Police, in the same manner as is required of residents of said City and shall be subject to the same conditions and restrictions.

Article II. Firearms and Ammunition

193-6. Purpose. The Common Council hereby finds that the storage, possession and display of firearms and the storage, possession and display and sale of ammunition in the City of Albany require the regulation thereof in the public interest, convenience and necessity.

193-7. Definitions. Unless otherwise expressly stated, whenever used in this Article, the following words shall have the meanings given to them by this section.

(A) Ammunition - Any projectile commonly known as a "bullets" or "shell."

(B) Firearm - Any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon which is otherwise capable of being loaded with powder, ball or ammunition, whether completed, assembled or from which any part or piece has been removed therefrom.

193-8. Storage. (A) Firearms and ammunition for sale shall be kept secured at all times when in the place in which they are held for sale is not open for business. The manner in which the firearms and ammunition are to be secured must be approved by both the Police and the Chief of the Fire Department upon receipt of appropriate application for such approval. Such approval shall in no case be unreasonably withheld.

(B) The regulations provided for herein shall not apply to personal possession, use or ownership of firearms or ammunition thereof.

193-9. Sale of ammunition. Ammunition shall only be sold to persons possessing a valid firearms license, when a license is required for the type of firearm for which the ammunition is used. When purchasing any other type of ammunition, where a firearms license would not be required for the type of ammunition being purchased, any person purchasing ammunition shall be required to keep a record of the date and time of the transaction, and the identifying number of the firearms or driver's license. Such record shall be maintained for 10 years and shall be made available to state and local enforcement agencies upon request.

193-10. Report of theft or loss to Police Department. Any theft or loss of ammunition or firearms from a storage vault or otherwise shall be reported immediately to the Police Department of the City of Albany.

193-12. Penalties for offenses. Any person who shall violate or shall neglect or refuse to comply with this Article or any provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, and each day of violation shall constitute a separate offense and be subject to punishment as such.

Article III. Firearms

193-13. Findings and declaration. The Common Council of the City of Albany finds and declares that the proliferation and use of assault weapons pose and present a threat to the health, safety, welfare and security to the citizens of Albany.

193-14. Scope and intent. As used herein, "assault weapon" generally means a firearm of such a nature and with such a high rate of fire and/or capacity for firepower that its function as a legitimate sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure human beings. While it is the intent, then, of this legislation to restrict the use and possession of assault weapons, it is not the intent of the Common Council to place restrictions on the use of those firearms which are primarily designed and intended for hunting, target practice or other legitimate sports or recreational activities.

193-15. Assault weapons. A, As used herein, "assault weapon" includes any of the following or their copies:

(1) Pistols:

(a) Bushmaster Firearms Company auto pistol

(b) Calico Model 100-P auto pistol

(c) Federal Engineering Corporation XP 450, XP 900

(d) Holmes Firearms MP-83, MP-22 assault pistols

(e) Intratec Tec-9 Auto, Tec-9M, Scorpion auto pistols

(f) Israeli Military Industries UZI pistol

(g) Iver Johnson Enforcer Model 300 auto

(h) Ingram or S.W.D. MAC 10, MAC 11

(i) Spectre double-action auto pistol

(j) Ruger Mini 14

(2) Rifles and shotguns by manufacturers in the United States:

(a) Auto-Ordinance Thompson M1, Mix, 27 A-1

(b) Thompson A-1 Thompson Deluxe, 1927 A5

(c) Colt AR-15A2-Delta H-Bar, AR-15A2 H-Bar

(d) Federal Engineering Corporation XC-900, XC-450 auto carbines

(e) Springfield Armory Inc. BM-59, SAR-48

(f) S.W.D. Street Sweeper shotgun

(g) Winchester Corporation nightthawk

(3) Rifles and shotguns by manufacturers outside the United States:

(a) Avtomat Kalashnikov manufactured or imported by American Arms, Bushmaster Firearms, Daewoo, Mitchell, Norinco and PolTech Industries

(b) Beretta AR-70 Sporter rifle

(c) Fabrique National FN, FNC rifle

(d) Franchi LAW 12 auto, SPAS 12 pump/auto shotguns

(e) Heckler and Koch HK 91, 93, 94 rifles

(f) Israeli Military Industries Galil Rifles, UZI carbines

(g) Steyr Daimler-Puch A.U.G. auto loading rifle

(h) Striker 12 shotgun

(i) Valmet M-76 standard rifle, M78 semi-auto

(j) Any other weapon to be subsequently designated by law.

B. A copy of any of the weapons listed in Subsection A(1), (2) and (3) of this section shall include any other model by the same manufacturer or any rifle of the same action design having slight modifications or enhancements, provided that such weapon as modified or enhanced employs only ammunition of more than .22 caliber rimfire; any weapon with an action design identical or nearly identical to any of the listed weapons...
which has been designed from, renamed, renumbered or patterned after any of the listed weapons regardless of the manufacturer or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire; or any weapon which has been manufactured and sold by another company under a licensing agreement to manufacture or sell a weapon identical or nearly identical to any of the listed weapons regardless of the company or production or country of origin, provided that such weapon employs only ammunition of more than .22 caliber rimfire.

A. Assault weapon does not include weapons that do not use cartridges, manually operated bolt-action weapons, lever-action weapons, slide-action weapons, single-shot weapons, multiple-barrel weapons, revolving-cylinder weapons except shotguns, semiautomatic weapons that use exclusively a rotary Mannlicher-style magazine, and antique firearms as defined in Article 265 of the Penal Law or any assault weapon which has been modified either to render it permanently inoperable or permanently make it a device no longer defined as an assault weapon.

193-16. Prohibition; penalty; registration of existing weapons.

A. Any firm or corporation who or which shall, on or after the effective date of this Article, manufacture, import, keep, offer or expose for sale, give, lend or possess any assault weapon in the City of Albany, except as provided for herein, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding one thousand dollars ($1,000) and/or to imprisonment not exceeding one (1) year.

B. Any individual who lawfully acquired and possessed an assault weapon, as defined herein, prior to the effective date of this Article shall register the firearm with the Chief of the Albany Police Department pursuant to the provisions of § 193-17 herein. The registration shall be made within ninety (90) days of the effective date hereof and shall contain a description of the firearm that identifies it uniquely, including all identification marks and the full name, address, date of birth and fingerprints of the owner, together with such other information as the Chief of Police may deem appropriate. Any change of address of the owner must be registered with the Department within ninety (90) days of the change. The Department may charge a fee for registration not to exceed the actual processing costs of the Department. Such registration shall allow the possession of the firearm on the registrant's property or for the uses specified in § 193-17.

C. On and after the date fixed herein for the registration of assault weapons, no such weapon possessed pursuant hereto shall be sold or transferred to anyone within the City of Albany other than at a licensed gun dealer as defined in the Penal Law. Any individual who obtains title to an assault weapon registered under this section by bequest or intestate succession must, within ninety (90) days, either render the weapon inoperable in accordance with § 193-15, apply for a license pursuant to § 193-17 herein, sell the weapon to a licensed gun dealer or remove the weapon from the city.

193-17. Permitted use; licensing and transportation.

A. A license for an assault weapon may be issued as provided in Subsection B to possess such weapon for the purpose of loading and firing the same while participating as a competitor in organized competitive matches or league competition under the auspices of or approval by a law enforcement agency or a nationally or state recognized organization that fosters proficiency in or promotes education about firearms or to possess such weapon for the purpose of loading and firing the same at a range located on premises owned and occupied by such agency or organization. Such license shall not permit use for any other purpose and shall not be transferable.

B. Application for such license as hereinbefore specified shall be made to the Chief of the Albany Police Department on forms prescribed by him. Each person so licensed shall have a license on his or her person when engaged in such activity and while transporting such weapon to or from such competition or range.

C. All such weapons shall be transported in a case, together with a copy of the match program, match schedule or match registration. Where such person is transporting such weapon to or from a range, it shall be transported in a case. Magazines and ammunition for such weapon shall be carried and transported in a locked container separate from the weapon.

D. A licensed gun dealer, as defined in the Penal Law, who lawfully possessed an assault weapon prior to the effective date of this legislation or who gains possession thereof pursuant to this legislation may transport the weapon between dealers or out of the city, display it at any gun show licensed by a state or local governmental entity or sell it to a person licensed under this section. Any transporting a weapon pursuant hereto shall be accomplished as required in Subsection C.

193-18. Applicability to police and military forces.

The provisions of this Article shall not apply to the sale, purchase or possession of firearms by the Police Department, Sheriff's office, Marshall's office, correction officers and the like or the military forces of the United States, the State of New York, or any other military forces.

[Code of the City of Albany current as of 2010]

Code of the City of Buffalo

Chapter 180. Firearms, Arrows and Other Weapons

Article I. Firearms, Arrows and Other Weapons

180-1. Firearms, Shotguns, Rifles and Other Dangerous Weapons. A. Purpose and intent. The City of Buffalo finds that violent crime is a serious problem in the city and firearms and other dangerous weapons are frequently used in the commission of crimes, particularly homicides and assaults. The possession of such weapons also often leads to accidental deaths and injuries. The possession and use of assault weapons and ammunition-feeding devices for criminal purposes is increasing and poses a serious danger to public safety. The use of weapons by persons under the influence of drugs and/or alcohol can readily lead to serious injury or death. The possession of weapons in public facilities and places also poses a serious danger to public safety. The possession of toy or imitation weapons which substantially duplicate actual weapons poses a danger to the person possessing the weapon and to others. In order to protect and promote the health, safety and welfare of the public, the City of Buffalo finds it necessary to place restrictions upon the possession and use of such weapons. The restrictions imposed by this section are intended to be in addition to restrictions found in state law and are not intended to conflict with state law provisions.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

Ammunition - Explosives suitable to be fired from a firearm, machine gun, rifle, shotgun, assault weapon or other dangerous weapon.

Ammunition-Feeding Device - Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with any centerfire rifle, shotgun or pistol which employs the force of the expanding gases from a discharging cartridge to cause full or partial breech movement of the slide or slide carrier, single pull of the trigger which, in the case of a rifle or shotgun, holds in excess of five cartridges, or in the case of a pistol holds in excess of 17 cartridges.

Assault Weapon: (1) Any centerfire rifle or shotgun which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which is loaded or capable of being loaded with a combination of more than six cartridges in the ammunition-feeding device and chamber combined. For the purposes of this section, a weapon is capable of being loaded if it is possessed by one who, at the same time, possesses:

(a) A magazine, or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than five cartridges; or

(b) In the case of a shotgun, an ammunition-feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than five cartridges.

(2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has:

(a) A magazine, or detachable ammunition feeding device attached to the weapon reducing muzzle flash;

(b) A grenade launcher;

(c) A sighting device making a target visible at night;

(d) A barrel jacket surrounding all or a portion of the barrel, to dissipate heat therefrom; or

(e) A multi-shot trigger activator single pull of the trigger which, in the case of a rifle, a fixed or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than five cartridges.

(3) Any stockless pistol grip shotgun.

(4) For purposes of this section, the term "assault weapon" shall not include any of the following:

(a) Any weapon which has been modified to render it permanently inoperable or permanently make it a device no longer defined as an "assault" weapon.

(b) Weapons that do not use cartridges or shells.

(c) Manually operated bolt-action weapons, lever-action weapons, slide-action weapons or single-shot weapons.

(d) Multiple-barrel weapons, revolving-cylinder weapons except shotguns, weapons that use exclusively a rotary Mannlicher-style magazine.

(e) Any antique firearm as defined in § 265.00 of the New York State Penal Law or any curio or relic as defined under United States law which is
possessed by a licensed collector in accordance with United States law.

Dispo se Of - To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.


Dwelling - One or more rooms in a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, designed for occupancy by one family for cooking, living and sleeping purposes, as defined in Chapter 511, Zoning, of this Code.

Firearm - Revolver, or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches; or a rifle having one or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches. For purposes of this definition, the length of a barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech or breechlock when closed and when the shotgun or rifle, as modified, is loaded or unloaded, or a firearm made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

Locking Device - A design adaptation or attachable accessory that will prevent the use of the firearm, rifle or shotgun by an unauthorized user, and includes but is not limited to a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the firearm, rifle or shotgun without the alignment of the combination tumblers.

Possession - Physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by such persons occupying such automobile at the time such firearm, rifle or shotgun is found in a vehicle for hire.

Public Place - Any street, including the sidewalk portion thereof, park, playground, recreation area, cemetery or lot owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, which is generally accessible to the public, except grounds used for educational purposes.

Public Facility - Any building or facility owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, except buildings or facilities used for educational purposes.

Rifle - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a rifled shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

C. No person shall possess a loaded or unloaded firearm, rifle, shotgun or air gun, or a dagger, dangerous knife, dirk, razor or stiletto, in a public or private public facility in the city. This prohibition shall not apply to:

1. A police officer or peace officer authorized to possess the same.
2. A government employee or licensed security guard authorized or required by employing or office to possess the same while acting within the scope of such employment.
3. A person in the military service of the State of New York or the United States when duly authorized to possess the same.

D. Any pistol or revolver, or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches; or a rifle having one or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches. For purposes of this definition, the length of a barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech or breechlock when closed and when the shotgun or rifle, as modified, is loaded or unloaded, or a firearm made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

Possession - Physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by such persons occupying such automobile at the time such firearm, rifle or shotgun is found in a vehicle for hire.

Public Place - Any street, including the sidewalk portion thereof, park, playground, recreation area, cemetery or lot owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, which is generally accessible to the public, except grounds used for educational purposes.

Public Facility - Any building or facility owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, except buildings or facilities used for educational purposes.

Rifle - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a rifled shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

C. No person shall possess a loaded or unloaded firearm, rifle, shotgun or air gun, or a dagger, dangerous knife, dirk, razor or stiletto, in a public or private public facility in the city. This prohibition shall not apply to:

1. A police officer or peace officer authorized to possess the same.
2. A government employee or licensed security guard authorized or required by employing or office to possess the same while acting within the scope of such employment.
3. A person in the military service of the State of New York or the United States when duly authorized to possess the same.

D. Any pistol or revolver, or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches; or a rifle having one or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches. For purposes of this definition, the length of a barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech or breechlock when closed and when the shotgun or rifle, as modified, is loaded or unloaded, or a firearm made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

Locking Device - A design adaptation or attachable accessory that will prevent the use of the firearm, rifle or shotgun by an unauthorized user, and includes but is not limited to a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the firearm, rifle or shotgun without the alignment of the combination tumblers.

Possession - Physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by all persons occupying such automobile at the time such firearm, rifle or shotgun is found, except if such firearm, rifle or shotgun is found in a vehicle for hire.

Public Place - Any street, including the sidewalk portion thereof, park, playground, recreation area, cemetery or lot owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, which is generally accessible to the public, except grounds used for educational purposes.

Public Facility - Any building or facility owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, except buildings or facilities used for educational purposes.

Rifle - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a rifled shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

C. No person shall possess a loaded or unloaded firearm, rifle, shotgun or air gun, or a dagger, dangerous knife, dirk, razor or stiletto, in a public or private public facility in the city. This prohibition shall not apply to:

1. A police officer or peace officer authorized to possess the same.
2. A government employee or licensed security guard authorized or required by employing or office to possess the same while acting within the scope of such employment.
3. A person in the military service of the State of New York or the United States when duly authorized to possess the same.

D. Any pistol or revolver, or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches; or a rifle having one or more barrels less than 16 inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches. For purposes of this definition, the length of a barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech or breechlock when closed and when the shotgun or rifle, as modified, is loaded or unloaded, or a firearm made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

Locking Device - A design adaptation or attachable accessory that will prevent the use of the firearm, rifle or shotgun by an unauthorized user, and includes but is not limited to a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the firearm, rifle or shotgun without the alignment of the combination tumblers.

Possession - Physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence of its possession by all persons occupying such automobile at the time such firearm, rifle or shotgun is found, except if such firearm, rifle or shotgun is found in a vehicle for hire.
a. Pistols or revolvers, keeping or carrying.

1. The police commissioner shall grant and issue licenses hereunder pursuant to the provisions of article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January following the date of issuance.

2. Every license to carry or possess a pistol or revolver in the city may be issued for a term of no less than one or more than three years. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of six hundred forty dollars for each original or renewal application for a three year license period or part thereof, a fee of ten dollars for each replacement application of a lost license.

3. Every applicant to whom a license has been issued by any person other than the police commissioner, except as provided in paragraph five of this subdivision, for a special permit from the commissioner granting it validity within the city of New York, shall pay for such permit a fee of three hundred forty dollars, for each renewal a fee of three hundred forty dollars, for each replacement of a lost permit a fee of ten dollars.

4. Fee for replacement of such license provided herein shall not be refunded in the event that an original or renewal application, or a special validation permit application, is denied by the police commissioner.

5. A fee shall not be charged or collected for a license to have and carry concealed a pistol or revolver which shall be issued upon the application of the commissioner of correction or the warden or superintendent of any institution for the detention of persons convicted or accused of crime or offense, or held as witnesses in criminal cases in the city.

6. The fees prescribed by this subdivision shall be collected by the police commissioner. ...
less he or she is a dealer in firearms or a dealer in rifles and shotguns and such disposition is in accordance with law, provided that a person in lawful possession of such ammunition or ammunition feeding device may dispose of such ammunition or ammunition feeding device to a dealer in firearms or a special theatrical dealer, or a person in lawful possession of such ammunition or ammunition feeding device to a dealer in firearms or a special theatrical dealer, or a person in lawful possession of such firearm, who is authorized, to possess such ammunition or ammunition feeding device.

2. It shall be unlawful for any dealer in firearms or dealer in rifles and shotguns to dispose of any pistol or revolver ammunition of a particular caliber to any person not authorized to possess a pistol or revolver of such caliber within the city of New York.

3. It shall be unlawful for any person not authorized to possess a pistol or revolver within the city of New York to possess pistol or revolver ammunition, provided that a dealer in firearms and shotguns who is authorized, to possess such ammunition or ammunition feeding device.

4. It shall be unlawful for any person authorized to possess a pistol or revolver of a particular caliber within the city of New York to possess pistol or revolver ammunition of a different caliber.

5. Notwithstanding the provisions of paragraphs two, three and four of this subdivision, any person who is exempt pursuant to any provision of law to possess a pistol or revolver within the city of New York may possess ammunition suitable for use in such rifle and a dealer in firearms or dealer in firearms or a special theatrical dealer, or a person in lawful possession of such firearm, who is authorized, to possess such firearm, who is authorized, to possess such ammunition or ammunition feeding device for use in a firearm except as provided in subparagraphs (a), (b), (c), (d) and (e) of this paragraph.

(a) Any pistol or revolver licensees or permittee may possess an ammunition feeding device designed for use in the pistol or revolver such licensees or permittees is authorized to possess, provided that such ammunition feeding device is not capable of holding more than seventeen rounds of ammunition and provided further that such ammunition feeding device does not extend below the grip of the pistol or revolver.

(b) Any person who is exempt pursuant to section thirty-one of the penal law relating to possession of a firearm and who is authorized pursuant to any provision of law to possess a firearm without a license or permit therefor, may possess an ammunition feeding device suitable for use in such firearm, subject to the same conditions as apply with respect to such person's possession of such firearm.

(c) Any dealer in firearms may possess such ammunition feeding devices for the purpose of disposition authorized pursuant to paragraph seven of this subdivision.

(d) Any person who leases a firearm that has been certified by the commissioner as deactivated, from a dealer in firearms or a special theatrical dealer, for use in the possession of his or her professional, may possess an ammunition feeding device suitable for use in such firearm, subject to the same conditions as apply with respect to such person's possession of such firearm.

(e) Any special theatrical dealer may possess such ammunition feeding devices exclusively for the purpose of leasing such ammunition feeding devices to such persons as are described in subparagraph (d) of this paragraph.

7. It shall be unlawful for any person to dispose of to an ammunition feeding device designated for use in a firearm, provided that a dealer in firearms may dispose of, to such persons as are described in subparagraphs (a) and (b) of paragraph six of this subdivision, such ammunition feeding devices as may be possessed by such persons and provided further that a person in lawful possession of such ammunition feeding devices may dispose of such ammunition feeding devices to a dealer in firearms. In addition, a dealer in firearms or a special theatrical dealer may lease, to such persons as are described in subparagraph (d) of paragraph six of this subdivision, such ammunition feeding devices as may be possessed by such persons.

8. Notwithstanding the provisions of paragraphs six and seven of this subdivision any person may, within ninety days of the effective date of this local law, dispose of an ammunition feeding device designed for use in a firearm to a dealer in firearms or a special theatrical dealer, or by an agent or employee of the manufacturer who is authorized to possess such ammunition feeding devices for use in a firearm, except as required by paragraph twelve of this subdivision.

9. The regular and ordinary transport of ammunition or ammunition feeding devices as merchandise shall not be limited by this subdivision, provided that the person transporting such ammunition or ammunition feeding devices, where he or she knows or has reasonable means of ascertaining what he or she is transporting, notifies in writing, the police commissioner of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the police commissioner as the police commissioner may deem necessary for investigation as to whether the consignee may lawfully receive and possess such ammunition or ammunition feeding devices.

10. The regular and ordinary transport of ammunition or ammunition feeding devices by a manufacturer of ammunition or ammunition feeding devices, or by an agent or employee of such manufacturer who is duly authorized in writing by the manufacturer to transport ammunition or ammunition feeding devices on the date or dates specified, directly between places where the manufacturer regularly conducts business, provided such ammunition or ammunition feeding devices are transported in a locked opaque container, shall not be limited by this subdivision, provided that transportation of such ammunition or ammunition feeding devices into, out of or within the city of New York may be done only with the consent of the police commissioner of the city of New York. To obtain such consent, the manufacturer must notify the police commissioner in writing of the name and address of the importing manufacturing, or agent or employee of the manufacturer who is authorized in writing by such manufacturer to transport ammunition or ammunition feeding devices, the quantity, caliber and type of ammunition or ammunition feeding devices to be transported and the place where the manufacturer regularly conducts business. Upon written request of the police commissioner in New York and such other information as the commissioner may deem necessary. The manufacturer shall not transport such ammunition or ammunition feeding devices between the designated places of business for such reasonable period of time designated in writing by the police commissioner as such official may deem necessary for investigation and to give consent. The police commissioner may not unreasonably withhold his or her consent. For the purposes of this paragraph, places where the manufacturer regularly conducts business include, but are not limited to, places where the manufacturer regularly or customarily conducts development or design of ammunition or ammunition feeding devices, or regularly or customarily conducts tests on ammunition or ammunition feeding devices.

11. A person shall be deemed authorized to possess a pistol or revolver within the city of New York if such person is authorized to possess a pistol or revolver within the city of New York pursuant to this section, section 10-302 or section 400.00 of the penal law, or is exempt pursuant to section 265.20 of the penal law from provisions of the penal law relating to possession of a firearm and is authorized pursuant to any provision of law to possess a pistol or revolver within the city of New York without a license or permit therefor. A person shall be deemed authorized to possess a rifle within the city of New York if such person is authorized to possess a rifle within the city of New York pursuant to section 10-303, or is a person permitted pursuant to section 3-305 to possess a rifle without a permit therefor.

12. No pistol or revolver ammunition or ammunition feeding device shall be disposed of to any person pursuant to this subdivision unless such person exhibits the license or permit authorizing him or her to possess a pistol or revolver within the city of New York or exhibits proof that he or she is exempt pursuant to section 265.20 of the penal law from provisions of the penal law relating to possession of a firearm and proof that he or she is authorized pursuant to any provision of law to possess a pistol or revolver within the city of New York without a license or permit therefor.

13. A record shall be kept by the dealer of each disposition of ammunition or ammunition feeding devices under this subdivision which shall show the quantity, caliber and type of ammunition or ammunition feeding devices disposed of, the name and address of the person receiving same, the date and time of the transaction and the name and address of the transporting manufacturer, or agent or employee of the manufacturer who is authorized in writing by such manufacturer to transport ammunition or ammunition feeding devices, the name and address of the consignee, the date and time of delivery, the approximate time of day and to give consent. The police commissioner may deem necessary for investigation and to give consent. The police commissioner may not unreasonably withhold his or her consent. For the purposes of this paragraph, places where the manufacturer regularly conducts business include, but are not limited to, places where the manufacturer regularly or customarily conducts development or design of ammunition or ammunition feeding devices, or regularly or customarily conducts tests on ammunition or ammunition feeding devices.

14. Any person who shall violate this subdivision shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

15. Any person who shall violate this subdivision shall be liable for a civil penalty of not more than one thousand dollars, to be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction.

16. The provisions of paragraph three, four and six of this subdivision shall not apply to a person voluntarily surrendering ammunition or ammunition feeding devices, provided that such surrender shall be made to the police commissioner or the commissioner's designee, and provided, further, that the surrender shall be made by such person only after he or she gives notice in writing to the police commissioner or the commissioner's designee, stating his or her name, address, the nature of the property to be surrendered, and the approximate time of day
and the place where such surrender shall take place. Such notice shall be acknowledged immediately upon receipt thereof by such authority. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such ammunition or ammunition feeding devices surrendered as herein provided. A person who possesses any such ammunition or ammunition feeding devices as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period of not over fifteen days. If such property is not lawfully disposed of within such period, the possessor shall deliver it to the police commissioner or the commissioner’s designee or such property may be delivered to the superintendent of state police. When such property is delivered to the police commissioner or the commissioner’s designee, such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received within two years of the delivery of such property to such official, such property shall be distributed to the police commissioner or the commissioner’s designee or such property may be disposed of within such period, the possessor shall deliver it to the police commissioner or the commissioner’s designee or such property may be disposed of in accordance with the provisions of section 400.05 of the penal law...  


a. As used in this section, “electronic stun gun” shall mean any device designed primarily as a weapon, the purpose of which is to stun, render unconscious or paralyze a person by passing an electronic shock to such person, but shall not include an “electronic dart gun” as such term is defined in section 265.00 of the penal law.

b. It shall be unlawful for any person to sell or offer for sale or to have in his or her possession within the jurisdiction of the city any electronic stun gun.

c. Violation of this section shall be a class A misdemeanor.

d. The provisions of this section prohibiting the possession of electronic stun guns shall not apply to persons as defined in the criminal procedure law, who are operating under regular department procedure or operation guidelines established by their department.

e. The provisions of this section shall not apply to manufacturers of electronic stun guns or importers and exporters or merchants of electronic stun guns, when such guns are scheduled for travel in the course of international, interstate, or intrastate commerce to a point outside the city. Such bulk shipments shall remain in their original shipping package, unopened, except for inspection and possible subdivision for further movement in interstate or intrastate commerce to a point outside the city.

Chapter 3. Firearms

10-301. Control and regulation of the disposition, purchase and possession of firearms, rifles, shotguns, and assault weapons.

Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." 
   (a) Any pistol or revolver;
   (b) a shotgun having one or more barrels less than eighteen inches in length; or
   (c) a rifle having one or more barrels less than sixteen inches in length;
   (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches. For the purposes of this subdivision the length of the barrel of a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon on measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm. The provisions of this chapter relating to firearms shall not apply to assault weapons except as specifically provided.

2. "Rifle." A weapon designed or redesigned, single pull or single shot type, designed primarily to be fired by the use of the energy of the explosive in a fixed metal cartridge to fire only a single projectile through a rifled bore for each pull of the trigger. The provisions of this chapter relating to rifles shall not apply to assault weapons except as specifically provided.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and even if not designed or redesigned, made or remade, and intended to be fired from the shoulder, is not a firearm as defined in subdivision one of this section, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metal cartridge to fire a single projectile through a rifled bore for each pull of the trigger. The provisions of this chapter relating to shotguns shall not apply to assault weapons except as specifically provided.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacuring, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm, assault weapon or machinegun.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm, assault weapon or machinegun. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machinegun, pistol, revolver, rifle, shotgun, assault weapon or other dangerous weapons.

8. "Dispose of." To dispose of, give, give, lend, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer’s serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York, or the commissioner’s designee.

11. "Permit." The permit for purchase and possession of rifles and shotguns issued by the commissioner.


13. "Serious offense." A serious offense as defined in subdivision seventeen of section 265.00 of the penal law.

14. "Business enterprise." Any proprietorship, company, partnership, corporation, association, cooperative, nonprofit organization or other entity engaged or seeking to engage in the activities regulated pursuant to section 10-302 of this chapter.

15. "Semiautomatic." Any firearm, rifle or shotgun, when such guns are scheduled or redesigned and made or remade to fire the case of the fired cartridge and load another cartridge into the firing chamber, and which requires a separate pull of the trigger to fire each cartridge.

16. "Assault weapon." 
   (a) Any semi-automatic centerfire or rimfire rifle or semi-automatic shotgun which has one or more of the following features:
      1. folding or telescoping stock or no stock;
      2. pistol grip that protrudes conspicuously beneath the action of the weapon;
      3. bayonet mount;
      4. flash suppressor or threaded barrel designed to accommodate a flash suppressor;
      5. barrel shotguard;
      6. grenade launcher;
      7. modifications of such features, or other features, determined by rule of the commissioner to be particularly suitable for military and not sporting purposes. In addition, the commissioner shall, by rule, designate specific semi-automatic centerfire or rimfire rifles or semiautomatic shotguns, identified by make, model and/or manufacturer’s name, as within the definition of assault weapon, if the commissioner determines that such weapons are particularly suitable for military and not sporting purposes. The commissioner shall inspect such specific designated semiautomatic centerfire or rimfire rifles or semiautomatic shotguns at least three times per year, and shall revise or update such designations as he or she deems appropriate.
   (b) Any shotgun with a revolving-cylinder magazine.

(c) Any part, or combination of parts, designed or redesigned or intended to readily convert a rifle or shotgun into an assault weapon.

(d) "Assault weapon" shall not include any rifle or shotgun modified to render it permanently inoperable.

17. "Ammunition feeding device." Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with firearms, rifles, shotguns or assault weapons.

18. "Antique firearm." Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

19. "Special theatrical dealer." Any person, firm, partnership, corporation or company who possesses assault weapons exclusively for the purpose of leasing such assault weapons to special theatrical permitees within the city and for theatrical purposes outside the city.
20. "Acquire." To gain possession of or title to a weapon through purchase, gift, lease, loan, or otherwise.

10-302. Licensing of gunsmiths, of wholesale manufacturers of firearms, of assemblers of firearms, dealers in firearms, dealers in rifles and shotguns, and special theatrical dealers.

a. It shall be unlawful for any person or business enterprise to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, dealer in firearms, dealer in rifles and shotguns, or special theatrical dealer unless such person or business enterprise, has obtained a license to engage in such business in the manner prescribed in this section. No person shall engage in the business of dealer in rifles and shotguns or special theatrical dealer unless he or she has been issued a permit for the possession of shotguns and rifles pursuant to the provisions of this chapter. No person or business enterprise shall be eligible to apply for or to hold a license as a special theatrical dealer unless such person or business enterprise possesses both a license as a dealer in firearms and a license as a dealer in rifles and shotguns and (2) has possessed such licenses and engaged in such business for at least one year.

b. No person shall be issued such a permit pursuant to this section except by the police commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for the denial of a license.

(1) of good moral character;
(2) who has not been convicted anywhere of a felony or of any serious offense;
(3) who has stated whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness and who is free from any mental disorder, defects or diseases that would impair the ability safely to possess or use a firearm, rifle or shotgun;
(4) who has not been convicted of violating section 10-303.1 of this chapter; and
(5) concerning whom no good cause exists for the denial of a license.

No person or business enterprise to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city.

(2) Each applicant to engage in such business shall comply with all the requirements set forth in this section. If the applicant is a partnership, each partner thereof shall comply with all the requirements set forth in this section and if the applicant is a corporation, each officer thereof shall so comply.

(3) No applicant for a special theatrical dealer's license or renewal thereof shall be issued such license or renewal unless the applicant submits proof, in such form as the commissioner may require, that at least ten percent of the gross income earned by the applicant as a dealer in firearms, dealer in rifles and shotguns and, in the case of an application for renewal, special theatrical dealer, in the year preceding the application for such license or renewal, was earned from the theatrical use or purpose of such ammunition feeding devices, firearms, rifles, shotguns or assault weapons as the applicant was authorized to lease. No applicant for a special theatrical dealer's license or renewal thereof shall be issued such license or renewal unless the gross income earned by the applicant as a dealer in firearms, dealer in rifles and shotguns and, in the case of an application for renewal, special theatrical dealer, in the year preceding the application for such license or renewal, exceeded fifty thousand dollars.

d. An application for a license or renewal thereof shall be made to the recorder of the city. An application shall include the full name, date of birth, residence, present occupation of each person or individual signing the same, whether he or she is a citizen of the United States, whether he or she complies with each requirement for eligibility specified in subdivision b of this section, and each other fact as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and affirmed by each individual signing an application shall submit one photograph of himself or herself and a duplicate of each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. The photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the business enterprise, office or branch office for which the license is sought, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a business enterprise, its name, date and place of formation, and principal place of business shall be stated. For a partnership, the application shall be signed and affirmed by each partner, and for a corporation, by each officer thereof.

With respect to an application for a license as a dealer in rifles and shotguns or as a special theatrical dealer, a written statement shall be submitted by the individual applicant, or in the case of a business enterprise a responsible officer or agent thereof, stating (a) the identification number of the shotgun and rifle permit issued to the individual applicant or the responsible officer or agent in the case of a business enterprise, (b) the address of a regular place of business maintained by the applicant, (c) that since the issuance of such permit, the individual applicant or responsible officer or agent has not become disqualified for issuance of such a permit, (d) that he or she understands that the acts of his or her, or in the case of a business enterprise, its employees, (e) that the applicant has not previously been refused a license as a dealer in shotguns and rifles or as a special theatrical dealer and that no such license issued to the applicant has ever been revoked.

e. Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the police department. For that purpose, the records of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police department. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical description of all persons with a reasonable probability that each individual by whom that application is signed. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation. When completed, one standard card shall be promptly submitted to the division of criminal justice services where it shall be appropriately processed. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a requisition for the search and notification of the results of the search be made to the police department. The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a license pursuant to the provisions of this section. Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the license, and the other remain on file with the police department. No such fingerprints may be inspected by any person other than a peace officer, when acting pursuant to this or any special duties, or a police officer except on order of a judge or justice of a court of record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police department shall report the results to the commissioner without unnessary delay.

f. Applications shall indicate and licenses shall be issued for a gunsmith, a wholesale manufacturer of firearms, an assembler of firearms, a dealer in firearms, a dealer in rifles and shotguns or a special theatrical dealer.

g. The application for any license, if granted, shall be in a public record. Each application shall be kept on file in the office of the police commissioner and, within ten days after the issuance of a license, a duplicate copy shall be filed in the executive department, division of state police, Albany.

h. No license shall be transferable to any other person or premises. The license shall mention and describe the premises for which it is issued and shall be valid only for such premises.

i. A license issued pursuant to this section shall be prominently displayed on the licensed premises. Failure of any person or business enterprise to so exhibit or display such license shall be presumptive evidence that the person or business enterprise is not in conformity with the law.

j. Any license or renewal issued pursuant to this section shall expire on the first day of the second January following the date of issuance. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition is made of the application by the police commissioner.

k. The conviction of a licensee anywhere of a felony or a serious offense shall operate as a revocation of the license. Written notice of such revocation shall be forwarded to the executive division of state police in Albany.

l. The police commissioner, upon evidence of any disqualification set forth in subdivision b of this section, may at any time suspend or revoke and cancel a license issued pursuant to this section. Written notice of such suspension or revocation shall be forwarded to the executive department, division of state police, Albany.

m. Any license issued pursuant to this section unless the applicant therefor possesses and exhibits all licenses required under any federal or state law.

n. Records.

(1) Any person licensed under this section shall keep an accurate book record of every
transaction involving a firearm, machinegun, rifle, shotgun or assault weapon. Such record shall be kept in the manner prescribed and contain the information required by the police commissioner.

(2) The records required by this section shall be subject to inspection by the New York City Police Department. Such records shall be maintained on the premises mentioned and described in the license, and preserved for record. In the event of suspension, cancellation or revocation of a license, such record shall be immediately surrendered to the police commissioner.

(3) Any person licensed under this section as a dealer in firearms or special theatrical dealer shall cause a physical inventory to be taken within the first five business days of April and October of each year, which shall include a listing of each firearm by make, caliber and serial number. The original copy of such inventory shall be securely maintained on the premises for which the license was issued. One or more additional copies shall be forwarded to such addresses as the commissioner may direct, by such means as the commissioner may direct.

(4) With each copy of the inventory required under paragraph three of this subdivision shall be included an affidavit signed by the licensee (or, if the licensee is not a natural person, by an officer, general manager, or other principal of the licensee) stating under penalties of perjury that within the first five business days of that April or October, as the case may be, the signer has personally observed the firearms reported. The affidavit shall also describe the date and contents of any report required to be made pursuant to section 400.10 of the penal law.

(5) In addition to the penalties specified in section 10-310, any act or omission that constitutes a violation of this subdivision or of rules and regulations issued by the commissioner pursuant thereto shall be grounds for the revocation of a license issued by the commissioner pursuant to this section.

o. Rules and regulations.

(1) The police commissioner may make and promulgate such rules and regulations regarding the issuance of such licenses and prescribe such forms as are necessary to carry out the provisions of this section.

(2) Such rules and regulations shall prescribe reasonable standards and conditions under which firearms, component parts of firearms, rifles, shotguns, assault weapons and ammunition shall be kept at the store or premises of gunsmiths, including store and plant security, employment, record keeping and product quality control for the protection of the public safety, health and welfare. The foregoing enumeration shall not be construed as a limitation of the police commissioner’s authority to promulgate rules and regulations hereunder.

(3) The violation of such rules and regulations shall be triable by a judge of the criminal court of the city of New York and punishable by not more than thirty days imprisonment or by a fine of not more than fifty dollars, or both.

p. The annual license fee for a license issued pursuant to this section shall be twenty-five dollars for firearms, twenty-five dollars for dealers in rifles and shotguns and special theatrical dealers.

q. Failure to obtain a license, by any person, firm, partnership, corporation or company, as required by the provisions of this section shall be punishable as a class A misdemeanor.

r. No dealer in rifles and shotguns may dispose of a rifle or shotgun to any person unless such person possesses a valid firearms license, or is a peace officer, or is a person of lawful authority as a police or peace officer, or is an exempt person as provided in this chapter.

s. Any suspension, denial or revocation of a license may be appealed by the applicant or licensee pursuant to procedures established by the police commissioner for administrative review.

10-302.1 Prevent-ing the diversion of firearms, rifles and shotguns to criminals.

a. No dealer in firearms and no dealer in rifles and shotguns shall: (i) sell or otherwise dispose of more than one firearm or more than one rifle or shotgun to any individual as part of the same sales transaction; or (ii) sell or otherwise dispose of a rifle or shotgun to any individual if the dealer knows or should know that such individual has purchased a firearm, rifle or shotgun within the prior ninety days, or (iii) sell or otherwise dispose of a firearm to any individual unless the dealer knows or should know that such individual has purchased a firearm within the prior ninety days.

b. No person shall acquire a firearm if such person has acquired a firearm within the previous ninety days. For purposes of this subdivision when a firearm, rifle or shotgun is acquired by a corporation, partnership, or other entity, it shall be considered to have been acquired by each natural person who is an officer, director, or other principal of such entity, unless the firearm, rifle or shotgun is acquired on behalf of such entity by a person who is licensed by the commissioner as gun custodian or special gun custodian, or acquired on behalf of an organization possessing an organization registration certificate, as those terms are used in title thirty-eight of the rules of New York City.

c. Before disposing of any firearm, rifle or shotgun to a person licensed by the commissioner to possess firearms, rifles or shotguns, any dealer in firearms, dealer in rifles and shotguns, any dealer in firearms or a dealer in rifles and shotguns, any dealer in firearms, dealer in rifles and shotguns, any dealer in firearms or a dealer in rifles and shotguns, shall: (i) sell or otherwise dispose of more than one firearm or more than one rifle or shotgun to any individual as part of the same sales transaction; or (ii) sell or otherwise dispose of a rifle or shotgun to any individual unless the dealer knows or should know that such individual has purchased a firearm within the prior ninety days.

d. Any dealer in firearms, dealer in rifles and shotguns or other person who disposes of any firearm, rifle or shotgun to a person licensed by an authority other than the commissioner to possess firearms, rifles or shotguns shall make reasonable efforts to contact such licensing authority and to ascertain the most recent date of acquisition by such licensee of a firearm, in the case of disposition of a firearm, or of a rifle or shotgun, in the case of disposition of a rifle or shotgun.

e. Any dealer in firearms or dealer in rifles or shotguns who disposes of any firearm, rifle or shotgun shall, before or at the time of disposing of such firearm, rifle or shotgun, record, in the record book required to be kept by subdivision n of section 110–302, the efforts made by such dealer to ensure compliance with the requirements of this section, any exception to such exception or exemption made by the commissioner to which such dealer reasonably believes would authorize the disposition of such firearm, rifle or shotgun, and the grounds for such dealer’s belief that such exception or exemption applies.

f. Exceptions. The provisions of this section shall not apply to (i) a police officer, as such term is defined in section 1.20 of the criminal procedure law, (ii) a federal law enforcement officer, as such term is defined in section 2.15 of the criminal procedure law, (iii) persons in the furtherance of official business, (iv) persons in the military service of the state of New York, when duly authorized by regulations issued by the adjutant general to possess such weapons, (v) persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order, (vi) persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of such weapons is necessary for manufacture, transport, installation and testing under the requirements of such contracts, (vii) peace officers as defined in section 2.10 of the criminal procedure law, provided that such peace officers are authorized pursuant to law or regulation of the state or city of New York to possess a firearm, rifle or shotgun within the city of New York without a license or permit thereof, and are authorized by the commissioner to possess firearms, rifles or shotguns, (viii) persons in the military service of the United States Code, (ix) any motion picture, television or video production company or theatrical company whose production involves the use of firearms, rifles or shotguns, provided that such weapon is possessed and used in a manner that is consistent with the instructor’s professional performance of his or her role as defined in section 1.20 of the criminal procedure law, provided that such weapon is possessed and used in a manner that is consistent with the instructor’s professional performance of his or her role as defined in section 1.20 of the criminal procedure law.

g. Exempt transactions. The requirements of this section shall not apply to any transaction in which a person acquires a firearm, rifle or shotgun by operation of law, or because of the death of another person for whom such person is an executor or administrator of an estate or a trustee of a trust created in a will, provided that within fifteen days such person surrenders such firearm, rifle or shotgun to the commissioner until it can be reacquired without violation of this section or other applicable law. If a firearm, rifle or shotgun is surrendered pursuant to this subdivision but no written request to reacquire it is received by the commissioner within two years of such surrender, the commissioner shall dispose of such firearm in accordance with the provisions of section 400.05 of the penal law.

(h) the exchange of a firearm, rifle or shotgun by a dealer in firearms or a dealer in rifles and shotguns for another firearm, rifle or shotgun previously purchased from such dealer by the person requesting such exchange, provided that such exchange takes place within thirty days of such request.

(iii) the acquisition or disposal of an antique firearm, rifle or shotgun which is incapable of being fired or discharged or which does not fire fixed ammunition, or a firearm, rifle or shotgun manufactured prior to eighteen hundred ninety-six.
four or whose design was patented and whose commercial manufacture commenced prior to eighteen hundred ninety-four and whose manufacture continued after such year without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and is possessed as a curiosity or ornamental or for its historical significance and value; and

(iv) the acquisition or disposal of a firearm at an indoor or outdoor pistol range when such acquisition or disposal begins a period of possession or use of the firearm that is authorized by paragraph (ii) or subdivision d of section 265.20 of the penal law;

(v) the sale of a firearm by a dealer in firearms to a person whose firearm is stolen or irretrievably lost, provided that: (1) such person has complied with any legal requirement to report the loss or theft, including but not limited to the applicable provisions of title thirty-eight of the rules of the city of New York and section 400.10 of the penal law;

(2) such person provides to such dealer a copy of a police report of the loss or theft or of any report made pursuant to the applicable provisions of title thirty-eight of the rules of the city of New York and section 400.10 of the penal law, which shall be attached to the record book required to be kept by subdivision n of section 10–302; and

(3) the copy provided pursuant to subparagraph two of this paragraph contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, if known, the date when the loss or theft was reported to the law enforcement agency; and

(4) such person's attempt to replace the regulated firearm occurs within thirty days of the loss or theft of such firearm, if known, or, if such date is not known, within thirty days of the date when the loss or theft was reported to the law enforcement agency, as reflected by the information recorded on the police report; and

(vi) any other transaction authorized in advance in writing by the commissioner.

h. Penalties.

(i) In addition to the penalties specified in section f10–310, any act or omission that constitutes or would constitute a violation of this section or of rules and regulations issued by the commissioner pursuant thereto shall be grounds for the revocation of a license to deal in firearms, deal in rifles and shotguns, possess firearms, or possess a rifle or shotgun.

(ii) Any firearm disposed of or acquired in violation of this section shall be a nuisance subject to surrender and forfeiture in accordance with the procedures specified in section 400.05 of the penal law.

i. The commissioner may make and promulgate such rules and regulations as are necessary or required to carry out the provisions of this section. Such rules and regulations may address, but need not be limited to:

(i) procedures for implementation of this section by the commissioner;

(ii) establishment of a database of firearm, rifle and shotgun purchasers for the purpose of enforcing the requirements of this chapter; and

(iii) the specification of reasonable efforts required to comply with subdivision d of this section.

10–303. Permits for possession and purchase of rifles and shotguns. It shall be un-
has reason to believe that the status of the applicant has changed since the issuance of the prior license.

f. Validity. Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every permittee shall be required to maintain in the place of business of the police commissioner as evidence of revocation or suspension of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the police commissioner has reason to believe that the status of the applicant has changed since the previous application.

g. Revocation or suspension. A permit shall be revoked upon the conviction in this state, or elsewhere, of a person holding a rifle or shotgun permit, of a felony or a serious offense. A permit may be revoked or suspended at any time upon evidence of unfitness or of lack of qualification set forth in subdivision a of this section. Upon revocation or suspension of a permit for any reason, the police commissioner shall immediately notify the New York state division of criminal justice services. The police commissioner shall from time to time send a notice and supplemental report hereof, containing the names, addresses and permit numbers of each person whose rifle and shotgun permit has been revoked or suspended to all licensed dealers in rifles and shotguns throughout the city for the purpose of notifying such dealers that no rifles or shotguns may be issued or sold or in any way disposed of to any such persons. The police commissioner or any police officer acting at the police commissioner’s direction shall forthwith seize any rifle and shotgun permit which has been revoked or suspended hereunder and shall seize any rifle or shotgun possessed by such person, provided that the person whose rifle or shotgun permit has been revoked or suspended is entitled to such relief from the police commissioner’s appointee or legal representative, shall have the right at any time up to one year after such seizure to dispose of such rifle or shotgun to any licensed dealer or any other person legally permitted to purchase or take possession of such rifle or shotgun. The permittee shall have the right to appeal any suspension or revocation pursuant to procedures established by the commissioner for administrative review.

h. Non-residents. Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

10-303.1. Prohibition of the possession or disposition of assault weapons.

a. It shall be unlawful for any person to possess or to dispose of any assault weapon within the city of New York, except as provided in subdivision d, e or f of this section or section 10-305. A person who peaceably surrenders an assault weapon to the police commissioner pursuant to subdivision d, e or f of this section or subdivision f of section 10-305 shall not be subject to the criminal or civil penalties set forth in this section.

b. Criminal penalty. Any person who shall violate subdivision a of this section shall be guilty of an unclassified misdemeanor punishable by a fine of not more than five thousand dollars or by imprisonment of up to one year, or by both fine and imprisonment, for each assault weapon disposed of or possessed, provided that the first violation of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision 16 of section 10-301 shall be an offense punishable by a fine of not more than three hundred dollars or imprisonment of not more than fifteen days, or both, on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

c. Civil penalty. In addition to the penalties prescribed in subdivision b of this section, any person who shall violate subdivision a of this section shall be liable for a civil penalty of not more than twenty-five thousand dollars for each assault weapon disposed of or possessed, or, if, on or after the effective date of this local law, shall be recoverable in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction, provided that the first violation by any person of subdivision a of this section involving possession of an assault weapon as defined in paragraph c of subdivision sixteen of section three thousand dollars on condition that (1) such first violation is not in conjunction with the commission of a crime and (2) the possessor has not been previously convicted of a felony or a serious offense.

d. Disposition of assault weapons by permittees, licensed dealers and other persons.

(1) A person who shall possess an assault weapon on or after the effective date of this local law was exempt from the sections of the administrative code requiring rifle and shotgun permits and certificates, and who, upon the effective date of this section, shall, within ninety days of the effective date of this local law, shall possess an assault weapon, and any police officer or peace officer who, before the effective date of this section, shall be an offense punishable by a fine of not more than twenty-five thousand dollars for each assault weapon as defined in subdivision 16 of section 10-301 or in rules promulgated by the commissioner to send by registered mail to every person who has been issued a permit to possess a rifle or shotgun and whose rifle or shotgun the commissioner reasonably believes to be an assault weapon as defined in subdivision 16 of section 10-301 or as defined in such rules, a written notice stating that the commissioner shall send by regular mail to every person who has been issued a permit to possess a rifle or shotgun and whose rifle or shotgun the commissioner reasonably believes to be an assault weapon as defined in subdivision 16 of section 10-301 or in rules promulgated by the commissioner to send, or the permittee to receive, such notice, shall, not excuse such permittee for unlawful possession or disposition of such weapons.

h. Surrender of firearms. At the discretion of the police commissioner, any person convicted of violating this section may be subject to immediate surrender of all firearms in his or her possession.

10-303.2 Civil penalty; firearms dealers and manufacturers.

a. Definitions. For purposes of this section, the terms "firearm," "handgun," "dealer," "collector," and "manufacturer" shall have the meanings set forth in 18 U.S.C. § 921, as such section may be amended from time to time, or any successor provision thereto. The term "transfer" shall be deemed to include any sale, assignment, pledge, lease, loan, gift or other disposition. References to "statutes, laws or regulations" shall be deemed to include federal, state and local statutes, laws, local laws, ordinances, rules and regulations.

b. Manufacturer and Dealer Liability. A manufacturer or dealer shall be liable for any injury or death caused by a firearm that has been lawfully transferred, if (i) such injury or death results from the use of such firearm by an individual not authorized by law to possess such firearm in the city of New York, and (ii) such manufacturer or dealer, or any other individual or entity acting pursuant to such manufacture or dealer, unlawfully transferred such firearm at any time prior to such injury or death. Such liability also includes the possible imposition of punitive damages. Liability under this section does not extend to any manufacturer or dealer that has complied with the following standards during a period of
one year immediately preceding and including the transfer of such firearm:

1. The manufacturer or dealer executes no transfers or agreements to transfer at gun shows except for such gun shows that maintain a practice of performing instant criminal background checks consistent with 18 U.S.C. § 922(i), as such subsection is amended from time to time and any successor provision thereto, on all transfers, whether by licensed or an unlicensed sellers.

2. Any place of business operated by the manufacturer or dealer is located at a fixed address where:
   a. a record is maintained, as may be required by any statute, law or regulation, of the make, model, caliber or gauge, and serial number of all firearms held in inventory or offered for sale; and
   b. a record is maintained, as may be required by any statute, law or regulation, of the make, model, caliber or gauge, and serial number of all firearms sold, and of any identifying information required by any such statute, law or regulation to be obtained from purchasers;

3. The manufacturer or dealer provides access to the aforementioned records to officers, employees and agents of public agencies conducting inspections, to the full extent required by applicable statutes, laws and regulations;

4. The manufacturer or dealer transfers to any individual or entity to one handgun in any given thirty-day period, provided that this paragraph shall not apply to lawful transfers to (a) public agencies in furtherance of official business; (b) law enforcement officials employed by public agencies; (c) private security firms, holding any permits or licenses required by applicable statutes, laws and regulations, for the use of their agents and employees; or (d) licensed manufacturers, licensed dealers or licensed collectors, as those terms are defined by 18 U.S.C. § 921, as such section may be amended from time to time, or any successor provision thereto;

5. The manufacturer or dealer has complied with all applicable statutes, laws and regulations governing the transfer of firearms; and

6. The manufacturer or dealer has not transferred to any other manufacturer or dealer in circumstances in which the manufacturer or dealer transferring such firearm knew or should have known that such manufacturer or dealer had not complied with the standards set forth in this subdivision.

c. Exceptions.

1. No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm that is lawfully possessed by a law enforcement official employed by a public agency.

2. This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.

3. Nothing in this section shall prevent a manufacturer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

4. Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that: (i) the person injured or killed by the discharge of a firearm was committing or attempting to commit a crime (whether or not such crime is actually charged); (ii) the unlawful transfer or possession of the firearm is solely a result of the failure of the owner of the firearm to renew a license, permit or registration within six months of the date such renewal is required; or (iii) prior to the injury or death caused by the discharge of a firearm, the person possessing of the firearm has reported its theft to a federal, state or local law enforcement agency, or reported its loss to an appropriate public agency.

5. Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that the manufacturer or dealer lawfully transferred the firearm to: (i) a public agency in furtherance of official business; (ii) a law enforcement officer employed by a public agency; (iii) a private security firm, holding any permits or licenses required by applicable statutes, laws and regulations, for the use of its agents and employees; or (iv) a private operator of a state or local correctional facility for the use of its agents and employees.

6. Notwithstanding the provisions of subdivision b, there shall be no basis for liability under this section if the manufacturer or dealer proves by a preponderance of the evidence that the injury or death is not directly or indirectly related to any act or omission by such manufacturer or dealer, including but not limited to any failure by the manufacturer or dealer to comply with the standards set forth in subdivision b of this section.

10-304. Certificates of registration.

a. It shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun.

b. It shall be unlawful for any person who is not a licensed dealer to dispose of any rifle or shotgun for which such person does not have a certificate of registration unless such person files with the police commissioner a declaration in duplicate, signed and affirmed by the declarant which shall list by caliber, make, model, manufacturer’s name and serial number, or if none, any other distinguishing number or identification mark, a photograph of said rifle or shotgun and the make, model and serial number of both seller and purchaser, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the police commissioner within 72 hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1. If the seller is a licensed dealer, he or she shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the police commissioner and shall forward to the police commissioner the certificate of registration, or a duplicate thereof, together with the report of disposition.

2. If the seller is not a licensed dealer, the police commissioner shall, if the purchaser’s rifle permit is valid, issue the certificate of registration within ten days of the receipt by the police commissioner of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser’s certificate of registration.

f. No fee shall be charged for a certificate of registration.

g. Notwithstanding any other provision of this section concerning the transfer, receipt, acquisition, or any other disposition of a rifle or shotgun, a rifle and shotgun permit shall not be required for the passing of a rifle or shotgun upon the death of an owner, to his or her heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy, except that the personal representative of such owner shall file a certified copy of a death certificate for the rifle or shotgun to be subject to all other provisions of this chapter, provided further that if the heir or legatee of the owner of such rifle or shotgun does not qualify to possess same under this chapter, the rifle or shotgun may be possessed by the heir or legatee for the purpose of sale as otherwise provided herein for a period not exceeding one hundred eighty days or for such further limited period beyond the one hundred eighty days as may be approved by the commissioner, said extensions in no event to exceed a total of ninety days.

10-305. Exceptions. The sections requiring rifle and shotgun permits and certificates and prohibiting the possession or disposition of assault weapons shall not apply as follows:

a. Minors. Any person under the age of twenty-one years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the police commissioner or any other governmental agency authorized to provide such
b. Antiques and Ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to eighteen hundred ninety-four and those weapons whose design was patented and whose manufacture continued after eighteen hundred ninety-four without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value. This exemption shall not apply to assault weapons.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, provided that such police officers shall not be exempt from the provisions of this chapter with respect to the possession or disposition of assault weapons except during the performance of their duties as police officers, and other peace officers as defined in section 2.10 of the criminal procedure law, provided that such peace officers (1) are authorized pursuant to law or regulation of the state or city of New York to possess firearms, (a) a firearm within the city of New York without a license or permit therefor, or (b) a rifle, shotgun or assault weapon within the city of New York without a permit therefor; and (2) are authorized by their employer to possess such rifle, shotgun or assault weapon; and (3) shall not possess such rifle, shotgun or assault weapon except during the performance of their duties as peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed in fulfilling defense contracts of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by subdivisions c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

f. A person may voluntarily surrender a rifle, shotgun or assault weapon to the police commissioner, provided, that the same shall be surrendered by such person only after he or she gives notice in writing to the police commissioner, stating such person's name, address, the type of gun to be surrendered, and the approximate time of day and place where such surrender shall take place and such time of day and place have been approved in writing by the police commissioner. Nothing in this subdivision shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such rifle, shotgun or assault weapon.

gh. The regular and ordinary transport of rifles, shotguns and assault weapons as merchandise provided that the person transporting such rifles, shotguns and assault weapons where he or she knows or has reasonable cause to believe that such weapon is being transported, notifies, in writing, the police commissioner of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the police commissioner as the police commissioner may determine necessary for investigation as to whether the consignee may lawfully receive and possess such rifles, shotguns or assault weapons.

h. Possession by retail customers for the purpose of firing at duly licensed rifle target concessions at amusement parks, piers, and similar approved locations, and locked automobile trunk, and that said non-resident is lawfully in possession of a rifle and shotgun permit. This exemption shall not apply to assault weapons.

i. (1) Non-residents in transit. Any other person in possession of a rifle, shotgun or assault weapon in the course of transit to a destination outside the city of New York who, without a rifle and shotgun permit issued hereunder, enters the city of New York possessing a rifle or shotgun in the course of transit to a destination outside the city of New York, or a non-resident of the city of New York who enters the city of New York possessing an assault weapon in the course of transit to a destination outside the city of New York, shall have a period of twenty-four hours subsequent to such entry to be exempt from penalty under this chapter for the unlawful possession of a rifle, shotgun or assault weapon, provided that such rifle, shotgun or assault weapon shall at all times be unloaded and in a locked case, or locked automobile trunk, and that said non-resident is lawfully in possession of said rifle or shotgun according to the laws of his or her place of residence.

(2) Non-residents purchasing a rifle or shotgun from a licensed dealer. Any other provision of this chapter notwithstanding, a non-resident of the city of New York residing outside the city of New York shall that member be exempt from registering a rifle or shotgun from a licensed dealer provided that he or she presents the dealer with documentary evidence of his or her identity and place of residence, and the rifle or shotgun purchased is either personally delivered to the purchaser or transmitted by the dealer directly to the purchaser's residence. In the event the purchaser is traveling from the city by rail, ship or plane, the dealer shall thereby deliver the dealer to the purchaser or transmitted by the dealer directly to the purchaser's residence. The provisions of section 10-303, to carry rifles or shotguns which are not the property of a war veterans organization; nor shall that member be exempt from registering such rifles or shotguns, pursuant to section 10-304, which said member may personally own and use. Nothing herein contained is intended to prevent the possession or utilization of any rifle, shotgun or assault weapon during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuit of his or her employment, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued for the rifle, shotgun or assault weapon pursuant to regulations established by the commissioner.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle, shotgun or assault weapon during the course of any theatrical or similar production, or by a professional photographer in the pursuit of his or her employment, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued for the rifle, shotgun or assault weapon pursuant to regulations established by the commissioner.

I. Persons in possession of, using or transporting rifles which have been acquired by the donation of the ownership of the weapon or its components to the federal or state government, to the city of New York, to the city of New York either (a) a firearm within the city of New York to possess either (a) a firearm within the city of New York possessing an assault weapon shall at all times be unloaded and in a locked case, or locked automobile trunk, and that said non-resident is lawfully in possession of said rifle or shotgun according to the laws of his or her place of residence.

m. Any resident of the city of New York acquiring a rifle or shotgun outside the city of New York shall within seventy-two hours after bringing such weapon into the city make application for a rifle and shotgun permit, if such person does not already possess such permit, and for a certificate of registration. Pending the issuance of such permit and/or certificate of registration such resident shall deposit such weapon with a designated officer, at the police precinct in which such person resides, who shall issue a receipt therefor and said weapon shall be retained at the precinct until the resident shall produce the proper permit and registration certificate. This exemption shall not apply to assault weapons.

n. The provisions of section 10-303 of this chapter shall not apply to persons who are members of units of war veterans organizations, which organizations are duly recognized by the veterans administration, pursuant to § 3402 of title 38 of the United States Code, and who are specifically designated to carry rifles or shotguns by the commanders of said units, while actually in the field in which such person resides, who shall issue a receipt therefor and said weapon shall be retained until the resident shall produce the proper permit and registration certificate. This exemption shall not apply to assault weapons.

o. Any gunsmith licensed pursuant to section 10-302 may engage in the business of gunsmith as authorized by such license.

p. Nothing herein contained is intended to prevent the possession or utilization of any rifle, shotgun or assault weapon during the course of any theatrical or similar production, or by a professional photographer in the pursuit of his or her employment, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued for the rifle, shotgun or assault weapon pursuant to regulations established by the commissioner.
permanently remove one or more assault weapons from the city.

10-306. Disposition, purchase and possession of ammunition and ammunition feeding devices.

a. No person, except a dealer in rifles and shotguns, shall dispose of or sell, barter, exchange, or give away any ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding more than five rounds of rifle or shotgun ammunition, except in the manner provided in this chapter for the disposition of assault weapons, provided that a person in lawful possession of an ammunition feeding device for the purpose of disposition authorized pursuant to subdivision a of section 10-303.1 pursuant to section 10-305.

b. No person may possess an ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding no more than five rounds of rifle or shotgun ammunition, unless such person is exempt from subdivision a of section 10-303.1 pursuant to section 10-305, provided that a dealer in rifles and shotguns may dispose of such ammunition feeding devices except to a person who is exempt from subdivision a of section 10-303.1 pursuant to section 10-305.

c. No ammunition suitable for use in a rifle of any caliber or for any shotgun or ammunition feeding device which is designed for use in a rifle or shotgun and which is capable of holding more than five rounds of rifle or shotgun ammunition shall be disposed of by any person who has not been issued a rifle and shotgun permit and a certificate of registration therefor, or the person to whom it is transferred, unless such person is exempt from subdivision a of section 10-303.1 pursuant to section 10-305.

d. No person possessing or in lawful possession of such ammunition shall be relieved from the requirements of this chapter, in a vehicle, room, dwelling or structure, in the possession of an unregistered rifle or shotgun or ammunition feeding device which is designed for use in a rifle or shotgun and which does not contain a safety locking device. For the purposes of this section and section 10-312: (1) weapon shall mean a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301; or a machine gun, as defined in the penal law; and (2) a safety locking device shall mean a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination handle.


The commissioner shall provide all dealers in rifles and shotguns with adequate supplies of all forms including applications for permits as required by this chapter, without charge.

10-308. Vehicles, rooms, dwellings or structures; possession therein.

The presence of a rifle, or shotgun, or rifle or shotgun ammunition, in a vehicle, room, dwelling or structure, without a rifle and shotgun permit therefor and a certificate of registration therefor, or the possession of such ammunition, in a vehicle, room, dwelling or structure, shall be presumptive evidence of possession thereof by all persons occupying the vehicle, room, dwelling or structure at the time.

10-309. Identifying marks.

a. Defacing. Any person who alters, changes, removes, tamperizes or defaces the name of the maker, model, manufacturer's name or serial number of a rifle, shotgun or assault weapon shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

c. Any person who applies for and obtains authorization to purchase a weapon or otherwise lawfully obtains a weapon pursuant to chapters one or three of title ten of this code shall be required to purchase or obtain a safety locking device at the time he or she purchases or obtains the weapon.

d. (1) The police commissioner is authorized to promulgate rules setting forth the types of safety locking devices which will comply with this section in accordance with subdivision a of this section. The city of New York and its agencies, officers or employees shall not be liable to any person for any injury or death, whether that injury or death resulted from the use or misuse of a safety locking device that may have been purchased in compliance with such rules promulgated by the commissioner.

(2) The police commissioner shall provide written notice of the requirements of this section and section 10-312 to all persons who receive an official authorization to purchase a weapon and all persons applying for renewal of a license or permit issued pursuant to chapters one or three of title ten, including any rules promulgated under this subdivision. All persons applying for a license or permit or applying for the renewal of a license or permit pursuant to chapters one or
three of title ten of this code, shall receive from the commissioner information concerning the importance of using a safety locking device while a weapon is not in use, and a warning that weapons should be stored unloaded and locked in a location that is both separate from their ammunition and inaccessible to children and any other unauthorized persons.

e. Any violation of subdivisions a or b of this section or any rule promulgated thereunder shall be a misdemeanor and triable by a judge of the criminal court of the city of New York and punishable by imprisonment of not more than thirty days or by a fine of not more than five hundred dollars, or both.

10-312. Use of safety locking device required under certain circumstances.

a. It shall be unlawful for any person who is the lawful owner or lawful custodian of a weapon, as that term is defined in section 10-311, to store or otherwise place or leave such weapon in such a manner or under circumstances that it is out of his or her immediate possession or control, without having rendered such weapon inoperable by employing a safety locking device. Any person who violates this subdivision shall be guilty of a violation, punishable by imprisonment of not more than ten days or by a fine of not more than one hundred fifty dollars, or both.

b. Any person who violates subdivision a of this section having previously been found guilty of a violation of such subdivision, or under circumstances which create a substantial risk of physical injury to another person, shall be guilty of a misdemeanor punishable by imprisonment of not more than thirty days or by a fine of not more than one thousand dollars, or both.

c. The provisions of this section shall not apply to weapons owned or lawfully possessed by a police officer, as such term is defined in section 1.20 of the criminal procedure law, or a federal law enforcement officer, as such term is defined in section 2.15 of the criminal procedure law.

[NYC Administrative Code current through Dec 2010]

Code of the City of Rochester

Chapter 47. Dangerous Articles

47-4. Storage and display of firearms, ammunition and explosives.

A. Purpose and intent. The Council finds that it is necessary to regulate the commercial storage, possession and display of firearms, ammunition or explosives pursuant to § 139-d of the General Municipal Law in order to provide for the public health, safety and welfare of all persons in the City of Rochester. The Council finds that the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through negligence or as a result of burglaries at such locations. The Council therefore intends to regulate the location of such activities and to place additional regulations upon those activities in order to assure that such activities are conducted in a safe manner. The restrictions found herein shall be in addition to restrictions found Chapter 120 of the Municipal Code, Zoning Code, and whichever regulations are more restrictive shall be applicable to any potential location where such activities are to be conducted.

B. Location. The storage, possession or display of firearms, ammunition or explosives within a building occupied by a residential use, or within a building located within one hundred (100) feet of any residential use, which distance shall be measured from the closest point of the building, or portion thereof, used for the storage, possession or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use, is hereby prohibited.

C. Standards of design, construction and maintenance of buildings and structures in which firearms, ammunition or explosives are stored or displayed.

D. Visibility of interior to be maintained at all times. The interior of any building or structure used for the storage, possession and display of firearms, ammunition or explosives shall be visible through any windows at all times when the storage, possession and no drapes or blinds should be used that would block the view of police or passersby who might observe unusual activity within the premises. The exterior of the premises shall be illuminated at night and during the hours when business is not conducted within.

E. Combustible materials. Combustible materials shall not be stored in any building or structure or that portion thereof used for the storage, possession and display of firearms, ammunition or explosives.

F. Fire-extinguishing equipment. Fully operable listed fire-extinguishing equipment shall be maintained in any building or structure used for the storage, possession and display of firearms, ammunition or explosives and made easily accessible.

G. Smoking and open flames prohibited. Smoking, matches, spark-producing devices and open flames shall be prohibited in any building or structure or that portion thereof used for the storage, possession and display of firearms, ammunition or explosives.

H. Standards of security for storage of firearms, ammunition or explosives.

(1) Storage of ammunition and explosives. All ammunition and explosives shall be stored in compliance with 9 NYCRR 1176 et seq. and 12 NYCRR 206-2 to 206-58.

(a) Ammunition when being displayed shall be kept in locked cases or behind the counter in an area not accessible to the public.

(b) Firearms storage or inventory areas shall be physically separated from counter and display areas and access to these areas shall be carefully controlled.

(2) Storage of firearms when open for business. (a) No firearms shall be stored, exhibited or displayed in windows of the premises.

(b) Firearms storage or inventory areas shall be physically separated from counter and display areas and access to these areas shall be carefully controlled.

(c) Firearm display cases shall not leave the control of authorized personnel.

(d) Trigger locks which disable firearms and prevent them from functioning must be locked to each firearm at all times, or the firearms must be secured in a locked case or be otherwise locked, or the firearms must be dispensed in an area behind a counter not accessible to the public. All keys to such display cases shall not leave the control of authorized personnel.

(3) Storage of firearms when not open for business. When not open for business, all firearms shall be stored in accordance with one of the following:

(a) All firearms shall be stored in a locked fireproof safe or vault located in the business premises.

(b) All firearms must be secured by a hardened steel rod or cable of at least one-eighth (1/8) inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the ready removal of the firearms from the premises.

(c) All firearms shall be secured in a manner that prevents the ready removal of the firearms from the premises, as approved by the Chief of Police or the Chief’s designee.

I. The regulations provided for herein shall not apply to personal possession, use or ownership of firearms or ammunition therefor.

47-5. Firearms, shotguns, rifles and other dangerous weapons.

A. Purpose and intent. The Council finds that violent crime is a serious problem in the city and firearms and other dangerous weapons are associated with the commission of crimes, particularly homicides and assaults. The possession of such weapons also often leads to accidental deaths and injuries. The possession and use of assault weapons and ammunition feeding devices for criminal purposes is increasing and poses a serious danger to public safety. The use of weapons by persons under the influence of drugs and/or alcohol can readily lead to serious injury or death. The possession of weapons in public facilities and places also poses a serious danger to public safety. The possession of toy or imitation weapons which substantially duplicate actual weapons poses a danger to the person possessing the weapon and to others. In order to promote and protect the health, safety and welfare of the public, the Council finds it necessary to place restrictions upon the possession and use of such weapons. The restrictions imposed by this section are intended to be in addition to restrictions found in state law and are not intended to conflict with state law provisions.

B. Violation in the section, the following terms shall have the meanings indicated:

Air Gun - [Note: This section was found unconstitutional.]

Ammunition - Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shotgun, assault weapon or other dangerous weapon.

Ammunition Feeding Device - Magazines, belts, feedstrips, drums or clips capable of being attached to or utilized with any center-fire rifle, shotgun or pistol which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger which, in the case of a rifle or shotgun holds in excess of five (5) cartridges, or in the case of a pistol holds in excess of seventeen (17) cartridges.

Assault weapon:

(1) Any center-fire rifle or shotgun which employs the force of the expanding gases from a discharging cartridge to chamber a fresh round after the pull of the trigger which is loaded or capable of being loaded with a combination of more than six (6) cartridges in the ammunition feeding device and chamber combined. For the purposes of this section, a weapon is
capable of being loaded if it is possessed by one who, at the same time, possesses:

(a) In the case of a rifle, a fixed or detachable ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such rifle and which has a capacity of more than five (5) cartridges.

(b) In the case of a shotgun, an ammunition feeding device which is attached to or utilized with or capable of being attached to or utilized with such shotgun and which has a capacity of more than five (5) cartridges.

(2) A center-fire rifle or shotgun which employs the force of expanding gases from a discharging cartridge to chamber a fresh round after each single pull of the trigger, and which has:

(a) A flash suppressor attached to the weapon reducing muzzle flash;

(b) A grenade launcher;

(c) A sighting device making a target visible at night;

(d) A barrel jacket surrounding all or a portion of the barrel to dissipate heat therefrom; or

(e) A multi-burst trigger activator.

(3) Any stockless pistol grip shotgun.

(4) The following weapons manufactured prior to the effective date of this section. [Note: This section was found unconstitutional.]

For purposes of this section, the term "assault weapon" shall not include any of the following:

(a) Any weapon which has been modified to render it permanently inoperable or permanently make it a device no longer defined as an "assault weapon";

(b) Weapons that do not use cartridges or shells;

(c) Manually operated bolt-action weapons, lever-action weapons, slide-action weapons or single-shot weapons;

(d) Multiple-barrel weapons, revolving-cylinder weapons except shotguns, weapons that use exclusively a rotary Mannlicher-style magazine; or

(e) Any antique firearm as defined in § 265.00 of the New York State Penal Law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States Law.

Dispossession - Any purpose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.


Dwelling - As defined in Chapter 120 of the Municipal Code, Zoning Code.

Firearm - Any pistol or revolver; or a shotgun having one (1) or more barrels less than eighteen (18) inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches; or a rifle having one (1) or more barrels less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches. For purposes of this definition, the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the face of the bolt, breech or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Such definition, except as otherwise indicated, shall include both loaded and unloaded firearms, except that it shall not include any antique firearm as defined in federal or New York State law or any curio or relic as defined under United States law which is possessed by a licensed collector in accordance with United States law.

Park - As defined in § 79-1 of the Municipal Code.

Possess - Have physical possession or otherwise to exercise dominion or control over. The presence in an automobile of any firearm, rifle or shotgun which is openly visible is presumptive evidence that such firearm, rifle or shotgun is possessed of and controlled by all persons occupying such automobile at the time such firearm, rifle or shotgun is found, except if such firearm, rifle or shotgun is found in a vehicle for hire.

Public Place - Any street, including the sidewalk portion thereof, park, playground, recreation area, cemetery or lot owned, leased, operated, or otherwise utilized with such firearm, rifle or shotgun to fire through government, municipality or public authority or corporation within the boundaries of the city, which is generally accessible to the public, except grounds used for educational purposes.

Public Facility - Any building or facility owned, leased, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the city, except buildings or facilities used for educational purposes.

Rifle - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile through a rifled bore for each single pull of the trigger.

Shotgun - A weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

C. No person shall possess a loaded or unloaded firearm, rifle, shotgun or air gun, or a dagger, dangerous knife, dirk, razor or stiletto, in a public place or public facility in the city. This prohibition shall not apply to:

(1) A police officer or peace officer authorized to possess the same;

(2) A person in the military service of the State of New York or the United States;

(3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law;

(4) A person disposing of a licensed firearm in accordance with law;

(5) Disposition by intestate or testamentary bequest; or

(6) A person disposing of a rifle, shotgun, air gun or ammunition to a family member.

F. No person shall possess an assault weapon or an ammunition feeding device in the city. This prohibition shall not apply to:

(1) A police officer or peace officer authorized to possess the same;

(2) A person in the military service of the State of New York or the United States;

(3) A person voluntarily surrendering the same in accordance with the provisions of § 265.20 of the Penal Law; or

(4) A person possessing a firearm pursuant to § 265.20 of the Penal Law.

H. No person shall carry a firearm, shotgun, rifle or air gun in the city, while such person has one-tenth of one per cent (1/10 of 1%) or more by weight of alcohol in the person's blood as shown by chemical analysis of the person's blood, breath, urine or saliva.
I. No person shall carry a firearm, shotgun, rifle or air gun in the city while in an intoxicated condition.

J. No person shall carry a firearm, shotgun, rifle or air gun in the city while the person's ability to safely carry such weapon is impaired by the use of drugs.

K. Any person who carries a firearm, shotgun, rifle or air gun in this city shall be deemed to have given consent to a breath test and a chemical test of the person's breath, blood, urine or saliva for the purpose of determining the alcoholic or drug content of the person's blood, provided that any test is administered at the discretion of a police officer having reasonable grounds therefor...

L. [Note: This section was found unconstitutional.]

M. Discharge of weapons; permits. ...

N. The owner of a firearm, shotgun, rifle, assault weapon, machine gun or submachine gun, which becomes lost or stolen, shall report the loss or theft to the Rochester Police Department within 24 hours after the loss or theft is discovered or reasonably should be discovered. The owner of such a weapon shall store the weapon in a safe and secure manner as required in Subsection D of this section and shall check such weapon at least once each week, or immediately upon returning to the city if the owner is absent from the city for more than one week. Failure to perform such a check shall not be a defense to a prosecution for a violation of this subsection.

O. Notwithstanding the penalties contained in § 47-4, a violation of any provision of this section shall be punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. ...

47-8. Penalties. Any person or corporation violating any of the provisions of this chapter shall, upon conviction be punishable by a fine not exceeding $150, or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than $5 nor more than $500 to be recovered by the City of Rochester in a civil action.

[Code of the City of Rochester current as of 2010]

Laws of Suffolk County

Chapter 233. Bullets, Armor-Piercing

233-1. Purpose. It is the intent of the Suffolk County Legislature to restrict the possession, disposition and use of certain handgun bullets that are designed primarily for the purpose of armor penetration so as to give law enforcement personnel a reasonable degree of protection from penetration of body armor. This chapter is not intended to restrict the availability of ammunition for personal defense, sporting or hunting purposes.

233-2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Body Armor - Commercially available soft,bullet-resistant apparel with a penetration resistant test of 1500 square feet of 0.020-inch thick fabric, or by an equivalent test, which is commercially available soft, bullet-resistant apparel with a penetration resistant test of 1500 square feet of 0.020-inch thick fabric.

Bullet-Resistant Apparel - Commercially available soft, bullet-resistant apparel with a penetration resistant test of 1500 square feet of 0.020-inch thick fabric, or by an equivalent test, which is commercially available soft, bullet-resistant apparel with a penetration resistant test of 1500 square feet of 0.020-inch thick fabric.

Bullet-Resistant Bullet - A bullet that is originally designed to be fired by the use of a single hand.

Person - Natural person, firm, partnership, corporation or company.

Restricted Handgun Bullet - A handgun projectile that is capable of penetrating armor, including body armor as defined herein, and is comprised of a projectile whose composition includes any components having a hardness of 70 or greater on the Rockwell B hardness scale, specifically the Czecho-Slovakian manufactured 9-millimeter, and all KT26 teflon-coated projectiles.

233-3. Prohibited acts. A. Any person who, with intent to injure or kill, or however, during and in relation to the commission of a crime of violence for which he may be prosecuted in court, including a felony which provides for an enhanced punishment if committed by the use of a dangerous weapon or device, uses or carries any handgun loaded with armor-piercing ammunition, as defined herein, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than six months.

B. No dealer shall dispose of any restricted handgun bullet or bullets in Suffolk County, except to police or military units.

233-4. Penalties for offenses. Any person convicted of violating this chapter shall be deemed guilty of a misdemeanor punishable by a fine not exceeding $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this chapter nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried, unless the sentence imposed under this section shall be eligible for parole.

Chapter 345. Licensed Occupations

Article V. Dealers in Secondhand Articles

345-47. Definitions. As used in this article, the following terms shall have the meanings indicated:

Antique Firearms - Any unloaded muzzle-loading pistol or revolver with a matchlock, flintlock, percussion cap or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

Business Day - Any calendar day except Sunday or any County holiday.

Dealer in Secondhand Articles: A. Any person, corporation, partnership or other entity and its employees that, as a business, transacts more than five deals in the purchase or sale of the following articles within a twelve-month period:

(1) Antique firearms.
(2) Rifles.
(3) Shotguns.

B. Exempted operations:

(1) "Dealer in secondhand articles" shall not include any organizations formed for charitable purposes, which accept donations of secondhand articles and resell them to raise funds for purposes consistent with the formation of the organization, nor any persons, corporations, partnerships, or other entities and their employees that, as a business, are principally engaged in the service and/or repair of electronic equipment or component parts thereof and who, from time to time, sell electronic equipment or component parts thereof, which have been left for repair and later abandoned.

(2) The sale of secondhand goods at events commonly known as "garage sales," "yard sales," or "estate sales" provided:

(a) The sale is held on noncommercial property;
(b) None of the items offered for sale have been purchased for resale;
(c) The owner of the property receives all proceeds; and
(d) The sale period is no longer than 72 hours.

At no time shall the property owner be permitted to conduct more than two events within a twelve-month period.

(3) Secondhand books, comic books, magazines, post cards, and postage stamps.

Department - The Office of Consumer Affairs.

Proper Identification - Identification documents that contain the person's name and either a photograph or a physical description of said person. Social security cards, draft registration cards, voter registration cards and comparable documents shall not be considered sufficient identification for the purpose of this article.

Secondhand Article - An article or object which:

A. Has been previously sold at retail; or
B. Has been previously used or is not in a new condition.

345-48. License required; display. A. No person shall engage in any business as a dealer in secondhand articles without obtaining a license therefor from the office in accordance with and subject to the provisions of this article and Article I.

B. A licensee shall display the license obtained pursuant to this article in the establishment. If a licensee shall maintain more than one establishment within the County of Suffolk, he shall obtain a duplicate license for each establishment. The fee for duplicate licenses are set forth in § 345-49B.

C. No applicant for a license renewal shall have any outstanding judgment for child support against him or her, or be in arrears in child-support payments as determined by official court records or official government records, at the time an application is filed for such license renewal.

345-49. Fees. A. An application fee of $25 shall accompany each application for a dealer in secondhand articles license.

B. The fee for a duplicate license for an additional dealer in a secondhand articles establishment shall be $50 per annum. It may be renewed biennially for a fee of $100.

C. The fee for a dealer in secondhand articles license or renewal thereof shall be $200 per annum.

345-50. Required records. A. Each licensee shall keep records, legibly written in English, in a bound book. All entries shall be made in ink at the time of each transaction and shall include the computer transaction number. Each transaction shall also include:

(1) An accurate account and description of the article or thing bought, including but not limited
exclusive. Article I of this chapter also applies.

B. No alterations or erasures are to be made to records. Erroneous entries are to have a simple line drawn through them and the correct line next to it.

C. The records shall be retained in the possession of the licensee for at least three years.

D. A written receipt shall be issued to the seller with the serial number of the transaction and the information required in Subsections A, B and C of this section.

345-50. Inspection of records and books. All records required to be kept pursuant to this article shall be open for inspection by the Office of Consumer Affairs, the Police Commissioner, a Chief of Police or any officer or employee duly authorized by them.

345-52. Prohibited acts.
A. No article purchased by a dealer in secondhand articles shall be sold or otherwise disposed of until the expiration of at least 21 business days from the date of purchase.

B. All articles subject to this holding period shall be available for inspection by the Director of the Office of Consumer Affairs, the Police Commissioner, the Chief of Police or any officer duly authorized by them.

C. Purchases or sales between licensed secondhand dealers shall be exempt from the provisions of this section only if evidence of full compliance with all provisions and conditions set forth in this article is obtained by the purchasing secondhand dealer from the selling secondhand dealer in the form of a receipt. This receipt shall be retained by the purchasing secondhand dealer for the period required by § 345-50C hereof.

345-52.1. Police order to hold property. A. Investigative hold. Whenever a law enforcement or consumer affairs official notifies a licensee not to sell an item, the item shall not be sold or removed from the licensed premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and shall remain in effect for 15 days from the date of initial notification or until the investigative order is cancelled, or until an order to hold is issued, whichever comes first.

B. Order to hold. Whenever the Commissioner of Police, a Police Chief, or Director of Consumer Affairs notifies a licensee not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the aforementioned individuals or their designees. The order to hold shall expire 90 days from the date it is placed. When an item is placed on hold, the person doing so shall provide identification and provide the licensee with the name and phone number of the holding agency and the case number related to the hold order.

D. When an order to hold is no longer necessary, the licensee shall be notified in writing by the holding agency.

345-52.2. Prohibited acts.
A. No article shall be purchased from a person who is unable to produce proper identification.

B. The acts enumerated in this section are not exclusive. Article 1 of this chapter also applies.

C. No article shall be purchased from a person under the age of 18 without the written consent of his parent or guardian.

D. No article shall be purchased that possesses an altered or obliterated serial number or any item that has had its serial number removed.

E. No article shall be purchased from a person who appears to be intoxicated or of unsound mind.

345-53. Required reports.
A. Every person so licensed as a dealer in secondhand articles shall report to the Commissioner of Police the stated facts of the transaction at the end of each business day in a form approved and supplied by the Commissioner of Police, the information described in § 345-50 of this article.

B. On or after March 1, 2004, any required report shall be filed electronically.

345-54.1. Required bond. Notwithstanding the provisions of § 345-11A(4) herein, every applicant for a dealer in secondhand-articles license shall submit a five-thousand-dollar bond, or for renewal of a license, evidence of a bond issued in favor of the licensee. This bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for the purchase of secondhand articles. All bonds shall be conditioned that the licensee will observe all laws in relation to precious metal dealers and will conduct business in conformity thereto. Such bond shall remain in full force during the entire period for which the license is valid.

345-55. General requirements.
A. The manufacture of explosives and small arms ammunition is prohibited in the City of Yonkers.

B. No person shall possess, keep, store, sell, offer for sale, give away, use, discharge, transport or dispose of in any manner any explosives within the City of Yonkers, except by the authority of a written license as provided in this article.

D. No person shall discharge any explosives, except small-arms ammunition and construction devices such as explosive rivets and explosive-driven pins or studs, for purposes other than blasting or demolition operations.

E. No person shall sell or give away any explosive, except small-arms ammunition and construction devices such as explosive rivets and explosive-driven pins or studs, to any person not in possession of a license to either possess, transport or use explosives as required by this article.

F. Encasement. Except while blasting, no person shall possess or store explosives, unless such explosives are completely enclosed or encased in tight metal, wooden or fiber containers. A person having possession or control of an explosive shall under no circumstances permit any grains or particles of it to remain on the outside of or about its container. Every container shall be plainly marked with the name of the explosive contained therein.

Article V. Ammunition

59-90. Definitions. As used in this article, terms shall be defined as follows:

Ammunition - A metal or other shell containing gunpowder and propellant for the purpose of propelling projectiles or shot. The term shall also include black or smokeless powder packed for use as a propelling charge or for saluting purposes.

Small-Arms Ammunition - Any shotgun, rifle, pistol or revolver cartridges, and shall include percussion caps and primers.

59-91. Manufacture prohibited. It shall be unlawful to manufacture ammunition or small-arms ammunition in the City of Yonkers.

59-92. Power machinery prohibited. It shall be unlawful for any person to load ammunition or small-arms ammunition by power machinery in the city.

59-93. Permit for storage and sale. A. It shall be unlawful for any person to store or sell or offer for sale any ammunition or small-arms ammunition within the city without a permit from the Fire Commissioner.

B. The permit shall state the location of the premises, the maximum amount of ammunition to be stored at any time, and such other information as the Fire Commissioner may deem necessary.

59-94. Application for permit. Permits for the storage and sale of ammunition or small-arms ammunition may be issued by the Fire

[Law of Suffolk County current as of December 10, 2010]
Chapter 74. Firearms and Weapons

74-1. License required to sell air guns. It shall be unlawful for any person to sell, offer to sell or have in his possession any air pistol or air rifle or similar instrument in which the propelling force is a spring, air, electricity, or gas, or in which the same is used in such instruments referred to in this chapter shall keep a record showing the name and address of each person purchasing such instrument or instruments, together with the place of delivery, and said record shall be open to inspection during regular business hours by the officers of the Police Department of the city.

74-3. Issuance of license. The Police Commissioner is hereby authorized to issue, in his discretion, upon payment of a license fee in the amount of ten dollars ($10.), an annual license authorizing the sale and possession of such instruments for delivery to a point without the city.

74-4. Pistol permit; registration; fee. The Police Commissioner may issue a permit for a spring-, gas- or air-operated pistol to any person who holds a current New York State pistol permit. Said pellet gun shall be registered in the same manner as all other pistols, and the cost for said permit shall be $1.

74-6. Rifles and shotguns; penalties for offenses. A. It shall be unlawful for any person to carry or possess a loaded rifle or shotgun, as those terms are defined in Penal Law § 265.00, in public within the city limits. Any violation of this subsection shall constitute a Class I offense.

B. It shall be unlawful for any person to carry or possess an unloaded rifle or shotgun, as those terms are defined in Penal Law § 265.00, in public within the city limits unless such rifle or shotgun is completely enclosed or contained in a nontransparent carrying case or a cover. Any violation of this subsection shall constitute a Class II offense.

C. The above provisions shall not apply to persons in the military service of the State of New York, when duly authorized by regulations issued by the Chief of Staff to the Governor to possess the same, or to peace officers, as defined in § 1.20, Subdivision 33, of the Criminal Procedure Law, or to participants in special events when authorized by the Police Commissioner.

D. The above provisions shall not apply to persons possessing or carrying a rifle or shotgun at a rifle range for which a license has been obtained from the Police Commissioner or to persons possessing or carrying a rifle or shotgun on their own premises.

74-7. Possession of imitation or inoperable guns, firearms and weapons prohibited. A. The City Council finds and declares that there exists a danger to life, person and property in the City of Yonkers, especially on city-owned and -operated property and in the city public schools, with the possession and/or use of guns, firearms and weapons which are a replica of and cannot be easily distinguished from actual guns, firearms and weapons. The possession and, at times, use by simple display of one of these imitation and/or inoperable guns, firearms and weapons has caused damage to life, limb and property in the City of Yonkers since the Penal Law of the State of New York does not extend its coverage to this area. Through the exercise of the police power granted to municipal government, it is a matter of order to affirm the residents of the City of Yonkers greater safety and to protect their general welfare from individuals, both adults and juveniles are prohibited from using imitation, toy and inoperable pistols, revolvers, guns and other weapons of any type that may be readily mistaken for real guns, pistols, revolvers and/or weapons which are used or could be used for nefarious purposes or as threats or potential threats to life, limb and property.

B. This section is not intended to forbid or restrict the sale, possession or use of true and actual toy pistols, guns, revolvers or other weapons, provided that the same are not substantial duplicates of actual pistols, guns, revolvers or weapons in appearance.

C. It shall be unlawful for any person to possess or use or attempt to use any imitation, toy or inoperable pistol, revolver, gun, firearm or any other weapon which substantially duplicates an actual pistol, revolver, gun, firearm or other weapon unless said imitation, toy or inoperable instrument or instrument shall be colored in colors other than blue, black, gray, silver or aluminum, and further provided, if resembling a gun or other firearm, that the barrel of said item shall be closed with the same material of which the item itself is made for a distance of not less than one-half (1/2) inch from the front end of the barrel of said item.

D. The provisions of Section C shall not apply to possession or display of such an instrument by a licensed manufacturer or dealer of the same, used solely in connection with his or her business. Further, any said instrumentality used in theatrical productions licensed in advance by the City of Yonkers shall also be exempted when possessed, displayed and used in connection with said licensed theatrical productions.

E. Any violation of this section shall constitute a Class I offense.

74-8. Unlawful to possess bows in public; exception. A. It shall be unlawful for any person to carry or possess a crossbow of any type, configuration or manufacture in public anywhere in the City of Yonkers. It shall be unlawful for any person to carry or possess any recurve bow or compound bow with a draw weight exceeding 35 pounds in a public place anywhere in the City of Yonkers.

B. The above provision shall not apply to persons carrying a longbow. The above provision shall not apply to persons carrying or possessing recurve bows or compound bows in a carrying case or carrying or possessing recurve bows or compound bows to, from, or at a firing range or competition where authorized or operated by the City of Yonkers or where such bow shooting is permitted. The above provision shall not apply to persons carrying or possessing a recurve or compound bow on their premises or private property.

[Code of the City of Yonkers current as of 2010]
Chapter 14. Criminal Law

Article 23. Trespasses to Personal Property

14-160.1. Alteration, destruction or removal of permanent identification marks from personal property

(1) It shall be unlawful for any person to alter, deface, destroy, or remove the permanent serial number, manufacturer's identification plate, or other permanent distinguishing number or identification mark from any item of personal property, not his own, on which the permanent serial number, manufacturer's identification plate or other permanent, distinguishing number or identification mark has been altered, defaced, destroyed or removed for the purpose of concealing or misrepresenting the identity of said item.

(2) It shall be unlawful for any person knowingly to sell, buy or be in possession of any item of personal property, not his own, on which the serial number, manufacturer's identification plate or other permanent distinguishing number or identification mark has been altered, defaced, destroyed or removed for the purpose of concealing or misrepresenting the identity of said item.

(3) A violation of any of the provisions of this section shall be a Class I misdemeanor.

This section shall not in any way affect the provisions of G.S. 20-108, 20-109(a) or 20-109(a)b.

14-160.2. Alteration, destruction, or removal of serial number from firearm; possession of firearm with serial number removed.

(a) It shall be unlawful for any person to alter, deface, destroy, or remove the permanent serial number, manufacturer's identification plate, or other permanent distinguishing number or identification mark from any firearm with the intent thereby to conceal or misrepresent the identity of the firearm.

(b) It shall be unlawful for any person knowingly to sell, buy, or be in possession of any firearm on which the permanent serial number, manufacturer's identification plate, or other permanent distinguishing number or identification mark has been altered, defaced, destroyed, or removed for the purpose of concealing or misrepresenting the identity of the firearm.

(c) A violation of any of the provisions of this section shall be a Class H felony.

Article 35. Offenses against the Public Peace

14-269.1. Confiscation and disposition of deadly weapons

Upon conviction of any person for violation of G.S. 14-269, G.S. 14-269.7, or any other offense involving the use of a deadly weapon of a type referred to in G.S. 14-269, the deadly weapon with reference to which the defendant shall have been convicted, shall be ordered confiscated and disposed of by the presiding judge at the trial in one of the following ways in the discretion of the presiding judge.

(1) By Order of the court, the weapon returned to its rightful owner, but only when such owner is a person other than the defendant and has filed a petition for the recovery of such weapon with the presiding judge at the time of the defendant's conviction, and upon a finding by the presiding judge that petitioner is entitled to possession of the same and that he was unlawfully deprived of the same without his consent.

(2) & (3) [Repealed]

(4) By order of such weapon turned over to the sheriff of the county in which the trial is held or his duly authorized agent to be destroyed. The sheriff shall maintain a record of the destruction thereof.

(4a) [Repealed]

(b) By order of the weapon turned over to a law enforcement agency in the county of trial for the following:

(i) The official use of the agency or (ii) sale, trade, or exchange by the agency to a federally licensed firearm dealer in accordance with all applicable State and federal firearm laws. The law enforcement agency may order a disposition of the firearm pursuant to this subdivision only upon the written request of the head or chief of the law enforcement agency and only if the firearm has a legible, unique identification number. If the law enforcement agency sells the firearm, then the proceeds of the sale shall be remitted to the appropriate enforcement agency and only if the firearm has a legible, unique identification number. If the law enforcement agency sells the firearm, then the proceeds of the sale shall be remitted to the appropriate enforcement agency.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, a violation of any of the provisions of this section shall be a Class I misdemeanor.

(d) This section shall in any way affect the provisions of G.S. 20-108, 20-109(a) or 20-109(a)b.

14-269.2. Weapons on campus or other educational property

(1) Educational property. Any school building or bus, school campus or grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school.

(1a) Employee. A person employed by a local board of education or school who the person is an adult or a minor.

(1b) School. A public or private school, community college, college, or university.

(2) Student. A person enrolled in a school or a person who has been suspended or expelled within the last five years from a school, whether the person is an adult or a minor.

(3) Switchblade knife. A knife containing a blade that is readily disassembled from the handle or has an automatic spring or similar contrivance.

(4) Weapon. Any device enumerated in subsection (b), (b1), or (g) of this section.

(b) It shall be a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property; and

(1) The person is a student attending school on the educational property or an employee of the school working on the educational property; and

(1a) The person is not a student attending a curricular or extracurricular activity sponsored by the school at which the student is enrolled or an employee attending a curricular or extracurricular activity sponsored by the school at which the employee is employed; and

(2) [Repealed]

(3) The firearm is not loaded, is in a motor vehicle, and is in a locked container or a locked firearm rack.

(4) [Repealed]

(g) This section shall not apply to any of the following:
(1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.
(1a) A person exempted by the provisions of G.S. 14-269(b).
(2) Firefighters, emergency service personnel, and North Carolina Forest Service personnel, and any private police employed by a school, when acting in the discharge of their official duties.
(3) Home schools as defined in G.S. 115C-563(a).
(4) Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston Community College or for hunting purposes on other educational property as used with the written permission of the governing body of the school that controls the educational property.
(5) A person registered under chapter 74C of the general statutes as an armed security guard or an armed courier service guard when acting in the discharge of the guard's duties and with the permission of the college or university.
(6) A person registered under chapter 74C of the general statutes as an armed security guard while on the premises of a hospital or health care facility located on educational property when acting in the discharge of the guard's duties with the permission of the college or university.
(h) No person shall be guilty of a criminal violation of this section with regard to the possession or carrying of a weapon so long as both of the following apply:
(1) The person comes into possession of a weapon by taking or receiving the weapon from another person or by finding the weapon.
(2) The person delivers the weapon, directly or indirectly, as soon as practical to law enforcement authorities.
14-269.3. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed
(a) It is unlawful for any person to carry any gun, rifle, or pistol into any establishment where a fee has been charged for admission thereto, or into any establishment in which alcoholic beverages are sold and consumed. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.
(b) This section shall not apply to the following:
(1) A person exempted from the provisions of G.S. 14-269;
(2) The owner or lessee of the premises or business establishment;
(3) A person participating in the event, if he is carrying a gun, rifle, or pistol with the permission of the owner, lessee, or person or organization sponsoring the event; and
(4) A person registered or hired as a security guard by the owner, lessee, or person or organization sponsoring the event.
14-269.4. Weapons on State property and in courthouses. It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes. This section shall not apply to:
(1) Repealed by S.L. 1997-238, s. 3.
(1a) A person exempted by the provisions of G.S. 14-269(b);
(2) through (4) Repealed by S.L. 1997-238, s. 3.
(4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for evidentiary purposes, to deliver it to a law enforcement agency, or for purposes of registration,
(4b) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry firearms,
(4c) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to carry firearms,
(4d) Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a court of the general court of justice other than if a warrant unless the magistrate is presiding in that courtroom, if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a concealed handgun permit issued in accordance with article 54b of this chapter or considered valid under G.S. 14-415.24, (iii) has successfully completed a one-time weapons retention training substantially similar to that provided to certified law enforcement officers in North Carolina, and (iv) secures the weapon in a locked compartment when the weapon is not on the magistrate's person;
(5) State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing reservations. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.
14-269.7. Prohibitions on handguns for minors
(a) Any minor who possesses or carries a handgun is guilty of a Class 2 misdemeanor.
(b) This section does not apply:
(1) To officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties or acting under orders requiring them to carry handguns.
(2) To a minor who possesses a handgun for educational or recreational purposes while the minor is supervised by an adult who is present.
(3) To an emancipated minor who possesses such handgun inside his or her residence.
(4) To a minor who possesses a handgun while hunting or trapping outside the limits of an incorporated municipality if he has on his person written permission from a parent, guardian, or other person standing in loco parentis.
(c) The following definitions apply in this section:
(1) Handgun. A firearm that has a short stock and is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm may be assembled.
(2) Minor. Any person under 18 years of age.
14-269.8. Purchase or possession of firearms by person subject to domestic violence order prohibited
(a) In accordance with G.S. 50B-3.1, it is unlawful for any person to purchase or attempt to own, possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter 50B of the General Statutes is in effect.
(b) Any person violating the provisions of this section shall be guilty of a Class H felony.

Article 36A. Riots and Civil Disorders

14-288.1. Definitions
Unless the context clearly requires otherwise, the definitions in this section apply throughout this Article: ...
(2) "Dangerous weapon or substance": Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device, as defined in G.S. 14-288.8(a)(5), or any instrument or tool that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.
(3) "Declared state of emergency": A state of emergency found and proclaimed by the Governor under the authority of G.S. 14-288.15, by any mayor or other municipal official or officials under the authority of G.S. 14-288.12, by any chairman of the board of commissioners of any county or other county official or officials under the authority of G.S. 14-288.13, by any chairman of the board of county commissioners acting under the authority of G.S. 14-288.14, by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by any executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.
(9) "Riot": As defined in G.S. 14-288.2(a).
(10) "State of emergency": The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.
14-288.7. Transporting dangerous weapon or substance during emergency; possessing off premises; exceptions
(a) Except as otherwise provided in this section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area:
(1) In which a declared state of emergency exists; or
(2) Within the immediate vicinity of which a riot is occurring.
(b) This section does not apply to persons exempted from the provisions of G.S. 14-289 with respect to any activities lawfully engaged in while carrying out their duties.
(c) Any person who violates any provision of this section is guilty of a Class 1 misdemeanor.
14-288.8. Manufacture, assembly, possession, storage, transportation, sale, pur-
chase, delivery, or acquisition of weapon of mass death and destruction; exceptions

(a) Except as otherwise provided in this section, it is unlawful for any person to manufac-
ture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to:

(1) Persons exempted from the provisions of G.S. 14-269 with respect to any activities law-
fully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of arms, ammunition, or destructive
devices validly licensed under the laws of the United States or the State of North Carolina,
while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency
of either government, with respect to any activities lawfully engaged in under their con-
tracts.

(4) Inventors, designers, ordinance consulti-
ants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits
designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weap-
os of mass death and destruction intended for use in a manner consistent with the laws of the
United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes:

(1) Any explosive or incendiary:
   a. Bomb; or
   b. Grenade; or
   c. Rocket having a propellant charge of more than four ounces; or
   d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or
   e. Mine; or
   f. Device similar to any of the devices described above; or
   (2) Any type of weapon (other than a shotgun or a shotgun shell of a type typically suitable for
   sporting purposes) which will, or which may be readily converted to, expel a projectile by the
   action of an explosive or other propellant, and which has any barrel with a bore of more than
   one-half inch in diameter; or
   (3) Any firearm capable of fully automatic fire,
   any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less
   than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall
   length of less than 26 inches, any muffled or silencer for any firearm, whether or not such fire-
   arm is included within this definition. For the pur-
poses of this section, rifle is defined as a weap-
ond designed or redesigned, made or remade, and intended to be fired from the shoulder; or
   (4) Any combination of parts either designed or intended for use in converting any device into
   any weapon described above and from which a weapon of mass death and destruction may
   readily be assembled.

The term "weapon of mass death and destruction" does not include any device which is
neither designed nor redesigned for use as a weapon; any device, although originally design-
ed for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold,
loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2),
4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a

weapon, is an antique, or is a rifle which the owner intends to use solely for sporting pur-
poses, in accordance with Chapter 44 of Title 18 of the United States Code.

(d) Any person who violates any provision of
this section is guilty of a Class F felony.
14-288.20. Certain weapons at civil dis-
orders

(a) The definitions in G.S. 14-288.1 do not apply to this section. As used in this section:

(1) The term "civil disorder" means any public disturbance involving acts or violence by assem-
blages of three or more persons, which causes immediate danger of damage or injury to the
property or person of any other individual or re-
sults in damage or injury to the property or per-
son of any other individual.

(2) The term "firearm" means any weapon which is designed to or may readily be con-
verted to expel any projectile by the action of an
explosive; or the frame or receiver of such a
weapon.

(3) The term "explosive or incendiary device" means (i) dynamite and all other forms of high
explosives, (ii) any explosive bomb, grenade,
missile, or similar device, and (iii) any incendiary
bomb or grenade, fire bomb, or similar device,
including any device which (i) consists of or in-
clude body of a breakable container including a flam-
mable liquid or compound, and a wick com-
pared of any material which, when ignited, is
able of igniting that flammable liquid or com-
pound, and (ii) can be carried or thrown by one
individual acting alone.

(b) The term "law enforcement officer" means any officer of the United States, any state, any
political subdivision of a state, or the District of
Columbia charged with the execution of the laws
thereof; civil officers of the United States; offi-
cers and soldiers of the organized militia and
state guard of any state or territory of the United
States, the Commonwealth of Puerto Rico, or
the District of Columbia; and members of the
armed forces of the United States.

(b1) Defense.

(a1) Sale of Handguns. If a person sells, of-
ers for sale, gives, or in any way transfers to a
minor any handgun as defined in G.S. 14-269.7,
the person is guilty of a Class H felony and, in
addition, shall forfeit the proceeds of any sale
made in violation of this section. This section
does not apply in any of the following circum-
cstances:

(1) The handgun is lent to a minor for tempo-
rary use if the minor's possession of the hand-
gun is lawful under G.S. 14-269.7 and G.S. 14-
316 and is not otherwise unlawful.

(2) The handgun is transferred to an adult cus-
tomer pursuant to Chapter 33A of the Gen-
eral Statutes, and the minor does not take pos-
session of the handgun except that the adult
custodian may allow the minor temporary pos-
session of the handgun in circumstances in
which the minor's possession of the handgun is
lawful under G.S. 14-269.7 and G.S. 14-316 and in

(3) The handgun is a devise or legacy and is
distributed to a parent or guardian under G.S.
28A-22-7, and the minor does not take posses-
sion of the handgun except that the parent or
Guardian may allow the minor temporary pos-
session of the handgun in circumstances in
which the minor's possession of the handgun is
lawful under G.S. 14-269.7 and G.S. 14-316 and is
not otherwise unlawful.

Page 357
(c) This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

(d) “Minor” as used in this section means a person under 18 years of age who is not emancipated.

14-315. Warning upon sale or transfer of firearm to protect minor

(a) Upon the retail commercial sale or transfer of any firearm, the seller or transferor shall deliver a written copy of G.S. 14-315.1 to the purchaser or transferee.

(b) Any retail or wholesale store, shop, or sales outlet that sells, leases, or offers to sell, lease, or otherwise disposes of any firearm, by any method, whether in person, by mail, by telephone, or in any other manner, to any person, firm, or corporation authorized to receive, transfer, or purchase any weapon enumerated herein, shall cause to be delivered with each purchase a copy or a facsimile of the following warning:

“IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR.”

(c) A violation of subsection (a) or (b) of this section is a Class 1 misdemeanor.

14-316. Permitting young children to use dangerous firearms

(a) It shall be unlawful for any parent, guardian, or any person standing in loco parentis, to knowingly permit his child under the age of 12 years to have in his, her (or) their possession or control any dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(b) Air rifles, air pistols, and BB guns shall not be deemed “dangerous firearms” within the meaning of subsection (a) of this section except in the following counties: Anson, Caldwell, Caswell, Chowan, Cleveland, Cumberland, Durham, Forsyth, Gaston, Harnett, Haywood, Mecklenburg, Stanly, Stokes, Surry, Union, Vance.

Article 52A. Sale of Weapons in Certain Counties

14-402. Sale of certain weapons without permit forbidden

(a) It is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol or crossbow unless: (i) a license or permit is first obtained under this Article by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol or crossbow without having in his or their possession and without exhibiting at the time of such delivery, the same to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

(b) This section does not apply to an antique firearm or an historic edged weapon.

(c) The following definitions apply in this section:

(1) Antique firearm. Defined in G.S. 14-409.11.

(2) Bolt. A projectile made to be discharged from a crossbow. The bolt differs from an arrow in that the bolt is heavier and shorter than an arrow.

(3) Crossbow. A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This device is mechanically held at full or partial draw and released by a trigger or similar mechanism that is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

(4) Historic edged weapon. Defined in G.S. 14-409.12....

14-403. Permit issued by sheriff; form of permit; expiration of permit

The sheriffs of any county shall issue a permit to any person, firm, or corporation in any county to license or permit to purchase or receive any weapon mentioned in this Article from any person, firm, or corporation offering to sell or dispose of the weapon. The license or permit shall expire five years from the date of issuance. The license or permit shall be in the following form:

I, __________, Sheriff of ________ County, North Carolina, do hereby certify that I have conducted a criminal background check of the applicant, __________, whose place of residence is in __________, (or) in __________ Township, __________ County, North Carolina, and have received no information to indicate that it would be a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The applicant has further satisfied me as to his, her (or) their good moral character. Therefore, a license or permit is issued to __________ to purchase one pistol from any person, firm, or corporation authorized to dispose of the same.

This license or permit expires five years from its date of issuance.

This day of __________, 20__

Sheriff.

14-404. Issuance or refusal of permit; appeal from refusal; sheriff’s fee

(a) Upon application, the sheriff shall issue the license or permit to a resident of that county unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a nonresident when the sheriff has done all of the following:

(1) Verified, before the issuance of a permit, by a criminal history background investigation that it is not a violation of State or federal law for the applicant to purchase, transfer, receive, or possess a handgun. The sheriff shall determine the criminal and background history of any applicant by accessing computerized criminal history records as maintained by the State Bureau of Investigation and the Federal Bureau of Investigation, by conducting a national criminal history records check, by conducting a check through the National Instant Criminal Background Check System (NICS), and by conducting a criminal history check through the Administrative Office of the Courts.

(2) Fully satisfied himself or herself by affidavit, oral evidence, or otherwise, as to the good moral character of the applicant.

(b) The sheriff shall charge for the sheriff’s services upon issuing the license or permit a fee of five dollars ($5.00).

(c) Each applicant for a license or permit shall be informed by the sheriff within 30 days of the date of the application whether the license or permit will be granted or denied and, if granted, the license or permit shall be immediately issued to the applicant.

(d) An applicant shall not be ineligible to receive a permit under subdivision (c) 4of this section because of involuntary commitment to business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting.

(b) If the sheriff is not fully satisfied, the sheriff may, for good cause shown, decline to issue the license or permit and shall provide to the applicant within seven days of the refusal a written statement of the reasons for the refusal. An appeal from the refusal shall lie by way of petition to the chief judge of the district court for the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff’s refusal, and shall be final.

(c) A permit may not be issued to the following persons:

(1) One who is under indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade).

(2) One who is a fugitive from justice.

(3) One who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. section 802).

(4) One who has been adjudicated mentally incompetent or has been committed to any mental institution.

(5) One who is an alien illegally or unlawfully in the United States.

(6) One who has been discharged from the armed forces under dishonorable conditions.

(7) One who, having been a citizen of the United States, has renounced his or her citizenship.

(8) One who is subject to a court order that:

a. Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

b. Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner of the person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

c. Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

(d) Nothing in this Article shall apply to officers authorized by law to carry firearms if the officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the officers’ official duties.

(e) (i) The sheriff shall charge for the sheriff’s services upon issuing the license or permit a fee of five dollars ($5.00).

(ii) Each applicant for a license or permit shall be informed by the sheriff within 30 days of the date of the application whether the license or permit will be granted or denied and, if granted, the license or permit shall be immediately issued to the applicant.

(g) An applicant shall not be ineligible to receive a permit under subsection (c) 4 of this section because of involuntary commitment to
14-405. Record of permits kept by sheriff
The sheriff shall keep a book, to be provided by the board of commissioners of each county, in which he shall keep a record of all licenses or permits issued under this article, including the name, date of issue, place of residence, etc., of each person, firm, or corporation to whom or which a license or permit is issued.

14-406. Dealer to keep record of sales
(a) Every dealer in pistols, and other weapons mentioned herein, shall keep an accurate record of all sales thereof, including the name, place of residence, date of sale, etc., of each person, firm, or corporation to whom or which such sales are made, which record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

14-407. Sale of blank cartridge pistols
The provisions of G.S. 14-402 and 14-405 to 14-406 shall apply to the sale of pistols suitable for firing blank cartridges. The sheriffs of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license to purchase, sell, give away, disperse, or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form:

Sheriff
The sheriff shall charge for the sheriff's services, upon issuing such permit, a fee of fifty cents (50¢).

14-408. Violation of § 14-406 a misdemeanor
Any person, firm, or corporation violating any of the provisions of G.S. 14-406 shall be guilty of a Class 2 misdemeanor.

14-409. Machine guns and other like weapons
(a) As used in this section, “machine gun” or “submachine gun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.
(b) It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons as defined by subsection (a) of this section: Provided, however, that this subsection shall not apply to the following:

- Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties, officers and soldiers of the militia when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is possessed, further, that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.
(c) Any person violating any of the provisions of this section shall be guilty of a Class I felony.

Article 53A. Other Firearms

14-409.10. Purchase of rifles and shotguns out of State
It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

14-409.11. “Antique firearm” defined
(a) The term “antique firearm” means any of the following:

- Any firearm (including any firearm with a subsequent modification which results in a weapon with a short stock and is designed to be held and fired by the use of a single hand).

- “Historic edged weapons” defined
The term “historic edged weapon” means any bayonet, trench knife, sword or dagger manufactured during or prior to World War II but in no event later than January 1, 1946.

Article 53B. Firearm Regulation

14-409.39. Definitions
The following definitions shall apply to this Article:

- Dealer. Any person licensed as a dealer pursuant to 18 U.S.C. § 921, et seq., or G.S. 105-80.
- Firearm. A handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- Handgun. A pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

14-409.40. Statewide uniformity of local regulation
(a) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, statewide concern, and that the entirety of the regulation of firearms is preempted from regulation by local governments except as provided by this section. ...
(b) Unless otherwise permitted by statute, no county or municipality, by ordinance, resolution, or other enactment, shall regulate in any manner the possession, ownership, storage, transfer, sale, purchase, licensing, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts.
(c) Notwithstanding subsection (b) of this section, a county or municipality, by zoning or other ordinance, may regulate or prohibit the sale of firearms at a location or if there is a lawful, general, similar regulation or prohibition of commercial activities at that location. Nothing in this subsection shall restrict the right of a county or municipality to adopt a general zoning plan that prohibits any commercial activity within a fixed distance of a school or other educational institution. Zoning, with a specified distance excluded for which the commercial activity found not to pose a danger to the health, safety, or general welfare of persons attending the school or educational institution within the fixed distance.

(d) No county or municipality, by zoning or other ordinance, shall regulate in any manner firearms, with regulations more stringent than those applying to shows of other types of items.
(e) A county or municipality may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government.

(f) Nothing contained in this section prohibits municipalities or counties from application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on those grounds or areas. Nothing contained in this section prohibits municipalities or counties from exerising powers provided by law in declared states of emergency under Article 36A of this Chapter. ...

Article 54A. The Felony Firearms Act

14-415.1. Possession of firearms, etc., by felon prohibited
(a) It shall be unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in his custody, care, or control any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c).

- For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which will or is designed to be readily convertible to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- “Historic edged weapons” defined
The term “historic edged weapon” means any bayonet, trench knife, sword or dagger manufactured during or prior to World War II but in no event later than January 1, 1946.

Article 53B. Firearm Regulation

14-409.39. Definitions
The following definitions shall apply to this Article:

- Dealer. Any person licensed as a dealer pursuant to 18 U.S.C. § 921, et seq., or G.S. 105-80.
- Firearm. A handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- Handgun. A pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

14-409.40. Statewide uniformity of local regulation
(a) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, statewide concern, and that the entirety of the regulation of firearms is preempted from regulation by local governments except as provided by this section. ...
(b) Unless otherwise permitted by statute, no county or municipality, by ordinance, resolution, or other enactment, shall regulate in any manner the possession, ownership, storage, transfer, sale, purchase, licensing, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts.
(c) Notwithstanding subsection (b) of this section, a county or municipality, by zoning or other ordinance, may regulate or prohibit the sale of firearms at a location or if there is a lawful, general, similar regulation or prohibition of commercial activities at that location. Nothing in this subsection shall restrict the right of a county or municipality to adopt a general zoning plan that prohibits any commercial activity within a fixed distance of a school or other educational institution. Zoning, with a specified distance excluded for which the commercial activity found not to pose a danger to the health, safety, or general welfare of persons attending the school or educational institution within the fixed distance.

(d) No county or municipality, by zoning or other ordinance, shall regulate in any manner firearms, with regulations more stringent than those applying to shows of other types of items.
(e) A county or municipality may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government.

(f) Nothing contained in this section prohibits municipalities or counties from application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on those grounds or areas. Nothing contained in this section prohibits municipalities or counties from exercising powers provided by law in declared states of emergency under Article 36A of this Chapter. ...

Article 54A. The Felony Firearms Act

14-415.1. Possession of firearms, etc., by felon prohibited
(a) It shall be unlawful for any person who has been convicted of a felony to purchase, own, possess, or have in his custody, care, or control any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c).

- For the purposes of this section, a firearm is (i) any weapon, including a starter gun, which will or is designed to be readily convertible to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- “Historic edged weapons” defined
The term “historic edged weapon” means any bayonet, trench knife, sword or dagger manufactured during or prior to World War II but in no event later than January 1, 1946.

Article 53B. Firearm Regulation

14-409.39. Definitions
The following definitions shall apply to this Article:

- Dealer. Any person licensed as a dealer pursuant to 18 U.S.C. § 921, et seq., or G.S. 105-80.
- Firearm. A handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- Handgun. A pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.
Every person violating the provisions of this section shall be punished as a Class G felony.

(b) Prior convictions which cause disentitlement under this section shall only include:

(1) Felony convictions in North Carolina that occur before, on, or after December 1, 1995, and

(2) [Repealed]

(3) Violations of criminal laws of other states or of the United States that occur before, on, or after December 1, 1995, and that are substantially similar to the crimes covered in subdivision (1) which are punishable where committed by imprisonment for a term exceeding one year.

When a person is charged under this section, records of prior convictions of any offense, whether in the courts of this State, or in the courts of any other state or of the United States, shall be admissible in evidence for the purpose of proving a violation of this section. The term "conviction" means a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(d) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(e) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(f) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(g) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.

(h) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type of offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding one year, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction of the defendant or a plea of guilty by the defendant to such an offense certified to a superior court of this State from the identification records of any state or federal court shall be prima facie evidence of the facts so certified.
permit was issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A person may obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or destroyed and paying the required duplicate permit fee. 

The sheriff shall certify to the applicant that the applicant qualifies under the following criteria:

(a) The sheriff shall issue a permit to an applicant if the applicant qualifies under the following criteria:

(1) The applicant is a citizen of the United States and has been a resident of the State 30 days or longer immediately preceding the filing of the application.

(2) The applicant is 21 years of age or older.

(3) The applicant does not suffer from a physical or mental infirmity that prevents the safe handling of a handgun.

(4) The applicant has successfully completed an approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force. The North Carolina Criminal Justice Education and Training Standards Commission shall prepare and publish general guidelines for courses and qualifications of instructors which would satisfy the requirements of this subdivision. An approved course shall be any course which satisfies the requirements of this subdivision and is certified or sponsored by:

(a) The North Carolina Criminal Justice Education and Training Standards Commission.

(b) The National Rifle Association, or any law enforcement agency, college, private or public institution or organization, or firearms training school, taught by instructors certified by the North Carolina Criminal Justice Education and Training Standards Commission or the National Rifle Association.

Every instructor of an approved course shall file a copy of the firearms safety course description, outline, and proof of certification annually, or upon modification of the course if more frequently, with the North Carolina Criminal Justice Education and Training Standards Commission.

(5) The applicant is not disqualified under subsection (c) of this section.

(b) The sheriff shall deny a permit to an applicant who:

(1) Is ineligible to own, possess, or receive a firearm under the provisions of State or federal law.

(2) Is under indictment or against whom a finding of probable cause exists for a felony.

(3) Has been adjudicated guilty in any court of a felony.

(4) Is a fugitive from justice.

(5) Is an unlawful user of, or addicted to, any substance as defined in 21 U.S.C. § 802.

(6) Is currently, or has been previously adjudicated by a court or administratively determined by a governmental agency whose decisions are subject to judicial review to be, lacking mental capacity or mentally ill. Receipt of an order of involuntary commitment to a mental health facility shall not disqualify an applicant under this subdivision.

(7) Is or has been discharged from the armed forces under conditions other than honorable.

(8) Is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including but not limited to, a violation of a misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283, 14-285.1, 14-285.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2, 14-415.21(b), or 14-415.26(d).

(9) Has had entry of a prayer for judgment continued for a criminal offense which would disqualify the person from obtaining a concealed handgun permit.

(10) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime which would disqualify him from obtaining a concealed handgun permit.

(11) Has been convicted of an impaired driving offense under G.S. 20-138.1, 20-138.2, or 20-138.3 within three years prior to the date on which the application is submitted.

14-415.13. Application for a permit; fingerprints.

(a) A person shall apply to the sheriff of the county in which the person resides to obtain a concealed handgun permit. The applicant shall submit to the sheriff all of the following:

(1) An application, completed under oath, on a form to be provided by the sheriff and the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the applicant.

(2) A nonrefundable permit fee.

(3) A full set of fingerprints of the applicant administered by the sheriff.

(4) An original certificate of completion of an approved course, adopted and distributed by the North Carolina Criminal Justice Education and Training Standards Commission, signed by the certified instructor of the course attesting to the successful completion of the course by the applicant which shall verify that the applicant is competent with a handgun and knowledgeable about the laws governing the carrying of a concealed handgun and the use of deadly force.

(5) A release, in a form to be prescribed by the Administrative Office of the Courts, that authorizes and requires disclosure to the sheriff of any records concerning the mental health or capacity of the applicant.

(b) The sheriff shall submit the fingerprints to the State Bureau of Investigation for a records check. The State Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation as necessary. The sheriff shall determine the criminal and background history of an applicant also by conducting a check through the National Instant Criminal Background Check System (NICS). The cost of processing the set of fingerprints shall be charged to an applicant as provided by G.S. 14-415.19.

14-415.14. Application form to be provided by sheriff; information to be included in application form.

(a) The sheriff shall make permit applications readily available at the office of the sheriff or at other public offices in the sheriff’s jurisdiction. The permit application shall be in triplicate, in a form to be prescribed by the Administrative Office of the Courts, and shall include the following information with regard to the applicant requesting a permit: name, physical description, signature, date of birth, social security number, military status, law enforcement status, and the driver’s license number or State identification card number of the applicant if used for identification in applying for the permit.

(b) The permit application shall also contain a warning substantially as follows:

“CAUTION: Federal law and State law on the possession of handguns and firearms differ. If you are prohibited by federal law from possessing a handgun or a firearm, you may be prosecuted in federal court. A State permit is not a defense to a federal prosecution.

(c) Any person entitled to possession by the applicant or by the sheriff with an original or photocopied release form as described in G.S. 14-415.13(a)(5) shall promptly disclose to the sheriff any records concerning the mental health or capacity of the applicant who signed the form and authorize the release of the records.

14-415.15. Issuance of permit.

(a) Except as permitted under subsection (b) of this section, within 90 days after receipt of the items listed in G.S. 14-415.13 from an applicant, the sheriff shall either issue or deny the permit. The sheriff may conduct any investigation necessary to determine the qualification or competency of the applicant for the permit, including record checks.

(b) Upon presentment to the sheriff of the items required under G.S. 14-415.13 (a)(1), (2), and (3), the sheriff may issue a temporary permit for a period not to exceed 90 days to a person who the sheriff reasonably believes is in an emergency situation that may constitute a risk of suffering harm to the person or family or property. The applicant may submit proof of a protective order issued under G.S. 50B-3 for the protection of the applicant as evidence of an emergency situation. The temporary permit may not be renewed and may be revoked by the sheriff without a hearing.

(c) A person’s application for a permit shall be denied only if the applicant fails to qualify under the criteria listed in this Article. If the sheriff denies the application for a permit, the sheriff shall, within 90 days, notify the applicant in writing, stating the grounds for denial. An applicant may appeal the denial, revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff’s refusal. The determination by the court shall be final.

14-415.16. Renewal of permit.

(a) At least 45 days prior to the expiration date of the permit, the sheriff of the county where the permit was issued shall send a written notice to the permittee explaining that the permit is about to expire and including information about the requirements for renewal of the permit. The notice shall be sent by first class mail to the last known address of the permittee. Failure to receive a renewal notice shall not relieve a permittee of requirements imposed in this section for renewal of the permit.

(b) The holder of a permit shall apply to renew the permit within the 90-day period prior to its expiration date by filing with the sheriff of the county in which the person resides a renewal application form provided by the sheriff’s office, a notarized affidavit stating that the permittee remains qualified under the criteria provided in this Article, a newly administered full set of the permittee’s fingerprints, and a renewal fee.

(c) Upon receipt of the completed renewal application, including the permittee’s fingerprints, and on determination of fitness, the sheriff shall determine if the permittee remains qualified to hold a permit in accordance with the provisions of G.S. 14-415.12. The permittee’s criminal history shall be updated, and the sheriff may waive the requirement of taking another firearms safety and training course. If the
permittee applies for a renewal of the permit within 30 days of its expiration date and if the permittee remains qualified to have a permit under G.S. 14-415.12, the sheriff shall renew the permit. The permit of a permittee who complies with this section shall remain valid beyond the expiration date of the permit until the permittee either receives a renewal permit or is denied a renewal permit by the sheriff.

(d) No fingerprints shall be required for a renewal permit if the applicant’s fingerprints were submitted to the State Bureau of Investigation after June 30, 2001, on the Automated Fingerprint Information System (AFIS) as prescribed by the State Bureau of Investigation.

(e) If the permittee does not apply to renew the permit prior to its expiration date, but does apply to renew the permit within 60 days after the permit expires, the sheriff may waive the requirement of taking another fingerprints safety and training course. This subsection does not extend the expiration date of the permit.

14-415.17. Permit; sheriff to retain and make available to law enforcement agencies a list of permittees. The permit shall be in a certificate form, as prescribed by the Administrative Office of the Courts, that is approximating the size of a North Carolina driver’s license. It shall bear the signature, name, address, date of birth, and social security number of the permittee, and the driver’s license identification number used in applying for the permit. The sheriff shall maintain a listing of those persons who are issued a permit and any pertinent information regarding the issued permit. The permit information shall be available upon request to all State and local law enforcement agencies.

Within five days of the date a permit is issued, the sheriff shall send a copy of the permit to the State Bureau of Investigation. The State Bureau of Investigation shall make this information available to law enforcement officers and clerks of court on a statewide system.

14-415.18. Revocation or suspension of permit.

(a) The sheriff of the county where the permit was issued or the sheriff of the county where the person residing in this state whose permit is suspended or revoked resides may hold a hearing to revoke the permit, or deny the application for a new permit or renewal permit, or cancel the permit, if the sheriff determines that the permittee is not entitled to the permit. The decision to issue or deny the permit or renewal permit or cancel the permit shall be made by the sheriff based on a determination that the permittee does not meet one or more of the following:

(1) Fraud or intentional or material misrepresentation in the obtaining of a permit.

(2) Misuse of a permit, including lending or giving a permit to another person, duplicating a permit, or using a permit with the intent to unlawfully cause harm to a person or property.

(3) The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff.

(4) The violation of any of the terms of this Article.

(5) The applicant is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the applicant from initially receiving a permit.

A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the applicant resides. The determination by the court, on appeal, shall be based on the facts, the law, and the reasonableness of the sheriff’s refusal.

(b) The court may suspend a permit as part of and for the duration of any orders permitted under Chapter 50B of the General Statutes.


(a) The permit fees assessed under this Article are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer to be remitted or credited by the county finance officer in accordance with the provisions of this section. Except as otherwise provided by this section, the permit fees are as follows:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application fee</td>
<td>$80.00</td>
</tr>
<tr>
<td>Renewal fee</td>
<td>$75.00</td>
</tr>
<tr>
<td>Duplicate permit fee</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

The county finance officer shall remit forty-five dollars ($45.00) of each new application fee and forty dollars ($40.00) of each renewal fee assessed under this subsection to the North Carolina Department of Justice for the costs of State and federal criminal record checks performed in connection with processing applications and for the implementation of the provisions of this Article. The remaining thirty-five dollars ($35.00) of each application or renewal fee shall be used by the sheriff to pay the costs of administering this Article and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only.

(b) The permit fees for a retired sworn law enforcement officer shall be forty dollars ($40.00) per year of retirement.

14-415.20. No liability of sheriff.

(a) Any person who has been issued a valid permit who is found to be carrying a concealed handgun without the permit in this person’s possession, or who fails to disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun, as required by G.S. 14-415.11, shall be guilty of an infraction for the first offense and shall be punished in accordance with G.S. 14-3.1. In lieu of paying a fine for the first offense, the person may surrender the permit. Subsequent offenses for failing to carry a valid permit or for failing to make the necessary disclosures to a law enforcement officer as required by G.S. 14-415.11 shall be punished in accordance with subsection (b) of this section.

(b) A person who violates the provisions of this Article other than as set forth in subsection (a) of this section is guilty of a Class 2 misdemeanor.


This Article shall not be construed to require a person who may carry a concealed handgun under the provisions of G.S. 14-269(b) to obtain a concealed handgun permit. The provisions of this Article shall not apply to a person who may lawfully carry a concealed weapon or handgun pursuant to G.S. 14-269(b). A person who may lawfully carry a concealed weapon or handgun pursuant to G.S. 14-269(b) shall not be prohibited from carrying the concealed weapon or handgun on property on which a notice is posted prohibiting the carrying of a concealed handgun, unless otherwise prohibited by statute.

14-415.23. Statewide uniformity. It is the intent of the General Assembly to prescribe a uniform system for the regulation of legally carrying a concealed handgun. To insure uniformity, no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules, or regulations concerning legally carrying a concealed handgun. A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings, their appurtenant premises, and parks.


(a) A valid concealed handgun permit or license issued by another state is valid in North Carolina if that state grants the same right to residents of North Carolina who have valid concealed handgun permits issued pursuant to this Article in their possession while carrying concealed weapons in that state.

(b) The Attorney General shall maintain a Registry of states that meet the requirements of this section on the North Carolina Criminal Information Network and make the registry available to law enforcement officers for investigative purposes.

(c) Every 12 months after the effective date of this subsection, the Department of Justice shall make written inquiry of the concealed handgun permitting authorities in each other state as to:

(i) Whether a North Carolina resident may carry a concealed handgun in that state based upon having a North Carolina concealed handgun permit and (ii) whether a North Carolina resident may apply for a concealed handgun permit in that state based upon having a North Carolina concealed handgun permit.

The Attorney General shall attempt to secure from each state permission for North Carolina residents who hold a valid North Carolina concealed handgun permit to carry a concealed handgun in that state, either on the basis of the North Carolina permit or on the basis that the North Carolina permit is sufficient to permit the issuance of a similar license or permit by the other state.

[Current through 2010 Regular Session]
Title 12.1. Criminal Code

Chapter 12.1-25. Riot

1. A person is guilty of a class C felony if he:
   a. Knowingly supplies a firearm, dangerous weapon, or destructive device for use in a riot;
   b. Teaches another to prepare or use a firearm, dangerous weapon, or destructive device with intent that any such thing be used in a riot;
   c. While engaging in a riot, is knowingly armed with a firearm, dangerous weapon, or destructive device.

2. "Riot" has the meaning prescribed in section 12.1-25-01.

Chapter 12.1-32 - Penalties and Sentencing

12.1-32-07. Supervision of probationer - Conditions of probation - Revocation. …

3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation. Except when the offense is a misdemeanor offense under Section 12.1-17-01, 12.1-17-01.1, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07-1, the court may waive this condition of probation if the defendant has pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the misdemeanor or infraction is the defendant’s first offense, and the court has made a specific finding on the record before imposition of a sentence or a probation that there is good cause to waive the condition. The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation. The court shall provide as an explicit condition of probation that the defendant may not willfully defraud a urine test administered as a condition of probation. Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:
   a. Community service;
   b. Day reporting;
   c. Curfew;
   d. Home confinement;
   e. House arrest;
   f. Electronic monitoring;
   g. Residential halfway house;
   h. Intensive supervision program; or
   i. Participation in the twenty-four seven sobriety program.

Title 12.1. Weapons


62.1-01-01. General definitions. As used in this title, unless the context otherwise requires:
1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches or more; any throwing star, nunchaku, or other martial arts weapon; any billy, black-jack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any stunt gun; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance.

2. "Direct supervision of an adult" means that an adult is present in such close proximity so as to be capable of observing and directing the actions of the individual supervised.

3. "Firearm" or "weapon" means any device which will expel, or be readily capable of expelling, a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.

4. "Gaming site" means any room or premises licensed by the attorney general or by a city or county governing body to conduct legal gambling operations.

5. "Government building" means a building which is owned, possessed, or used by or leased to the state of North Dakota, or any of its political subdivisions.

6. "Handgun" means any firearm that is not a rifle or a shotgun, including any firearm that has a barrel less than sixteen inches [40.64 centimeters] long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes the Thompson conditioner forty-five caliber single-shot center-fire with a single grip or similar firearm, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872].

7. "Law enforcement officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for offenses.

8. "Machine gun, submachine gun, or fully automatic rifle" means a firearm, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

9. "Plain view" means the handgun is placed in such a location or carried in such a position as to be easily discernible by the ordinary observation of a passerby. In a motor vehicle, this includes being placed on the seat, dashboard, or in a gun rack as long as the handgun is not covered up in any other way concealed from view.

10. "Rifle" means any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

11. "Secured" means the firearm is closed into the trunk or nonpassenger part of the vehicle; placed into a closed and secure carrying device; rendered inoperable by the use of a trigger, hammer, cylinder, slide, or barrel-locking device that renders the firearm incapable of firing until the device is unlocked and removed; or so disassembled or disabled as to be rendered incapable of firing.

12. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches [40.64 centimeters] in length and any firearm made from a rifle, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches.

13. "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches [45.72 centimeters] in length and any firearm made from a shotgun, whether by alteration, modification, or otherwise, if the firearm, as modified, has an overall length of less than twenty-six inches.

14. "Shotgun" means a firearm designed or redesigned, made or remade, and intended to be fired with one hand below or behind and one hand in front of the breach, which uses the energy of the explosive in a fixed shotgun shell to fire through a smooth or a rifled bore either a number of ball shot or a single projectile for each single pull of the trigger.

15. "Silencer" means any device for or attached to any firearm which will silence or deaden the sound or natural report of the firearm when it is discharged.

16. "Unloaded" means the chamber of the firearm does not contain a loaded shell. If the firearm is a revolver, then none of the chambers in the cylinder may contain a loaded shell. Handguns with a removable magazine or clip must have the magazine or clip removed from the firearm if the magazine or clip contains any loaded shells.

62.1-01-02. Forfeiture of dangerous weapon or firearm by person arrested and convicted of crime. Any firearm or dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation must be seized and, upon conviction and by motion, forfeited to the jurisdicti on in which the conviction occurred. Except as provided in chapter 29-01 for stolen property, the forfeited firearm or dangerous weapon may be, pursuant to court order, sold at public auction, sold or traded to other law enforcement agencies or authorized fire arm dealers, retained for use, or destroyed.

62.1-01-03. Limitation on authority of political subdivision regarding firearms. No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer of ownership, registration, or licensure of firearms and ammunition which is more restrictive than state law. All such existing ordinances are void.

Chapter 62.1-02. Possession of Weapons

62.1-02-01. Persons who are not to possess firearms - Penalty.
1. A person who has been convicted anywhere of a felony offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent felony offense
of another state or the federal government is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of ten years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.

2. A person who has been convicted anywhere of a felony offense of this or another state or the federal government not provided for in subsection 1 or who has been convicted of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-18, an equivalent offense of another state or the federal government and the offense was committed while using or possessing a firearm, a dangerous weapon, or, as defined in subsections 7 and 8 of section 12.1-01-04, a destructive device or an explosive, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.

3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in this state or elsewhere for a mental deficiency, other than a person who has had the petition for hospital or other institution in this state or the federal government not provided for in subsection 1 or who has been convicted of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-18, an equivalent offense of another state or the federal government and the offense was committed while using or possessing a firearm, a dangerous weapon, or, as defined in subsections 7 and 8 of section 12.1-01-04, a destructive device or an explosive, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.

4. A person under the age of eighteen years may not possess a handgun except that such a person, while under the direct supervision of an adult, may possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates subsection 3 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means a determination that the person committed one of the above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of no contest even though:

1. The court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02; or
2. The court deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02; or
3. The court placed the person on probation; or
4. The person's conviction has been reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1; or
5. Sentence dispositions, sentence reductions, or offense determinations equivalent to this section were imposed or granted by a court, board, agency, or law of another state or the federal government; or
6. The person committed an offense equivalent to an offense described in subsection 1 or 2 when that person was subject to juvenile adjudication or proceedings and a determination of a court under chapter 27-20 or of a court of another state or the federal government was made that the person committed the delinquent act or offense.

62.1-02-02. Sale of handgun regulated - Penalty. No person may transfer a handgun to any person who the transferor knows or has reasonable cause to believe is a person prohibited by section 62.1-02-01 from possessing a firearm.

62.1-02-03. Possession of short-barreled rifle or shotgun - Penalty - Application. A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun is guilty of a class C felony.

62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application. A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with the officer's official duties, to a member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun issued to the member by that organization and while on official duty, or to any person who complies with the National Firearms Act [26 U.S.C. 5801-5872].

62.1-03. Prohibited alterations in handgun - Penalty. A person who changes, alters, removes, or obliterates a marking used to identify a handgun, such as the name of the maker, model, or serial number, is guilty of a class C misdemeanor.

62.1-04. False information prohibited. No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed, may give false information or offer false evidence of the person's identity.

62.1-05. Prohibited alterations in handgun - Penalty. A person who changes, alters, removes, or obliterates a marking used to identify a handgun, such as the name of the maker, model, or serial number, is guilty of a class C misdemeanor.

62.1-05-01. Machineguns, Automatic Rifles, Silencers, Bombs - Penalty - Forfeiture. No person may purchase, sell, have, or possess a machine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases, or any other federalally licensed firearm or dangerous weapon unless that person has complied with the National Firearms Act [26 U.S.C. 5801-5872].

Any federal licensee who purchases, sells, has, or possesses those items for the licensee's protection or for sale must forward a copy of the
licensee's federal license along with the required weapons transfer form to the licensee's local county sheriff and to the chief of the bureau of criminal investigation within five days of the receipt of those forms.

A person who violates this section is guilty of a class C felony. Upon arrest of that person, the firearm or dangerous weapon must be seized. Upon conviction of the person and motion to the court in which the conviction occurred, the firearm or dangerous weapon must be forfeited to the jurisdiction in which the arrest was made. The firearm or dangerous weapon may be sold at public auction, retained for use, or destroyed pursuant to the court’s order. If a qualified local program as defined under section 12.1-32-02.2 has paid a reward for information that resulted in forfeiture of the item and the item has been sold, the jurisdiction shall, after payment of expenses for forfeiture and sale, repay the qualified local program for the reward that it has paid.

62.1-05-02. Persons exempt from chapter. This chapter does not apply to:
1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, fully automatic rifle, silencer, or a bomb loaded with explosives or poisonous or dangerous gases.

2. Any officer or member of a duly authorized military organization while on official duty and using the firearm or dangerous weapon issued to the officer or member by that organization.
3. A North Dakota law enforcement officer.
4. Any federal officer authorized by the federal government to have or possess a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases.

[Current through the 2009 Regular Session]
(6) Convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.

(f) No person may be issued an identification card if the person has a physical condition or impairment which makes the person unable to use a firearm or dangerous device with proper control.

(g) Any person suffering from a physical or mental defect, condition, illness or impairment which would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in the Commonwealth to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. No such card may be valid for a period longer than six months.

(h) Any person who is ineligible for an identification card by reason of conviction of crime may be issued a card if:

(1) The most recent discharge from probation or parole or the termination of the most recent sentence, whichever is later, is more than 10 years prior to the date of the application for an identification card; and

(2) The issuing agency finds that the person's record, taken as a whole, indicates that the possession, use, or carrying of a firearm or dangerous device, as the same may be, is not likely to constitute a special danger to the public safety.

(i) The holder of an identification card shall have it on or about his or her person at all times when carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.

(j) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of the loss, destruction or defacement, as the Department of Public Safety may require, upon payment of the fee required by 6 CMC § 2229 and upon surrender of any remaining portion of the original card. Notice shall be given the Department of Public Safety by the holder within 48 hours of the discovery of the loss, defacement or destruction. The holder shall notify the Department of Public Safety of any change of name or address from those appearing upon the identification card within 48 hours of such change.

(k) Only a person who is a permanent resident of the Commonwealth or a United States citizen or a United States national and a bona fide resident of the Commonwealth is eligible for an identification card or for renewal thereof. A bona fide resident of the Commonwealth means a person whose place of general abode is in the Commonwealth of the Northern Mariana Islands. The place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent. This exemption does not apply to tourists or non-resident alien contract workers. Immediate relatives will be accorded the same status as their spouse or parent(s) of this section. In order to be issued a weapons identification card for use of .223 caliber rifles, special conditions, as promulgated by the Department of Public Safety, must be met.

(l)(1) Any person holding a firearms identification card pursuant to this section who desires renewal of the identification card shall submit an application for renewal at the Department of Public Safety 30 days prior to the expiration date of the person's current firearms identification card.

(2) The application forms shall contain a formal request for a renewal of two years and shall state the reasons for the renewal. The holder of the identification card has not been subjected to any of those conditions set forth in subsection (e) of this section.

(3) The identification card shall be automatically renewed upon its expiration date for a period of two years, provided that the requirements of subsections (l)(1) and (l)(2) of this agency are met, and, provided, further, that the Department of Public Safety does not have any cause, pursuant to rules and regulations adopted under this article, to disapprove the renewal.

(4) If the time period for renewal stated in subsection (l)(1) of this article is completed with, the identification card holder shall be required to follow the procedures for an original application.

2205. Certification Card Prerequisite to Purchase, Possession, and Use; Prima Facie Evidence of Possession.

(a) No person may purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this article evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device, or ammunition. That person shall be at least 21 years of age.

(b) CARRYING FIREARMS. No person may carry a firearm, dangerous device, or ammunition which has in his or her immediate possession a valid identification card, and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of a vehicle while en route to or from a target range, or area where the person hunts, or takes part in other sports involving firearms, or carries the firearm in plain sight on his or her person while actively engaged in hunting or sports involving the use of firearms.

2207. New Residents, Temporary Residents, and Visitors to the Commonwealth.

(a) Any person who possesses any firearm, dangerous device, or ammunition shall be required to notify the Department of Public Safety of any change in his or her address in the Commonwealth at which the applicant proposes to engage in the business of selling firearms, ammunition, and dangerous devices at retail may apply for a dealer's license. The application shall be on a form approved by the Department of Public Safety and shall contain the following information:

(1) The name and address of the applicant, including the address of each separate location within the Commonwealth at which the applicant proposes to do business pursuant to the license;

(2) If the applicant is a partnership or association, the names and addresses of the partners or associates, or if the applicant is a corporation, the names and addresses of the officers and directors; and

(3) Such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the Department of Public Safety may require.

2210. Licenses for Transfer; Issuance and Renewal of Dealer's License.

(a) Upon receipt of a proper application and payment of the prescribed fee, the Department of Public Safety may issue a dealer's license to an applicant who applies to transfer, sell, or dispose of any firearms, ammunition, and dangerous devices which the Department of Public Safety, 30 days prior to the expiration of the same, at which the applicant possesses, uses or carries firearms, ammunition, and dangerous devices while on duty is not subject to the provisions of this article or any regulations made pursuant thereto.

(b) Any license issued pursuant to this section is valid for one year from the date of its issuance, unless sooner canceled, suspended or revoked. A license shall bear its expiration date on its face.

(c) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the Department of Public Safety. Eligibility for renewal shall be the same terms and conditions as for an original license, except that renewal also may be denied on account of a violation of this article or regulations of the Department of Public Safety made pursuant thereto or for any conduct in the operation of the applicant's business which gives the Department of Public Safety grounds to believe that the applicant will no longer operate in a manner consonant with the public safety.

2211. License for Transfer; Display; Conduct of Dealer's Business. The holder of a dealer's license shall.
(a) Display his or her license in a conspicuous place at all times at the establishment described in the license. If a dealer has more than one place of business at which firearms, dangerous devices or ammunition are sold, the dealer shall display in the same manner a certified copy of the license at each additional place of business.

(b) Keep the records and file the reports required by this article and regulations made pursuant thereto.

(c) Display no firearms, dangerous devices, or ammunition in any place where they can be seen from outside the premises.

(d) Keep all firearms, dangerous devices and ammunition in a securely locked place at all times except when they are actually being shown to a customer or prospective customer or when actually being repaired or otherwise worked on.

(e) Permit only employees who are holder of identification cards making the eligible to purchase, possess and use firearms, dangerous devices or ammunition to have access to firearms, dangerous devices or ammunition.

2212. Records and Reports by Dealers.

(a) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received by him as a dealer and all sales made by him as a dealer. The manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of that person, the manufacturer, type and serial number of each firearm and dangerous device transferred and the date of transfer. These records shall be available for inspection at all reasonable times by the Department of Public Safety and the Department of Public Safety’s duly designated representatives. These records shall be retained at least five years.

(b) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within 24 hours of the transfer, supply the following information to the Department of Public Safety on a form approved by it:

(1) The name and address and license number of the dealer.

(2) The manufacturer, type and serial number of the firearm or dangerous device transferred.

No firearm may be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(3) The name, address and identification number of the transferee.

2213. Repair of Firearms.

(a) No person other than a dealer or manufacturer licensed pursuant to this article shall repair firearms or accept the same for repair.

(b) No person may accept any firearms for repair unless the person is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to 6 CMC § 2212, and shall maintain the record for at least one year.

(c) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by its owner.

2214. Transfer or Sale of Ammunition.

(a) No person may transfer ammunition, unless the person is a manufacturer, wholesaler or dealer licensed pursuant to this article. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferee has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferee shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the identification card.

(b) No transferee of ammunition may transfer it to any person other than a licensed dealer pursuant to this article. Upon receipt of ammunition, the dealer shall make keep records with respect to the ammunition in the manner required by this section for a period of not less than five years.

2215. Private Sales or Transfers.

No person other than a manufacturer, wholesaler or dealer licensed pursuant to this article may transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is a security for an identification card issued pursuant to this article. Prior to any transfer, the transferee shall furnish the Department of Public Safety in person or by registered or certified mail, return receipt requested, a properly completed form together with the name and address of the transferee.

2216. Receipt or Use as Security.

(a) No person, other than a licensed dealer, may receive a firearm as a pledge or pawn, or in any other manner as security.

(b) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly:

(1) The date of receipt;

(2) The full description of the item or items received including the manufacturer, type and serial number or numbers, if any;

(3) The name and address of the person making the pledge, pawn, or other deposit as security

(4) The number of the person’s identification card.

No dealer may accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing an entitlement to possess and use a firearm of the type offered for pledge.

(c) Upon the return or other disposition of the firearm in the dealer’s possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date and the name and address of the person to whom the firearm was returned or disposed. No firearm may be returned or disposed of to any person who, at the time of the return or disposition, does not exhibit a valid identification card issued in the person’s own name and entitled that person to possess and use the firearm involved.

2217. Manufacturers and Wholesalers.

(a) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless the person is the holder of:

(1) A dealer’s license issued pursuant to 6 CMC § 2210; or

(2) A license issued pursuant to this section.

(b) Any person proposing to manufacture or deal in ammunition in cold bore, dangerous devices or ammunition, who is not the holder of a dealer’s license, may make application for a manufacturer’s or wholesaler’s license. The application shall contain the same information required for a dealer’s license, and any additional information required by the Department of Public Safety as may be appropriate to administer this article. No manufacturer’s license or wholesaler’s license may authorize transfer or delivery within the Commonwealth except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Commonwealth or, subject to applicable laws of the Commonwealth, to an individual possessing a valid identification card.

(c) The Department of Public Safety shall issue, renew, cancel, deny, suspend or revoke manufacturer’s and wholesaler’s licenses on the same terms and subject to the same conditions as provided for dealer’s licenses.

(d) Every manufacturer shall assign a unique serial number to each firearm manufactured and shall inscribe the number in or on the firearm in a manner that will resist removal, alteration, defacement or obliteration. The Department of Public Safety may make regulations for the style of the serial numbers and for the manner of the inscription.

2218. Registry of Firearms and Ammunition.

(a) The Department of Public Safety shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(b) Records kept in the registry shall include all records required to be filed with the Department of Public Safety pursuant to this article, copies of all records filed with an agency or officer of local government pursuant to this article, and any records deposited with the Department of Public Safety pursuant to subsection (c) of this section.

(c) Any dealer, manufacturer or wholesaler licensed pursuant to this article, upon discontinuance of the licensed business or activity, shall transmit all records kept pursuant to this article to the Department of Public Safety.

(d) Records relating to the repair of firearms shall be kept by the Department of Public Safety for a period of at least five years after transmittal.

(e) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Commonwealth or its subdivisions, or at the discretion of the Department of Public Safety, to law enforcement officers and agencies of foreign governments.

2219. Cancellation, Denial, Suspension and Revocation of Licenses.

(a) Any license issued pursuant to this article shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder’s discontinuing the manufacturing, selling, acquisition for sale or repair of firearms and the sale of ammunition.

(b) The issuing officer or agency may deny, suspend or revoke and identification card or a license issued pursuant to this chapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefore, or for any violation of this article or regulations in force pursuant to it.

2220. Shipment and Delivery of Firearms, Dangerous Devices, and Ammunition.

(a) No person may ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer, or person who possesses a valid identification card.

(b) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Commonwealth shall, before delivery, furnish to the Department of Public Safety an invoice listing the person’s name and address, the name and address of the
manufacturer, wholesaler, dealer or person possessing the identification card to whom the firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(c) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Commonwealth shall, before delivery, furnish to the Department of Public Safety an invoice listing the person's name and address, the address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity if ammunition to each type in the shipment.

(d) If the shipment is by common carrier, a copy of the invoice shall be required by subsections (b) and (c) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any shipment to the chief of police who will verify the accuracy of the shipment and compliance with this article, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time delivery.

(e) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time delivery.

2221. Loss, Destruction or Theft of Firearms or Dangerous Devices.

Whoever owns or possesses a firearm or dangerous device shall, within 24 hours of discovery, notify the Department of Public Safety of the loss, theft or destruction of any firearm or dangerous device and, after giving notice, of the discovery thereof.

2222. Prohibited Acts. No person shall:

(a) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm or dangerous device.

(b) Knowingly deface, alter or destroy an identification card or other equivalent information concerning any firearm or dangerous device.

(c) Acquire, possess or use any firearm silencer or muffler.

(d) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.

(e) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon or ammunition other than:

(i) All .22 caliber rimfire cartridges and all regular .22 caliber rimfire cartridges.

(ii) All .22 caliber centerfire cartridges and .22 caliber rifles.

(iii) All .223 caliber centerfire cartridges and .223 caliber centerfire rifles. These require a special weapons identification card.

(iv) All .410 gauge shotgun shells and .410 gauge shotguns.

These firearms and ammunition are as defined by the Gun Data Book published by Harper and Row and the NRA Firearms Book published by the National Rifle Association of America. This section is subject to the law enforcement exemption provided at 6 CMC § 2203(a).

(f) Import, sell, transfer, give away, purchase, possess or use any explosives, ammunition or other objects other than those in subsection (e) of this section. This section is subject to the law enforcement exemption provided at 6 CMC § 2203(a).

(i) In any manner or to any degree alter or modify any firearm from its original state of manufacture, including but not limited to alteration or modification of firing pins or chamber, or alteration or modification that creates automatic semiautomatic weapons from single fire weapons, or to acquire, possess or use such altered or modified firearm.

2223. Forfeiture of Unlawful Item. All firearms, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or dealt into or within the Commonwealth are declared to be ineligible to the public safety and are forfeited to the Commonwealth. When such forfeited articles are taken from any person, they shall be surrendered to the Department of Public Safety.

2224. Closing of Establishments During Emergency.

In case of emergency concerning the public safety declared by the Governor, all establishments dealing in guns, dangerous devices or ammunition may be closed by the official and be required to remain closed during the continuance of the emergency. During any such closure, any all guns, dangerous devices and ammunition belonging to or in the keeping of a closed establishment may be impounded.

2225. Registration of Weapons Possessed on Effective Date of Article.

(a) Any person having in his or her possession a firearm or dangerous device on the effective date of this article shall, within 90 days of the effective date, furnish a form approved by the Department of Public Safety to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this article, equivalent information concerning any firearm or dangerous device in his or her possession.

(b) If, prior to the expiration of the 90 day period provided in subsection (a) of this section, the firearm is transferred, the transferor shall comply with the provisions of this article for furnishing of information on transfer and need not comply with subsection (a) of this section.

2226. Surrender of and Compensation for Firearms and Dangerous Devices of Each Type.

Any person who possessed any firearm or dangerous device in the Commonwealth prior to the effective date of this section, a firearm that is kept locked in a closed establishment dealing in guns, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or dealt into or within the Commonwealth are declared to be ineligible to the public safety and are forfeited to the Commonwealth. When such forfeited articles are taken from any person, they shall be surrendered to the Department of Public Safety.

2227. Local laws.

Nothing in this article shall be deemed to prevent any local government from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This chapter shall supersede all district laws and municipal ordinances in conflict with this article.

2228. Authority of the Department of Public Safety.

The Department of Public Safety may issue, amend and repeal regulations implementing this article in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare.

2229. Fees for Licensing and Identification Cards. The fees for issuance and renewal of annual licenses and identification cards as required by this article shall be as follows:

(a) For the identification card, $25; 
(b) For a dealer's license, $300; 
(c) For a manufacturer's license, $1,000; 
(d) For a wholesaler's license, $1,000; 
(e) For a manufacturer's or wholesaler's license so licensed, $200.

(f) A late fee not to exceed 20 percent of the fee imposed shall be assessed for a late renewal.

2230. Penalties.

(a) Any person who, being a holder of a valid identification card and in compliance with 6 CMC § 2206 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100 or imprisoned not more than three months, or both.

(b) Any person who violates any other provision of this article or any regulation issued pursuant to this article shall have a positive duty to take all reasonable precautions to keep that firearm out of the possession of minors. Any person who fails in this duty shall be civilly liable for any damages caused to any person as a result.

2273. Criminal Liability.

(a) Giving a Firearm to a Minor. Any person who allows a minor to have or possess a firearm without adult supervision shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars and thirty days imprisonment.

(b) Any person who owns or possesses a firearm and who fails to secure that firearm in such a manner that it is not easily accessible to minor children, shall be guilty of a misdemeanor punishable by not more than five hundred dollars and three days imprisonment.

Easily accessible means that the minor child can get access to the firearm without unusual exertions such as breaking a door or window, picking a lock, etc. For purposes of this subsection, a firearm that is kept locked in a secure location with the key or combination kept out of the possession of minor children, shall be presumed not easily accessible.

Chapter 3. Custom Violations

2301. Importation of Contraband.

(a) It shall be unlawful for any person to knowingly enter the Commonwealth with the intent to import, or attempt to cause another to bring or import into the Commonwealth, or conceal for the purpose of importation, any of the following items:
(1) Controlled substances as defined in this title.
(2) Currency, coin, travelers checks, money orders, and/or negotiable instruments of a total of more than $5,000 unless the same is reported to the Division of Customs in a signed customs declaration form prior to entry into the Commonwealth.
(3) Firearms and ammunition other than those rifles listed below or shotguns of .410 gauge and with normal factory-produced stocks and barrels unless the importer is authorized by the Director of the Department of Public Safety to import the same for law enforcement purposes.

The following are not contraband:
(i) All .22 caliber rimfire cartridges and all regular .22 caliber rimfire cartridges.
(ii) All .22 center-fire cartridges and .22 caliber rifles.
(iii) All .223 caliber center-fire cartridges and .223 caliber rifles.
(iv) All .410 gauge shotgun shells and .410 gauge shotguns.
(v) Ammunition other than regular long rifle .22 caliber rimfire cartridges or .410 gauge shotgun shells or dangerous devices as described in this title unless the importer has been authorized to import and possess the same by the Director of the Department of Public Safety and the Chief of the Customs Service for law enforcement purposes.
(b) Any person who violates this section may be punished by imprisonment for not more than five years, or by a fine of not more than $2,000, or both.

2302. Enforcement.
(1) The Customs Service, a division of the Department of Finance, shall have the primary responsibility and authority to enforce the provisions of this chapter. This authority shall be concurrent with the authority of any other law enforcement agency as provided by law.
(b) Any officer who is authorized by the Customs Service to enforce the provisions of this chapter may:

- Arrest any person, if there exists probable cause to believe that such person committed an act in violation of this chapter;
- Seize any evidence related to any violation of any provision of this chapter;
- Execute any warrant or other process issued by a court of competent jurisdiction.

2303. Forfeiture.
(a) All items of contraband as defined by 6 CMC § 2301 shall be subject to forfeiture pursuant to 6 CMC § 2150.
(b) Only firearms and ammunition of the .22, .22 magnum, and .223 caliber as referenced in 6 CMC § 222(e) will be returned to their former lawful owners. No firearm shall be returned to the rightful owner unless that person has a firearm identification card and has reimbursed the Commonwealth government the amount compensated by the government for surrendering the firearm to the Department of Public Safety.

[Current through Public Law 17-26 (Dec. 16, 2010)]

---

**OHIO**

**OHIO REV. CODE**

**Title I. State Government**

**Chapter 109. Attorney General**

**Ohio Peace Officer Training Commission**

109.731. Powers and duties; concealed handguns

(A) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, all of the following:

(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a license to carry a concealed handgun and an application form that is to be used under section 2923.125 of the revised code by a person who applies for the renewal of a license of that nature, both of which shall conform substantially to the forms prescribed in section 2923.1210 of the Revised Code;

(2) A form for the license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for a license to carry a concealed handgun under section 2923.125 of the Revised Code and that conforms to the following requirements:

(a) It has space for the licensee’s full name, residence address, and date of birth and for a color photograph of the licensee.

(b) It has space for the date of issuance of the license, its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county in which the license was issued and that uses the county code and a unique number for each license and each temporary emergency license the sheriff of that county issues;

(5) A form for the temporary emergency license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for a temporary emergency license under Section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is a temporary emergency license and the date of its issuance.

(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language:

(a) Explains the firearms laws of this state;

(b) Instruction book on the law governing the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a firearm, possible alternatives to using deadly force with a firearm, and the law governing the use of deadly force with a firearm.

(2) The attorney general shall consult with and assist the commission in the preparation of the pamphlet described in division (B)(1) of this section and, as necessary, shall recommend to the commission changes in the pamphlet to reflect changes in the law that are relevant to it. The attorney general shall publish the pamphlet on the web site of the attorney general and shall provide the address of the web site to any person who requests the pamphlet.

(C) The Ohio peace officer training commission shall maintain statistics with respect to the issuance, renewal, suspension, revocation, and denial of licenses to carry a concealed handgun and the suspension of processing of applications for those licenses, and with respect to the issuance, suspension, revocation, and denial of temporary emergency licenses to carry a concealed handgun, as reported by the sheriffs pursuant to division (C) of section 2923.129 of the Revised Code. Not later than the first day of March in each year, the commission shall submit a statistical report to the governor, the president of the senate, and the speaker of the house of representatives indicating the number of licenses to carry a concealed handgun that were issued, renewed, suspended, revoked, and denied in the previous calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code in the previous calendar year, and the number of temporary emergency licenses to carry a concealed handgun that were issued, suspended, revoked, or denied in the previous calendar year. Nothing in the statistics or the statistical report shall identify, or enable the identification of, any individual who was issued or denied a license, for whom a license was renewed, whose license was suspended or revoked, or for whom application processing was suspended. The statistics and the statistical report are public records for the purpose of section 149.43 of the Revised Code.

(D) As used in this section, "handgun" has the same meaning as in section 2923.11 of the Revised Code.

Title LV. Roads—Highways—Bridges
Chapter 5502. Public Safety Department; Criminal Justice Services

5502.63. Safe firearms practices poster and brochure The division of criminal justice services in the department of public safety shall prepare a poster and a brochure that describe safe firearms practices. The poster and brochure shall contain typeface that is at least one-quarter inch tall. The division shall furnish copies of the poster and brochure free of charge to each federally licensed firearms dealer in this state. As used in this section, “federally licensed firearms dealer” means an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the federal "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or additions to that act or enactments of that act.

Title XXIX. Crimes - Procedure

Chapter 2921. Offenses Against Justice and Public Administration

Perjury

2921.13. Falsification (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: ...

(14) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(F)(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(5) Whoever violates division (A)(14) or (B) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree.

Chapter 2923. Conspiracy, Attempt, and Complicity; Weapons Control; Weapons Control

2923.11. Definitions As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an un-loaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representation and actions of the individual exercising control over the firearm.

(C) "Handgun" means any firearm designed to be fired with one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridge.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signaling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm;

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any incendiary device, any device, including without limitation a starting cap or other obsolete ignition system, or any device that is designed and safe for use only with black powder;

(1) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;

(2) Any weapon that is inoperable but that can readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;

(3) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.

2923.122. Conveyance or possession of deadly weapons or dangerous ordnance on school premises

(A) No person shall knowingly convey, or attempt to convey, any deadly weapon or dangerous ordnance onto any property owned or controlled by, or to any activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district or of a governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance on property owned or controlled by, or at any activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district or of a governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

(C) This section does not apply to officers, agents, or employees of the state or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment.
2923.13. Having weapons while under disability

(A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;
(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;
(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of any such offense;
(4) Such person is drug dependent, in danger of drug dependence, or a chronic alcoholic;
(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14. Relief from disability

(A) Any person who, solely by reason of the person’s disability under division (A)(2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant’s disability is based; the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;
(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or, if he is under indictment, has been released on bail or recognizance.

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so.

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) Does not apply with respect to dangerous ordnance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant’s becoming indicted from acquiring, having, carrying, or using any firearm or dangerous ordnance.

2923.15. Using weapons while intoxicated

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

2923.16 Improper handling firearms in a motor vehicle

(A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded and is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In a compartment that can be reached only by leaving the vehicle;

(3) In plain sight and secured in a rack or holder made for the purpose;

(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties.

(E) The affirmative defenses contained in division (C)(1) and (2) of section 2923.12 of the Revised Code, are affirmative defenses to a charge under division (B) or (C) of this section.

(F) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(G) As used in this section, “unloaded” means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is unapped, or when the priming charge is removed from the pan.
of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarymen, mine operators, and other persons regularly employing explosive devices for any lawful purpose, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to explosives and other dangerous ordnance, lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, or other purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A statement of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance given to the local law enforcement authorities pursuant to this section. The state fire marshal shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

2923.19. Failure to secure dangerous ordnance

(1) No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall neglect or fail to secure such dangerous ordnance, to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture, or to any firearm on which the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(2) Whoever violates division (A)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this section, defacing identification marks of a firearm is a misdemeanor of the first degree.

(3) Whoever violates division (A)(1) of this section, possessing a defaced firearm is a misdemeanor of the fourth degree.

(C) Division (A) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

2923.20. Unlawful transactions in weapons

(A) No person shall:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to return a complete copy of the transaction on record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities with the loss or theft of any firearm or dangerous ordnance in possession of the person's control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. A violation of division (A)(5) of this section is a misdemeanor of the fourth degree.

2923.201. Defacing identification marks of firearm; possessing defaced firearm

(A) No person shall do either of the following:

(1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm;

(2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer's serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.

(3) Whoever violates division (A)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this section, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(1) of this section, defacing identification marks of a firearm is a felony of the fourth degree.

(B) Whoever violates division (A)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this section, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) of this section, possessing a defaced firearm is a felony of the fourth degree.

(C) Division (A) of this section does not apply to any firearm on which no manufacturer's serial number was inscribed at the time of its manufacture.

2923.21. Improperly furnishing firearms to a minor

(A) No person shall do any of the following:

(1) Sell any firearm to a person who is under eighteen years of age;

(2) Sell any handgun to a person who is under twenty-one years of age;

(3) Furnish any firearm to a person who is under eighteen years of age or any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose
of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) or (2) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or with the intent to furnish the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age.

Whoever violates this section is guilty of furnishing a handgun for the purpose of furnishing the handgun in violation of division (A)(3) of this section, for safekeeping pending disposition of the indictment or of an application for relief under section 2923.14 of the Revised Code.

(C) Evidence obtained from or by reason of an application or proceeding under section 2923.14 of the Revised Code for relief from disability shall not be used in a prosecution of the applicant for violation of section 2923.13 of the Revised Code.

(D) Evidence obtained from or by reason of an application under section 2923.18 of the Revised Code for a permit to possess dangerous ordnance shall not be used in a prosecution of the applicant for violation of section 2923.13 or 2923.17 of the Revised Code.

2923.25 Trigger lock or gun locking device to be offered for sale

Each federally licensed firearms dealer who sells any firearm, at the time of the sale of the firearm, shall offer for sale to the purchaser of the firearm a trigger lock, gun lock, or gun locking device that is appropriate for that firearm. Each federally licensed firearms dealer shall post in a conspicuous location in the dealer's place of business the poster furnished to the dealer pursuant to section 5502.63 of the Revised Code and shall make available to all purchasers of firearms from the dealer the brochure furnished to the dealer pursuant to that section.

As used in this section, "federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

[Current through legislation passed by the128th Ohio General Assembly and filed with the Secretary of State through July 16, 2009]

City of Akron Code

Title 13. General Offenses

Chapter 137. Weapons Control

Weapons Control Generally

137.01. Definitions. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Airgun." Any air pistol, air rifle, BB gun, pump gun, pellet gun, CO-2 gun, or similar instrument or device capable of discharging ammunition by means of air pressure or spring action.

"Ammunition." Any leaden or metallic projectile, any pellet or any other substance capable of inflicting injuries to persons or property when used in an airgun.

"Automatic firearm." Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or rifle cartridges. ... "Dangerous ordnance." Any of the following, except as provided in subsection B of this section:

1. Any automatic or sawed-off firearm, or zip-gun;

2. Any explosive device or incendiary device;

3. Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives, amatol, trinitrotoluene, nitrocello, pentite, peracetol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficientbrisance power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

4. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

5. Any firearm muffler or silencer;

6. Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance;

7. A Taser or any device which shoots a dart-like object charged with volts of electricity.

"Dangerous Ordinance" does not include any of the following:

1. Any firearm, including a military weapon and the ammunition for that weapon, regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

2. Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is a automatic or sawed-off firearm;

3. Any cannon or other artillery piece which, regardless of its actual age, is of a type in acceptance by the federal government for military purposes, and the ammunition for that weapon;

4. Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece;

5. Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b) (4), and regulations issued under that act.

"Deadly weapon." Any instrument, device or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

"Explosive device." Any device designed or specially adapted to cause physical harm to per-
sons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive Device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

"Firearm." 1. Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

2. When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

"Handgun." Any of the following: (1) any firearm that has a short stock and is designed to be held and fired by the use of a single hand; (2) any combination of parts from which a firearm described in the preceding definition can be assembled.

"Incendiary device." Any firebomb and any device designed or specially adapted to cause physical harm to persons or property by means of fire and consisting of an incendiary substance or agency and a means to ignite it.

"Pistol." Any firearm with a barrel less than twelve inches in length.

d. "Sawed-off firearm." A shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

"Semi-automatic firearm." Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

"Zip-gun." Any of the following: (1) Any firearm of crude and extemporized manufacture; (2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm; (3) Any industrial tool, signaling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

137.02. Carrying weapons - Concealed weapons.

A. Weapons generally. Except as otherwise permitted by law, no person shall carry on or about his person a pistol, a knife having a blade two and one-half inches in length or longer, knuckles, a billy or other dangerous weapon. "Proper justification" includes, but is not limited to, the right of law enforcement officers and other persons specifically authorized by law to be armed within the scope of his or her duties. This section does not apply to a person who is engaged in a lawful business or pursuit justifying possession of such an item and the person did not use or intend to use the item as a weapon. It shall be a defense to a violation of this section that the defendant was at the time engaged in a lawful business, calling, employment or occupation and the circumstances in which he was placed justified a prudent man in possessing such a weapon for the defense of his person, property or family.

B.1. Except as otherwise permitted by law, no person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon or dangerous ordnance.

2. This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnances, and acting within the scope of their duties.

3. It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following apply:

a. The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character as was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, that would justify a prudent man in going armed.

b. The weapon was carried or kept ready at hand by the actor for defensive purposes, while he was engaged in or was going to or from his lawful business or occupation, which business or occupation was of such character as was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, that would justify a prudent man in going armed.

c. The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in his own home.

d. The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Ohio Revised Code §2923.16.

Penalty.

Violates subsection A of this section is a misdemeanor of the third degree.

2. Whoever violates subsection B of this section is guilty of carrying concealed weapons, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under R.C. Chapter 4303, if the weapon involved is a firearm which is either loaded or for the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, then carrying concealed weapons is a felony of the third degree and shall be prosecuted under appropriate state law.

137.03. Using weapons while intoxicated.

A. No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

B. Whoever violates this section is guilty of using a weapon while intoxicated, a misdemeanor of the first degree.

137.04. Improperly handling firearms in a motor vehicle.

A. For the purpose of this section, "unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, that the weapon is uncocked, or that the priming charge is removed from the pan.

B. Except as otherwise permitted by law, no person shall knowingly discharge a firearm while in or on a motor vehicle.

C. Except as otherwise permitted by law, no person shall knowingly transport or have a loaded firearm in a motor vehicle in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

D. Except as otherwise permitted by law, no person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

1. In a closed backpack or case;

2. In a compartment which can be reached only by leaving the vehicle;

3. In plain sight and secured in a rack or holder made for the purpose;

4. In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

E. This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of his or her duties.

F. The affirmative defenses contained in §137.02(B)(3)(a) and (b) are affirmative defenses to a charge under subsection C or D of this section.

G. Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection C of this section is a misdemeanor of the first degree. Violation of subsection D of this section is a misdemeanor of the fourth degree. Penalty, see §130.99.

137.05. Failure to secure dangerous ordnance.

A. No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

1. To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;

2. To insure the safety of persons and property;

B. Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

137.06. License to possess dangerous ordnance.

A. Upon application to the Safety Director or Police Chief, and upon payment of the fee specified in subsection B of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

1. Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

2. Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;

3. Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

4. Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by
any such person while acting within the scope of his duties;
5. In the discretion of the Safety Director or Police Chief, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate purpose.
E. 137.241. Trigger lock requirement for from the outside.  

B. No person shall purchase a handgun at retail from a manufacturer or dealer unless at the time of the sale the person also purchases from the dealer a trigger lock or other child-safety lock that is appropriate for the handgun or unless a trigger lock is an integral component of the handgun.

C. It is an affirmative defense to a charge under this section that at the time of a sale of a handgun at retail the purchaser of the handgun demonstrated to the dealer who sold the handgun that the purchaser possessed a trigger lock or other child-safety lock that is appropriate for the handgun or subject of the sale.

D. Whoever violates Division (A) of this section is guilty of selling a handgun without a trigger lock or other child safety lock, a misdemeanor or of the fourth degree.

137.25. Manufacturers’ and dealers’ records.  

A. Each licensed manufacturer or dealer shall maintain at his place of business, complete and adequate records of all firearm disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers. The records shall show and include:

1. The number of firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

2. The name and address of each person from whom the firearms, if not the manufacturer’s own product, were acquired and the date of acquisition; and

3. The disposition made of the firearms, including the name and principal address of each transferee, the address to which they are delivered, and the date of delivery.

B. Each licensed dealer shall maintain similarly complete and adequate records at each store or place where firearms are sold, of all firearms acquired and disposed of in the course of his business at such store or place.

C. In addition to the records required by this section, every licensee under the provisions of this chapter shall at the time of every purchase, enter with typewritten or printed letters, in ink, on a blank form to be furnished by the Police Division, such information as may be called for by such blank form. The information shall be printed on the card by the licensee or his employee, except that the seller shall sign his name where required on the card. No entry on the card shall be erased, obliterated, altered, or defaced.

(1) Every licensee under the provisions of this chapter shall mail by noon of the following week-day to the Chief of Police or his authorized representative, the address the Chief of Police or his authorized representative shall designate; the blanks furnished by the Police Division properly filled in and signed by the seller, in accordance with the provisions of this section, for all transactions of the preceding business day.

D. However, any licensee licensed under the provisions of this chapter for the first time must, for the first forty-five days he conducts business with the city, hand-deliver such blanks to the Chief of Police or his authorized representative, properly filled in and signed by the seller, on every weekday before the hours of 12:00 noon for all transactions of the preceding business day.

E. Whoever violates this section is guilty of a misdemeanor of the third degree.

137.26. False Information.  

A. No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

B. No person shall give false information concerning the matters referred to in §137.21(A) concerning his age or his name and address, or offer false evidence of his identity when purchasing a pistol.

C. Whoever violates this section is guilty of a misdemeanor of the third degree.

137.27. Obtaining weapons by theft or fraud.  

A. No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence, or threat of violence.

B. Whoever violates this section is guilty of a misdemeanor of the third degree.

137.28. Unlawful transactions.  

A. No person shall:

1. Manufacture, possess, for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

2. When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to R.C. §2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of the record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3. Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person’s possession and under his control.

B. Whoever violates this section is guilty of unlawful transactions. Violation of subsection (A)(1) or (2) of this section is a misdemeanor of the second degree. Violation of subsection (A)(3) of this section is a misdemeanor of the fourth degree.

137.291. Access to firearms by minors.  

A. For the purposes of this section the term “minor” shall mean any person under the age of eighteen;

B. Except as provided in subsection C of this section, no person, including but not limited to a parent or legal guardian, shall store or leave a loaded or unloaded firearm in any place where the person knows, or reasonably should know based on the totality of the circumstances, that a minor is able to gain access to it.

C. Subsection B of this section shall not apply when:

1. A minor’s access to a firearm is under the supervision or control of a responsible adult for purposes of lawful hunting or instruction in firearm safety, care, handling or marksmanship;

2. A minor has access to a firearm as a result of an unlawful entry into the place in which the firearm was found;

3. A minor obtains a firearm in a lawful act of self-defense or defense of another person or persons within a domicile;
Chapter 708. Dangerous Weapons and Firearms

708-1. Definitions. For purposes of this chapter, the following words in Section 708-1-A - 708-1-E shall have the following meanings:

708-1-A. Deadly weapon. "Deadly weapon" shall mean any instrument, device, or thing capable of inflicting death or serious physical injury and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon.

708-1-B. Firearm. "Firearm" shall mean any dangerous weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

708-1-C. Handgun. "Handgun" shall mean any firearm designed to be fired while being held in one hand in such a manner that the firearm or any attachment or combination of parts from which it is possible to assemble a handgun.

708-1-D. Dangerous Weapon. "Dangerous Weapon" shall mean any instrument, device or thing capable of inflicting death or serious physical injury and designed or specifically adapted for use as a weapon, including an air gun, BB gun, musket, rifle, shotgun, revolver, pistol or ammunition thereto, bowie knife, dirk, or other device passed, carried or used as a weapon.

708-1-E. Person. "Person" shall mean any individual, organization, company or corporation.

708-1-F. Retail Dealer. "Retail dealer" means any person engaged in selling, exchanging, bartering or keeping a thing with the intention of selling, bartering, or exchanging directly it to or for any person.


(A) No person shall knowingly and/or recklessly sell, barter, lend, provide or give to a minor under the age of 18 years a deadly weapon, dangerous weapon, firearm, or handgun.

(B) Sell, barter, lend, provide or give to a person under the age of 21 years a handgun.

(C) Furnish any firearm to a person under the age of 18 years, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a parent or legal guardian.

(D) No parent or legal guardian of a minor:

(1) Who knows such minor possesses or has been furnished a deadly weapon, dangerous weapon, firearm, or handgun shall fail to remove the deadly weapon, dangerous weapon, firearm, or handgun from the minor's possession or control; or if the deadly weapon, dangerous weapon, firearm, or handgun cannot be removed without jeopardizing the safety of the parent or parent's guardian, to notify the Cincinnati Police Division that the minor possesses the deadly weapon, dangerous weapon, firearm, or handgun.

(E) No person under the age of 21 years a handgun.

(F) No person shall:

(1) Store, control or possess any firearm within or upon any premises of which that person has an ownership interest, or control of any firearm in such a manner that the person knows or should know that a minor is likely to gain possession of the firearm, and in fact, the minor does obtain possession of the firearm.

(G) This provision shall not apply:

(a) where the minor obtains the firearm as a result of an illegal premise or

(b) where the firearm is kept in a locked container, access to which is not available to a minor;

(c) where the firearm is equipped with, and has in place, a locking device, the means of removal of which is not available to a minor;

(d) where the minor obtains a firearm in a lawful act of self-defense, or defense of a minor's home or property.

(D) It shall be unlawful for the owner to possess a firearm without obtaining liability insurance for the negligent use of the firearm by a minor or the negligent entrustment of the firearm to a minor and covering all potential victims of incidents committed by a minor in which the firearm is used. Proof of such liability insurance shall be required after an incident of negligent or accidental discharge in which the firearm was used by a minor has been committed.

(E) No minor under the age of 18 years shall:

(1) Buy, barter, hire, borrow, receive or possess a firearm or ammunition therefor, or handgun except as otherwise provided at subsection (A)(3).

(F) For purposes of Section 708-3, the following words shall have the following meanings:

(1) "Deadly Weapon", "Dangerous Weapon", "Firearm", and "Handgun" shall have the same meaning as defined in Cincinnati Municipal Code §§709-1-A, 708-1-B, 708-1-C and 708-1-D.

(2) "Locked Container" shall mean a secure container which is enclosed on all sides and locked by a padlock, key lock, combination lock or similar device.

(3) "Locking Device" shall mean a trigger lock or similar device, which, when applied to a firearm, temporarily prevents the firearm from functioning.

(4) Whoever violates any provision of this chapter shall commit the offense of illegal distribution of firearms to a minor and shall be guilty of a misdemeanor of the first degree.

(5) Display Advertising of Weapons Prohibited. No person shall exhibit for sale in show cases or show windows any dangerous weapon or firearm or any accessory therefor, or handgun ammunition, or display any sign, poster, carton or display card which suggests the sale of any dangerous weapon or firearm or accessory therefor, or handgun ammunition. Nothing herein shall apply to firearms having a barrel of 12 inches or more in length in establishments licensed to sell same.

708-7. Obliterating Identification Marks Prohibited. No person shall change, alter, move, or obliterate any maker's mark, model, manufacturer's number, or other mark of identification on any dangerous weapon or firearm.

No person shall keep in such person's possession or under such person's control any dangerous weapon or firearm upon which the name of the maker, model, manufacturer's number or other mark of identification has been to such person's knowledge changed, altered, removed or obliterated.


No person shall carry on the business of retail dealer in firearms, ammunition for firearms, or dangerous weapons without first obtaining a license, for the purpose of lawful business, and such license may be granted by the city manager upon written application of any such retail dealer. For a retail dealer only in shotguns and rifles of regulation size only, manufactured for hunting and sporting purposes only, and ammunition therefor, the annual license fee shall be the sum of $150. The application shall set forth the place of business, the nature of the business, the names of all the partners, if a partnership, and the names of all officers, if a corporation. The city manager may authorize the city treasurer to issue a license to the applicant if the city manager is satisfied that the applicant is of good repute in the conduct of such business and that the conduct of such business will not be detrimental to the public safety and welfare.

The city manager may suspend or, after hearing, revoke a dealer's license whenever the city manager finds that the holder thereof has failed to comply with any of the provisions of this chapter. Upon suspending or revoking any such license, the city manager shall require the holder thereof to surrender immediately all licenses issued to such holder and the holder shall surrender promptly all such licenses required. Whenever the city manager suspends a dealer's license, the holder shall be notified immediately and afforded a hearing if no hearing has already been held. After such hearing, the city manager shall either rescind the order of suspension or upon good cause appearing therefor shall continue the suspension or revoke the license.

708-11. Restriction on Pawnbrokers. A dealer licensed under the provisions of Section 708-9 who carries on the business of pawnbroker or secondhand dealer shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

708-13. Form of Application to Transfer Firearms. The city manager shall prescribe a form of application covering the purchase or transfer of firearms. Such form shall provide for the recording of the following facts:

(a) The name, address, and date of birth appearing on a state driver's license or state personal identification card of the transferee that is valid on its face and contains a photograph of the transferee, and a description of the identification card used;

(b) If the transferee is not personally known to the transferee, the name and address of the person by whom the transferee is identified;

(c) The purpose for which the transferee desires to use the firearm;
(d) An accurate description of the firearm, including the name of the manufacturer, model, caliber, and serial number; 
(e) A description of the transference, which shall include height, weight, age, color of hair, color of eyes, all visible marks and scars on face and hands, any dermatitis, nevi, freckles, and marks which have first been noticed on the face or the back of the application such extracts from the city ordinances and from the laws of the state of Ohio, including penalty provisions, as the city manager may deem desirable.

The city manager shall furnish sets of such application blanks to the chief of police.

708-15. Restriction on Transfer of Firearms. No person shall transfer ownership of a firearm to any transferee unless such person has first verified the identity of the transferee by personally reviewing the transferee's valid driver's license and has required the transferee to fill out in full and sign an application blank as provided for in Section 708-13. No person shall transfer such firearm to any transferee with whom the transferee is not personally acquainted unless such transferee is identified by a person who is personally known to the transferor.

The transferor shall mail the original of each application to the chief of police. One copy shall be delivered to the transferee and one preserved by the transferor. The transferor's copies of used application blanks, and all unused application blanks, shall be kept by the transferor so as to be open for inspection by city police officers at all times.

The provisions of this section and of Sections 708-13 and 708-33 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over 12 inches in length.

708-17. Sale of Handgun Ammunition. No person shall sell handgun ammunition to any purchaser with whom the seller is not personally acquainted unless such purchaser is identified by a person with whom the seller is personally acquainted.

708-19. False Statements in Application. No person shall give any false information or make any false statements in any application or identification document or in any record or report provided for in Section 708-9 or 708-13. No person shall manufacture, buy, or sell magazines and Vendor's License Fees. All vendors of gun-powder shall pay a license fee of $200 per year. All keepers or owners of gunpowder magazines shall pay a license fee of $800 per year.

708-29. Confiscation of Firearms. When any police officer shall discover any person in the act of violating any provision of Section 708-27 or 708-33, it shall be his duty to seize the firearms or cannon so unlawfully used, and to cause the arrest of such person. Upon conviction of the person so arrested, the chief of police shall or der the firearms or cannon so seized destroyed.

708-31. Ammunition, Sale to Minor. No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in handguns, revolvers or cannons.

708-33. Waiting Period for Transfer of Firearms. Any person desiring to purchase, rent, lease or transfer ownership of a firearm from another person shall make application on forms as provided for in Section 708-13, to be distributed by the chief of police, which shall be signed by the applicant and a copy forwarded by certified mail to the chief of police by the transferor.

The chief of police shall cause a postal card to be mailed to the transferor on the same day the application is received in his office stating the time and date the application was received.

Unless the chief of police to whom the application is sent determines that a transaction would violate state, local, municipal, or any other municipal, state, or federal law, the application shall be destroyed within 60 days after the date the application was received by the police division.

No person shall knowingly sell, deliver, rent, lease or transfer ownership and/or possession of a firearm to any person who is not otherwise prohibited by law from acquiring or possessing a firearm, until 15 consecutive days have elapsed from the time the application is received by the chief of police.

This section does not apply to the sale, delivery or transfer of a firearm, in accordance with applicable law or rule, to any law enforcement officer or to any officer, agent, or employee of this or any other state or the United States if the acquisition or possession of a firearm is within the scope of his official duties.

Whoever violates any part of this section is guilty of a misdemeanor of the first degree.

708-35. Retail Sales of Firearms, Location Restrictions. (a) No person shall sell firearms, guns, ammunition, hunting knives or other dangerous weapons at any retail establishment within 1,000 feet of the boundary of a parcel of real estate upon which a school is located.

As used herein the word "school" means an accredited public or private educational institution for persons in grades kindergarten through the twelfth grade.
(b) The Safety Director may issue a permit for the sale of sporting firearms and ammunition therefor by an otherwise eligible permanent resident with a semiautomatic firearm that was legally purchased or acquired before April 1, 1989, shall within 30 days from the effective date hereof:
(1) More than ten rifle or carbine rounds; 
(2) More than five shotgun rounds; 
(3) More than 15 handgun rounds.
This section does not apply to any detachable magazine purchased or acquired for use with semiautomatic firearms registered pursuant to division (e)(3) of this section.
(c) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any detachable magazine with the following capacities:
(1) More than ten rifle or carbine rounds; 
(2) More than five shotgun rounds; 
(3) More than 15 handgun rounds.
This section does not apply to law enforcement officers, agents, or employees of this or any other state or the United States, members of the Armed Forces of the United States or the organized militia of this or any other state, if the acquisition or possession of a semiautomatic firearm is authorized and within the scope of his official duties.

(e) Any person who is legally in possession of a semiautomatic firearm that was legally purchased or acquired before April 1, 1989, shall within 30 days from the effective date hereof:
(1) More than ten rifle or carbine rounds; 
(2) More than five shotgun rounds; 
(3) More than 15 handgun rounds.

This section does not apply to any detachable magazine purchased or acquired for use with semiautomatic firearms registered pursuant to division (e)(3) of this section.

(f) No person shall sell, deliver, rent, lease, offer or display for sale, or transfer ownership of, acquire or possess any extension tube, drum, cylinder, or magazine capable of increasing the capacity of a fixed or detachable magazine.

(g) The term "semiautomatic" means any firearm or, such firearm is the subject of any department or division of the city manager may establish. The registration shall contain a description of the firearm including all identification marks, the full name, address, date of birth and other such information as the city manager may deem appropriate. The information will be provided on forms prescribed by the city manager. Any change of address of the owner must be registered with the chief of police within 14 days of the change.

The city manager may establish a fee for registration not to exceed the actual processing costs of the city.

(h) No semiautomatic firearm possessed pursuant to division (e)(3) above may be sold or transferred after the effective date of this section to anyone within the city of Cincinnati.

(i) Any person who obtains title to a semi-automatic firearm by bequest or intestate succession must within 90 days comply with the requirements of division (e) of this section.

(j) The term "semiautomatic" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge and ready to fire, with a single function of the trigger.

(k) For the purpose of this section, "semiautomatic firearm" shall have the following meanings:
(1) Any semiautomatic rifle or carbine that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than ten rounds.
(2) Any semiautomatic shotgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than five rounds.
(3) Any semiautomatic handgun that was originally designed with or has a fixed magazine or detachable magazine with a capacity of more than 15 rounds.
(4) Any semiautomatic handgun that is a modification of a rifle, carbine, or shotgun as described in (1) and (2) above;

(5) Any firearm which may be readily restored to an operable semiautomatic firearm, as defined in (1) through (4) above;

(6) Any combination of parts, designed or intended to convert a weapon into a semiautomatic firearm, as defined in (1) through (4) above or any combination of parts from which a semiautomatic firearm may be readily assembled.

(j) Rifles or carbines which fire .22 caliber rimfire ammunition having a fixed, tubular magazine and any device designed or specially adapted to a firearm, and any firearm which is inoperable but possessed, carried or used as a firearm or weapon, or designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the dollars ($300.00) or more than one thousand dollars ($1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

627.04 Improperly Handling Firearms in a Motor Vehicle.

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(2) Any person who violates any provision of Section 708-3, 708-5, 708-7, 708-9, 708-11, 708-15, 708-17, 708-19, 708-27, 708-33, or 708-35 shall be fined not more than three hundred dollars ($300.00) or more than one thousand dollars ($1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

627.03 Using Weapons While Intoxicated.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of using weapons while intoxicated, and shall be fined not less than three hundred dollars ($300.00) or more than one thousand dollars ($1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

Page 379
(3) In plain sight and secured in a rack or holder made for the purpose; 
(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. 
(d) This section applies to officers, agents or employees of this or any other state or the United States, or to law enforcement officers authorized to carry or have loaded or accessible firearms in motor vehicles, and acting within the scope of their duties. 
(e) The affirmative defenses contained in Section 627.02(c)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) hereof. 
(f) Notwithstanding the provisions of Sections 601.13 or 601.99(a), whoever violates this section is guilty of improperly handling firearms in a motor vehicle, and shall be fined not less than three hundred dollars ($300.00), nor more than one thousand dollars ($1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced. 
(g) As used in this section, "unloaded" means, with respect to a firearm employing a percussion cap, fire, primer or other obsolete ignition system, when the weapon is uncapped, or when the priming charge is removed from the pan.

627.05. Failure to Secure Dangerous Ordinance. 
(a) No person, in acquiring, possessing, carrying or using any dangerous ordinance shall negligently fail to take proper precautions: 
(1) To secure the dangerous ordinance against theft or against its acquisition or use by any unauthorized or incompetent person; 
(2) To insure the safety of persons and property. 
(b) Whoever violates this section is guilty of failure to secure dangerous ordinance, a misdemeanor of the second degree.

627.08. Possession of Firearms by Minors. 
(a) No minor shall purchase, own, possess, receive, have on or about his person or use any firearm except pursuant to Section 627.07(a)(3). 
(b) A juvenile who violates this section shall be adjudged a delinquent, and the disposition of the case as may be appropriate under RC Chapter 2151.

627.081 Prohibited Weapon Defined
For purposes of Section 627.082, a "prohibited weapon" is any weapon defined, described, or listed in any division of Section 627.01 other than division (a) or (1) of that section, division (a) or (b) of Section 627.06, division (a) of Section 627.14, division (a) or (b) of Section 627.15, division (a) of Section 627.17, or division (a) of Section 627.18. 
(Ord. No. 1130-92. Passed 5-11-92, eff. 5-15-92) 

627.082 Prohibited Weapons on School Property: Duty to Notify Police 
(a) Subject to division (b) of this section, any school official or employee who discovers a prohibited weapon, as defined in Section 627.081, upon school grounds or in a school building shall immediately notify the Chief of Police or his designee and request the assistance of the Division of Police. 
(b) Division (a) of this section shall not apply: 
(1) To any school official or employee who has personal knowledge that the notification required by division (a) has already been given with respect to a particular discovery of a particular prohibited weapon; or 
(2) When the prohibited weapon is in the possession of an officer, agent or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, or law enforcement officers, as defined in division (k) of Section 601.01, to the extent that any such person is authorized to possess a prohibited weapon and is acting within the scope of his or her duties. 
(c) Any school official or employee who fails to comply with division (a) of this section is guilty of a misdemeanor of the first degree.

627.09 Possessing Deadly Weapons on Public Property. 
(a) No person shall knowingly have in his possession or ready at hand any deadly weapon while on public property or in a public building. 
(b) For the purpose of this section, public property and public buildings shall include, but not be limited to, parks, playgrounds, marinas, courthouses, auditoriums, stadiums, offices, fice buildings, jails, storage areas and yards, greenhouses, plants and works and any other property, building or structure owned, leased or rented by a governmental unit, to schools, colleges, and other learning institutions, whether public, private or parochial, and to churches, synagogues and other places of worship. 
(c) This section does not apply to officers, agents or employees of this or any other state or the United States, to law enforcement officers authorized to carry or possess deadly weapons or to persons with private or special police commissions, and acting within the scope of their duties, or if the duty such person was part of a public weapons display, show or exhibition or was in the possession of a person participating in an organized match, competition or practice session on public property, or in a public building. 
(d) Notwithstanding the provisions of Sections 601.13 and 601.99(a), whoever violates this section is guilty of possessing deadly weapons on public property, and shall be fined not less than three hundred dollars ($300.00), nor more than one thousand dollars ($1,000), and imprisoned for not less than three days, nor more than six months. No part of this sentence shall, in any case whatsoever, be suspended or otherwise reduced.

627.11. Seizure and Confiscation of Deadly Weapons. 
(a) In any situation where a deadly weapon is present and a person has been drinking or disturbing the peace, threatening bodily harm or causing or threatening a disturbance or violence, and there is reasonable cause for the investigating police officer to believe that such deadly weapon may be used to cause bodily harm, such deadly weapon may be seized by the police and kept in the custody of the Chief of Police until released by an order of a court of competent jurisdiction. 
(b) Any deadly weapon seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any of the provisions of this chapter, or any felony or misdemeanor involving the use of a deadly weapon or the use of force or violence or the threat of the use of force or violence against the person of another, shall be confiscated by the Division of Police for disposal. However, any deadly weapon seized which has been reported stolen shall be returned to the owner thereof, unless possession by the owner would constitute a violation of any provision of these Codified Ordinances or of State or Federal law.

627.12 Voluntary Disposition of Handguns 
(a) Any handgun, declared to be illegal under the provisions of Section 627.06(a)(4) may be disposed of by presenting the handgun by the person owning or possessing the gun, at any district police station in the City of Cleveland, at the Central Police Station or the Detective Bureau of the Division of Police. 
(b) No person disposing of a handgun in the manner and at the places herein designated, shall be required to make any written or oral statement or report concerning the handgun or the circumstances surrounding its acquisition, possession or present or past ownership. 
Returns can be made available upon request.

627.16. Unlawful Display of Weapons. 
(a) No person, firm or corporation shall exhibit for sale in showcases or show windows any revolvers, daggers, stilettos, brass or iron knuckles and billies, or display any signs, posters, cartoons or display cards, suggesting the sale of such weapons. 
(b) Whoever violates this section is guilty of unlawful display of weapons, a misdemeanor of the first degree.

627.18 Tear Gas Guns 
(a) No person not being a law enforcement officer acting in line of duty or a person engaged in repelling robbers, thieves, murderers or other lawbreakers or in the defense of his home or place of business, shall aim and discharge at any person a weapon or device of any kind which impels by compressed air, spring release or other means a projectile containing any liquid or gas which is dangerous to the safety or health of such person, or which otherwise discharges any such liquid or gas upon the person of another.

627.23 Facsimile Firearms.
(1) "Firearm" shall have the same meaning as used in Section 627.02(b) of this Chapter. 
(2) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal or any other material which is a replica, facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie prop guns, toy models (either assembled or fully assembled), starter pistols, air guns, inoperative firearms or any other device which might reasonably be perceived to be a real firearm. 
(b) No person shall display, market for sale or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm. 
(c) Except in self-defense, no person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry or threatening manner, with the intent to frighten, vex, harass or annoy or with the intent to commit an act which is a crime under the laws of the City, State or Federal government against any other person. 
(d) No person shall draw, exhibit or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a law enforcement officer, fire fighter, emergency medical technician or paramedic engaged in the performance of his or her duties, when the person committing such brandishing knows or has reason to know that such law enforcement officer, fire fighter, emergency medical technician or paramedic is engaged in the performance of his or her duties.
Chapter 628. Possession or Sale of Assault Weapons Prohibited

628.02. Definitions. For the purpose of this chapter:

(a) "Assault weapon" means:

(1) Any semiautomatic action, center fire rifle or carbine that accepts a detachable magazine with a capacity of 20 rounds or more;

(2) Any semiautomatic shotgun with a magazine capacity of more than six rounds;

(3) Any semi-automatic handgun that is:

A. A modification of a rifle described in division (a) (1), or a modification of an automatic firearm; or

B. Originally designed to accept a detachable magazine with a capacity of more than 20 rounds.

(4) Any firearm which may be restored to an operable condition, or inoperable but that can readily be rendered operable.

(b) "Firearm" means any firearm capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(c) "Ammunition" means any ammunition cartridge, shell or other device containing explosive or incendiary material and designed and intended for use in any firearm.

(d) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(e) "Rifle" means a weapon designed or specially adapted to fire a succession of cartridges with a single function of the trigger.

(f) "Handgun" means any firearm designed to be fired while being held in one hand.

(g) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(h) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(i) "Shotgun" means a firearm, whether or not a barrel is present, designed or intended to fire an explosive charge through a readily detachable, threaded muzzle to fire a projectile having a muzzle velocity of greater than 1,200 feet per second.

(j) "Machine gun" means a firearm, designed to be fired from a fully automatic mechanism, which will fire 10 or more rounds through the use of an automatic firing mechanism before the trigger is released.

(k) "Automatic firearm" means any firearm designed to fire from a fully automatic mechanism, which will fire 10 or more rounds through the use of an automatic firing mechanism before the trigger is released.

(l) "Semiautomatic firearm" means any firearm which is capable of being fired more than once without manual resetting of a firing mechanism and which functions to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable handguns which cannot be rendered operable, curios, relics or antique handguns as presently or hereafter defined in Title 27, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

(m) "Assault weapon" means:

(1) Any firearm which is designed or made, or any part thereof designed or made, for the purpose of being converted to a firearm which has the capacity to fire more than one shot without renewal of the trigger actuation by a single trigger pull.

(2) Any firearm which, when loaded with a conventional cartridge of .50 caliber or larger, is capable of being fired more than once without manual resetting of the firing mechanism and which functions to eject or propel a projectile by the action of an explosive or combustible propellant.

(3) Any firearm which is capable of being loaded with a conventional cartridge of .50 caliber or larger and which is designed or made, or any part thereof designed or made, for the purpose of being converted to a firearm which has the capacity to fire more than one shot without renewal of the trigger actuation by a single trigger pull.

(n) "Automatic firearm" means any firearm designed to be fired while being held in one hand.

(o) "Person" means any individual, corporation, company, association, firm, partnership, club or society, including wholesale and retail gun dealers.

(p) "Rifle" means a weapon designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(q) "Shotgun" means a firearm, whether or not it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

628.03. Unlawful Conduct.

(a) No person shall sell, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(b) This section shall not apply to any officer, agent, or employee of this or any other state or the United States, members of the armed forces of the United States, members of the organized militia of this or any other state, and law enforcement officers as defined in division (k) of Section 601.01, to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties. Further, this section shall not apply to the transportation of firearms through the City of Cleveland in accordance with federal law.

628.04. Seizure and Destruction of Assault Weapons. Any assault weapon is hereby declared to be contraband and shall be seized and disposed of in accordance with RC 2933.43.

628.99. Penalty. Whoever violates Section 628.03 is guilty of unlawful possession of an assault weapon, and shall be sentenced to six months imprisonment and fined one thousand dollars ($1,000.00) and no part of said sentence shall be reduced in any manner.

Title VII. Business Regulation

Chapter 674. Handgun Possession and Sale

674.01. Definitions. As used in this chapter:

(a) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel of the receiver or any part of the firing mechanism of such weapon, which is designed to fire one shot at a time, regardless of the number of additional shots that may be fired through the use of a single trigger pull.

(b) "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(c) "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

(d) "Nonresident" means any person who does not have a place of residence within the limits of the City of Cleveland.

(e) Identification card means a handgun owner’s identification card issued pursuant to Section 674.04.

(f) Registration card means a handgun registration card issued pursuant to Section 674.05.

674.02. General Prohibitions.

(a) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification. However, this prohibition shall not apply to any person who is in possession of such handgun on the effective date of this section, and who within a period of thirty days thereafter presents such handgun to the Division of Police, which shall inscribe thereon a serial number pursuant to law.

(b) No person shall receive or possess any handgun unless such person has an identification card issued to him and in effect, and a registration card for each such handgun, except to
the extent that he is exempt pursuant to Section 674.06 from such requirement.

(c) No person shall have on or about his person or use any handgun unless such person has in his possession an identification card issued to him and in effect, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(d) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an identification card valid on its face and issued to the transferee, and a registration card for each such handgun, except to the extent that he is exempt pursuant to Section 674.06 from such requirement.

(e) No person shall use or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this chapter. No person shall knowingly permit his identification card to be used by another to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

674.03. Handguns Confiscated. Any handgun which any person owns or possesses in violation of any provision of this chapter shall, upon conviction of such person, be confiscated and destroyed by the Division of Police, except that any such handgun which has been reported stolen pursuant to Section 674.10 shall be returned to the owner thereof unless possession thereof by the owner would constitute a violation of any provision contained in this chapter.

674.04. Handgun Owner's Identification Card; Application; Prohibitions.

(a) Application for an identification card shall be made in writing, and shall be accompanied by an application fee of fifteen dollars ($15.00) which shall be paid into the treasury of the City, with a separate accounting made for it. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant no sooner than seven (7) days and no more than sixty (60) days after the date of application.

(b) No person owning or possessing any handgun, or proof of former residence in a jurisdiction which does not require the same.

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force, against the person of another within two (2) years before the application for the identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use any handgun, knowing the identification card belongs to another, or knowing it was obtained by means of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by division (d) of this section from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued under division (d) of this section, then that person shall immediately forfeit the card and return it to the Chief of Police. Any and all handguns owned by that person or in their possession shall be confiscated and disposed of by the Division of Police as provided in Section 674.03.

674.05. Registration of Handguns; Application; Fee.

(a) Application for a handgun registration card shall be made in writing by the person claiming to be the owner of the handgun to be registered at any office where identification cards may be issued under Section 674.04. The application shall be accompanied by an application fee of two dollars ($2.00) for each handgun to be registered, which shall be paid into the Treasury of the City. All application forms and applications required to be the owner of the handgun to be registered shall be paid into the treasury of the City, with a separate accounting made for it. If it does not appear upon investigation that the applicant is prohibited by this section from being issued an identification card, the Chief of Police shall issue an identification card to the applicant no sooner than seven (7) days and no more than sixty (60) days after the date of application.

(b) All registration cards issued under this section shall be entitled "City of Cleveland, Ohio, Handgun Owner's Identification Card," be serially numbered according to a system devised by the Chief of Police; bear the date of issue, the date of expiration, the name of the holder, type, caliber, and serial number of the handgun. A copy of each registration card shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief and shall be confidential and shall not be disclosed to unauthorized persons.

(c) An identification card shall expire three (3) years after the birthday of the applicant that follows the date of issue.

(d) An identification card shall not be issued to:

(1) A person now or subsequently prohibited by Section 2923.13 of the Revised Code from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance;

(2) A person under twenty-one (21) years of age;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person who is more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurs within one (1) year before the date of application;

(5) Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force, against the person of another within two (2) years before the application for the identification card.

(e) No person shall knowingly give any false information in making application for an identification card, and no person shall use or attempt to use any handgun, knowing the identification card belongs to another, or knowing it was obtained by means of false information, or when it is void by reason of the holder becoming a member of the class of persons prohibited by division (d) of this section from being issued an identification card.

(f) A possessor of an identification card shall become ineligible to possess such a card if he becomes one of that class of persons to whom an identification card cannot be issued under division (d) of this section, then that person shall immediately forfeit the card and return it to the Chief of Police. Any and all handguns owned by that person or in their possession shall be confiscated and disposed of by the Division of Police as provided in Section 674.03.

674.06. Exemptions.

(a) The following shall be exempt from the provisions of this chapter:

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state of the United States, or any agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry or use handguns and not for the personal use of such individual.

(b) The requirements of an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:

(1) A holder of a dealer's license issued pursuant to Section 674.07.

(2) A nonresident of the City who holds and exhibits upon request a valid permit, authorization or identification issued by the chief of police or the sheriff of his place of residence, to purchase, own, possess, receive, carry or use any handgun. It is provided further that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition.

(3) A new resident of the City, during a period not exceeding thirty days after he becomes a resident. However, such person shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of his former domicile to own, possess, receive or have on or about his person any handgun, or proof of former residence in a jurisdiction which does not require the same.

(4) An executor, administrator, guardian, receiver, trustee in bankruptcy, or other fiduciary duly qualified and appointed by a court of competent jurisdiction, when acting in his fiduciary capacity, or when acting as successor in interest or for the estate, during a period not exceeding thirty days from the date of his coming into possession thereof, but in any event not more than fifteen days after the appointment of an executor, administrator or other fiduciary.

(6) Carriers, warehousemen and others engaged in the business of transportation and/or storage and their employees, to the extent that the possession, receipt or having on or about the person of any handgun is in the ordinary course of business and in conformity with State or Federal laws, but not for the personal use of any such person.

(7) A person owning or possessing any handgun on February 9, 1976, who files an application for an identification card and registration card contained in Sections 674.04 and 674.05 shall not apply to:
A Federally licensed manufacturer of handguns. 

674.07. Handgun Dealer's License; Fee. 

(a) Every dealer in the City shall procure a license to engage in such business. Any dealer engaged in such business at more than one location in the City shall procure a separate license for each such location. 

Application for a dealer's license shall be made in writing at the office of the Chief of Police and shall be accompanied by an application fee of one hundred dollars ($100.00), which shall be paid into the City treasury, with a separate account therefor. If it appears upon investigation that the applicant holds a Federal dealer's license, the Chief of Police shall issue a dealer's license to the applicant within not less than seven days nor more than sixty days from the date of application. A copy of each dealer's license shall be retained by the Chief, together with a copy of the application, which documents shall be maintained on permanent file by the Chief. 

(b) A dealer's license shall remain in effect for one year or until such time as it is revoked, surrendered or the dealer discontinues business as a dealer. Licenses issued pursuant to the provisions of this section are not transferable. 

(c) Notwithstanding the provisions of division (a) hereof, no dealer's license shall be issued to any applicant whose dealer's license has been revoked, nor to any applicant who has been convicted of a violation of any provision of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. The license issued pursuant to this section shall be prominently displayed by every dealer at his place of business. 

(d) The issuance of a dealer's license shall be restricted to locations within a general retail district or a semi-industrial district. Further, a dealer's license shall not be issued to an applicant whose location is within 1,000 feet of a school, church, day care center, liquor establishment or another handgun dealer. 

(e) Ninety days after February 9, 1976, no person, firm or corporation shall engage in business as a dealer in the City without a dealer's license. Each day of continuing violation of this section shall be deemed a separate offense. 

(f) No dealer, or any agent or employee of a dealer, shall fail to comply with this section or knowingly cause any false information to be entered on a record of purchase or sale of any handgun. No purchaser of any handgun shall give any false information for entry on such record of sale. 

674.08. License Revocation. 

(a) When any licensed dealer has been convicted of a violation of any of the provisions of this chapter, the Chief of Police shall revoke the license of such dealer. A certified copy of the order of revocation shall be sent forthwith to the dealer, who may appeal such order or revocation to the Director of Public Safety within ten days from the receipt of the order. The Director of Public Safety shall conduct a hearing upon such appeal within ten days from the receipt of a written notice of appeal from such order or revocation. 

(b) No dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation whose dealer's license has been revoked. 


(a) Every dealer shall maintain records of the purchase and sale of handguns. Such records shall be maintained on forms prescribed by the Chief of Police; contain the name of the dealer; and identify each handgun by manufacturer, model number or name, type, caliber and serial number. If such weapon is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary for such. 

(b) The record of purchase shall also contain the name of the person from whom each handgun was purchased and the serial number of the seller's identification card, if any, and the serial number of the registration card of each handgun. 

(c) The record of sales shall also contain the place and date of the sale; the name, address, age and Social Security number of the purchaser; the serial number of the identification card of the purchaser, if any, or if the purchaser is a nonresident of Cleveland who is exempt from the requirement of such identification card; and the information as is contained in a valid and effective permit, authorization or identification issued at the purchaser's place of residence. 

(d) The record of any sale required to be recorded in this chapter, together with all copies of and applications for identification cards and registration cards. Such records shall be kept in such manner as to record all of the handguns in the ownership and/or possession of all persons who have been issued an identification card or registration card. Such records shall not be deemed public records and shall not be disclosed to unauthorized persons. 

674.10. Stolen or Lost Handguns; Reports. 

Whenever any handgun is stolen or lost, the person possessing thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following: 

(a) Name, address and Social Security number of the person owning or having possession of such handgun; 

(b) Kind of handgun; 

(c) Manufacturer of handgun; 

(d) Model; 

(e) Caliber; 

(f) Handgun registration card number, if any; 

(g) Date and place of theft or loss; 

(h) A complete statement of the facts and circumstances surrounding such theft or loss. 

674.11. Construction and Interpretation. 

Wherever possible the provisions of this chapter shall not be deemed to be in conflict with the provisions of Chapter 627, but wherever possible shall be construed so as to give effect to both chapters. However, when a provision of this chapter conflicts or duplicates a provision of Chapter 627, the proviso that restrictive provision and/or penalties shall control and govern. 

674.99. Penalty. 

(a) Whoever violates any of the provisions of this chapter shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than twelve months, or both. 

Each day such violation is continued or permitted to continue constitutes a separate offense. 

[Codified Ordinances of Cleveland current through Dec. 2010] 

Columbus City Codes

Title 5. Business Regulation and Licensing Code

Chapter 545. Weapons Sales

545.01. Definitions. 

(a) "Weapon" means any instrument, device or thing, capable of inflicting death, and designed or specifically adapted for use as a weapon. 

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable. 

(c) "Section" means License Section, Department of Public Safety, and is further defined in Sections 501.02 and 501.03, C.C.C. 

(d) "Law enforcement officer" means any of the following: 

(1) A sheriff, deputy sheriff, constable, marshall, deputy marshal, municipal police officer, or State highway patrolman. 

(2) An officer, agent, or employee of the State or Federal government, or any of their agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred. 

(e) "Antique firearm" means any firearm manufactured prior to 1899. 

(f) "Curio or collective firearm" means any firearm manufactured fifty (50) or more years ago. 

545.02. Weapon dealer license required. 

(a) No person shall engage in the business of dealing weapons as defined in Section 545.01 (a), Columbus City Code (C.C.C.) without first procuring from the License section, hereafter known as the Section, a weapon dealer license. 

(b) A weapon dealer that deals exclusively in transactions involving firearms that are antiques, curios or collectibles is exempt from the requirement to obtain a weapon dealer license. 

545.03. Weapon dealer license application; license term; fee. 

(a) Application for a weapon dealer license shall be made on forms provided by the Section, shall be made under oath and shall provide the following information and material: 

(1) Full name, residence address, residence telephone number, date of birth, sex, race and social security number of applicant; 

(2) Business name (D.B.A.), address, telephone number if different from above; 

(3) If dealing in firearms, a copy of federal firearm license shall accompany such application. 

(b) All weapon dealer licenses shall expire one year from date of issue. 

(c) The annual license fee shall be one hundred dollars ($100.00) and shall be made payable at time of application. Any refunds shall be made in accordance with Section 501.09(A) and (S), C.C.C. 

Page 383
545.04. Dealer license prohibitions, conditions.
(a) No weapon dealer shall purchase, sell, barter, trade, give away or take possession of an "assault weapon" as defined in Section 2323.011(I), C.C.C. except as provided in Section 2323.05(a).
(b) No weapon dealer shall sell, barter, trade or give away any lawful weapon unless the individual so receiving such weapon is first in possession of a valid Weapon Transaction Permit.
(c) Every person who is licensed to deal in weapons described in C.C.C. 545.02 shall make out and deliver to the Division of Police, every day before the hour of 12:00 noon, a legible and correct report of every sale, gift, or other transaction made under authority of such license, during the preceding twenty-four hours. The report shall contain the date of such transaction; the type of the weapon as described in C.C.C. 545.02; the full name of purchaser, or recipient with (his/her) address and age; dealer name and dealer license number; the serial number, kind, description and price of such weapon; the transaction permit number; and the purpose given by such person for the acquisition of such weapon. The report shall be substantially in the following form:

| Permit number, date of issue; |
| Name, residence or place of business shown thereon, in full view of patrons; |
| Dealer name and dealer license number; |
| Weapon serial number, description; |
| For what purpose acquired; |
| Display of license; |
| Each weapon dealer license shall be prominently displayed at the place of business shown thereon, in full view of patrons.

545.05. Refusal of dealer license application.
(a) The Section may refuse to issue a dealer license if any of the following is found to be true:
   (1) The applicant has made a false statement as to any matter in the application;
   (2) The applicant has not complied with all applicable regulations of this chapter;
   (3) Any other reason for which a license may be refused as provided in Chapter 501, C.C.C.

545.06. Weapon transaction permit required.
(a) No person shall purchase or take possession of any lawful weapon without first procuring from the License Section a valid weapon transaction permit.
(b) No weapon transaction permit shall be issued until at least seven (7) days have elapsed from the date of the permit application.
(c) This section does not apply to transactions involving firearms defined as antiques, curios or collectibles.

545.07. Weapon transaction permit application; permit term, fee.
(a) Application for a weapon transaction permit shall be made on forms provided by the section, shall be made under oath and shall provide the following information and material:
   (1) Full name, residence address, residence telephone number, date of birth, sex, race, and social security number of applicant;
   (2) A current and detailed background review, performed by Columbus Police personnel;
   (3) Fingerprints;
   (4) Type of weapon to be transacted;
   (5) Any other information or material required by the rules and regulations promulgated by the safety director under this section.

(b) All transaction permits expire thirty (30) days from date of issue.
(c) The transaction permit fee shall be ten dollars ($10.00) and shall be made payable at time of application. Any refunds shall be made in accordance with Section 501.09(A) and (B), C.C.C.
(d) Sections (a)(2) and (c) above shall not apply to law enforcement officers as defined in Section 545.01, C.C.C.

545.08. Refusal of weapon transaction permit.
(a) The section shall refuse a weapon transaction permit to the following individuals:
   (1) Those having made any false statement as to any matter in their application;
   (2) Those under the age of eighteen (18) years;
   (3) Those under twenty-one (21) years of age, unless such individual is at least eighteen (18) years of age and wishes to purchase a shotgun or semiautomatic firearm.
   (4) Those convicted of any "offense of violence" as defined in Section 2901.01(I) of Ohio Revised Code, or any felony offense, within the last ten (10) years;
   (5) Those under disability as defined in 2923. 13 ORC, who have not been relieved from such disability within five (5) years from date of issue;
   (6) Any other reason for which a license may be refused as provided in Chapter 501, C.C.C.

545.09. License, permit revocation.
(a) Licenses and permits issued under this chapter may be revoked by the License Supervisor for any one or more of the following reasons:
   (1) Fraud, misrepresentation or bribery in securing a license or during the course of business;
   (2) Violation of any provision of this or any other applicable City, State or Federal statute, rule or regulation;
   (3) And, any of the reasons which could have been applied for refusing to issue the original license or permit as provided in this chapter or Chapter 501, C.C.C.

545.10. Application investigation. The section shall examine all applications filed under this chapter and shall make, or cause to be made, any further investigation as is deemed necessary in order to perform duties prescribed by this chapter, as well as by Chapter 501, C.C.C.

545.11. License, permit appeals. Any individual or organization who has been refused a license or permit, or renewal of a license or permit under this chapter, has had a license or permit issued under this chapter suspended or revoked, may appeal such decision as provided by Chapter 505, C.C.C.

545.12. Transfer of license, permit. No license or permit issued under this chapter shall be assigned or transferred by the named licensee or permittee to any other individual or organization.

545.13. Exemptions. This chapter shall not apply to:
   (a) Any individual redeeming or removing from deposit or pledge, with proper proof of ownership, their own weapon.
   (b) Any feature capable of functioning as a firearm.
   (c) Any feature capable of functioning as a firearm.
   (d) Any feature capable of functioning as a firearm.

545.99. Penalties.
(a) Whoever violates or fails to comply with Section 545.04(a), (b), (c); 545.06(a), (b); or 545.12 shall be deemed guilty of a misdemeanor of the first degree.
(b) Whoever violates or fails to comply with Section 545.04(d) shall be deemed guilty of a misdemeanor of the fourth degree.

Title 23. General Offenses Code
Chapter 2323. Attempt; Complicity; Weapons Code
2323.11 Definitions. As used in Chapter 2323 of the Columbus City Codes:
(A) "Weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.
(B)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.
(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
(C) "Handgun" means any firearm designed to be fired while being held in one hand.
(D) "Semiautomatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
(F) "Assault weapon" means any semiautomatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long rifle cartridges.
(G) "Detachable magazine" means a box, drum, clip or other container which holds more than twenty rounds of ammunition to be fed continuously into a semiautomatic firearm, except a magazine designed to hold only .22 caliber rimfire cartridges.
(H) "Receiver" means that part of a firearm also referred to as the frame, which houses the firing mechanism and which is usually threaded at its forward portion to receive the barrel.
(I) "Thumbhole stock" means a stock with a hole through it to accommodate the thumb of the trigger hand.
(J) "Muzzle brake" means a device attached to the muzzle of a firearm that utilizes escaping gas to reduce recoil.
(K) "Muzzle compensator" means a device attached to the muzzle of a firearm that utilizes escaping gas to control muzzle movement.
(L) "Assault weapon" means any:
   (1) Semi-automatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:
      (a) A pistol grip that protrudes conspicuously from the forward portion of the receiver of the weapon;
      (b) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
      (c) A folding, telescoping or thumbhole stock;
      (d) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the
non-trigger hand without being burned, but excluding a slide that encloses the barrel; or

(b) A muzzle brake or muzzle compensator;

(2) Semi-automatic pistol with a fixed magazine, or any semi-automatic, centerfire with a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;

(3) Semi-automatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(a) Any feature capable of functioning as a protruding grip than can be held by the non-trigger hand;

(b) A folding, telescoping or thumbhole stock;

(c) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;

(d) A muzzle brake or muzzle compensator;

(e) The capacity to accept a detachable magazine at any location outside of the pistol grip;

(4) Semi-automatic shotgun that has two or more of the following:

(a) A pistol grip that protrudes conspicuously beneath the receiver of the weapon;

(b) A folding, telescoping or thumbhole stock;

(c) A fixed magazine capacity in excess of five standard two and three quarters inch, or longer, rounds; or

(d) An ability to accept a detachable magazine;

(5) Shotgun with a revolving cylinder;

(6) Conversion kit or combination of parts from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person.

(M) Assault weapon does not include any antique firearm or any firearm that has been modified to either render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(N) "Antique firearm" means any firearm manufactured prior to 1898.

(O) "Curio or collectible firearm" means any firearm manufactured fifty (50) or more years ago.

2323.15. Using weapons while intoxicated.

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance as defined in Section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor.

2323.19 Failure to secure dangerous ordnance.

(A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by an unauthorized or incompetent person;

(2) To insure the safety of persons and property.

(B) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

(C) As used in this section, dangerous ordnance has the same meaning as used in Section 2923.11 of the Revised Code.

2323.20 Unlawful transactions in weapons.

(A) No person shall:

(1) Knowingly exhibit for sale in a show window any firearm;

(2) Sell a firearm to another person unless a permit has been issued pursuant to Chapter 545 of the Columbus City Codes.

(3) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(4) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm in such person's possession or under his control;

(B) The Safety Director shall have the power to promulgate rules and regulations, including permit fees, regarding application for, and issuance of, firearm purchase permits.

(C) This section does not apply to transactions involving firearms defined as antiquities, curios, or collectibles.

(D) Whoever violates any provision of this section is guilty of unlawful transactions in weapons. Violation of Division (A)(1) or (A)(4) of this section is a misdemeanor of the first degree. Violation of Division (A)(3) of this section is misdemeanor of the second degree. Violation of Division (A)(2) of this section is a misdemeanor of the third degree.

2323.21 Improperly furnishing firearms to a minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2323.31 Unlawful possession of assault weapons.

(A) No person shall, offer or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

(B) This section does not apply:

(1) To law enforcement officers of the United States, this State, this City, and members of the armed forces of the United States or this state if such person is authorized to acquire or possess an assault weapon and is acting within the scope of his duties;

(2) To the transportation of firearms through the State of Ohio in accordance with federal law.

(3) To the possession of an assault weapon by any person who lawfully owns and possesses that assault weapon prior to the effective date of the ordinance enacting this paragraph, provided that the person complies with all of the following:

(i) Within ninety (90) days of the effective date of the ordinance enacting this paragraph, the owner of the assault weapon must file a completed registration form with the License Section of the department of public safety, which form shall be prescribed by the director and which shall require the following information be provided:

(a) The owner's name and address.

(b) The make, model, and serial number of the assault weapon(s) being registered, and

(c) A statement by the owner, sworn to before a notary public, that the information provided on the form is complete and accurate and that the owner is in compliance with all applicable federal and state of Ohio statutes and regulations regarding the ownership and possession of the firearm(s) being registered;

(4) Except as otherwise provided in this section, the owner of an assault weapon registered pursuant to this paragraph shall not sell, give, lend or transfer ownership of a registered assault weapon;

(5) To the transfer to and possession of an assault weapon by a licensed gunsmith for purposes of service to or repair of the firearm, and the transfer of the assault weapon from the gunsmith to the assault weapon's lawful owner;

(6) To the sale or transfer of an assault weapon by a firearms dealer that is properly licensed under federal, state and local laws to any branch of the armed forces of the United States, or to a law enforcement agency for use by that agency or its employees for law enforcement purposes, and to the acquisition and possession of an assault weapon by the licensed firearms dealer for the purpose of such sale or transfer;

(7) To the possession of an assault weapon by any person while the person is either:

(a) Lawfully engaged in shooting while at a shooting range that is operating in accordance with all applicable laws and regulations and that has obtained all licenses, permits, and insurance coverage required for that operation;

(b) Lawfully participating in a competitive sporting event that is officially sanctioned by USA Shooting, which is the national governing body for Olympic shooting competition in the United States, or by the Civilian Marksmanship Program, which is the program that was created by the United States Congress and that is supervised and controlled by the Corporation for the Promotion of Rifle Practice and Firearms Safety pursuant to 36 U.S.C. Sec. 40701, et seq.;

(8) To any person who receives an assault weapon as the result of the lawful distribution of a decedent's property by will or intestate succession, provided that, within ninety (90) days of acquiring possession of the weapon, that person shall either:

(a) Return the assault weapon from the city of Columbus;

(b) Render the assault weapon permanently inoperable or to permanently make it a device no longer defined as an assault weapon; or

(c) Relinquish the assault weapon to the Columbus division of police for destruction.

(C) Whoever violates this section is guilty of unlawful possession of assault weapons, a misdemeanor of the third degree. If the offender has previously been convicted under this section, upon the second conviction the Court shall impose a sentence of imprisonment of at least thirty days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that thirty day period. If the offender has twice previously been convicted under this section, the court shall impose a sentence of imprisonment of at least ninety days, which sentence is mandatory and may not be suspended, modified, or subject to probation during that ninety day period.

2323.32 Unlawful possession of a large capacity magazine.

(A) No person shall knowingly possess a large capacity magazine.

(B)(1) This section does not apply to law enforcement officers of the United States, this
State, or City, and members of the armed forces of the United States or this state, if such person is authorized to possess such large capacity magazine and is acting within the scope of his duties.

(2) This section does not apply to a large capacity magazine which belongs to a firearm or which is possessed by the owner of a firearm which is registered with federal authorities under the National Firearms Act (26 U.S.C.A. Secs. 5801-5871), or if the large capacity magazine belongs to or is a part of an assault weapon that is lawfully possessed by the person under Section 2323.31(B) or has been rendered totally inoperable or inert and the firearm cannot be readily rendered operable or activated and which is kept as a trophy, souvenir, curio or museum piece.

(C) Whoever violates this section is guilty of unlawful possession of a large capacity magazine, a misdemeanor of the first degree.

[Columbus City Codes current through Ordinance 1785-2010, passed December 13, 2010]

Code of Ordinances, City of Dayton

Title XIII. General Offenses

Chapter 138. Weapons and Explosives

Division 1. General Provisions

138.01. Definitions. For the purpose of §§ 138.01 to 138.09, the following words and phrases shall have the following meanings ascribed to them:

**Automatic firearm.** Any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. Also any semiautomatic firearm designed or specially adapted to fire more than 18 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

**Dangerous ordnance.** Any of the following:

1. Any automatic or sawed-off firearm, or zip gun;
2. Any explosive device or incendiary device;
3. Nitroglycerin, nitrocellulose, nitroarach, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, trinitrotol, tetrytol, pentolite, peceotide, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brittleness or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
4. Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

**Dangerous ordnance.** Does not include any of the following:

1. Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;
2. Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;
3. Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
4. Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (C)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small arms or small arms ammunition;
5. Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece;
6. Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

**Deadly weapon.** Any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

**Explosive device.** Any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

**Firearm.** Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

**Handgun.** Any firearm designed to be fired while being held in one hand.

**Incendiary device.** Any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

**Sawed-off firearm.** A shotgun with a barrel less than 18 inches long, or a rifle with a barrel less than 16 inches long, or a shotgun or rifle less than 26 inches long overall.

**Semiautomatic firearm.** Any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

**Zip gun.** Any of the following:
1. Any firearm of crude and extemporized manufacture;
2. Any device, including, without limitation, a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;
3. Any included tool, signaling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

138.03. Using weapons while intoxicated.

(A) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.
(B) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

138.05. Failure to secure dangerous ordnance.

(A) No person, in acquiring, possessing, carrying, using, or operating any dangerous ordnance shall negligently fail to take proper precautions:
1. To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
2. To insure the safety of persons and property.
(B) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

138.06. Unlawful transactions in weapons.

(A) No person shall:
1. Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;
2. When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire such dangerous ordnance pursuant to § 138.05 of this Code or R.C. § 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
3. Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsection (A)(1) or (2) of this section is a misdemeanor of the second degree. Violation of subsection (A)(3) of this section is a misdemeanor of the fourth degree.

138.07. Improperly furnishing firearms to a minor.

(A) No person shall:
1. Sell any firearm to a person under age 18;
2. Sell any handgun to a person under age 21;
3. Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

Division 2. Firearm Owner's Identification Card

138.10. Definitions. For the purpose of §§ 138.10 to 138.23, the following words and phrases shall have the following meanings ascribed to them respectively:

**Firearm.** Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can be easily restored to an operable condition.

**Nonresident.** Any person who does not have an actual place of residence in the city.

**Offense of violence.** Any violation as defined by R.C. § 2901.01(I)(1)-(4).
Possess. To knowingly carry or have a firearm on the person or ready at hand.

Resident. Any person who has an actual place of residence in the city.

138.11. Firearm owner's identification card required.

(A) No person shall possess any firearm, unless such person has a firearm owner's identification card issued to him/her and in effect under § 138.13, or is exempt from the requirement of an identification card under § 138.22, or is on a duly licensed and suitable firing range.

(B) No person shall sell, deliver, transfer, or furnish any firearm to any person, unless the transferee exhibits a firearm owner's identification card valid on its face and issued to the transferee under § 138.13, or unless the transferee exhibits evidence that he/she is exempt from the requirement under § 138.22. (C) No person shall sell, deliver, transfer, or furnish any firearm pursuant to § 2923.13 from obtaining, possessing, carrying, or using a firearm, and has not had such disability removed according to R.C. § 2923.14; (D) Failure to appear within the 90-day period shall void the application, but shall not bar a subsequent application.

(A) No person shall use or attempt to use a firearm owner's identification card to obtain any firearm, knowing such identification card to belong to another, or knowing it was obtained by the bestowal of a firearm owner's identification card number and date of issuance of the card, or, if such card is not issued, with the reasons therefore and the date.

138.13. Issuance of card; forfeiture.

(A) If the applicant for a firearm owner's identification card is not a person prohibited by § 138.14 from being issued such card, the Director and Chief of Police shall notify the applicant of the approval of the issuance of such card not less than five nor more than 20 days from the date of the application by certified mail, return receipt requested, mailed to the applicant at the address stated in the application.

(B) The applicant must personally appear for the issuance of the firearm owner's identification card within 90 days after receipt of notice of approval, above, and following the provisions of subsection (C) of this section. If a person fails to surrender his/her firearm owner's identification card within 15 days after notice is sent, it may be seized by the police officers and any firearm as defined by § 138.10(A) of this chapter possessed by the person at the time may be seized.

138.14. Persons not eligible for firearm owner's identification cards. A firearm owner's identification card shall not be issued to:

(A) Any person who has been convicted of any offense in violation of §§ 138.02, 138.03, 138.04, 138.05, 138.06, 138.07, 138.08, 138.09, or the state equivalent of such offenses.

(H) Any nonresident of the City of Dayton, Ohio.

138.16. Contents of card. All cards issued under this section shall be entitled "City of Dayton Firearm Owner's Identification Card." They shall be serially numbered, shall bear the date of issue, the name of the issuing authority, and the name, home address, race, sex, ethnicity, birth date, height, weight, hair and eye color, social security number, a full face photograph of the holder, and signature of the holder. The firearm owner's identification card shall state that it is a permit to carry a firearm. The card will also state that no person shall sell a handgun to the holder of such card if the holder is under the age of 21 years.

138.17. Expiration and renewal of card.

(A) A firearm owner's identification card expires three years after the holder's first birth date after issuance, and may be renewed for subsequent three-year periods by following the application procedure. The fee for a renewal application shall be $15.00, none of which shall be refunded if such application is denied.

(B) Any holder of a current, valid, "Handgun Owner's Identification Card" shall be granted all rights and privileges set forth in § 138.11. "Firearm Owner's Identification Card," and upon expiration of the handgun owner's identification card may renew the application, pay the above fee, and be issued a new firearm owner's identification card provided he/she is not ineligible as stated in § 138.14.

138.18. Form of application and card. The Director and Chief of Police shall design and prescribe the form for the application and for the firearm owner's identification card consistent with §§ 138.12 and 138.16, and shall make available a supply of such forms to each person requesting an application.

138.19. Person exempt. The requirements of a firearm owner's identification card contained in §§ 138.10 to 138.23 do not apply to the following:

(A) Officers or agents of the United States or any state or any political subdivision, department, or agency, or members of the organized militia of any state, or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of such person require him/her to obtain, possess, carry, or use firearms.

(B) Any private investigator or security guard that: (1) Has successfully completed a basic firearm training program at a training school approved by the Ohio Peace Officer Training Council, and;

(2) Has been requested, and received, a class A, B, or C license from the Ohio Department of Commerce, and;

(3) (a) Has a notation on his/her Private Investigator/Security Guard Provider Identification Card, issued by the Ohio Department of Commerce, Division of Licensing, that he/she is a firearm-bearing (FAB) specifically enumerating
the type of firearm he/she is qualified to carry and carries the identification card whenever he/she carries a firearm in the course of engaging in the business of private investigation and/or security services, and;

(b) If the firearm-bearer (FAB) date has expired, a new FAB date shall be affixed on the firearm so that it is in effect while engaging in the business of private investigation and/or security services.

(4) No private investigator or security guard shall be considered a law enforcement officer for any purpose.

(5) Nothing in this section shall be construed as granting the right to carry a concealed weapon.

(C) Importers, manufacturers, and dealers licensed under federal law, to the extent that the acquisition, possession, carriage, or use of any firearm is in the ordinary course of business;

(D) Carriers, warehoused, and others engaged in the business of transporting or storing firearms, and their agents or employees, to the extent that possessing any firearm by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States;

(E) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity, and their attorneys;

(F) Heirs and legatees coming into possession of any firearm through distribution of an estate and other persons other than those persons named in subsection (E) acquiring any firearm through operation of law, during a period not exceeding 30 days from the date of their coming into possession of such firearm;

(G) Nonresidents of the city moving to the city for the purpose of establishing residence there-in, during a period not to exceed 30 days of their entry into the city for such purpose;

(H) Nonresidents of the city who enter the city for a period not to exceed 30 days with a firearm or firearms for the purpose of exhibiting or trading a firearm or firearms at a public firearm display, show, or exhibition. However, the firearm or firearms shall be unloaded at all times and must be kept unloaded except when at such display, show, or exhibition;

(I) Nonresidents of the city who enter the city for a period not to exceed 30 days for the purpose of participating in an organized and sanctioned firearm match; provided, that any firearm shall be unloaded and encased except while participating in such firearm match.

138.23. Nonapplicability of §§ 138.10 to 138.22. The provisions of §§ 138.10 to 138.22 shall not apply to the following:

(A) Any firearm which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any firearm which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade;

(B) Any device used exclusively for signaling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission;

(C) Any device used exclusively for firing of stud cartridges, rivets, or nails, and designed for industrial applications;

(D) Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions; provided, that such gun is so constructed as not to be readily convertible to the firing or projectiles.

Division 3. Assault Weapons

138.24. Definitions. For the purposes of §§ 138.24 to 138.27 the following words and phrases shall have the following meanings ascribed to them respectively:

Assault weapon means:

(1) Any rifle or carbine.

(a) With a detachable magazine capable of containing more than ten rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than ten rounds of ammunition, or;

(c) Which is a modification of a rifle or carbine as defined in § 138.04(a) or (b), above, so as to be able to be fired while being held in one hand.

(2) Any shotgun:

(a) With a detachable magazine capable of containing more than six rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than six rounds of ammunition.

(3) Any handgun:

(a) With a detachable magazine capable of containing more than 20 rounds of ammunition, either inserted into the weapon or readily accessible, or;

(b) With a permanent magazine capable of containing more than 20 rounds of ammunition.

(4) Any firearm which may be easily restored to an operable condition as defined in subsection (A)(1), (A)(2), or (A)(3);

(5) A rifle/carbine magazine, capable of containing more than six rounds of ammunition;

(6) A handgun magazine, capable of containing more than 20 rounds of ammunition, or;

(7) A shotgun magazine capable of containing more than six rounds of ammunition.

138.25. Prohibitions. No person shall sell, offer, or display for sale, give, lend or transfer ownership of, acquire or possess any assault weapon.

138.25.1. Persons exempt. Nothing in this section shall apply to any officer, agent, or employee of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers as defined in R.C. § 2901.01(K) to the extent that any such person is authorized to acquire or possess an assault weapon and is acting within the scope of his/her duties.

138.25.2. Safe passage. The prohibition against possessing an assault weapon(s) shall not apply when it is being transported through the City of Dayton, if such transportation is being made in accordance with 18 U.S.C. § 926A.

138.26. Seizure and destruction of assault weapons. Any assault weapon is hereby declared to be contraband and shall be seized and disposed of as authorized by law.

138.27. Penalty. Any person who violates any provision of §§ 138.25 to 138.27 shall be guilty of a misdemeanor of the first degree. Each calendar day that any violation of § 138.25 is repeated or continued shall constitute a separate offense. If any person who violates any provision of § 138.25 was, at the time of the commission of such offense, also committing any drug offense, he or she shall be sentenced to serve the maximum term of imprisonment, to wit: 180 days. In addition, the offender shall be fined the maximum fine permitted, to wit: $1,000.00. These terms of imprisonment and fine are mandatory, shall not be suspended, and must be imposed by the court.


[City of Dayton Revised Code current through Ordinance 31050-10 passed Dec. 29, 2010]
549.01. Definitions. As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(c) "Handgun" means any firearm designed to be fired with one hand; or any firearm which has a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(d) "Semi-automatic firearm" means any fire- arm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially adapted to fire more than twenty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Shotgun" means any firearm which, in its actual condition, can readily be rendered operable.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture,

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signaling device or safety device, not designed as a firearm, but which is specially adapted to be used as such.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Dangerous ordinance" means any of the following, except as provided in subsection (k) hereof:

(1) Any automatic or sawed-off firearm, or zip-gun,

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetroyl, pentolite, perecotol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient Brenda or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition therefor;

(5) Any firearm muffer or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordinance.

(k) "Dangerous ordinance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type designed in subordinate to (k)(3) hereof for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in acceptance prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a propellant or other propellant device, or components, or ammunition therefor unless such firearm is an automatic or sawed-off firearm;

(l) "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through the propellant charge of such shotshell, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small arms ammunition;

(m) "Rifle" means any weapon designed or designed, made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for single single pull of the trigger.

(n) "Fixed place of business" means an establishment of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

(o) "Unencased" means not enclosed in a case, container or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

(p) "Loaded" means any pistol, revolver, rifle, shotgun or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel or cylinder or clip attached thereto.

(q) "Unloaded" means any pistol, revolver, rifle, shotgun or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

(r) "Firearms dealer" means any person, firm or corporation engaged in the business of selling or transferring firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(s) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(t) "Resident" means any person who has a factual place of residence within the limits of the City.

(u) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(v) "Minor" means any person under the age of twenty-one years.

(w) "Director of Public Safety" means the Director of Public Safety or his or her designee.

(x) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

Certain semi-automatic firearms" means any of the following:

(A) A semi-automatic rifle less than forty-two inches in overall length that has an ability to accept a detachable magazine and has at least two of:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(v) a grenade launcher;

(B) a semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of:

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-triger hand without being burned;

(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

(v) is known by the person charged at the time of the offense to be a semi-automatic version of an automatic firearm.

(C) A semiautomatic shotgun that has at least two of:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of 5 of the 2.5 inches standard rounds; and

(iv) an ability to accept detachable magazine.

549.03. Using weapons while intoxicated.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.
to the requirement of an identification card pursuant to Section 549.10.

(b) Application for a handgun owner's identification card shall be made in writing under oath to the Chief of Police of the City, and shall be accompanied by a copy of said identification card issued pursuant to Section 549.09.

(c) Any person shall or attempt to use his handgun owner's identification card to obtain any handgun for any person who does not have a handgun owner's identification card issued to him and in effect pursuant to this section and is not exempt from the requirement of an identification card pursuant to Section 549.10, and no person shall knowingly permit any identification card to be used by any person to purchase, own, possess, receive, have on or about the person or use any handgun or handgun ammunition.

(2) If for reasons set forth in this chapter, an applicant is denied a handgun owner's identification card, such applicant may appeal such order to the Director of Public Safety within ten days from the receipt of a notice of such refusal. The Director of Public Safety shall conduct a hearing upon such appeal within thirty days from the receipt of a notice of appeal in writing from such order of refusal. If for reasons set forth in this chapter, an applicant is denied a handgun owner's identification card who, at the time of denial of such a card, is an applicant for a handgun owner's identification card, the applicant shall, either within thirty days from the date of denial of such handgun owner's identification card, or if an appeal is filed by such applicant to the Director of Public Safety, within thirty days from the date of receipt of an affirmation of such order of refusal by the Director of Public Safety, dispose of such handgun pursuant to the provisions of Section 549.11.

(h) A possessor of a handgun owner's identification card shall become ineligible to possess such a card if he becomes one of that class of persons set forth in subsection (d) hereof, and he shall thereupon immediately forfeit such card and return the same to the Chief of Police, and he shall within thirty days from the date of forfeiture dispose of any handguns in his possession pursuant to the provisions of Section 549.11.

(i) A nonresident of the City who owns, manages or operates a business within the City, or whose official duties require him to own, possess or have on or about his person a handgun during the hours of his employment within the City, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(j) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

549.10. Handgun identification card exemptions.

(a) The requirements of a handgun owner's identification card contained in Section 549.09 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state of the United States, or any political subdivision, department or agency of such state;

(2) Officers or agents of any state or the United States or any political subdivision, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree.

549.05. Failure to secure dangerous ordnance.

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance or deadly weapon shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance or deadly weapon against theft, or against its acquisition or use by any unauthorized or incompetent person.

(2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree.

549.06. Unlawful transactions in weapons.

(a) No person shall:

(1) Sell, transfer, barter, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, knife, switchblade, switchblade knife, springblade knife, gravity knife or similar weapon;

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree.

549.07. Improperly furnishing firearms to a minor.

(a) No person shall:

(1) Sell, transfer, barter, possess for sale, sell any handgun to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

(b) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

549.08. Fireams confiscated.

Any firearm seized by a police officer upon the arrest of any person, firm or corporation charged with a violation of any provision of this chapter shall, upon conviction of such person, firm or corporation, be ordered confiscated by the Municipal Court of the City, and such firearm shall be turned over to the Department of Police Operations for disposal, except that any firearm so seized which has been reported stolen shall be returned to the lawful owner thereof.

549.09. Handgun identification card; fee.

(a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant

Page 390
him to purchase, own, possess, receive, carry or use handguns.

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State; provided that such persons are not prohibited by the provisions of Section 549.09 and Ohio R.C. 2923.13, and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded from public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof;

(5) Nonresidents of the City, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of coming into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

(b) No person shall purchase or attempt to purchase or otherwise obtain, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.

549.11. Handgun transfer restrictions.

(a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferee exhibits a handgun owner's identification card valid on its face, issued to the transferee pursuant to Section 549.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face, issued to the transferee pursuant to Section 549.09, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 549.10.

(c) Any person in possession of a handgun who has been convicted of a violation of any provision of this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

(d) As used in this section the term "wholesale distributor" shall be an individual, partnership or corporation, selling only to licensed dealers and not at retail or otherwise to individual consumers.

(e) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

549.12. Dealer's license.

(a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at an organized and sanctioned pistol match in this City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 549.13 the Chief of Police shall authorize the issuance of a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this chapter, until the expiration of five years from the effective date of such revocation or five years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications for a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

549.13. Dealer's license fee.

(a) Every firearms dealer shall be good and considered to be in full force and effect until such time as the license is revoked or surrender or the licensee discontinues the business of being a gun dealer. Licenses issued pursuant to the provisions of this chapter are not transferable.

(b) No firearms dealer whose license has been revoked pursuant to this section shall engage in business as a firearms dealer in this City for a period of five years from the effective date of such revocation. Each day of continuing violation shall be deemed a separate offense.

(c) No firearms dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation, whose place of business has been revoked pursuant to the provisions of this section.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.


(a) Every firearms dealer shall maintain a record of the sale of handgachsen. Such record of sale shall contain the name of the firearms dealer, the place and date of the sale; the name, address, and Social Security number of the purchaser; and shall identify such handgun by manufacturer, model, number or name, type, caliber and serial number. If such weapon does not bear, within a year from the date of manufacture, a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it. The record of sale shall include the serial number of the identification card of the purchaser issued pursuant to Section 549.09, or if the purchaser is a nonresident of Toledo, such information as is contained in a valid permit, authorization or identification as may be required by the laws of the residence of the purchaser, or valid permit, authorization or identification issued by the Chief of Police, or if the sheriff of the county in which the sale is made, or if the dealer is engaged in the business of transporting or storing firearms, and the salesperson and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer and the information to the record of sales of all firearms required to be kept pursuant to the provisions of the Federal Firearms Act. In the case of a wholesale distributor, its records shall be made available at all times in lieu of the foregoing.

(e) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

549.15. Revocation of license.

(a) Any firearms dealer who has been convicted of a violation of any provision of this chapter, the Chief of Police shall revoke the license of such firearms dealer. A certified copy of the order of revocation shall be sent forthwith to the Chief of Police, to the defendant, and to the Director of Public Safety.

(b) No firearms dealer whose license has been revoked pursuant to this section shall engage in business as a firearms dealer in this City for a period of five years from the effective date of such revocation. Each day of continuing violation shall be deemed a separate offense.

(c) No firearms dealer shall employ, or enter into any partnership or corporation with any person, firm or corporation, whose place of business has been revoked pursuant to the provisions of this section.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.


(a) No person, unless exempted by any provision of this chapter, shall transport in any vehicle in or upon the streets or other public places of the City, any handgun without having in his pos-

Page 391
session an identification card required by the provisions of this chapter, or if a nonresident, an identification card, permit or authorization issued by the proper authorities of his residence, and provided further that the handgun shall at all times be unloaded and encased.

(b) Any person who violates this section is guilty of a misdemeanor of the first degree.

549.17. Stolen or lost firearms.

(a) Whenever any firearm is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report thereof to the Chief of Police showing the following:

(1) Name and address of the person owning or having possession of such firearm.
(2) Kind of firearm.
(3) Serial number.
(4) Model.
(5) Caliber.
(6) Manufacturer of firearm.
(7) Date and place of theft or loss.
(8) A complete statement of the facts and circumstances surrounding such theft or loss.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

549.21. Exemptions.

(a) The provisions of this chapter shall not apply to officers or agents of any State or of the United States, or any political subdivision, division or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to carry, be in possession of, or have on or about his person any such firearm or weapon, nor to a person whose terms of employment require him to carry, possess or have on or about his person during the hours of his employment such firearm or weapon; nor to the members of a color guard, military unit or marching unit, while such color guard, military unit or marching unit is participating in a duly authorized parade, athletic event, funeral or while so participating in such other civic events and functions in which the flag of the United States is displayed, provided, however, that any firearms borne by members of any such color guard, military unit or marching unit while so participating in such events shall at all times remain unloaded.

(b) Nothing in this chapter shall be construed to limit, restrict or modify the legitimate use of firearms as provided by the laws of the United States, or of the State of Ohio, nor shall it be construed to restrict, limit, prohibit or modify the conduct of legitimate business with manufacturers, wholesale dealers and retail dealers of firearms licensed by the Federal Government, or retail dealers of firearms licensed by the City, or with or by persons, firms or corporations engaged in the business of repairing, altering, assembling, cleaning, polishing, engraving or trueing or who perform any mechanical operation upon any firearm.

549.22. Failure to secure firearms.

(a) Except as provided in this section, no person shall knowingly store or leave a loaded firearm, or an unloaded firearm, or a firearm, ammunition, or any other firearm or ammunition in any location where the person knows or reasonably should know that any person under eighteen years of age is likely to gain possession of such firearm.

(b) Section (a) shall not apply to:

(1) Any firearm which has been secured with a locking device which was designed to prevent the firearm from discharging;
(2) Any firearm which has been stored securely in a manner that could reasonably be expected to prevent persons under eighteen years of age from gaining possession of the firearm;
(3) Any firearm possessed by a person under eighteen years of age for target shooting, hunting or other lawful purpose if the person under eighteen years of age is, at all times that such person possesses the firearm, supervised by a person older than eighteen years of age;
(4) Any firearm controlled by a person between sixteen and eighteen years of age, by or with the consent of such person's parent or guardian, for the purpose of lawful hunting, or target shooting, if the person giving control of such firearm to the person between sixteen and eighteen years of age intends to use the firearm solely for the purpose of lawful hunting or target shooting;
(5) A firearm which a person under eighteen years of age possessed by entering property in violation of law and removing the firearm in violation of law;
(6) A firearm which a person under eighteen years of age possessed by a person under eighteen years of age possessed by such person in the lawful defense of his person, property or family.
(c) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height: "IT IS UNLAWFUL TO STORE OR LEAVE AN UNLOCKED FIREARM WHERE A PERSON UNDER 18 IS LIKELY TO OBTAIN POSSESSION OF IT."

(b) (d) (1) Whoever violates Subsection (a) hereof is guilty of a misdemeanor of the first degree.
(2) Whoever violates Subsection (c) hereof is guilty of a minor misdemeanor.

549.23. Possession of certain semi-automatic firearms prohibited, large capacity magazines prohibited, Acknowledgement Form.

(a) No person shall knowingly sell, deliver, rent, lease, display for sale, transfer ownership or possess certain semi-automatic firearms in the City of Toledo.
(b) No person shall knowingly possess a detachable ammunition magazine loaded with more than ten (10) rounds of ammunition.
(c) This section shall not apply to any assault weapons or any detachable ammunition magazines loaded with more than ten (10) rounds possessed or used by a law enforcement officer or law enforcement agency as provided for in Section 549.21, or any detachable ammunition magazine loaded with more than ten (10) rounds which was purchased by a Toledo Police Patrol Officer pursuant to Section 2129.30 or a Toledo Police Command Officer pursuant to Section 2109.88.
(d) It shall be an affirmative defense to prosecution under this section that either:
(1) At the time of violation the offender possessed a Toledo Certain Semi-Automatic Firearms Prohibited Acknowledgement Form describing by make, model and serial number the firearm(s) which would otherwise be unlawful to possess under this section and which form was signed by the person charged with the violation and acknowledgement before a Notary Public on or before the effective date of this section;
(2) The offender has not destroyed the federal form 4473 showing proof of purchase date prior to the enactment of this ordinance and signed by the current possessor.
(3) That the proof of date of ownership or purchase provisions of (d)(1) or (d)(2) apply and the offender is an immediate family member of the person indicated as the owner of the firearm and is not otherwise prohibited from possessing firearms.
(e) Any person who acquires ownership of a prohibited semi-automatic firearm by inheritance or otherwise by operation of law shall not be in violation of this ordinance if the person takes possession of such prohibited semi-automatic firearm solely for the purpose of disposing of it, rendering it permanently inoperable, or permanently making it a devise no longer classified as a prohibited semi-automatic firearm.
(f) Any person who otherwise is not prohibited from firearms ownership and who acquires ownership of a certain semi automatic firearm that is "grandfathered" by the provisions of section 549.23(d)(1) or (d)(2) by inheritance from an immediate family member (grandparent, parent, spouse, son, daughter, brother or sister) shall not be in violation of this ordinance so long as they complete a Toledo Certain Semi-Automatic Firearms Prohibited Acknowledgement Form within 60 days of acquiring ownership.

(b) (g) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

549.25. Certain handguns prohibited.

(a) The possession or sale of handguns with the following characteristics is prohibited:
(1) A revolver or single shot handgun which:
(a) Has an overall frame length with conventional grips, not measured diagonally of less than 5 ½ inches;
(b) Has a barrel length of less than 3";
(c) Fails to pass a safety test as follows: A Double Action Revolver must have a safety mechanism which automatically (or in a Single Action Revolver by manual operation) causes the hammer to recock to a point where the firing pin does not rest upon the primer of the cartridge or when not in lawful use an external locking or safety device which prevents the firearm from discharging; or
(d) Fails to achieve a score of forty-five (45) points as set forth in Appendix "A" of this chapter;
(2) A semiautomatic handgun which:
(a) Does not have a positive manually operated safety device or a double action trigger pull; or when not in lawful use an external locking or safety device which prevents the firearm from discharging; or
(b) Has a combined length and height of less than 10" with the height (right angle measurement to barrel) without any magazine or extension) being at least 4" and the length being at least 6";
(c) Fails to achieve a score of seventy-five (75) points as set forth in Appendix "A" of this chapter.
Title 21. Crimes and Punishments
Chapter 53. Manufacturing, Selling and Wearing Weapons

1271.1. Detention or arrest of person under 18 years—Confiscation and forfeiture of prohibited weapons and firearms—Disposition of forfeited weapons and firearms
A. Whenever a person under eighteen (18) years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by Section 1272 of this title, each such prohibited weapon and firearm may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor.
B. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken by a minor without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to the procedures provided in Section 1231 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by the owner is not otherwise prohibited by law.
C. Any weapon or firearm confiscated and forfeited by any law enforcement authority may be sold at public auction, or when no longer needed as evidence in the criminal proceeding the confiscating authority may lease any firearm confiscated and forfeited by law pursuant to this section to any law enforcement agency for a period of one (1) year. Such lease may be renewed each year thereafter at the discretion of such authority to assist in the enforcement of the laws of this state or its political subdivisions. Any weapon or firearm deemed by the confiscating authority to be inappropriate for lease or sale shall be destroyed.
D. For purposes of this section, the term "confiscate" shall not be construed to prohibit any parent, guardian or other adult person from removing or otherwise seizing from any minor any weapon or firearm in the minor's possession. Provided however, no school authority shall return any weapon or firearm removed or otherwise seized from any minor to any person, and shall immediately deliver such weapon or firearm to a law enforcement authority for prosecution and forfeiture.

1272. Unlawful Carry
A. It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded ..., or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:
1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;
2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;
3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;
4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in the performance of his duties, provided such weapon is a concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director of the Courts; or
5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment, for purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.
B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

1273. Allowing minors to possess firearms
A. It shall be unlawful for any person within this state to sell or give to any child any of the arms or weapons designated in Section 1272 of this title; provided, the provisions of this section shall not prohibit a parent from giving his or her child a rifle or shotgun for participation in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting events, except as provided in subsection B of this section.
B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her child to possess any of the arms or weapons designated in Section 1272 of this title, including any rifle or shotgun, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense.
C. It shall be unlawful for any child to possess any of the arms or weapons designated in Section 1272 of this title, except rifles or shotguns used for participating in hunting animals or fowl, hunter safety classes, target shooting, skeet, trap or other recognized sporting event. Provided, the possession of rifles or shotguns authorized by this section shall not authorize the possession of such weapons by any person who is subject to the provisions of Section 1283 of this title.
D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent.
dation, any person violating the provisions of this section shall be liable for civil damages for any injury or death to any person and for any damage to property resulting from any discharge of a firearm or use of any other weapon as provided in Section 10 of Title 23 of the Oklahoma Statutes. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be liable for an administrative violation as provided in Section 1276 of this title.

E. As used in this section, "child" means a person under eighteen years of age.

1276. Penalty for 1272 and 1273

Any person violating the provisions of Section 1272 or 1273 shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment.

Any person convicted of violating the provisions of Section 1272 or 1273 after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for a period of six (6) months and shall be liable for an administrative fine of Fifty Dollars ($50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1277. Unlawful carry in certain places

A. It shall be unlawful for any person in possession of a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed handgun into any of the following places:....

4. Any place where firearms and weapons are allowed on school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearm training event, shooting range participation, or arms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law, pending participation in the course, event, program or competition; and

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of their duties and responsibilities.

to possess any firearm or weapon designated in Section 1272 of this title or as required by subsection A of this section, the right to perform the duties of a peace officer, or firearms training courses, or a recognized firearms training course.

1280.1. Possession of firearm on school property

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or private educational entities where such property is leased or rented to an individual or corporation and used for purposes other than educational.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section if:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearm training event, shooting range participation, or arms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law, pending participation in the course, event, program or competition; and

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the person's possession or under the person's immediate control, or have in any vehicle which he or she is driving or in which the person is a passenger, or at the person's residence, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of section 3311 of Title 70 of the Oklahoma Statutes.

E. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a rearmed or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00) and imprisonment for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars ($100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1283. Convicted felons and delinquents — Firearm possession

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person convicted of a nonviolent felony for which the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

C. It shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, altered air or toy pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or innate status.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the person's possession or under the person's immediate control, or have in any vehicle which he or she is driving or in which the person is a passenger, or at the person's residence, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of section 3311 of Title 70 of the Oklahoma Statutes.

F. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00). In addition, the person shall have the Oklahoma license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

1284. Penalty for 1283

Any previously convicted or adjudicated person who violates any provision of Section 1283 of this title shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a period not less than one (1) year nor more than ten (10) years.

1286. Purchases of firearms, ammunition and equipment from dealer licensed in another state - Purchases in Oklahoma by residents of other states

A. Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handling components and equipment from a dealer licensed in a state other than Oklahoma. This authorization is enacted in conformance with the provisions of Section 922(b)(3) of Title 18 of the United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and the state in which the purchase is made.

B. Residents of a state other than Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handling components and equipment from a licensed dealer in the State of Oklahoma. This authorization is enacted in conformance with the provisions of section 922(b)(3) of Title 18 of the
United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Oklahoma Firearms Act of 1971

1289.1. Oklahoma Firearms Act of 1971
Sections 1289.1 through 1289.17 of this title may be known and cited as the "Oklahoma Firearms Act of 1971."

1289.3. Definitions for Firearms Act -- Pistols "Pistols" as used in the Oklahoma Firearms Act of 1971. Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include自来水 guns, underwater fishing guns, air guns, blank pistols.

1289.4. Definitions for Firearms Act -- Rifles "Rifles" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

1289.5. Definitions for Firearms Act -- Shotguns "Shotguns" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire single projectiles such as "shot" will be regarded as a "shotgun".

1289.7a. Transporting or storing firearms in locked motor vehicle on private premises—Prohibition proscribed—Liability—Enforcement

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked motor vehicle, or from transporting and storing firearms locked in or locked to a motor vehicle on any property set aside for this purpose.

B. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for occurrences which result from the storing of firearms in a locked motor vehicle on any property set aside for any motor vehicle, unless the person, property owner, tenant, employer, or business entity commits a criminal act involving the use of the firearms. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Act.

C. An individual may bring a civil action to enforce this section. If a plaintiff prevails in a civil action related to the personnel manual against a person, property owner, tenant, employer or business for a violation of this section, the court shall award actual damages, enjoin further violations of this section, and award court costs and attorney fees to the prevailing plaintiff.

D. As used in this section, "motor vehicle" means any automobile, truck, motorcycle, sports utility vehicle, 세로, motorcycle, motor scooter and any other vehicle required to be registered under the Oklahoma Vehicle License and Registration Act.

1289.10. Furnishing firearms to incompetent persons It shall be unlawful for any person to knowingly transport or furnish any shotgun, rifle or pistol to any person who is under an adjudication of incompetency, or to any person who is mentally deficient or of unsound mind. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, shall have the license suspended for a term of six (6) months and shall have the license revoked and shall have the license suspended for a term of six (6) months and be required to pay a fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1289.11. Reckless conduct It shall be unlawful for any person to engage in reckless conduct while having in his or her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license revoked and shall have the license suspended for a term of six (6) months and be required to pay a fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1289.12. Giving firearms to convicted persons It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon or an adjudicated delinquent, and it shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sales, trade or transfer. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license suspended for six (6) months and shall be liable for an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1289.13. Transporting a loaded firearm Except as otherwise provided by the provisions of this title, no person shall transport or carry in a motor vehicle locked in or in the interior compartment of the vehicle or in another provision of law, it shall be unlawful to transport a loaded pistol, rifle or shotgun in a battered motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or the vehicle or in another provision of law other than a violation of subsec - tion 1290.1 et seq. of this act, shall have the license revoked and shall have the license suspended for a term of six (6) months and be required to pay a fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1289.13A. Improper transportation of firearm—Fine and court costs—Confiscation of firearm

A. Notwithstanding the provisions of Section 1272 or 1289.13 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid concealed handgun permit authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or open in the vehicle, shall be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

B. When the arresting officer determines that a valid concealed handgun license exists, pursuant to the Oklahoma Self-Defense Act or another provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:
   a. contraband, or
   b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

C. Nothing in this section shall be construed to require confiscation of any firearm.
more than six (6) months, or by both such fine and imprisonment.

1289.16. Felony pointing firearms It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person present for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.17 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a concealed handgun license pursuant to the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars ($1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

1289.17. Penalties for 1289.16 Any violation of Section 1289.16 of this title shall constitute a felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.

1289.18. Definitions
A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, having an action for gunpowder, gas or any means of rocket propulsion.
B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.
C. Every person who has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device, and shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or imprisonment in the State Penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment.
D. It is a defense to prosecution under this section, if the approved application form that authorizes the making or transfer of the particular firearm in question, together with any other evidence that registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced.

1289.19. Restricted bullet and body armor defined As used in Sections 1289.20 through 1289.22 of this title and Section 2 of this act:
1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor; and
2. "Body armor" means a vest or shirt of ten (10) or more layers of bullet resistant material as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice.

1289.20. Manufacture of restricted bullets
A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, to cause to be manufactured, imported, advertise for sale or sell within this state any restricted bullet as defined in Section 1289.19 of this title.
B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

1289.21. Possession or use of restricted bullets
A. It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person a restricted bullet as defined in Section 1289.19 of this title.
B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not less than two (2) years nor more than ten (10) years. The sentence so imposed shall not be suspended.

1289.22. Exemptions The prohibition of possessing or using a restricted bullet shall not apply to law enforcement agencies when such bullet is used for testing, training or demonstration.

1289.24. Firearm regulation - State preemption
A.1. The State Legislature hereby occupies the entire field of legislation in this state touching in any way firearms, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state, including existing or future municipalities, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.
2. A municipality may adopt any ordinance:
   a. relating to the discharge of firearms within the jurisdiction of the municipality, and
   b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.
B. No municipality or other political subdivision of this state shall adopt any other order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxing, other taxes, and controlling use, taxes, or other controls on firearms, components, ammunition, and supplies.
C. Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm improperly may include a provision for confiscation of property.
D. No other rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or mone tary damages or both.

1289.25. Lawsuits against gun manufacturers
1. The State Legislature declares that the lawful design, manufacturing, marketing, or sale of firearms or ammunition to the public is not unreasonably dangerous activity and does not constitute a nuisance.
2. The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an act of the Legislature or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacturing, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision or local government authority. This bill shall not be construed to prohibit an individual from bringing a cause of action based upon an existing recognized theory of law.

1289.26. Use of body armor
Any person who commits or attempts to commit a felony while wearing body armor as defined in Section 1289.19 of this title, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for wearing such body armor, which shall be a separate offense from the felony of which said person was convicted, and shall be punishable by imprisonment in the State Penitentiary for a period of not more than ten (10) years for the first offense, and for a period of not more than twenty (20) years for any second or subsequent offense.

1368. Possession of explosives by convicted felons-Penalty
A. Any person who has been convicted of a felony under the laws of this or any other state or the laws of the United States who, with an unlawful intent, is in possession of any explosives, upon conviction, shall be guilty of a felony for wearing such body armor, which shall be a separate offense from the felony of which said person was convicted, and shall be punishable by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by both such fine and imprisonment.
B. For purposes of this section, the term "explosive" shall have the same definition as the term "explosive" as defined by Chapter 8 of Title 4 of the Oklahoma Statutes.

Title 21. Crimes and Punishments
Part VII. Crimes Against Property
Chapter 69. Malicious Mischief

Page 396
1767.1. Use or threat to use explosive, incendiary device, or simulated bomb to damage or injure persons or property

A. Any person who shall willfully or maliciously commit any of the following acts shall be deemed guilty of a felony:

1. Place in, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with unlawful intent to destroy, throw down, or injure, in whole or in part, such property, or conspire, aid, counsel or procure the destruction of any building, public or private, or any car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure; or

2. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with intent to destroy, throw down, or injure in whole or in part, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby; or

3. By the explosion of any explosive or the igniting of any incendiary device destroy, throw down, or injure of another person, or cause injury to another person; or

4. Manufacture, sell, transport, or possess any explosive, the component parts of an explosive, an incendiary device, or simulated bomb with knowledge or intent that it or they will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property; or

5. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any foul, poisonous, offensive or injurious substance or compound, explosive, incendiary device, or simulated bomb with intent to wrongfully injure, molest or coerce another person or to injure or damage the property of another person; or

6. Injure, damage or attempt to damage by an explosive or incendiary device any person, persons, or property, whether real or personal; or

7. Make any threat or convey information known to be false, concerning an attempted attack or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive, incendiary device, or simulated bomb; or

8. Manufacture, sell, deliver, mail or send an explosive, incendiary device, or simulated bomb to another person; or

9. While committing or attempting to commit any felony, possess, display, or threaten to use any explosive, incendiary device, or simulated bomb.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving no injurious firecrackers or devices commonly called "stink bombs".

1767.2. Violations of preceding section

Any person violating any of the provisions of the provisions of Section 1767.1 of this title shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, or by a fine not to exceed Ten Thousand Dollars ($10,000.00) or by both. If personal injury results, such person shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years or life imprisonment.

1767.3. Definitions

As used in Section 1767.1 of this title:

1. "Explosive" or "explosives" means any chemical compound, mixture or device, the primary or common purpose of which is function by explosion or which, although not its primary or common purpose, has been modified, manipulated, altered, enhanced, or otherwise caused to function by explosion ( that is, with substantial instantaneous release of gas, heat, debris, or concussive pressure or force, or any combination of such actions), unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosive" or "explosives" shall include but not be limited to gunpowder; dynamite, any bomb, all materials as defined in paragraphs 1 and 2 of Section 121.1 of Title 63 of the Oklahoma Statutes, and all material which is classified as explosives by the United States Department of Transportation;

2. "Person" means any individual or individuals, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof;

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "Molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals;

4. "Component parts" means separate parts which can assemble to render any explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition; and

5. "Simulated bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, an incendiary device, explosive, or explosives, as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a device or explosive.

1767.5. Possession, manufacture, storage, or use of explosive without permit

A. Any person who shall possess, manufacture, store, or use any explosive, as defined in Section 121.1 of Title 63 of the Oklahoma Statutes, without having in the possession of the person a permit, or a copy thereof, issued pursuant to the Oklahoma Explosives and Blasting Regulation Act, shall be deemed guilty of a misdemeanor.

B. Any person shall not be construed to:

1. Apply to any person or activity expressly exempted from the Oklahoma Explosives and Blasting Regulation Act;

2. Apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs";

3. Apply to explosives while in transit in, into, or through this state, if the operator of the vehicle transporting the explosives carries in the vehicle the shipping papers required by 49 C.F.R., Section 172.200 et seq., and displays such papers to any law enforcement officer upon request;

4. Apply to any person who may possess, store or use gunpowder in a quantity reasonably calculated to be necessary for hunting or shooting purposes; or

5. Apply to any certified bomb technician employed by a federally accredited bomb squad of an agency of the federal government, this state, or any political subdivision of this state.  

[Current through Chapter 479 (End) of the Second Regular Session of the 52nd Oklahoma Legislature 2010]
(e) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

166.174. City, county, municipal corporation or district regulation of possession or sale of firearms. Notwithstanding any other provision of law, a city, county or other municipal corporation or district may not adopt ordinances that regulate, restrict or prohibit the possession or sale of firearms in a public building that is rented or leased to a person during the term of the lease.

166.175. City regulation of purchase of used firearms.

(1) Notwithstanding any other provision of law, a city may continue to regulate the purchase of used firearms by pawnshops and secondhand stores.

(2) As used in this section, "secondhand store" means a store or business whose primary source of revenue is the sale of used merchandise.

166.176. Exception to preemption.

(1) Nothing in ORS 166.170 or 166.171 is intended to preempt, invalidate or in any way affect the operation of any provision of a county ordinance that was in effect on November 2, 1995, to the extent that the provision:

(a) Established a procedure for regulating, restricting or prohibiting the discharge of firearms; or

(b) Regulated, restricted or prohibited the discharge of firearms.

(2) Subsection (1) of this section does not apply to:

(a) Ordinances regulating, restricting or prohibiting the discharge of firearms on a shooting range or in a shooting gallery or other area designed and built for the purpose of target shooting.

(b) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

Possession and Use of Weapons

166.190. Pointing firearm at another; jurisdiction. Any person over the age of 12 years, who, with or without malice, purposely points or aims any loaded or empty pistol, gun, revolver or other firearm, at or toward any other person within range of the fire-arm, except in self-defense, shall be fined upon conviction in any sum not less than $10 nor more than $500, or be imprisoned in the county jail not less than 10 days nor more than six months, or both. Justice courts have jurisdiction concurrent with the circuit court of the trial of violations of this section.

166.210. Definitions. As used in ORS 166.250 to 166.270, 166.291 to 166.410 and 166.470:

(1) "Antique firearm" means:

(a) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this subsection if the replica:

(A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade.

(2) "Corrections officer" has the meaning given that term in ORS 181.610.

(3) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder.

(4) "Firearms silencer" means any device for silencing, muffling or diminishing the report of a firearm.

(5) "Handgun" means any pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

(6) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, which is designed or modified to allow two or more shots to be fired by a single trigger or device.

(7) "Minor" means a person under 18 years of age.

(8) "Offense" has the meaning given that term in ORS 161.505.

(9) "Parole and probation officer" has the meaning given that term in ORS 181.610.

(10) "Peace officer" has the meaning given that term in ORS 133.005.

(11) "Short-barreled rifle" means a rifle having one or more barrels less than 18 inches in length and any weapon made from a rifle if the weapon has an overall length of less than 26 inches.

(12) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if the weapon has an overall length of less than 26 inches.

166.220. Unlawful use of weapon.

(1) A person commits the crime of unlawful use of a weapon if the person:

(a) Attempts to use unlawfully against another, or carries or possesses with intent to use unlawfully against another, any dangerous or deadly weapon as defined in ORS 161.015; or

(b) Intentionally discharges a firearm, blowgun, bow and arrow, crossbow or explosive device within the city limits of any city or within residential areas within urban growth boundaries at or in the direction of any person, building, structure or vehicle within the range of the weapon without having legal authority for such discharge.

(2) This section does not apply to:

(a) Police officers or military personnel in the lawful performance of their official duties;

(b) Persons lawfully defending life or property as provided in ORS 161.219;

(c) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(d) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the State Department of Fish and Wildlife;

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, discharging a firearm in the course of the lawful taking of wildlife.

(3) Unlawful use of a weapon is a Class C felony.

166.250. Unlawful possession of firearms.

(1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm if the person knowingly:

(a) Carries any firearm concealed on the person;

(b) Possesses a handgun that is concealed and readily accessible to the person within any vehicle; or

(c) Possesses a firearm and:

(A) Is under 18 years of age; or

(B) Was convicted of a felony; or

(C) Has been under a court order of mental health supervision at the time of conviction.

(2) Different offenses of this section may be charged in the same indictment or information.

(3) A person is not guilty of a violation of this section if:

(a) The person is a law enforcement officer or other employee of the State Department of Public Safety; and

(b) The person is not prohibited from possessing a firearm under ORS 166.260, 166.270, 166.274, 166.291, 166.292 or 166.410 to 166.470.

(4) All other violations of this section are Class C felonies.

166.260. Exceptions.

(1) ORS 166.250 does not apply to or affect:

Page 398
(a) Sheriffs, constables, marshals, parole and probation officers, police officers, whether active or honorably retired, or other duly appointed peace officers.

(b) Any person summoned by any such officer to assist in making arrests or preserving the peace, or the person so summoned is actually engaged in assisting the officer.

(c) The possession or transportation by any merchant of unloaded firearms as merchandise.

(d) Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or of the National Guard, when engaged in training or on active duty.

(e) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(f) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organization.

(g) A corrections officer while transporting or accompanying an individual convicted of or arrested for an offense and confined in a place of incarceration or detention while outside the confines of the place of incarceration or detention.

(h) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(c) that the person has been granted relief from the disability under ORS 166.274.

(3) Except for persons who are otherwise prohibited from possessing a firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

(a) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

(4) The exceptions listed in subsection (1)(b) to (f) shall not qualify as affirmative defenses to a charge of violating ORS 166.250.

166.262. Authority to arrest for violating ORS 166.250 or 166.370. A peace officer may not arrest or charge a person for violating ORS 166.250(1)(a) or (b) or 166.370 (1) if the person has in the person’s immediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292.

166.270. Possession of weapons by felons.

(1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns or has in the person’s possession or under the person’s custody or control any firearm commits the crime of felony in possession of a firearm.

(2) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns or has in the person’s possession or under the person’s custody or control any instrument or weapon having a blade that projects or swings into position by force of a spring or by centrifugal force or any blackjack, slingshot, sandclub, sandbag, sap glove, or metal knuckles, or an electro-muscular disruption technology device as defined in ORS 165.540 or who carries a dirk, dagger or stiletto, commits the crime of felony in possession of a restricted weapon.

(3) For the purposes of this section, a person “has been convicted of a felony” if, at the time of making the arrest or charging the person, the person is in violation of a felony under the law of the jurisdiction in which it was committed. Such conviction shall not be deemed a conviction of a felony if:

(a) The court declared the conviction to be a misdemeanor at the time of judgment; or

(b) The offense was possession of marijuana and the person convicted was prior to January 1, 1972.

(4) Subsection (1) of this section does not apply to any person who has been:

(a) Convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve crime of murder, as defined in ORS 163.005, or the possession or use of a firearm or a weapon having a blade that projects or swings into position by force of a spring or by centrifugal force or a blackjack, slingshot or swings into position by force of a spring or by centrifugal force or any blackjack, slungshot, or swings into position by force of a spring or by centrifugal force or any blackjack, slungshot, or swings into position by force of a spring or by centrifugal force or any blackjack, slungshot.

(b) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer.

(c) A person commits the crime of unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer if the person knowingly possesses any machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer.

(d) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer.

(5) Felon in possession of a firearm is a Class C felony. Felon in possession of a restricted weapon is a Class A misdemeanor.

166.272. Possession of machine guns, short-barreled firearms and firearms silencers.

(a) A person commits the crime of unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer if the person knowingly possesses any machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer.

(b) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer is a Class B felony.

(c) A peace officer may not arrest or charge a person for violating subsection (1) of this section if the person has in the person’s immediate possession any machine gun, short-barreled firearm, short-barreled shotgun or firearms silencer.

(d) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer is registered as required under federal law.

(e) It is an affirmative defense to a charge of violating subsection (1) of this section that the machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer was registered as required under federal law.

166.274. Relief from bar against possessing or purchasing firearm.

(1) A person barred from possessing a firearm under ORS 166.250 (1)(c)(A) to (E) OR 166.270 or barred from purchasing a firearm under ORS 166.470 (1)(a) TO (G) may file a petition for relief from the bar in the circuit court in petitioner’s county of residence.

(2) A person may apply once per calendar year for relief under the provisions of this section.

(a) A person petitioning for relief under this section shall serve a copy of the petition on:

(A) The city chief of police if the court in which the petition is filed is located in a city; or

(B) The sheriff of the county in which the court is located.
166.300. Killing or injuring another.
(1) Any person who has committed, with fire-
arms of any kind or description, murder in any
degree, or manslaughter, either voluntary or in-
voluntary, or who in a careless or reckless man-
ner, kills or injures another with firearms, and
who, at any time after committing murder or
manslaughter or after said careless or reckless
killing or injury of another, carries or bears fire-
arms of any kind or description within this state,
shall be punished upon conviction by a fine of
not more than $500, or by imprisonment in the
county jail not to exceed one year, or both.
(2) Subsection (1) of this section does not de-
prive the people of this state of the right to bear
arms for the defense of themselves and the
state, and does not apply to any peace officer in
the discharge of official duties or to a member of
any regularly constituted military organization
while on duty with such military organization.
(3) Sentences imposed in cases in which the
person is a peace officer shall be concurrent with
the sentences imposed in the circuit courts of
all prosecutions under subsection (1) of this
section.

166.350. Unlawful possession of armor
piercing ammunition.
(1) A person commits the crime of unlawful
possession of armor piercing ammunition if the
person:
(a) Makes, sells, buys or possesses any hand-
gun ammunition the bullet or projectile of
which is coated with Teflon or any chemical
compound with properties similar to Teflon
and which is intended to penetrate soft body
armor, such person having the intent that the ammuni-
tion be used in the commission of a felony; or
(b) Carries any ammunition described in para-
graph (a) of this subsection while committing
any felony during which the person or any ac-
complice of the person is armed with a firearm.
(2) As used in this section, "handgun ammuni-
tion" means ammunition principally for use in
pistols or revolvers notwithstanding that the ammuni-
tion can be used in some rifles.
(3) Unlawful possession of armor piercing
ammunition is a Class A misdemeanor.

Possession of Weapon or Destructive Device
in Public Building or Court Facility

166.360. Definitions
As used in ORS 166.360 to 166.380, unless the context requires
otherwise: ...
(3) "Loaded firearm" means:
(a) A breech-loading firearm in which there is
an unexpanded cartridge or shell in or attached
to the firearm including but not limited to, in a
chamber, magazine or clip which is attached to
the firearm.
(b) A muzzle-loading firearm which is capped
or primed and has a powder charge and ball,
shot or projectile in the barrel or cylinder.
(4) "Public building" means a hospital, a capi-
tol building, a public or private school, as defined
in ORS 339.315, a college or university, a city
hall or the residence of any state official elected
by the state at large, and the grounds adjacent
to each such building. The term also includes
that portion of any other building occupied by an
agency of the state or a municipal corporation,
as defined in ORS 472.190, other than a court
facility.
(5) "Weapon" means:
(a) A firearm;
(b) Any dirk, dagger, ice pick, slingshot, metal
knuckles or any similar instrument or a knife
other than an ordinary pocket knife, the use of
which could inflict injury upon a person or prop-
erty;
(c) Mace, tear gas, pepper mace or any simi-
lar deleterious agent as defined in ORS 163.
211;
(d) An electrical stun gun or any similar instru-
ment;
(e) A tear gas weapon as defined in ORS
163.211;
(f) A club, bat, baton, club, bludgeon,
knobkerrie, nunchaku, nightstick, truncheon or
any similar instrument, the use of which could
inflict injury upon a person or property; or
(g) A dangerous or deadly weapon as those
terms are defined in ORS 161.015.
166.382. Possession of destructive device
prohibited; exceptions.
(1) A person commits the crime of unlawful
possession of a destructive device if the person
possesses:
(a) Any of the following devices with an ex-
plosive, incendiary or poisonous gas component:
   (A) Bomb;
   (B) Grenade;
   (C) Rocket having a propellant charge of
   more than four ounces;
   (D) Missile having an explosive or incendiary
   charge of more than one-quarter ounce; or
   (E) Mine;
   (b) Any combination of parts either designed
or intended for use in converting any device into
any destructive device described in paragraph
(a) of this subsection and from which a destruc-
tive device may be readily assembled.
(2) As used in this section, "Destructive device" does not include
any device which is designed primarily or redesigned
primarily for use as a signaling, pyrotechnic, line
throwing, safety or similar device.
(b) "Possess" has the meaning given that
term in ORS 161.015.
(3) This section does not apply to:
(a) Persons who possess explosives as pro-
vided in ORS 480.200 to 480.290.
(b) The possession of an explosive by a
member of the Armed Forces of the United
States while on active duty and engaged in the
performance of official duties or by a member of
a regularly organized fire or police department of
a public agency while engaged in the perform-
ance of official duties.
(c) The possession of an explosive in the
course of transportation by way of railroad, wat-
er, highway or air while under the jurisdiction of,
or in conformity with, regulations adopted by the
United States Department of Transportation.
(d) The possession, sale, transfer or manufac-
ture of an explosive by a person acting in
accordance with the provisions of any applicable
federal law or regulation that provides substan-
tially the same requirements as the comparable
provisions of ORS 480.200 to 480.290.
(4) Possession of a destructive device is a
Class C felony.
166.384. Unlawful manufacture of destruc-
tive device.
(1) A person commits the crime of unlawful
manufacture of a destructive device if the person
assembles, produces or otherwise manufac-
tures:
(a) A destructive device, as defined in ORS
166.382;
(b) A pyrotechnic device containing two or
more grains of pyrotechnic charge in violation of
chapter 10, Title 18 of the United States Code.
(2) Unlawful manufacture of a destructive
device is a Class C felony.
166.385. Possession of hoax destructive
device.
(1) A person commits the crime of possession
of a hoax destructive device if the person know-
ingly places another person in fear of serious
physical injury by:
(a) Possessing, manufacturing, selling, deliv-
ering, placing or causing to be placed a hoax
destructive device; or
(b) Sending a hoax destructive device to an-
other person.
(2) Possession of a hoax destructive device is a
Class A misdemeanor.
(c) Notwithstanding subsection (2) of this sec-
tion, possession of a hoax destructive device is a
Class C felony if a person possesses, or threatens to use, a hoax
destructive device while the person is committing or attempting to
commit a felony.
(4) As used in this section, "hoax destructive
device" means an object that reasonably
appears, under the circumstances:
(a) To be a destructive device, as described in
ORS 166.382 (1)(a), or an explosive, as defined in
ORS 166.660, but is an inoperative imitation of
a destructive device or explosive; or
(b) To contain a destructive device, as de-
scribed in ORS 166.382 (1)(a), or an explosive,
as defined in ORS 166.660.

Sale or Transfer of Firearms

166.410. Manufacture, importation or sale
of firearms. Any person who manufactures or
causes to be manufactured within this state, or
who imports into this state, or offers, exposes for
sale, or sells or transfers a handgun, short-bar-
reled rifle, short-barreled shotgun, firearms silen-
cer or machine gun, otherwise than in accord-
ance with ORS 166.250, 166.260, 166.270, 166.
291, 166.292 166.425, 166.450, 166.460 and
166.470, is guilty of a Class B felony.
166.412. Definitions; firearms transaction
record; criminal record check.
(1) As used in this section:
(a) "Antique firearm" has the meaning given
that term in 18 U.S.C. 921;
(b) "Department" means the Department of
State Police;
(c) "Firearm" has the meaning given that
term in ORS 166.210, except that it does not include
an antique firearm;
(d) "Firearms transaction record" means the
firearms transaction record required by 18
U.S.C. 921 to 929;
(e) "Firearms transaction thumbprint form" means a form provided by the department under
subsection (11) of this section;
(f) "Gun dealer" means a person engaged in
the business, as defined in 18 U.S.C. 921, of
selling, leasing or otherwise transferring a fire-
arm, whether the person is a retail dealer, pawn-
broker or otherwise;
(g) "Handgun" has the meaning given that
term in ORS 166.210; and
(h) "Purchaser" means a person who buys,
leases or otherwise receives a firearm from a
gun dealer.
(2) Except as provided in subsections (3)(c)
and (12) of this section, a gun dealer shall com-
ply with the following before a handgun is de-
layed to a purchaser:
(a) The purchaser shall present to the dealer
current identification meeting the requirements
of subsection (4) of this section.
(b) The gun dealer shall complete the fire-
arms transaction record and obtain the signature
of the purchaser on the record.
(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to be filed with that copy.

(d) The gun dealer shall request by telephone that the department perform a criminal history record check on the purchaser and shall provide the following information to the department:

(A) The federal firearms license number of the gun dealer;
(B) The business name of the gun dealer;
(C) The place of transfer;
(D) The name of the person making the transfer;
(E) The make, model, caliber and manufacturer's number of the handgun being transferred;
(F) The name and date of birth of the purchaser;
(G) The social security number of the purchaser that the contractor currently provides this number to the gun dealer; and
(H) The type, issuer and identification number of the identification presented by the purchaser.

(e) The gun dealer shall receive a unique approval number for the transfer from the department and record the approval number on the firearms transaction record and on the firearms transaction thumbprint form.

(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the completion of the firearms transaction thumbprint form.

(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the department shall immediately, during the gun dealer's telephone call or by return call:

(A) Determine, from criminal records and other information available to it, whether the purchaser is disqualified under ORS 166.470 from completing the purchase; and
(B) Notify the dealer when a purchaser is disqualified from completing the transfer or provide the dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.

(b) If the department is unable to determine if the purchaser is disqualified or disqualified from completing the transfer within 30 minutes, the department shall provide the dealer with an estimate of the time when the department will provide the requested information.

(c) If the department fails to provide a unique approval number to a gun dealer or to notify the gun dealer that the purchaser is disqualified under paragraph (a) of this subsection before the close of the gun dealer's next business day following the request by the dealer for a criminal history record check, the dealer may deliver the handgun to the purchaser.

(4)(a) Identification required of the purchaser under subsection (2) of this section shall include one piece of current identification bearing a photograph and the date of birth of the purchaser that:

(A) Is issued under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization or an international quasi-governmental organization; and
(B) Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual.

(b) If the identification presented by the purchaser under paragraph (a) of this subsection does not include the current address of the purchaser, the purchaser shall present a second piece of current identification that contains the current address of the purchaser. The Superintendent of State Police may specify by rule the type of identification that may be presented under this paragraph.

(c) The department may require that the dealer verify the identification of the purchaser if that identity is in question by sending the thumbprints of the purchaser to the department.

(5) The department shall establish a telephone number that shall be operational seven days a week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from dealers for a criminal history record check under this section.

(6) No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section provided the employee, official or agency acts in good faith and without malice.

(7)(a) The department may retain a record of the information obtained during a request for a criminal records check for no more than five years.

(b) The record of the information obtained during a request for a criminal records check by a gun dealer is exempt from disclosure under public records law.

(8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of handguns with the consent of a gun dealer in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

(9) When a handgun is delivered, it shall be unloaded.

(10) In accordance with applicable provisions of ORS 183.310 to 183.550, the Superintendent of State Police may adopt rules necessary for:

(a) The design of the firearms transaction thumbprint form;
(b) The maintenance of a procedure to correct errors in the criminal records of the department;
(c) The provision of a security system to identify dealers who request a criminal history record check under subsection (2) of this section; and
(d) The creation and maintenance of a database of criminal history records.

(11) The department shall publish the firearms transaction thumbprint form and shall furnish the form to gun dealers on application at cost.

(12) This section does not apply to transactions between persons licensed as dealers under 18 U.S.C. 923.

166.414. Fees for criminal history record checks.

(1) The Department of State Police may adopt a fee schedule for criminal history record checks required under ORS 166.412 and collect a fee for each criminal history record check requested. The fee schedule shall be calculated to recover the cost of performing criminal history record checks required under ORS 166.412, but may not exceed $10 per record check.

(2) Fees collected under this section shall be paid into the State Treasury and deposited in the General Fund to the credit of the State Police Account.

166.416. Providing false information in connection with transfer of firearm.

(1) A person commits the crime of providing false information in connection with a transfer of a firearm if the person knowingly provides a false name or false information or presents false identification in connection with a purchase or transfer of a firearm.

(2) Providing false information in connection with a transfer of a firearm is a Class A misdemeanor.

166.418. Improperly transferring firearm.

(1) A person commits the crime of improperly transferring a firearm if the person is a gun dealer, pawnbroker, gunsmith, firearms manufacturer, importer, seller, or otherwise transfers a firearm and intentionally violates ORS 166.412 or 166.434.

(2) Improperly transferring a firearm is a Class A misdemeanor.

166.421. Telephone request for firearms check. The Department of State Police may respond to a telephone request from any person requesting that the department determine if department records show that a firearm is stolen.

166.422. Enforcement. Where appropriate, a person may enforce the legal duties imposed by ORS 166.412 (7), by the provisions of ORS 30.260 to 30.300 and ORS chapter 183.

166.425. Unlawful purchase of firearm.

(1) A person commits the crime of unlawfully purchasing a firearm if the person, knowing that the person is prohibited by state or federal law from owning or possessing the firearm or having the firearm under the person's custody or control, purchases or attempts to purchase the firearm.

(2) Unlawfully purchasing a firearm is a Class A misdemeanor.

166.427. Register of transfers of used firearms.

(1) Whenever a person engaged in the business, as defined in 18 U.S.C. 921, of selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or otherwise, buys or accepts in trade, a used firearm, the person shall enter in a register the time, date and place of purchase or trade, the name of the person selling or trading the firearm, the number of the identification documentation presented by the person and the make, model and manufacturer's number of the firearm. The register shall be obtained from and furnished to the Department of State Police to the dealer on application at cost.

(2) The duplicate sheet of the register shall, on the day of purchase or trade, be hand delivered or mailed to the local law enforcement authority.

(3) Violation of this section by any person engaged in the business of selling, leasing or otherwise transferring a firearm is a Class C misdemeanor.

166.429. Firearms used in felony.

Any person who, with intent to commit a felony or who knows or reasonably should know that a felony will be committed with the firearm, ships, transports, receives, sells or otherwise furnishes any firearm in the furtherance of the felony is guilty of a Class B felony.

166.432. Definitions

(1) As used in ORS 166.412, 166.433, 166.434, 166.436 and 166.438, "criminal background check" or "criminal history record check" means determining the eligibility of a person to purchase or possess a firearm by reviewing state and federal databases including, but not limited to, the:

(a) Oregon computerized criminal history system;
(b) Oregon mental health data system;
(c) Law Enforcement Data System;
(d) National Instant Criminal Background Check System; and
(e) Stolen guns system.
(2) As used in ORS 166.433, 166.434, 166.436, 166.438 and 166.441:
(a) "Gun dealer" has the meaning given that term in ORS 166.412.
(b) "Gun show" means an event at which more than 25 firearms are on site and available for transfer.

166.433. Findings regarding transfers of firearms.
The people of this state find that:
(1) The following facilitating the sale of firearms contain a loophole that allows people other than gun dealers to sell firearms at gun shows without first conducting criminal background checks;
(2) It is necessary for the safety of the people of Oregon that any person who transfers a firearm at a gun show be required to request a criminal background check before completing the transfer of the firearm; and
(3) It is in the best interests of the people of Oregon that any person who transfers a firearm at any location other than a gun show be allowed to voluntarily request a criminal background check before completing the transfer of the firearm.

166.434. Firearms transfers by gun dealers; criminal background check.
(1) Notwithstanding the finding that ORS 166.412 requires a gun dealer to request a criminal history record check only when transferring a handgun, a gun dealer shall comply with the requirements of ORS 166.412 before transferring any firearm to a purchaser. The provisions of ORS 166.412 apply to the transfer of firearms other than handguns to the same extent that they apply to the transfer of handguns.
(2) In addition to the determination required by ORS 166.412 (3)(a)(A), in conducting a criminal background check or criminal history record check, the Department of State Police shall also determine whether the recipient is otherwise prohibited by state or federal law from possessing a firearm.
(3) Notwithstanding ORS 166.412 (5), the department is not required to operate the telephone notification system under ORS 166.412 (5) on Thanksgiving Day or Christmas Day.

166.436. Firearm transfers by persons other than gun dealers; criminal background checks; liability.
(1) The Department of State Police shall make the telephone number established under ORS 166.412 (5) available for requests from persons other than gun dealers for criminal background checks under this section.
(2) Prior to transferring a firearm, a transferee other than a gun dealer may request by telephone that the department conduct a criminal background check on the recipient and shall provide the following information to the department:
(a) The name, address and telephone number of the transferee;
(b) The make, model, caliber and manufacturer’s number of the firearm being transferred;
(c) The name, date of birth, race, sex and address of the recipient;
(d) The social security number of the recipient if the recipient voluntarily provides that number;
(e) The address of the place where the transferee is occurring; and
(f) A true copy of a current photographic identification bearing a recent photograph of the recipient presented by the recipient. The identification presented by the recipient must meet the requirements of ORS 166.412 (4)(a).
(3)(a) Upon receipt of a request for a criminal background check under this section, the department shall immediately, during the telephone call or by return call:
(A) Determine from criminal records and other information available to it whether the recipient is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state or federal law from possessing a firearm; and
(B) Notify the transferee when a recipient is disqualified from completing the transfer or provides the transferee with a unique approval number indicating that the recipient is qualified to complete the transfer. The unique approval number is a permit valid for 24 hours for the requested transfer. If the firearm has not been transferred from the transferee to the recipient within 24 hours after receipt of the unique approval number, a new request must be made by the transferee.
(b) If the department is unable to determine whether the recipient is qualified for or disqualified from completing the transfer, the department shall notify the transferee and provide the transferee with an estimate of the time when the department will provide the requested information.
(c) A public employee or public agency incurs no criminal or civil liability for performing the criminal background checks required by this section, provided the employee or agency acts in good faith and without malicious intent.
(4)(a) The department may retain a record of the information obtained during a request for a criminal background check under this section for the period of time provided in ORS 166.412 (7).
(b) The department may not develop a form to be used to conduct a criminal background check under this section exempt from disclosure under public records law.
(5)(a) The recipient of the firearm must present the notification required by paragraph (b) and (c) of this subsection, a transferee or a person who receives notification under this section that the recipient is qualified to complete the transfer of a firearm is immune from civil liability for any use of the firearm from the time of the transfer unless the transferee knows, or reasonably should know, that the recipient is likely to commit an unlawful act involving the firearm.
(b) If the transferee is required to request a criminal background check under ORS 166.438, the immunity provided by paragraph (a) of this subsection applies only if, in addition to receiving the notification required by this section, the transferee has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as required by ORS 166.438 (2).
(c) The immunity provided by paragraph (a) of this subsection does not apply:
(A) If the transferee knows, or reasonably should know, that the recipient of the firearm intends to deliver the firearm to a third person who possesses a firearm for an unlawful purpose, shall be punished upon conviction by imprisonment in the custody of the Department of Corrections for a term not to exceed 10 years.
(6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that the person did not know, or reasonably could not know, that more than 25 firearms were at the site and available for transfer.

166.441. Form for transfer of firearm at gun show.
(1) The Department of State Police shall develop a form to be completed by a person seeking to obtain a firearm at a gun show from a transferee other than a gun dealer. The department shall consider including in the form all of the requirements for disclosure of information that are required by federal law for over-the-counter firearms transactions.
(2) The department shall make the form available to the public at no cost.

166.445. Short title. ORS 166.432 to 166.445 and the amendments to ORS 166.416, 166.418 and 166.460 by sections 9, 10 and 11, chapter 1, Oregon Laws 2001, shall be known as the Gun Violence Prevention Act.

166.450. Alteration, removal, or obliteration of firearm identification number.
Any person who intentionally alters, removes or obliterates the identification number of any firearm for an unlawful purpose, shall be punished upon conviction by imprisonment in the custody of the Department of Corrections for a term not to exceed 10 years.
(2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique firearm by a person described in Pa.C.S. § 6102 (relating to definitions) does not include a conviction which constitutes a violation of ORS 166.250 or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been granted under ORS 166.274, 18 U.S.C. 925(c) or the expunction laws of this state or an equivalent law of another jurisdiction, a person may not intentionally sell, deliver or otherwise transfer any firearm when the transferor knows or reasonably should know that the recipient:

(a) Is under 18 years of age;

(b) Has been convicted of a felony;

(c) Has any outstanding felony warrants for arrest;

(d) Is free on any form of pretrial release for a felony;

(e) Was committed to the Department of Human Services under ORS 426.130;

(f) After January 1, 1990, was found to be mentally ill and subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

(g) Has been convicted of a misdemeanor involving violence or found guilty, except for insanity under ORS 161.295, of a misdemeanor involving violence within the previous four years. As used in this paragraph, "misdemeanor involving violence" means a misdemeanor described in ORS 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b): or

(h) Has been found guilty except for insanity under ORS 161.295 of a felony.

(2) A person may not sell, deliver or otherwise transfer any firearm that the person knows or reasonably should know is stolen.

(3) Subsection (1)(a) of this section does not prohibit:

(a) The parent or guardian, or another person with the consent of the parent or guardian, of a minor from transferring to the minor a firearm, other than a handgun; or

(b) The temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

(4) Violation of this section is a Class A misdemeanor.

166.480. Sale or other transfer of explosives to children. Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing not more than 10 grains of gunpowder or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490. Out-of-state purchase of firearms. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(c) "State association of sheriffs" means the association of the several state and local law enforcement organizations, the same compartment thereof as the firearm.

(d) "Sheriff." The sheriff of any county whose duties encompass those of a county treasurer.

(e) "Fire bomb." A fire bomb is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.

[Current through the 2009 Regular Session of the 75th Oregon Legislative Assembly]
6103. Crimes committed with firearms If any person commits or attempts to commit a crime enumerated in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) when armed with a firearm contrary to the provisions of this subchapter, that person may, in addition to the punishment provided for the crime, also be punished as provided by this subchapter.

6104. Evidence of intent In the trial of a person for committing or attempting to commit a crime enumerated in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), the fact that that person was armed with a firearm, used or attempted to be used, and had no license to carry the same, shall be evidence of that person's intention to commit the offense.

6105. Persons not to possess, use, manufacture, control, sell or transfer firearms. (a) Offenses defined. (1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

(2)(i) A person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

(ii) This paragraph shall not apply to any person whose disability is imposed pursuant to subsection (c)(6).

(b) Enumerated offenses. (1) A person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.

(2) A person who is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, commits a misdemeanor of the first degree if he intentionally or knowingly fails to relinquish a firearm, other weapon or ammunition to the sheriff as soon as practicable that he has taken possession; and

(iii) relinquished possession of any firearm, other weapon or ammunition possessed in violation of paragraph (3) as directed by the sheriff.

(c) Other persons. In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):

(1) A person who is a fugitive from justice. This paragraph does not apply to an individual whose fugitive status is based upon a nonmoving or moving summary offense under Title 75 (relating to vehicles).

(2) A person who has been convicted of an offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of not more than one year and a fine not in excess of one thousand dollars for the offense.

(3) In a city of the first class, the chief or head of the police department. "State." When used in reference to different parts of the United States, includes the District of Columbia, the Commonwealth of Puerto Rico and territories and possessions of the United States.

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3302 (relating to causing or risking catastrophe).

Section 3502 (relating to burglary).

Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.

Section 3701 (relating to robbery).

Section 3702 (relating to robbery of motor vehicle).

Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.

Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.

Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.

Section 4906 (relating to false reports to law enforcement authorities) if the fictitious report involved the theft of a firearm as provided in section 4906(c)(2).

Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5121 (relating to escape).

Section 5122 (relating to weapons or implements for escape).

Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above enumerated offenses under the prior laws of this Commonwealth or to any offense of the above enumerated offenses under the statutes of any other state or of the United States.
shall only apply to transfers or purchases of firearms after the third conviction.

(4) A person who has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303 or 304 of the Pennsylvania Mental Health Act of July 30, 1976 (50 P.S. § 817, No.143), known as the Mental Health Procedures Act. This paragraph shall not apply to any proceeding under section 302 of the Mental Health Procedures Act unless the examining physician has issued a certificate that inpatient care was necessary or that the person was committed.

(5) A person who, being an alien, is illegally or unlawfully in the United States.

(6) A person who is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of firearms during the period of time the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order or portion thereof relating to the confiscation of firearms.

(7) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under sections 2502, 2503, 2702, 2703 (relating to assault by prisoner), 2704, 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

(8) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in subsection (b) with the exception of those crimes set forth in paragraph (7). This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.

(9) A person who is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to unlawful acts). If the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9) was committed, as provided in this section, by an adult, then the prohibition would be subject to the provisions of 42 Pa.C.S. § 6341 (relating to definitions), by a person in any of the following relationships:

(i) The current or former spouse, parent or guardian of the victim;

(ii) A person with whom the victim shares a child in common;

(iii) A person who cohabits with or has cohabited with the victim as a spouse, parent or guardian;

(iv) A person similarly situated to a spouse, parent or guardian of the victim; then the relationship need not be an element of the offense to meet the requirements of this paragraph.

(d) Exemption. A person who has been convicted of a crime specified in subsection (a) or (b) or a person whose conduct meets the criteria in subsection (c)(1), (2), (5), (7) or (9) may make application to the court of common pleas of the county where the principal residence of the applicant is situated for a reduction in the duration of the prohibition granted. If the court shall grant such relief if it determines that any of the following apply:

(1) The conviction has been vacated under circumstances where all appeals have been exhausted or where the right to appeal has expired.

(2) The conviction has been a subject of a full pardon by the Governor.

(3) Each of the following conditions is met:

(i) The Secretary of the Treasury of the United States is convinced beyond a reasonable doubt that the applicant is not subject to any disability imposed by Federal law upon the possession, ownership or control of a firearm as a result of the applicant's prior conviction, except that the court may waive this condition if the court determines that the Congress of the United States has not appropriated sufficient funds to enable the Secretary of the Treasury to grant relief to applicants eligible for the relief.

(ii) A period of years, not including any time spent in incarceration, has elapsed since the most recent conviction of the applicant of a crime enumerated in subsection (b) or a felony violation of The Controlled Substance, Drug, Device and Cosmetic Act of the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9).

(e) Proceedings.

(1) If a person convicted of an offense under subsection (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to the court, a hearing shall be held in open court to determine whether the requirements of this paragraph have been met. The court shall be given to the person who had petitioned for relief to be heard and to the appropriate law enforcement agency.

(2) Upon application to the court of common pleas pursuant to paragraph (1) by an applicant who is subject to the prohibition under subsection (c)(3), the court shall grant such relief if a period of ten years, not including any time spent in incarceration, has passed since the applicant's most recent conviction under subsection (c)(3).

(f) Other exemptions and proceedings.

(1) Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the safety of the applicant or any other person.

(2) If application is made under this subsection for relief from the disability imposed under subsection (c)(6), notice of such application shall be given to the person who had petitioned for the protection from abuse order, and such person shall be a party to the proceedings. Notice of any court order or amendment to a court order restoring firearms possession or control shall be given to the person who had petitioned for the protection from abuse order, to the sheriff and to the Pennsylvania State Police. The application and any proceedings on the application shall comply with 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

(3) All hearings conducted under this subsection shall be closed unless otherwise requested to be open by the applicant.

(4) The owner of any seized or confiscated firearms or of any firearms ordered relinquished under 23 Pa.C.S. § 6108 shall be provided with a signed, dated written receipt by the appropriate law enforcement agency. This receipt shall include, but not limited to, a detailed identifying description indicating the serial number and condition of the firearm. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

(ii) Firearms shall not be engraved or permanently marked in any manner, including, but not limited to, engraving, personal identification numbers. Unless reasonable suspicion exists to believe that a particular firearm has been used in the commission of a crime, no firearm shall be test fired. Any reduction in the value of a firearm due to test firing, engraving or permanently marking in violation of this paragraph shall be considered damage, and the law enforcement agency shall be liable to the lawful owner of the firearm for the reduction in value caused by the test firing, engraving or permanently marking.

(iii) For purposes of this paragraph, the term "firearm" shall include any scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with a firearm.

(g) Other restrictions. Nothing in this section shall exempt a person from a disability in relation to the possession or control of a firearm which is imposed as a condition of probation or parole or which is imposed pursuant to the provisions of 42 Pa.C.S. § 9751 (relating to parole).

(h) License prohibition. Any person who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing any firearm under this section shall not be eligible for or permitted to obtain a license to carry a firearm under section 6109 (relating to licenses).

(i) Firearm. As used in this section only, the term "firearm" shall include any weapon which are designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(j) Copy of order to State Police. If the court grants relief from the disabilities imposed under this section, a copy of the order shall be sent by the prothonotary within ten days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.

6105.1. Restoration of firearm rights for offenses under prior laws of this Commonwealth.

(a) Restoration. A person convicted of a disabling offense may make application to the court of common pleas in the county where the principal residence of the applicant is situated for restoration of firearms rights. The court shall grant restoration of firearms rights after a hearing in an open court to determine whether the requirements of this section have been met unless:

(1) The applicant has been convicted of any other offense specified in section 6105(a) or (b) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or the applicant’s conduct meets the criteria in section 6105(c)(1), (2), (3), (4), (5), (6) or (7);

(2) The applicant has been convicted of any other crime punishable by imprisonment exceeding one year as defined in section 6102 (relating to definitions); or

(3) The applicant’s character and reputation is such that the applicant would be likely to act in a manner detrimental to public safety.

(b) Notice and standing. Notice of an application for restoration of firearms rights shall be provided to the Pennsylvania state police, the district attorney of the county where the disabling offense occurred and the district attorney of the county where the ap-
plication is filed. The district attorney of the county where the application is filed, the district attorney of the county where the disabling offense occurred and the Pennsylvania State Police may, at their option, be parties to the proceeding.

(2) Notwithstanding paragraph (1), the standing of the Pennsylvania State Police as a party to a proceeding under this section shall be limited to determinations of whether the offense meets the definition of the phrase "disabling offense" or whether the provisions of subsection (a)(1) and (2) have been satisfied.

(c) Commonwealth. The Commonwealth shall be deemed to have fired a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the Commonwealth need be included other than an indication that the firearm exceeds the barrel lengths set forth in section 6102. Possession of firearm with altered manufacturer's number

(a) General rule. No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Exemption. For purposes of this section, the term "firearm" shall have the same meaning as the term "firearm" as defined in section 6118 (relating to antique firearms).

6111. Sale or transfer of firearms

(a) Time and manner of delivery. Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. The seller of a firearm shall be securely wrapped and shall be unloaded.

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides a minor with a firearm shall be guilty of a felony of the second degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited.

6111.2. Possession of firearm with altered manufacturer's number

(a) General rule. No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Exceptions. A restoration of firearms rights under this section shall not result in the expungement of any criminal history record information nor will it constitute a gubernatorial pardon.

(c) Definitions. As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the term shall not include antique firearms as defined in section 6118 (relating to antique firearms).

6111. Sale or transfer of firearms

(a) Time and manner of delivery. Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. The seller of a firearm shall be securely wrapped and shall be unloaded.

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides a minor with a firearm shall be guilty of a felony of the second degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited.

(e) Definitions. As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the term shall not include antique firearms as defined in section 6118 (relating to antique firearms).

6111.2. Possession of firearm with altered manufacturer's number

(a) General rule. No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Exceptions. A restoration of firearms rights under this section shall not result in the expungement of any criminal history record information nor will it constitute a gubernatorial pardon.

(c) Definitions. As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the term shall not include antique firearms as defined in section 6118 (relating to antique firearms).

6111. Sale or transfer of firearms

(a) Time and manner of delivery. Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. The seller of a firearm shall be securely wrapped and shall be unloaded.

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides a minor with a firearm shall be guilty of a felony of the second degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited.

6111. Sale or transfer of firearms

(a) Time and manner of delivery. Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. The seller of a firearm shall be securely wrapped and shall be unloaded.

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides a minor with a firearm shall be guilty of a felony of the second degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited.

6111. Sale or transfer of firearms

(a) Time and manner of delivery. Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller. The seller of a firearm shall be securely wrapped and shall be unloaded.

(c) Responsibility of adult. Any person who knowingly and intentionally delivers or provides a minor with a firearm shall be guilty of a felony of the second degree.

(d) Forfeiture. Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited.
tains or fails to destroy any information submitted to the Pennsylvania State Police for purposes of a background check pursuant to paragraphs (1.1) and (1.4) or violates §6111.4 (relating to registration of firearms) shall be subject to a civil penalty of $250 per violation, entry or failure to destroy.

(1.4) Following implementation of the instantaneous records check by the Pennsylvania State Police on or before December 31, 1999, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in section 6102. As soon as practicable, a duly licensed dealer to the Pennsylvania State Police, post-marked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in section 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

(2) Inspected photo identification of the potential buyer or transferee, including, but not limited to, a driver's license, official Pennsylvania photo identification card or official government photo identification card. In the case of a potential buyer or transferee who is a member of a recognized religious sect or community whose tenets forbid or discourage the taking of photographs of members of that sect or community, a seller shall accept a valid-without-photo driver's license or a combination of documents, as prescribed by the Pennsylvania State Police, containing the applicant's name, address, date of birth and the signature of the applicant.

(3) Requested by means of a telephone call that the Pennsylvania State Police conduct a criminal history, juvenile delinquency history and a mental health record check. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed $25.00. In addition, the Pennsylvania State Police shall provide the licensed dealer with a copy of the determination of the findings of the criminal background check.

(4) Received a unique approval number for that inquiry from the Pennsylvania State Police and recorded the date and the number on the application/record of sale form.

(5) Issued a receipt containing the information from paragraph (4), including the unique approval number of the purchaser. This receipt shall be prima facie evidence of the purchaser's or transferee's compliance with the provisions of this section.

(6) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105, no information received via telephone following the implementation of the instantaneous background check system from a purchaser or transferee who has received a unique approval number shall be retained by the Pennsylvania State Police.

(7) For purposes of the enforcement of 18 United States Code § 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in the event the criminal history or juvenile delinquency background check indicates a conviction for a misdemeanor that the Pennsylvania State Police cannot determine is or is not related to an act of domestic violence, the Pennsylvania State Police shall issue a temporary delay of the approval of the purchase or transfer. During the temporary delay, the Pennsylvania State Police shall conduct a review or investigation of the conviction with courts, local police departments, district attorneys and other law enforcement or related institutions as necessary to determine whether or not the misdemeanor conviction involved an act of domestic violence. The Pennsylvania State Police shall conduct the review or investigation as expeditiously as possible. No firearm may be transferred by the dealer to the purchaser who is the subject of the investigation during the temporary delay. The Pennsylvania State Police shall notify the dealer of the termination of the temporary delay and either deny the sale or provide the unique approval number under paragraph (4).

(c) Duty of other persons. Any person who is a licensed importer, manufacturer or dealer and who desires to sell or transfer a firearm to a particular person or any person who possesses a valid license to carry a firearm under section 6109 (relating to licenses).

(d) Defense. Compliance with the provisions of this section shall be a defense to any criminal complaint under the laws of this Commonwealth relating to the sale or transfer of any firearm.

(e) Nonapplicability of section. This section shall not apply to the following:

(1) Any firearm manufactured or distributed before 1899.
(2) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.
(3) Any replica of any firearm described in paragraph (1) if the replica:
(i) is not designed or redesigned to use rimfire or conventional center fire fixed ammunition; or
(ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States, it is not readily available in the ordinary channels of commercial trade.

(f) Application of section. For the purposes of this section only, except as provided by paragraph (2), "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(2) The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

(3) The provisions contained in subsection (a) shall not apply to any law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm under section 6109 (relating to licenses).

(4)(i) The provisions of subsection (a) shall not apply to any person who presents to the seller or transferrer a written statement issued by the official described in subparagraph (ii) during the ten-day period ending on the date of the most recent proposal of such transfer or sale by the transferee or purchaser stating that the transferee or purchaser requires access to a firearm because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

(ii) A person shall not apply to the visitor's local police authority that such a statement has been issued. In counties of the first class the chief of police shall notify the police station or subsection closest to the applicant's residence.

(5) The statement issued under subpara
gaph (4)(i) shall be issued by the district attorney, or his designee, of the county of residence of the transferee or purchaser resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.

(6) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm in violation of this section commits a misdemeanor of the second degree.

(2) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of three years.

(3) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally requests a criminal history, juvenile delinquency or mental health record check or other confidential information from the Pennsylvania State Police under this chapter for any purpose other than compliance with this chapter or knowingly and intentionally disseminates any criminal history, juvenile delinquency or mental health record or other confidential information to any person other than the subject of the information commits a felony of the third degree.

(4) Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:
(i) Makes any materially false oral statement;
(ii) Makes any materially false written statement, including a statement on any form promulgated by federal or state agencies; or
(iii) Willfully furnishes or exhibits any false identification intended or likely to deceive the law enforcement dealer or licensed manufacturer.

(5) Notwithstanding section 306 (relating to liability for conduct of another; complicity) or any other statute to the contrary, any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of this chapter who has reason to believe that
or
The firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be criminally liable for such crime or attempted crime.
(6) Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally transfers or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be liable in the amount of the civil judgment for injuries suffered by any person so injured.

(b) Subsequent violation penalty.
(1) A second or subsequent violation of this section shall be a felony of the second degree and shall be punishable by a mandatory minimum sentence of imprisonment of five years. A second or subsequent offense shall also result in permanent revocation of any license to sell, import or manufacture a firearm.
(2) Notice of the applicability of this subsection to the defendant and reasonable notice of the Commonwealth's intention to proceed under this section shall be provided prior to trial. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, and shall afford the Commonwealth an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.
(3) There shall be no authority for a court to impose on a defendant to which this subsection is applicable a lesser sentence than provided for in paragraph (1), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersedes the mandatory sentences provided in this section.
(4) If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this subsection.

(i) Confidentiality. All information provided by the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local government agency or department that violates this subsection shall be liable in civil damages in the amount of $1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

(c) Distribution. The Pennsylvania State Police shall require the Pennsylvania State Police to distribute, without charge, summaries of uniform firearm laws and firearm safety brochures pursuant to section 6125 (relating to distribution of uniform firearm laws and firearm safety brochures).

(d) Challenge to records.
(1) Any person who is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of the procedures established by this section may challenge the accuracy of that person's criminal history, juvenile delinquency history or mental health record pursuant to a denial by the instigation of an instantaneous records check by submitting a challenge to the Pennsylvania state police within 30 days from the date of the denial.
(2) The Pennsylvania state police shall conduct a review of the accuracy of the information forming the basis for the denial, and shall have the burden of proving the accuracy of the record. Within 30 days after receiving the challenge, the Pennsylvania state police shall notify the challenger of the basis for the denial, including, but not limited to, the jurisdiction and docket number of any relevant court decision and provide the challenger an opportunity to provide additional information for the purposes of the review. The Pennsylvania state police shall communicate its final decision to the challenger within 60 days of the receipt of the challenge. The decision of the Pennsylvania state police shall include all information which formed a basis for the decision.
(3) If the challenge is ruled invalid, the person shall have the right to appeal the decision to the attorney general within 30 days of the decision. The attorney general shall conduct a hearing de novo in accordance with the administrative agency law. The burden of proof shall be upon the commonwealth.
(4) The decision of the attorney general may be appealed to the commonwealth court by an aggrieved party.

(f) Notification of mental health adjudication, treatment, commitment, drug use or addiction.
(1) Notwithstanding any statute to the contrary, the judges of the courts of common pleas shall notify the Pennsylvania state police, on a form developed by the Pennsylvania state police, of:
(i) The identity of any individual who has been adjudicated as an incompetent or as a mental defective or who has been involuntarily committed to a mental institution under the act of July 25, 1959 (P.L.50, No.217), known as the Mental Health Procedures Act, or who has been involuntarily treated as described in section 6105(c)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or as described in 18 U.S.C. section 922(g)(4) (relating to unlawful acts) and its implementing federal regulations; and

(ii) The purchase of firearms by a chief law enforcement officer, or his designee, for the official use of law enforcement officers.
(2) For the purposes of this subsection, the term "chief law enforcement officer" shall include the commissioner of the Pennsylvania state police, the chief or head of a police department, a county sheriff or any equivalent law enforcement official.
6111.1. Pennsylvania State Police
(a) Administration. The Pennsylvania State Police shall have the responsibility to administer the provisions of this chapter.
(b) Duties of Pennsylvania State Police.
(1) Upon receipt of a request for a criminal history, juvenile delinquency history and mental health record check of the potential purchaser or transferee, the Pennsylvania State Police shall immediately direct the licensee's call or by return call forthwith:
(i) The Pennsylvania State Police crimi-

nal history and fingerprint records to determine if the potential purchaser or transferee is prohibit-

ed from receipt or possession of a firearm under Federal or State law;
(ii) review the juvenile delinquency and men-
tal health records of the Pennsylvania State Po-
lice to determine whether the potential purchase or transfer is prohibited from receipt or possession of a firearm under Federal or State law;
and
(iii) inform the licensee making the inquiry either:
(A) that the potential purchase or transfer is prohibited; or
(B) provide the licensee with a unique approv-

al number.
(2) In the event of electronic failure, scheduled computer downtime or similar event beyond the control of the Pennsylvania State Police, the Pennsylvania State Police shall immediately notify the requesting licensee of the reason for and estimated length of the delay. If the failure or event lasts for a period exceeding 48 hours, the dealer shall not be subject to any penalty for completing a transaction absent the completion of an instantaneous records check for the remainder of the failure or similar event, but the dealer shall obtain a completed application/record of the sections 6111(b)(1) and (1.1) (relating to sale or transfer of firearms) as if an instantaneous records check has not been established for any sale or transfer of a firearm for the purpose of a subsequent background check.
(3) The Pennsylvania State Police shall fully comply, execute and enforce the directives of this section as follows:
(i) The instantaneous background check for firearms as defined in section 6102 (relating to definitions) shall begin on July 1, 1998.
(ii) The instantaneous background check for firearms that exceed the barrel lengths set forth in section 6102 shall begin on the later of:
(A) the date of publication of the notice under section 6111(a)(2); or
(4) The Pennsylvania State Police and any local law enforcement agency shall make all reasonable efforts to determine the lawful owner of any firearm law enforcement agency return said firearm to its lawful owner if the owner is not otherwise prohibited from possessing the firearm. When a court of law has determined that the Pennsylvania State Police or any local law enforcement agency have failed to exercise the duty under this subsection, reasonable attorney fees shall be awarded to any lawful owner of said firearm who has sought judicial enforcement of this subsection.
(ii) Any finding of fact or court order related to any person described in 18 U.S.C. section 922(g)(3).

(2) The notification shall be transmitted by the judge to the Pennsylvania state police within seven days of the adjudication, commitment or treatment.

(3) Notwithstanding any law to the contrary, the Pennsylvania state police may disclose, electronically or otherwise, to the united states attorney general or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under this 212 S.C. Section 922 (g)(3) or (4) or an applicable state statute.

(g) Review by court.
(1) Upon receipt of a copy of the order of a court of competent jurisdiction which vacates an order of involuntary treatment received under subsection (f).
(2) A person who is involuntarily committed pursuant to section 302 of the Mental Health Procedures Act may petition the court to review the sufficiency of the evidence upon which the commitment was based. If the court determines that the evidence upon which the involuntary commitment was based was insufficient, the court shall order that the record of the commitment submitted to the Pennsylvania State Police be expunged. A petition filed under this subsection shall toll the 60-day period set forth under section 6105(a)(2).
(3) The Pennsylvania State Police shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within two hours of arrival under section 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to section 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

(h) Juvenile registry.
(1) The contents of law enforcement records and files compiled under 42 Pa.C.S. 6308 relating to law enforcement records concerning a child shall not be disclosed to the public except if the child is 14 years of age or older at the time of the alleged conduct and if any of the following apply:
(i) The child has been adjudicated delinquent by a court as a result of an act or acts which constitute an offense enumerated in section 6105.
(ii) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which constitute an offense enumerated in section 6105 and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.
(2) Notwithstanding any provision of this subsection, the contents of law enforcement records and files concerning any child adjudicated delinquent for the commission of any criminal activity described in paragraph (1) shall be recorded in the Pennsylvania State Police for the limited purposes of this chapter.

(1) Reports. The Pennsylvania State Police shall annually compile and report to the General Assembly, on or before December 31, the following information for the previous year:

(i) number of firearm sales, including the types of firearms;
(ii) the number of applications for sale of firearms denied, number of challenges of the denials and number of final reversals of initial denials;
(iii) summary of the Pennsylvania State Police's activities, including the average time taken to complete a criminal history, juvenile delinquency history or mental health record check; and
(iv) uniform crime reporting statistics compiled by the Pennsylvania State Police based on the National Incident-based Reporting System.

(j) Other criminal information. The Pennsylvania State Police shall be authorized to obtain any crime statistics necessary for the purposes of this chapter from any local law enforcement agency.

(1) Delinquency and mental health records. The provisions of this section which relate to juvenile delinquency and mental health records checks shall be applicable when the data has been made available to the Pennsylvania State Police based upon the court's determination which vacates the commitment on October 11, 1999.

(j.2) Records check. The provisions of this section which relate to the instantaneous records check conducted by telephone shall be applicable 30 days following notice by the Pennsylvania State Police pursuant to section 6111(a)(2).

(j.3) Immunity. The Pennsylvania State Police and its employees shall be immune from actions for damages for the use of a firearm by a purchaser or for the unlawful transfer of a firearm by a dealer unless the act of the Pennsylvania State Police or its employees constitutes a crime, actual fraud, actual malice or willful misconduct.

(k) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." The term shall have the same meaning as in section 6111.2 (relating to firearm sales surcharge).

"Physician." Any licensed psychiatrist or clinical psychologist as defined in the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedures Act.

6111.2. Firearm sales surcharge
(a) Surcharge imposed. There is hereby imposed on each sale of a firearm subject to tax under Article II of the act of March 4, 1971 (P.L. 6, No.2), known as the Tax Reform Code of 1971, an additional surcharge of $3. This shall be referred to as the Firearm Sale Surcharge. All monies received from this surcharge shall be deposited in the Firearm Instant Records Check Fund.
(b) Increases or decreases. Five years from the effective date of this subsection, and every five years thereafter, the Pennsylvania State Police shall provide such information as necessary to the Legislative Budget and Finance Committee for the purpose of reviewing the need to increase or decrease the instant check fee. The committee shall issue a report of its findings and recommendations to the General Assembly for a statutory change in the fee.
(c) Revenue sources. Funds received under the provisions of this section and section 6111(b)(3) (relating to sale or transfer of firearms), as estimated and certified by the Secretary of Revenue, shall be deposited within five days of the end of each quarter into the fund.

(d) Definition. As used in this section only, the term "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosion or the frame or receiver of any such weapon.

6111.3. Firearm Records Check Fund
(1) The Firearm Records Check Fund is hereby established as a restricted account in the State Treasury, separate and apart from all other public money or funds of the Commonwealth, to be appropriated annually by the General Assembly, for use in carrying out the provisions of section 6111 (relating to firearms registration). The moneys in the fund on June 1, 1998, are hereby appropriated to the Pennsylvania State Police.

(b) Source. The source of the fund shall be monies collected and transferred under section 6111.2 (relating to firearm sales surcharge) and monies collected and transferred under section 6113 of this subchapter.

6111.4. Registration of firearms. Notwithstanding any section of this chapter to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth. For the purposes of this chapter only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

6111.5. Rules and regulations. The Pennsylvania State Police shall in the manner provided for by law promulgate the rules and regulations necessary to carry out this chapter, including regulations to ensure the identity, confidentiality and security of all records and data provided pursuant hereeto.

6112. Retail dealer required to be licensed
No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm as defined in section 6111(d) (relating to licensing of dealers) without being licensed as provided in this chapter.

6113. Licensing of dealers
(a) General rule. The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for three years from date of issue, permitting the licensee to sell firearms directly to the consumer, subject to the following conditions in addition to those specified in section 6111 (relating to sale or transfer of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only upon the premises designated in the license or at a lawful gun show or meet.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of the purchaser's identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the per-
son effecting the sale, each in the presence of the other, and shall contain the information required by section 6111. The record shall be maintained by the licensee for a period of 20 years.

(6) No firearm as defined in section 6102 (relating to definitions) shall be displayed in any part of any premises where it can readily be seen from the outside. In the event that the Commissioner of the Pennsylvania State Police finds a clear and present danger to public safety within this Commonwealth or any area thereof, firearms shall be stored and safely secured to regulations to be established by the Pennsylvania State Police by the licensee during the hours when the licensee is closed for business.

(7) The dealer shall possess all applicable current revenue licenses.

(b) Fee. The fee for issuing said license shall be $30, which fee shall be paid into the county treasury.

(c) Revocation. Any license granted under subsection (a) of this section may be revoked for cause by the person issuing the same, upon written notice to the holder thereof.

(d) Definitions. For the purposes of this section and section 6112 (relating to retail dealer required to be licensed) unless otherwise specifically provided, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

6114. Judicial review The action of the chief of police, sheriff, county treasurer or other officer under this subchapter shall be subject to judicial review in the manner and within the time provided by 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action). A judgment sustaining a refusal to grant a license shall not bar, after one year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur. The court shall have full power to dispose of all costs.

6115. Loans on, or lending or giving firearms prohibited

(a) Offense defined. No person shall make any loan secured by mortgage, deposit or pledge of a firearm, nor, except as provided in subsection (b), shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

(b) Exception. Subsection (a) shall not apply if any of the following apply:

(i) The person who receives the firearm is licensed to carry a firearm under section 6109 (relating to licenses).

(ii) The person who receives the firearm is exempt from licensing.

(iii) The person who receives the firearm is engaged in a hunter safety program certified by the Pennsylvania Game Commission or a firearm training program or competition sanctioned or approved by the National Rifle Association.

(iv) The person who receives the firearm meets all of the following:

(A) Is 18 years of age.

(B) Pursuant to section 6110.1 (relating to possession of firearm by minor) is under the supervision, guidance and instruction of a responsible individual who:

(I) is 21 years of age or older; and

(II) is not prohibited from owning or possessing a firearm under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(v) The person who receives the firearm is lawfully hunting or trapping and is in compliance with the provisions of Title 34 (relating to game).

(vi) A bank or other chartered lending institution is able to adequately secure firearms in its possession.

(2) Nothing in this section shall be construed to prohibit the transfer of a firearm under 20 Pa. C.S. Ch. 21 (relating to intestate succession) or by bequest if the individual receiving the firearm is not precluded from owning or possessing a firearm.

(3) Nothing in this section shall be construed to prohibit the loaning or giving of a firearm to another in one's dwelling or place of business if the firearm is retained within the dwelling or place of business.

(4) Nothing in this section shall prohibit the relinquishment of firearms under section 6107 (relating to relinquishment to third party for safekeeping).

6116. False evidence of identity In addition to any other penalty provided in this chapter, the furnishing of false information or offering false evidence of identity is a violation of section 4904 (relating to unsworn falsification to authorities).

6117. Altering or obliterating marks of identification

(a) Offense defined. No person shall change, alter, remove, or obliterate the manufacturer's number integral to the frame or receiver of any firearm which shall have the same meaning as provided in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).


(c) Penalty. A violation of this section constitutes a felony of the second degree.


6118. Antique firearms

(a) General rule. This subchapter shall not apply to antique firearms.

(b) Exception. Subsection (a) shall not apply to the extent that such antique firearms, reproductions or replicas of firearms are concealed weapons as provided in section 6106 (relating to firearms not to be carried without a license), nor shall it apply to the provisions of section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) if such antique firearms, reproductions or replicas of firearms are suitable for use.

(c) Definition. As used in this section, the term "antique firearm" means:

(1) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

(2) Any firearm manufactured on or before 1898.

(3) Any replica of any firearm described in paragraph (2) if such replica:

(i) Is not designed or redesigned for using rimfire or conventional center fire fixed ammunition; or

(ii) Uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

6119. Violation penalty

(a) General rule. No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(b) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Dealer." The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

"Political subdivision." The term shall include any home rule charter municipality, county, city, borough, incorporated town, town-ship or school district.

6121. Certain bullets prohibited

(a) Offense defined. It is unlawful for any person to possess, use or attempt to use a KTW teflon-coated bullet or other armor-piercing ammunition while committing or attempting to commit a crime of violence as defined in section 6102 (relating to definitions).

(b) Grading. An offense under this section constitutes a felony of the third degree.

(c) Sentencing. Any person who is convicted in any court of this Commonwealth of a crime of violence and who uses or carries, in the commission of that crime, a firearm loaded with KTW ammunition or any person who violates this section shall, in addition to the punishment provided for the commission of the crime, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a crime subject to this subsection nor place him on probation nor shall the term of imprisonment run concurrently with any other term of imprisonment including that imposed for the crime in which the KTW ammunition was being used or carried. No person sentenced under this subsection shall be eligible for parole.

(b) Definition. As used in this section the term "armor-piercing ammunition" means ammunition which, when or if fired from any firearm as defined in section 6102 that is used or attempted to be used in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NIECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978.

6122. Proof of license and exception

(a) General rule. When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the license for inspection. Failure to produce such license at the time of arrest or at the preliminary hearing shall create a rebuttable presumption of nonlicensed.

(b) Exception. An individual carrying a firearm on or about his person or in a vehicle and claiming an exception under section 6106(b) (relating to firearms not to be carried without a license) shall, upon lawful demand of a law enforcement officer, produce the license for inspection.
forcement officer, produce satisfactory evidence of qualification for exception.

6123. Waiver of disability or pardons A waiver of disability from Federal authorities as provided for in 18 U.S.C. 925 (relating to exceptions; relief from disabilities), a full pardon from the Governor of this Commonwealth or a waiver or an extension of a conviction or sentence shall remove any corresponding disability under this subsection except the disability under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

6124. Administrative regulations The commissioner may establish forms and specifications of regulations, consistent with section 6109(c) (relating to licenses), with respect to uniform forms control, including the following:

(a) License to carry firearms.
(b) Firearm registration.
(c) Dealer's license.
(d) Application for purchase of a firearm.
(e) Record of sale of firearms.

6125. Distribution of uniform firearm laws and firearm safety brochures It shall be the duty of the Pennsylvania State Police beginning January 1, 1996, to distribute to every licensed firearm dealer in this Commonwealth firearms safety brochures at no cost to the dealer. The brochures shall be written by the Pennsylvania State Police, with the cooperation of the Pennsylvania Game Commission, and shall include a summary of the major provisions of this subchapter, including, but not limited to, the duties of the sellers and purchasers and the transferees of firearms. The brochure or a copy thereof shall be provided without charge to each purchaser.

6127. Firearm tracing

(A) Illegal possession. Upon confiscating or recovering a firearm from the possession of anyone who is not permitted by federal or state law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace where necessary, to determine how and from where the person gained possession of the firearm.

(b) Tracing.-- Local law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives and, as permitted by subsection (a), shall secure assistance from the Pennsylvania State Police to trace the firearms.

(c) Notification.-- Local law enforcement agencies shall advise the Pennsylvania State Police of all firearms that are recovered in accordance with this section.

Subchapter B. Firearms Generally

6141.1. Purchase of rifles and shotguns outside this Commonwealth Nothing in this chapter shall be construed to prohibit a person in this Commonwealth who may lawfully purchase, use, control, sell, transfer or manufacture a firearm which exceeds the barrel and related lengths set forth in section 6102 (relating to definitions) from lawfully purchasing or otherwise obtaining such a firearm in a jurisdiction outside the Commonwealth.

6142. Locking device for firearms

(a) Offense defined. It shall be unlawful for anyone to sell, deliver or transfer any firearm as defined in section 6102 (relating to definitions), other than an antique firearm as defined in section 6118 (relating to antique firearms), to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

(b) Exceptions. Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section. A violation of the provisions of this section shall be a summary offense.

(c) Good faith compliance. A licensee who in good faith complies with this section shall not be civilly liable as a result of such compliance with this section, except for any acts or omissions intentionally designed to harm or for grossly negligent acts or omissions which result in harm.

(d) Admissibility of evidence. A transferee's purchase or receipt of a locking device in conjunction with the purchase of a firearm pursuant to this section shall not be admissible as evidence in any civil action brought against the transferee to enforce the provisions of this section.

6302. Sale or lease of weapons or explosives

(a) Offense defined. A person guilty of a misdemeanor of the first degree if he sells or causes to be sold, gives or furnishes to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception. The provisions of subsection (a) shall not prohibit hunting by minors under 18 years of age permitted under Title 34 (relating to game).

(c) Sale of starter pistols

(a) Offense defined. A person guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception. Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

(c) Sale and use of air rifles

(a) Sale or transfer of air rifles.

(1) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 18 years, where the dealer knows, or has reasonable cause to believe, the person to be under 18 years of age, or where the dealer has failed to make a reasonable inquiry relative to the age of such person, and such person is under 18 years of age.

(2) It shall be unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 18 years of age, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person under 18 years of age.

(b) Carrying or discharging air rifles.

(1) It shall be unlawful for any person under 18 years of age to carry any air rifle on the highways or public lands unless accompanied by an adult, except that a person under 18 years of age may carry such rifle unloaded in a suitable case or securely wrapped.

(2) It shall be unlawful for any person to discharge any air rifle from or across any highway or public land or any public place, except on a properly constructed target range.

(c) Exception.

(i) Nothing in this section shall make it unlawful for any person under 18 years of age to have in his possession any air rifle, if it is:

(i) kept within his domicile;

(ii) used by the person under 18 years of age and he is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult;

(iii) used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

(2) Nothing in this section shall prohibit sales of air rifles:

(i) By wholesale dealers or jobbers.

(ii) To be shipped out of this Commonwealth.

(iii) To be used at a target range operated in accordance with paragraph (1) of this subsection or by members of the armed services of the United States or veterans' organizations.

(d) Seizure. Any law enforcement officer may seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in violation of this section.

(e) Preemption. The provisions of any ordinance enacted by any political subdivision which impose greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles, than is imposed by this section, shall not be invalidated or affected by this section.

(f) Grading. Any dealer violating the provisions of paragraph (a)(1) of this section shall be guilty of a misdemeanor of the third degree. Any person violating any other provision of this section shall be guilty of a summary offense.

(g) Definitions. As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Air rifle." Any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm. The term does not include a paintball gun or paintball marker as defined in section 2707.2 (relating to paintball guns and paintball markers).

"Dealer." Any person engaged in the business of selling at retail or renting any air rifle.

Chapter 73. Trade and Commerce

7306. Incendiary devices
(a) Offense defined. A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "Molotov cocktail."

(b) Exception. The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth, or any political subdivision, who use incendiary devices as part of their duties.

definition. As used in this section the phrase "incendiary device" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

---

Title 24. Health and Sanitation

Chapter 111. Controlled Substances Act of Puerto Rico

2516. Suspension or revocation of license to drive motor vehicles and license to carry firearms No person who has been convicted of the possession or manufacture of drugs, as defined by any federal or state law, or the use of narcotics, or the use of any substance which may be used in the preparation of any narcotic drug, shall be permitted to drive any kind of motor vehicle or to carry any kind of firearm.

(c) Definition. As used in this section the phrase "incendiary device" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

---

Title 25. Internal Security

Subtitle 1. Generally

Part V. Regulation of Firearms, Explosives, and Other Dangerous Devices

Chapter 51A. Puerto Rico Arms Act of 2000

Subchapter I. Preliminary Provisions

455. Definitions For the purposes of this chapter, the following terms shall have the meanings stated below:

(a) Law enforcement officer. Means any member or officer of the Government of Puerto Rico or of the United States of America, as well as any other political subdivision of Puerto Rico or the United States of America, whose duties are to make arrests, including, but without being limited to the members of the Rangers Corps of the Department of Justice, custodial officials of the Corrections Administration, custodial officials of the Pretrial Services Office, the National Guard while in official duty or practice, the custodial officials of the Juvenile Institutions Administration, the Internal Security Corps of the Ports Authority, the Director of the Drugs and Narcotics Control Division and the controlled substances inspectors of the Mental Health and Addiction Services Administration, the investigating agents of the Deputy Secretary Investigations Office of the Corrections System of the Department of Corrections and Rehabilitation, and the inspectors of the Public Service Commission, as well as the marshals of the General Court of Justice of Puerto Rico and of the federal court with jurisdiction throughout Puerto Rico, and the internal revenue inspectors of the Department of the Treasury.

(b) "Machine gun" or "automatic weapon". Means a weapon of any description, regardless of its size and of the name by which it is designated or known, either loaded or unladen, that is capable of firing a rapid and repeated or automatic stream of bullets contained in a magazine, ammunition belt or other receptacle, by a single pull of the trigger. The term "machine gun" also includes a submachine gun, as well as any other firearm provided with a magazine to automatically fire all or part of the bullets or ammunition contained in the magazine, belt or any combination of the parts of a firearm, destined to, and with the intention of converting, modifying or altering the device to make it a machine gun.

(c) Weapon. Means any firearm, blade, or type of weapon regardless of its designation.

(d) Sidearm. Means a stabbing, cutting or thrusting weapon (cold steel) that can be used as an instrument of aggression capable of inflicting severe bodily injury.

(e) Firearm. Means any weapon, regardless of the name by which it is known, designed to be or which may easily be converted to be, or which is capable of firing a round or rounds of ammunition by an explosive charge. This definition does not include those working tools such as, but not limited to, nail guns, when used for work, in the arts or a trade.

(f) Rifle. Means any shotgun, rifle or firearm designed to be fired from the shoulder.

(g) Pneumatic weapon. Means any weapon, regardless of the name by which it is known, that through the discharge of gas or a mixture of compressed gases, is capable of firing one (1) or more projectiles.

(h)(1) Antique firearm. Means any firearm with a rifle matchlock, flintlock, or percussion cap mechanism made in or before 1898; or

(2) any replica of a firearm described in clause (1) above, if said replica:

(a) is not designed or redesigned to use rimfire or conventional centerfire ammunition, or

(b) uses rimfire or conventional centerfire ammunition no longer made in the United States and which cannot be found through normal and ordinary business channels; or

(C) any muzzle loading rifle, muzzle loading shotgun or muzzle loading pistol designed to be used with black gunpowder, or a substitute of black gunpowder, and which is unable to fire fixed ammunition. For the purposes of this clause, the term Antique Firearm shall not include any firearm that includes a frame or receiver, any firearm converted into a muzzle loading weapon, or any muzzle loading weapon that may be converted to be capable of firing fixed ammunition by means replacing the barrel, the bolt, the breech lock, or any combination thereof.

(D) The term fixed ammunition shall mean that which is completely assembled, meaning it is equipped with casing, gun powder, primer and slug.

(i) Gunsmith. Means any natural or juridical person who, on his/her own or through agents or employees, purchases, or introduces for sale, changes, exchanges, offers for sale or displays for sale, or has for sale in his/her business establishment, any firearm or ammunition, or who performs any mechanical or cosmetic work for a third party on any firearm or ammunition.

(j) Armor piercing. Means a projectile that can be used in a handgun that is constructed entirely of plastic, including the propellant (or other substances) or a combination of an alloy of tungsten, steel, iron, tin, bronze, cupric beryllium or degraded uranium; or a fully shielded, greater than twenty-two (22) caliber bullet, designed and intended to be used in a hand gun and whose shielding weighs more than twenty-five percent of its total weight. It excludes the shotgun ammunition required by federal or state environmental laws or hunting regulations for such purposes, a disintegrating bullet designed for target shooting, a projectile whose primary use determined by the Secretary of the Treasury of the United States for sports purposes, or any other projectile or nucleus of a projectile in which said Secretary finds that its main use is for industrial purposes, including a charge used in the digging of oil or gas wells.

(k) Home. Is part of a building that is used or occupied by a single person or family.

(l) Committee. Means the Interagency Committee to Fight the Illegal Trafficking of Weapons, established in this chapter.

(m) Shotgun. Means a long-barreled firearm with one or more smooth bores, designed to be fired from the shoulder, which can fire cartridges of one (1) or more shots. It may be fed manually, or by a magazine or receptor, and may be fired manually, automatically or semiautomatically. This definition includes single-shot shotguns with barrels of less than 18 inches in length.

(n) Sports shooting federation. Means any federation attached to the Puerto Rico Olympic Committee that represents the Olympic target-shooting sport.

(o) [Weapons] license. Is the license issued by the superintendent that authorizes the concessionaire to possess, carry and transport...
arms and ammunition, and, depending on their category, to carry firearms, target shooting or hunt-ing.

(p) Ammunition. Means any bullet, cartridge, projectile, pellet, or any load that is placed or can be placed in a firearm to be fired.

(q) Pistol. Is a firearm that does not have a cylinder, which is fixed manually or by a magazine, is not designed to be fired from the shoulder, and is capable of being fired semi-automatic-ally or one shot at a time, depending on its class.

(r) Police. Means the Puerto Rico Police.

(s) Revolver. Means any firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired.

(u) Rifle. Means any firearm designed to be fired from the shoulder, which fires one or more projectiles. It may be fed manually or automatic-ally by a magazine or removable receptacle and fired manually or semiautomatically. The word "rifle" also includes the word "carbine".

(v) Secretary. Means the Secretary of the Sports and Recreation Department.

(w) Superintendent. Means the Puerto Rico Police Superintendent.

(x) Transportation. Means the mediate or immediate possession of a weapon for the purpose of transportation from one place to another. Said transportation must be carried out by a person with a current weapons license and the weapon must be unloaded and transported inside a closed case whose contents are not visible and which may not be in plain sight.

(y) Vehicle. Is any means for the transport of persons or goods on land, sea or air.

(z) Category Change. Means to incorporate permits to a firearms license, regardless of its category, carrying, hunting or target shooting.

Subchapter II. Licenses and Regulations

456. Electronic register. The Superintendent shall issue weapons and/or gunsmith licenses pursuant to the provisions of this chapter, which shall be designed to expedite the electronic registration of all transactions involving firearms and ammunition by the person who holds either of the above. It shall pertain to the Superintendent to provide, through regulations, the manner in which the Electronic Register system shall operate, and to ensure that the system that is designed directly informs the Police of every transaction made by a license holder. The Puerto Rico Police is granted a term of six (6) months from the date of effectiveness of this law to install this Register.

The weapons license shall be issued on an identification card, sufficiently small to be carried in a commonly used wallet, and shall contain, at least, a photograph of the petitioner, his/her complete name, date of birth, personal data and his/her weapons license number. It shall also contain the date of issue and expiration of the license, as provided below. It shall also contain the mechanisms to access the police electronic register system to ascertain its veracity and other relevant data, such as identification of its scope according to the categories of bearing, carrying the weapon, target shooting, hunting, or all categories. The license shall not contain the address of the petitioner, nor shall it mention the weapons or ammunition authorized for purchase, but the police electronic register shall contain and furnish said information to its users.

Provided, that until the police installs and makes the electronic register system available to gunsmiths, the Superintendent shall issue to every gunsmith a provisional identification card that contains, at least, a photograph of the licensee, his/her full name, date of birth, personal data, the license number and the caliber corresponding to the ammunition he/she is authorized to buy. It shall also contain the date of issue and expiration.

The Superintendent shall issue a provisional identification card according to the requirements established in this chapter. The Superintendent may only issue the electronic identification card if the system is not available at the time the transaction takes place, said transaction shall be conducted according to the procedure the Superintendent provides through regulations.

456a. Weapons license

(a) The Superintendent shall issue a weapons license to any petitioner who meets the following requirements:

(1) Has reached the age of twenty-one (21) years.

(2) Has a negative criminal record certificate issued not later than thirty (30) days prior to the date of the application and has not been accused of, nor is pending or in the process of trial for any of the crimes listed in § 456j of this title or its equivalent, in Puerto Rico, the United States or abroad.

(3) Is not habitually inebriated or addicted to controlled substances.

(4) Has not been declared mentally incompetent by a court.

(5) Has not incurred or belonged to organizations involved in acts of violence, or directed to the overthrow of the constituted government.

(6) Has not been dishonorably discharged from the armed forces, or removed from any of the law enforcement agencies of the Government of Puerto Rico or its municipalities.

(7) Is not under a court order which prohibits having a weapon in proximity, stalking, harassment, or intimate partner, the children of the latter or to any person, and who does not have a record of violence.

(8) Is a citizen of the United States, or a legal resident of Puerto Rico.

(9) Is not a person who, having been a citizen of the United States at a given time, has renounced said citizenship.

(10) Has submitted a sworn statement attesting to compliance with fiscal laws; it being established that it shall be grounds to deny the issue of the license applied for or to revoke the same if the petitioner has failed to comply with the fiscal laws of the Commonwealth of Puerto Rico.

(11) Has purchased a one hundred (100) dollar internal revenue stamp payable to the Puerto Rico Police; provided, that in those cases whereby the license is denied, the amount paid shall not be reimbursed.

(12) Has submitted, together with the application, a sworn statement from three (3) persons that are not related by consanguinity or affinity to the petitioner and that under penalty of perjury, attest to the fact that the petitioner enjoys a good reputation in the community, that he/she does not have a tendency to commit acts of violence, and that therefore they have no objection to the petitioner owning firearms. This statement shall be made in the form provided by the Superintendent along with the application for a weapons license.

(13) Has submitted the completed application, under oath, before a notary, accompanied by an impression of his/her fingerprints, taken by a technician of the Puerto Rico Police, for a complete federal or state government agency, and that includes two (2) color photographs, two (2) inches by two (2) inches in size, sufficiently recent as to depict the petitioner in his/her true aspect at the time of the application.

(14) Has submitted a negative certification of duties to the Puerto Rico Police, or a corresponding voucher, indicating the date of the issuance of the weapons license.

(b) Every duly completed application, in duplicate, and, together with the documents and voucher indicated above, shall be filed with the General Police Headquarters or the law enforcement agency of the area in which the applicant resides. The applicant shall retain a sealed copy for his/her records. Within the term of five (5) working days, the Superintendent shall issue a certification stating that the application and all the required documents have been submitted, or shall require compliance with the requirements for the application in order to issue the certification. Said certification shall certify that the Superintendent shall determine and certify in writing, within a term that shall not exceed one hundred and twenty (120) calendar days, that the applicant meets the requirements established in this chapter for granting a weapons license. This may be achieved through an investigation in the files of any government agency in Puerto Rico, the United States, or abroad, to which he/she may have access (including the archives of the National Crime Information Center and the National Instant Criminal Background Check System, among others). Should the Superintendent’s investigation result in a finding indicating that the person fails to meet all the requirements established in this chapter, the weapons license shall not be granted, but without it constituting an impairment, the applicant shall not be prevented from requesting said license again in the future. Should the Superintendent fail to issue a determination within the above mentioned term of one hundred and twenty (120) calendar days, he/she shall be bound to issue a special provisional permit in favor of the applicant, within a term of ten (10) calendar days. Said special provisional permit shall grant all the rights, privileges and prerogatives of a regular license to carry weapons, for a term of sixty (60) calendar days, during which period the Superintendent must have reached a decision. If upon the conclusion of the effectiveness of said provisional permit, the Superintendent has not yet reached a decision as to the suitability of the applicant, said provisional permit shall automatically become a regular weapons license.

(c) The Superintendent, discretionarily and unobtrusively, without disrupting the peace and tranquility of the person under investigation or breaching the privacy of his/her home, may conduct as many investigations as he/she deems pertinent after remitting the license to the applicant, pursuant to the terms of the application, without it constituting an impediment for the license to be issued pending the terms indicated above. If after the pertinent investigation has been conducted by the Superintendent, it is found that the applicant has knowingly furnished false information in his/her application or does not meet the requirements established in this chapter, the license...
shall be immediately revoked and seized, as well as all the firearms and ammunition held by the applicant, who shall be subject to prosecution for the crime of perjury and for the corresponding violations of this chapter.

Any citizen to whom a license and/or permit is issued shall report to the Superintendent of Police Weapons License Office, to be filed with the Superintendent of Police, if he/she has not filed it before with the Internal Revenue vouchers provided in section 2.02 of this Act, stating that the circumstances that gave rise to the original granting are the same, or indicating the manner they have changed. This renewal may be made within six (6) months before, or thirty (30) days after the date the weapons license has expired. Failure to renew the license that has been mentioned thirty (30) days, shall entail an administrative fine of fifty dollars (50) per month up to a maximum of six (6) months, amount which must be paid as a requirement for renewal. If the weapons license is not renewed within six (6) months, the Superintendent shall revoke the same and seize the weapons and ammunition, provided that the license holder and the Superintendent grants an administrative fine of one hundred ($100) dollars for each month in which he/she has not made the filing of the renewal, six (6) months after the previous filing, and no person may make any transaction of a firearm or ammunition, nor own or possess a weapon that is removed from the control or command of the same to his/her personal firearms and ammunition, limiting the purchase and sale of the same to his/her personal firearms and ammunition.

It is hereby provided, that in the event the licensee is residing outside of Puerto Rico on the date the renewal of the license is due or during the renewal period indicated above, the license shall not expire within the thirty (30) days of the licensees’s return to Puerto Rico.

If it is further provided that if the licensees happens to be a woman, and if she were pregnant on the date the renewal of the license is due or during the renewal period indicated above, said period shall not expire until ninety (90) days have elapsed after the birth. In any case in which a pregnant women is bound, under the provisions of this chapter, to submit a training certificate, the term to submit the same shall begin ninety (90) days after the birth.

The Superintendent shall notify every licensee by mail to his/her mailing address, the date on which his/her license must be updated, six (6) months prior to its expiration date. The Superintendent shall make available through the area police stations, the gunsmiths, and the Internet, all the forms needed to execute the renewal. Once the license has been renewed, the Superintendent shall issue the new license upon payment of the renewal fee, within the following thirty (30) calendar days, unless there is just cause to delay doing so.

Every licensee shall inform the Superintendent of his/her change of residential or mailing address, within thirty (30) days after the change. Under penalty of an administrative fine of two hundred (200) dollars, which shall be paid as a requirement for renewing the license.

(f) The Puerto Rico Police shall issue the duplicates of weapons license cards that a licensee may want within the term of thirty (30) calendar days upon request after having paid fifty dollars ($50) in internal revenue vouchers per duplicate. In case of a change in license category, the issuance of a duplicate category change shall be twenty dollars ($20).

Every weapons license shall have the date on which it must be updated, which shall be five (5) years after its issue, and no person may make any transaction of a firearm or ammunition, nor shoot in a gun club, nor hunt, bear, carry, or transport weapons, if he/she has not applied for the updating thereof as indicated in this chapter, under penalty that the weapons license be revoked and an administrative fine of five hundred dollars ($500) be imposed for shooting in a gun club or hunting, bearing, carrying or transporting weapons. After six (6) months have elapsed from the due date, he/she may transport his/her firearms to a person with a dealer license.

Every five (5) years, on the fifth anniversary of the date of issue of the weapons license, the petitioner shall be bound to renew his/her license, by executing a sworn statement addressed to the Superintendent of Police, upon payment of the renewal fee, as provided in section 2.02 of this Act, stating that the circumstances that gave rise to the original granting are the same, or indicating the manner they have changed. This renewal may be made within six (6) months before, or thirty (30) days after the date the weapons license has expired. Failure to renew the license that has been mentioned thirty (30) days, shall entail an administrative fine of fifty dollars (50) per month up to a maximum of six (6) months, amount which must be paid as a requirement for renewal. If the weapons license is not renewed within six (6) months, the Superintendent shall revoke the same and seize the weapons and ammunition, provided that the license holder and the Superintendent grants an administrative fine of one hundred ($100) dollars for each month in which he/she has not made the filing of the renewal, six (6) months after the previous filing, and no person may make any transaction of a firearm or ammunition, nor own or possess a weapon that is removed from the control or command of the same to his/her personal firearms and ammunition, limiting the purchase and sale of the same to his/her personal firearms and ammunition.

The provisions of this paragraph shall not impair the provisions of clause (d) (7) of the above paragraph.

The Superintendent shall handle any claim from the persons who for health reasons or special circumstances beyond their control are unable to comply with the certification duty imposed herein. In any case in which the Superintendent grants an extension, the new term for compliance with the requirements shall begin ten (10) days after the circumstances that led to the extension are no longer extant. Said ammunition shall have to be used completely by the licensee during the training for certification.

The provisions of this paragraph shall not impair the provisions of clause (d) (7) of the above paragraph.

The Superintendent shall notify every licensee by mail to his/her mailing address, the date on which his/her license must be updated, six (6) months prior to its expiration date. The Superintendent shall make available through the area police stations, the gunsmiths, and the Internet, all the forms needed to execute the renewal. Once the license has been renewed, the Superintendent shall issue the new license upon payment of the renewal fee, within the following thirty (30) calendar days, unless there is just cause to delay doing so.

Every licensee shall inform the Superintendent of his/her change of residential or mailing address, within thirty (30) days after the change. Under penalty of an administrative fine of two hundred (200) dollars, which shall be paid as a requirement for renewing the license.

(g) A person may at any time surrender his/her weapons license to the Police for its cancellation, and also surrender his/her weapons to the Police, or transfer the same to
another person who owns a weapons or gunsmith license in force.

(h) It shall not be a requirement to own any firearms to obtain a weapons license and its categories.

456c. Procedure for licensing government officials

The Governor, legislators, mayors, secretaries, directors and heads of the departments of the Government of Puerto Rico, Commonwealth and Federal judges, Commonwealth and Federal prosecutors, minors’ advocates, the Superintendent, members of the police force, officials, agents and employees of the Commonwealth of Puerto Rico, the Superintendent, together with the duties they perform are required to carry a weapon, and every law enforcement officer, may carry weapons. In addition, former governors, former legislators, former superintendents, former Commonwealth and federal justices, former Commonwealth and federal prosecutors, former minors’ advocates, former mayors of Puerto Rico and former law enforcement officers, as long as they were honorably retired are not restricted by this chapter from owning firearms and in the case of former law enforcement officers, have served in such a capacity for not less than ten (10) years. The members of the United States Armed Forces and the Puerto Rico National Guard may also carry the weapons assigned to them by said organizations without a license while engaged in the official duties of their office. To such ends, the Su-perintendent shall establish an expedited procedure whereby the above mentioned officials, with the exception of the law enforcement officers and the Superintendent of him/herself, shall be granted a weapons license with the corresponding permit to carry a weapon.

Those law enforcement officers, government officials and employees authorized to carry train with firearms belonging to the Commonwealth of Puerto Rico or to the Federal Government, shall register the caliber of their official weapon in order to purchase and use ammunition on their weapons license with a permit to carry, with the prior authorization of the head or director of the agency and pursuant to the provisions of this chapter.

456d. A gunsmith who holds a license issued pursuant to this chapter, may acquire a weapon registered under the provisions of this chapter in the weapons register, by purchasing said weapon from the person who has registered the same in his/ her name, provided said person holds a weapons license registered under the provisions of this chapter.

(d) The permit to carry weapons shall be in corporated by the Superintendent to the weapons license of the licensee, stating the category to carry weapons as established in subsection (f) of § 456a of this title within ten (10) calendar days following the presentation of the authorization of the court by the licensee.

456f. Felony charges; seizure of weapons

Upon a finding of probable cause for the arrest of any person to whom a license to carry weapons has been granted, for the commission of any offense under this title or of violations of the provisions of this chapter, the court shall provisionally suspend the license until the final determination of the criminal procedure. Provided, further, that the court shall order the immediate seizure of all weapons and ammunition of the licensee for their custody in the police weapons and ammunition depot. Upon a final and binding determination that the accused is not guilty, the judge shall order the immediate return of the weapons license and all weapons and ammunition. All weapons and ammunition returned must be in the same condition they were when seized. The licensee shall be exempted from any subsequent application or license fees. Should the judicial action result in a final and binding conviction, the Superintendent shall permanently revoke the license and shall seize all weapons and ammunition.

456g. Gunsmith license; report of transactions

(a) No person may be engaged in business as a gunsmith or trader of firearms and ammunition, unless he/she holds a gunsmith license issued by the Secretary of the Department of the Treasury. Said licenses shall expire one (1) year after their date of issue and shall again be subject to the formalities and application requirements of this chapter. Gunsmith licenses shall be subject to approval and certification by the Police, upon prior inspection of the safety measures required in the building where the establishment is located. The application for the renewal of a license shall be submitted thirty (30) days prior to its expiration date.

(b) Each transaction regarding the introduction of weapons into Puerto Rico by dealers, or to the sale of weapons and ammunition between dealers, must be informed through the electronic system established in this chapter. If said system is not available at the time of the transaction, the transaction shall be reported to the Superintendent on a form provided by the latter, which shall include the name, domicile, place of business and the specific license of the vendor and the buyer, as well as the type, amount and description of the weapons or ammunition, including the serial numbers, subject to each transaction, as required by the Superintendent.

(c) A gunsmith who holds a license issued pursuant to this chapter, may acquire a weapon registered under the provisions of this chapter in the weapons register, by purchasing said weapon from the person who has registered the same in his/ her name, provided said person holds a weapons license registered under the provisions of this chapter. When any sale of firearms or ammunition is made, said transaction must be reported through the electronic system established by this chapter. If said system is not available at the time of the transaction, the vendor and the buyer must notify this fact to the Superintendent in writing with return receipt requested, both on the same form provided by the latter for such purposes. In the case of a multiple weapons sale, more than one (1) at a time or more than one (1) weapon to the same person within a period of thirty (30) consecutive days, and if the electronic system is unavailable, the gunsmith, within twenty four (24) hours after delivering the weapons, shall notify the Superintendent by facsimile and by telephone, and shall register in his/her books the name and identification number of the person who received the information. Likewise, the same procedure shall be followed when carrying out any unitary sale of over six hundred (600) units of ammunition for a weapons license for target shooting or hunting. If communication via facsimile and telephone is not achieved, the notification shall be made by cement mailed with return receipt requested or in person.

(d) When any gunsmith, to his/her best judgment, detects abnormalities in the
be cancelled automatically when the corporation or partnership is dissolved, or any of the officials of the corporation who signed the application is replaced, or if a new director of the partnership is included, in the case of a partnership, although said license may be renewed as soon as the provisions of this section with regard to the new official or the new partner are complied with. In these cases, the Secretary of the Treasury shall issue a provisional license while the reorganization process is carried out.

(d) When the petitioner is a corporation or partnership, no license whatsoever shall be issued if any official of the corporation or any director, officer or partner, which must be a United States citizen, does not meet the requirements established in subsection (a) of § 456a of this title.

(e) In every case, the dealer license must be issued within one hundred and twenty (120) days after the application is signed by the person or remitted by certified mail to the Secretary of the Department of the Treasury, without prejudice that the Superintendent may subsequently continue his/her investigation and revoke the license if there were legal grounds to do so.

456i. Conditions for operations of gunsmiths. The record of transactions of gunsmiths; evidence of transactions with the National Crime Information Center and the National Instant Criminal Background Check System have been examined in order to determine what percentage of those gunsmiths, as well as persons, who are gunsmiths and have a license, are engaged in the sale of arms and ammunition, or work as a gunsmith or a gunsmithing business. Failure to comply with this requirement shall bring about the imposition of an administrative fine of five thousand dollars ($5,000).

(f) A record shall be kept of each weapon sold and each sale of ammunition in books provided for this purpose that shall be kept on file with the Superintendent. The record shall be kept out of the reach of minors or persons not law enforcement agent. In those cases that the Superintendent issues a provisional license while the reorganization process is carried out, the Secretary of the Treasury shall issue a provisional license while the reorganization process is carried out. The record shall be kept in the sale of arms and ammunition, and must be kept out of the reach of minors or persons not law enforcement agent. In those cases that the Superintendent issues a provisional license while the reorganization process is carried out, the Secretary of the Treasury shall issue a provisional license while the reorganization process is carried out.
weapons, where they can be seen from outside of the establishment. Failure to comply with this requirement may bring about the imposition of an administrative fine of five thousand ($5,000) dollars. Provided, that in cases of failure by the dealers to observe safety measures, or the measures provided for in subsection on two (2) or more occasions, the Superintendent, upon written notice, may revoke the license. If the person does not agree, he/she may file an action for review pursuant to §§2101 et seq. of Title 3.

(i) Any dealer who has been issued a license under the provisions of this section, who fails to keep the register of weapons in question, shall be guilty of a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of twelve (12) years, and a penalty of a fine that shall not exceed one hundred thousand ($100,000) dollars. If there were aggravating circumstances, the fixed penalty established by this subsection shall be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years. In addition, the Superintendent shall revoke any weapons or dealer license held by this person.

456j. Denial of license The Superintendent shall not issue a weapons license nor shall the Secretary of the Department of the Treasury issue a dealer license, or if they have been issued, they shall be revoked and the Superintendent shall attach the license and the arms and ammunition of any person who has been convicted in or outside of Puerto Rico, for any felony or attempted felony, for conducting constituting domestic violence as defined in §§601 et seq. of Title 8; Provided, further, That no license shall be issued to any person who has a mental illness that disqualifies him/her to possess a weapon; a habitual drunkard, or one addicted to the use of narcotics or drugs; or any person who has renounced his/her American citizenship, or has been dishonorably discharged from the Armed Forces of the United States, or removed from any agency of law and order of the Government of Puerto Rico, or any person who has been convicted of any violation of the provisions of this chapter or the former Weapons Act (former §§ 411-454 of this title).

456k. Acquisition, purchase, sale or delivery of arms; loss and surrender of firearms; death of the license holder (a) The registry of weapons created in the general police headquarters, shall be adjusted in its organization and performance, to the provisions of this chapter, and shall be kept in a computerized, systematic and orderly fashion so that the search for information can be expedited. This registry must be duly safeguarded.

(b) Any legally owned firearm after this act becomes effective, shall be registered in the registry of weapons, in the event that it has not previously been registered. The Superintendent shall have the affiant a certificate of said registration.

(c) Any person who owns or has a legally authorized weapon or ammunition under his/her control and loses the same, or the same disappears, or is stolen or is illegally appropriated, shall notify this fact by filing a complaint at the Police district or precinct in which he/she resides, or at the nearest police station, immediately upon becoming aware of the loss, disappearance, theft or illegal appropriation. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor, and, if convicted, shall be punished with a fine of up to a maximum of five thousand dollars ($5,000) per weapon or per every five hundred (500) rounds of ammunition, or fraction thereof, that he/she failed to report. Every person who owns or has a legally authorized weapon under his/her control and loses it, or it disappears, or is stolen, shall notify it by filing a complaint at the district or precinct in which he/she resides, or at the nearest police station, as soon as he/she is aware of the loss, disappearance or theft. If he/she does not comply with this obligation he/she shall be guilty of a misdemeanor, and shall be punished with a fine of up to a maximum of five thousand dollars ($5,000) upon conviction.

The Superintendent shall investigate every loss, disappearance, theft or illegal appropriation report, and shall keep a detailed register of the result of the same for the purpose of gathering statistics on the loss, disappearance, theft or illegal appropriation of weapons or ammunition reports. If the information submitted by the trustee and/or disposal of said weapons, while the inheritance is distributed. If the weapons are adjudicated to an heir who is eligible to obtain a dealer license, of those assault weapons that exist legally within the nation of the United States of America, on the date this act becomes effective, or

456l. Grounds to empower law enforce- ment officers to seize weapons Any law enforcement officer shall seize the license, weapon and ammunition owned by a licensee when he/she has grounds to believe that the licensee has made, or shall make illegal use of said weapon or ammunition; or anyone who has been convicted of any violation of the provisions of this chapter, and shall be kept in a computerized, systematic and orderly fashion so that the search for information can be expedited. This registry must be duly safeguarded.

(a) No semiautomatic assault weapon shall be manufactured, offered, sold, rented, loaned, owned, used, transferred or imported. However, this prohibition shall not be applicable to:

(1) The possession, use, transfer in Puerto Rico or the importing from the United States territory by persons whose license contains the category of target shooting, hunting or who hold a dealer license, of those assault weapons that exist legally within the nation of the United States of America, on the date this act becomes effective, or

(2) The manufacture, importing, sale or delivery by licensed dealers, to be used by the police force or government of Puerto Rico or the United States, or for the use of the armed forces of the United States government or of Puerto Rico.

(b) The semiautomatic assault weapons referred to in this section are the following:

(1) Norinco, Mitchell, and Poly Technologies Automatic Kalashnikovs (all AK models).

(2) Action Arms Israeli Military Industries UZI and Galil.

(3) Beretta AR70 (SC-70).


(5) Fabrique National FN/FAL, FN/LAR, and FNC.

(6) S&W M-10, M-11, M-11/9, and M-12.

(7) Steyr AUG.

(8) INTRATEC tec-9, tec-dC9 AND tec-22.

(9) Revolving cylinder shotguns such as (or similar to) the Street Sweeper and Striker 12.

(c) As considered as a semiautomatic assault weapon, is:

(a) Any semiautomatic rifle that is retrofitted by a magazine or removable receptive which contains two (2) or more of the following characteristics:

(1) Folding or telescopic butt.

(2) Pistol grip that clearly overlaps the trigger action.

(c) Bayonet mount.
(D) Flash suppressor.

(E) Grenade launcher, excluding flare launchers.

(2) A semiautomatic pistol that can be back-loaded by a magazine or removable receptacle which has more than two (2) of the following characteristics:

(A) A magazine or clip that is fixed on the pistol outside of the pistol grip.

(B) A barrel with spiral grooves on the front which is capable of accepting an extension to the barrel, a flash suppressor, a hand grip in front of the weapon or a silencer.

(C) A firearm not being covered all or part of the barrel, allowing whoever fires the weapon to hold it with the hand that is not pulling the trigger, without getting burned.

(D) An unloaded manufacturing weight in excess of fifty (50) ounces.

(E) A semiautomatic version of an automatic weapon.

(3) A semiautomatic shotgun that has two (2) or more of the following characteristics:

(A) A collapsible or telescopic breech.

(B) A pistol grip that clearly overlaps the trigger action.

(C) A fixed ammunition magazine or clip that holds more than five (5) cartridges.

(D) Is capable of receiving a removable magazine or clip.

(d) Any person who violates the provisions of this Section shall be guilty of a felony, and upon conviction, shall be punished by imprisonment for a fixed term of twenty-four (24) years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased up to a maximum of thirty-six (36) years; should there be extenuating circumstances, it may be reduced to a minimum of eighteen (18) years.

The possession or use of these weapons by members of the police and those other officers of the law that are duly authorized to bear arms in compliance of their duties, as established in this chapter, shall not constitute a crime.

The application of the provisions of this section shall be prospective as of the approval of this act.

Subchapter III. Target Shooting Permit

457c. Target-shooting permits

(a) Any person who holds a weapons license issued pursuant to this chapter, may request the Superintendent to issue a target-shooting license. He/she shall provide all the information required in the application forms prepared for these purposes by the Superintendent, under oath before a notary, which shall at least require an internal revenue voucher of twenty-five ($25) dollars, a two (2) inch by two (2) inch photograph, and a stamp from a sports shooting federation. The Superintendent shall issue the requested permit within the term of thirty (30) working days after receiving the application unless there is just cause for its denial.

(b) No target shooting permit shall be issued to any person, whoever, who is not a member of a gun club or organization and a shooting federation duly recognized by the Secretary.

457f. Special licenses

The Superintendent may issue special licenses to those security agencies devoted to the transportation of valuables in armored vehicles which request and that are duly authorized to operate as such, to authorize them to purchase, possess, and maintain at their place of business a long barreled non-automatic weapons depot and an ammunition dump to be used solely and exclusively by the security agents employed by said agencies assigned to the transportation of valuables in armored vehicles who obtain the special license provided in this chapter.

457j. Long barreled weapons depot and ammunition dump

Any application for a special license to purchase, possess and dispose of weapons and maintain at the place of business a long barreled weapons depot and ammunition dump must be accompanied by attesting proof of the fact that the security agency employs five (5) persons or more for such a purpose.

The applicant for a special license to purchase, possess and dispose of weapons and maintain at the place of business a long barreled weapons depot and ammunition dump shall comply with all provisions and security requirements for gunsmith licenses, as well as any other requirements provided by the Superintendent through regulations.

Once the Superintendent has certified that the place of business of the applicant meets the obligatory safety requirements for a gunsmith license, the special license applied for shall be issued. The business of the applicant shall operate only in the designated premises and be subject to inspection by any police officer or agent of the Special Investigations Bureau of the Department of Justice and its license shall be displayed in a visible place in the applicant’s office. No weapon whatsoever may be kept in said premises other than those whose possession has been authorized according to the provisions of this chapter.

457k. Limit to the number of weapons

The special license to possess and maintain at the place of business a long barreled weapons depot shall allow the security agency to have under its possession in effect for a fixed term of twenty-four (24) years, without the right to suspended sentence, to parole, to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction.

Should there be aggravating circumstances, the penalty established may be increased up to a maximum of twenty-five (25) years; should there be mitigating circumstances, it may be reduced to a minimum of ten (10) years.

458a. Prohibition of sale to unlicensed persons

No dealer shall deliver a weapon to a buyer unless he/she can show a weapons license in effect. When the buyer of the weapon is a hunter or shooter authorized to own firearms, the sale and delivery thereof shall be made in the same manner that is indicated in this chapter.

A dealer who knowingly sells firearms to a person without a license, shall be guilty of a felony, and upon conviction, shall be sanctioned with a penalty of imprisonment for a fixed term of fifteen (15) years. If there were aggravating circumstances, the penalty established may be increased to a maximum of twenty-five (25) years; should there be mitigating circumstances, it could be reduced to a minimum of ten (10) years.

A conviction under this section shall entail the automatic cancellation of the dealer license.

458b. Trade in automatic firearms

Any person who sells or has for sale, or offers, rents, lends or otherwise disposes of any firearms that may be fired automatically, regardless of whether said weapon is classified as a machine gun or otherwise, shall be guilty of a felony and upon conviction shall be punished with a penalty of imprisonment for a fixed term of twenty (20) years; should there be extenuating circumstances, the fixed penalty established may be increased to a maximum of twenty-five (25) years; if there were mitigating circumstances, it could be reduced to a minimum of ten (10) years.

A conviction under this section shall entail the automatic cancellation of the dealer license.

458e. Possession without a license

Any person who has or owns, but is not carrying a firearm without a license to do so, shall be guilty of a felony and upon conviction shall be punished with a penalty of imprisonment for a fixed term of five (5) years. Should there be aggravating circumstances, the penalty established may be increased to a maximum of ten (10) years; should there be mitigating circumstances, it may be reduced to a minimum of one (1) year.

Notwithstanding the above, when a person incurs conduct prohibited in this section without the intention of committing a crime with his/her
own unlicensed firearm, and the person has never been convicted for a violation of this chapter, Act No. 348 of December 21, 1999, §§ 1476-1482 of Title 32, or Act No. 27 of January 10, 2002, or any crimes provided under Section 456j of this title, and the weapon has not been reported by him/her to any law enforcement agency or agency or has never been convicted for a violation of this chapter, carries, owns or uses a semiautomatic long-barreled weapon, a machine gun, carbine or rifle, or any modification thereof, or any other weapon that can be fired automatically, or a sawed-off shotgun of less of eighteen inches, and which can cause grave bodily harm, shall incur a felony, and upon conviction shall be punished with imprisonment for a fixed term of twelve (12) years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, it may be reduced to a minimum of six (6) years.

458f. Possession, or illegal use or long-barreled or semiautomatic weapon or sawed-off shotgun. Any person who, without the authorization of this chapter, carries, owns or uses a semiautomatic long-barreled weapon, a machine gun, carbine or rifle, or any modification thereof, or any other weapon that can be fired automatically, or a sawed-off shotgun of less of eighteen inches, and which can cause grave bodily harm, shall incur a felony, and upon conviction shall be punished with imprisonment for a fixed term of twenty-four (24) years, without the right to a suspended sentence, to be released on parole, or enjoy the benefits of any diversion program or option to the term of imprisonment recognized in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed.

Should there were aggravating circumstances, the fixed penalty established herein may be increased to a maximum of thirty-six (36) years; should there were mitigating circumstances, the fixed penalty shall be reduced to a minimum of eighteen (18) years.

The possession or use of these weapons by the police and those other duly authorized law enforcement agents in the performance of their duty shall not constitute a crime.

458g. Possession or sale of silencing devices. Any person who owns, sells, lends, offers, delivers or provides any instrument, device, artifact or accessory that silences or reduces the noise of the shot fired from any firearm, shall be guilty of a felony, and upon conviction shall be punished with imprisonment for a fixed term of twelve (12) years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, it may be reduced to a minimum of six (6) years.

The provisions of this section shall not apply to duly authorized law enforcement officers in the performance of their duties.

458h. Furnishing of arms to third parties. Any person who has criminal intent, furnishes or makes available to another person any firearm that has been under his/her custody or control, whether or not he/she is the proprietor thereof, shall be guilty of a felony, and upon conviction shall be punished with imprisonment for a fixed term of twelve (12) years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, it may be reduced to a minimum of six (6) years.

The presence of a machine gun or any other automatic weapon or any armor piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of its illegal possession by its owner or possessor of said building or vehicle, or any person occupying the room, house, building, or structure in which said machine gun, automatic weapon or sawed-off shotgun is found, and who have the mediate or immediate possession thereof. This presumption shall not be applicable in those cases in which a public service vehicle is involved which at the time it was being transporting paying passengers or when it is shown that incidental or emergency transportation is involved.

The presence of a machine gun or any other automatic weapon or any armor piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of the fact that the owner or possessor of said building or vehicle possesses the weapon or the ammunition with the intention of committing a crime.

The presence of a firearm or ammunition in any stolen vehicle shall constitute prima facie evidence of its illegal possession by all persons traveling in said vehicle at the time said weapon or ammunition is found.

The provisions of this section shall not apply to the law enforcement officers in the compliance of their official duties.

458k. Notice by carrier, warehouseman, or depository for the receipt of weapons; penalties. Any person, whether a dealer or an agent or representative of a dealer, who willfully or unlawfully receives firearms, accessories or parts thereof, or ammunition, for delivery in Puerto Rico, shall not deliver said merchandise to the consignee until he shows his weapons or dealer license. Within five (5) working days of the delivery, the carrier, warehouseman, or depository shall notify the Superintendent of the name, address and license number of the consignee, and the number of firearms or ammunition including the caliber, that are delivered, personally or by certified mail with receipt requested, as well as any other information required by the Superintendent, by regulations.

When the consignee does not have a weapon or dealer license, the carrier, warehouseman, or depository shall immediately notify the Superintendent of said fact, with the name and address of the consignee and the number of firearms or ammunition for delivery. Neither shall he deliver said merchandise to the consignee until he holds an authorization issued by the Superintendent to such effects.

The violation of any obligation established herein shall constitute a felony which shall be punished with imprisonment for a fixed term of twelve (12) years, and a fine of not less than two thousand ($2,000) nor more than ten thousand ($10,000) dollars. If there were aggravating circumstances, the fixed penalty thus established can be raised to a maximum of twenty-four (24) years, if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

458l. Storage and custody of firearms in weapons and ammunition depots. Every dealer shall be bound to implement the safety measures required by the Police by regulations for the storage or custody of firearms and ammunition. The Police shall examine the dealers’ places of business every three (3) months, which, if they do not meet the required safety measures, shall have thirty (30) days to comply
cies, use the Weapons and Ammunition Depot, the dealers who in order to correct deficiencies, use the Weapons and Ammunition Depot, shall pay a monthly sum for the storage and custody of their arms and ammunition which shall be determined by regulations. When establishing the cost of storage and custody, the operating costs of the Weapons and Ammunition Depot, and the handling of the receipt, classification, custody and delivery of the arms and ammunition, shall be taken into consideration. The costs to be charged to the users of the Weapons and Ammunition Depot shall, under no circumstances, exceed the real and reasonable cost of the service or deal with its disposal and destruction, pursuant to the regulations promulgated to such effects.

458n. Firing or pointing weapons
(a) Any person shall be found guilty of a felony, and punished with a penalty of imprisonment for a fixed term of five (5) years, who, except in cases of self-defense or defense of third parties, or actions in the performance of official duties or legitimate sports activities:
(1) Willfully fires any weapon in a public place or any other place where there is any person who could be harmed, even though he/she causes no harm whatsoever to any person, or
(2) in a place where there is no aforesaid weapon, points a weapon towards a person, even though he/she causes no harm whatsoever to any person.

If there were aggravating circumstances, the penalty thus established could be increased to a maximum of ten (10) years, if there were mitigating circumstances, it could be reduced to a minimum of one (1) year.

(b) Every person who, except in case of self-defense, or of third parties, or of acts in the performance of official functions or legitimate sports activities, incurs in any of the acts described above, using a pneumatic weapon, shall be guilty of a felony with a penalty of imprisonment for a fixed term of three (3) years. If there were aggravating circumstances, the penalty thus established may be increased to a maximum of six (6) years; of there were mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day.

458o. Transporting or permitting or disposal of weapons deposited or seized by the Police; destruction
The Superintendent shall establish, through regulations, that which regards the receipt, custody and disposal of those weapons that are voluntarily deposited by persons who have a license, or seized by the Police; or relinquished upon the death of a holder of a license; or upon the canceling of the grantee's license.

The Superintendent is authorized to sell, exchange, donate or cede the weapons to federal, state or municipal law enforcement agencies, or to other jurisdictions. He/she may also sell the weapons to the person with a weapons license issued under the provisions of this chapter, as provided by regulations.

458p. Collections of Weapons
None of the provisions of this Act shall impede the preservation and keeping of collections of private weapons possessed by the owners thereof as a decoration or for collections of weapons as antiques. In order to keep the type of weapon included in this Section, it shall first be necessary to the collector to obtain a target shooting or hunting permit, under the provisions of this chapter.

Antique firearms, as defined in this chapter, that lack a manufacturer's serial number shall be exempted from the requirement of registration, as defined in this chapter, but their existence shall be reported to the Weapons Register of the Puerto Rico Police along with three (3) different photographs detailing their particulars for the corresponding notation of their existence in the record of the license holder with a weapons license and a target shooting permit. Provided that, if the antique firearm is used in the commission of a crime it shall be considered as an unregistered firearm. It is also provided that under no circumstances shall it be required to mark, modify or alter the antique firearm in any way.

458q. Transporting of forbidden weapons; seizure
The Secretary of Justice shall seize any property, as this term is defined in §§ 1723 et seq. of Title 34, known as the "Uniform Seizure Act of 1988", wherein any weapon is stored, loaded, unloaded, transported, carried or transferred, or in which it is found to be stored, loaded, unloaded, transported, taken or transferred in violation of this chapter.

The procedure established by §§ 1723 et seq. of Title 34 shall be followed for the seizure and disposal thereof.

458r. Weapons within reach of minors
Any person who negligently leaves a firearms or ammunition within reach of a person who is under eighteen (18) years of age who does not hold a target shooting or hunting license, and who takes the weapon and harms another person or him/herself, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of two (2) years. If there were aggravating circumstances, the penalty thus established, shall be increased to a maximum of five (5) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day.

458s. Illegal appropriations of weapons or ammunition; theft
Any person who intentionally, regardless of the means used for said purpose, illegally appropriates a firearm or ammunition, shall be guilty of a felony, and, if convicted, shall be punished with imprisonment for a fixed term of ten (10) years, without the right to a suspended sentence, to be released on parole, or enjoy the benefits of any diversion program. For a term of imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of twenty (20) years; should there be extenuating circumstances, it may be reduced to a minimum of five (5) years.

If the person illegally appropriates, regardless of the means used for said purpose, more than one firearm, or if the person has a criminal record for having been convicted of a felony, the penalty shall be doubled.

Subchapter VI. Ammunition

459. Manufacture, distribution, possession and use
It shall be necessary to hold a weapons, target shooting, hunting or gunsmith license, as the case may be, to manufacture, re- manufacture, manufac- ture, offer, purchase, sell or have for sale, keep, store, deliver, lend, transfer or otherwise dispose of, or, own, use, carry or transport ammunition according to the requirements of this chapter. It shall likewise be necessary to have a permit issued by the police to purchase gunpowder. Any infraction of this section shall constitute a felony, and shall be punished with imprisonment for a fixed term of imprisonment of six (6) years. Should there be aggravating circumstances, the fixed penalty established here- by shall be increased to a maximum of twelve (12) years; should there be mitigating circumstances, it may be reduced to a minimum of three (3) years.

It shall be deemed as an aggravating circumstance at the time of imposing the sentence to incur any of the acts described in this section without holding the corresponding license or permit to purchase gunpowder when the ammuni- tion is of the kind commonly known as armor piercing. It shall not be deemed as a crime to manufacture, sell or own ammunition de- scribed for the use of the Police and other law enforcement officers of the Government of Puerto Rico or the United States for the use of the United States Armed Forces.

459a. Sale of ammunition to persons without a license; limit in the amount of ammunition
A person with a weapons or gunsmith license may not sell ammunition to persons who do not show a weapons license or the permits set forth in this chapter. The sale of ammunition shall be limited exclusively to the type of ammunition used by the weapon or weapons that the purchaser has registered to his name.

Any violation of the provisions of the preceding paragraph shall constitute a felony and shall be punished by imprisonment with a fixed term of five (5) years. Should there be aggravating circumstances, the fixed penalty thus established may be increased to a maximum of eight (8) years; should there be extenuating circumstances, it may be reduced to a minimum of three (3) years and one (1) day.

A person who holds a weapons license, except in the target shooting or hunting categories, may own a maximum of fifty (50) rounds per calendar year for each weapon he/she owns. If said person wishes to exchange the
ammunition, whether by replacing the same or the acquiring new ammunition due to having used or lost some of it, he/she shall resort to the district or police precinct where he/she resides. The Police shall grant him/her an authorization to replace the ammunition in the amount established in this paragraph. In those cases in which the person wishes to acquire new ammunition because he/she has used or lost some of it, he/she shall report the circumstances under which he/she used or lost said ammunition. In order for the replacement of the ammunition to be granted, the circumstances under which it is to be used shall involve activities that are authorized and legitimate under our body of laws and the provisions of this chapter. The ammunition surrendered shall be impounded by the Police.

Any infraction of the provisions of the preceding paragraph shall constitute a misdemeanor and be sanctioned with a term of imprisonment not to exceed five thousand ($5,000) dollars, or both penalties at the discretion of the court. The court, at its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment.

It shall be deemed to be an aggravating circumstance when the sentence is fixed to instigate the sale of ammunition prohibited hereby when it is that commonly known as armor piercing, even though it is designed or marketed [by] any other name, as well as the sale of ammunition different from the type of weapon that the buyer has registered to his/her name. A conviction under this section shall bring about the automatic canceling of the weapons license or the target shooting or hunting license. Any application for conversion of a license to have and possess a weapon, to practice target shooting, or to carry weapons license or the target shooting or hunting permit.

459b. Purchase of a different caliber. Any person who having a valid weapons license, purchases ammunition of a caliber that is different to those that can be used in the firearms registered to his/her name, shall incur a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of six (6) years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of twelve (12) years; if there were mitigating circumstances, it may be reduced to a minimum of three (3) years.

Subchapter VII. Final Provisions

460. Hunting licensees. All matters that refer to the licensing, regulating and control of the sport of hunting shall be governed by the provisions of §§ 107 et seq. of Title 12, known as the New Wildlife Act of Puerto Rico. However, the Superintendent shall see to the registration of all weapons and ammunition transactions of the holders of hunting licenses in the electronic register, pursuant to the provisions of this chapter.

460c. Conversion of licenses; term; rights; licenses pending processing
(a) Any license in force to have and possess a firearm, to practice target shooting, or to carry weapons, or any public official license shall be converted to a weapons license under its corresponding category, if any, pursuant to the provisions of Title 12 or before the end of a term of six (6) months from the date this Act becomes effective. The conversion of the hunting license is voluntary on the part of its holder and may be done at any time according to the provisions of this chapter. Target shooting licenses held by minors under twenty-one (21) years of age shall be converted to target shooting licenses for minors and said conversion shall be free of cost. Provided, that until they are converted, they shall be governed by the provisions of the Acts under which they were issued.

(b) Every application for conversion of a license filed with the Superintendent, as established in this chapter, shall include an revenue voucher in the amount of fifty ($50) dollars, plus one ($1) dollar for each legally registered weapon held by the petitioner.

(c) In the case of licenses pending investigation that have been applied for by persons but not yet issued:
(1) License to have and possess. The Superintendent shall hand the documents of the application for the petitioner to submit his application pursuant to the provisions of this chapter. Provided, that the if the petitioner paid the corresponding fees according to Act No. 17 of January 19, 1951, as amended, he/she shall not have to pay the fees established in this chapter.
(2) Target-shooting license. The Superintendent shall hand the documents of the application for the petitioner to submit his/her application pursuant to the provisions of this chapter. Provided, that the petitioner shall submit an internal revenue voucher for the difference in the amount between the application fee provided in this chapter and those established in Act No. 75 of June 13, 1993, as amended.
(3) Hunting license. Will be governed by the provisions of §§ 107 et seq. of Title 12, known as the New Wildlife Act of Puerto Rico.

(d) Any special license issued to a security agency engaged in the transportation of valuables in armored vehicles or to its agents, issued pursuant to the provisions of Act No. 348 of December 21, 1999, shall retain its validity until its expiration, when it must be renewed according to the provisions of this chapter.

455. Definiciones Para efectos de este capítulo, los siguientes términos tendrán el significado que a continuación se expresa:
(a) Agente del orden público. Significa cualquier miembro u oficial del Gobierno de Puerto Rico o de los Estados Unidos de América, así como cualquier subvividio político del estado de Puerto Rico o de Estados Unidos, entre cuyos deberes se encuentra el efectuar arrestos, incluyendo pero sin limitarse a los miembros del Cuerpo de Vigilantes del Departamento de Recursos Naturales y Ambientales, Policía de Puerto Rico, Policías Auxiliares, Policía Municipal, los agentes investigadores del Negociado de Investigaciones Especiales del Departamento de Justicia, los oficiales de custodia de la Administración de Corrección, los oficiales de custodia de la Oficina de Servicios con Antelación al Juicio, Guardia Nacional mientras se está ejerciendo el ejercicio de sus misiones, los agentes investigadores, las autoridades y las autoridades científicas del Gobierno de Puerto Rico o de los Estados Unidos de América.
(b) Ametralladora o arma automática. Significa un arma, de cualquier descripción, independientemente de su tamaño y sin importar por qué nombre se le designe o conozca, cargada o descargada, que pueda disparar repetida o automáticamente un número de balas contenidas en un abastecedor, cinta u otro receptáculo, mediante una sola presión del gatillo. El término “ametralladora” incluye también una subametralladora, así como cualquier otra arma de fuego provista de un
dispositivo para disparar automáticamente la totalidad o parte de las balsas o municiones contenidas en el abastecedor, o cualquier combinación de las partes de un arma de fuego destinada y con la intención de convertir, modificar o alterar dicha arma en una ametralladora.

c) Arma. Se entenderá como toda arma de fuego, arma blanca o cualquier otro tipo de arma, independientemente de su denominación.

d) Arma blanca. Significa un objeto punzante, cortante o contundente que pueda ser utilizado como un instrumento de agresión, capaz de causar lesiones graves, o de cualquier tipo de arma de la que pueda ser fácilmente convertida para ser o que sea capaz de lanzar una munición o municiones por la acción de una explosión. Esta definición no incluye aquellos artefactos de trabajo tales como, pero sin limitarse a, las pistolas o clavos utilizadas en la construcción, mientras se utilicen con fines de trabajo, arte u oficio.

(f) Arma larga. Significa cualquier escopeta, rifle o arma de fuego diseñada para ser disparada desde el hombro.

g) Arma de fuego. Significa cualquier arma, sin importar el nombre por el cual se conozca, diseñada o que pueda ser fácilmente convertida para ser o que sea capaz de lanzar una munición o municiones por la acción de una explosión. Esta definición no incluye aquellos artefactos de trabajo tales como, pero sin limitarse a, las pistolas o clavos utilizadas en la construcción, mientras se utilicen con fines de trabajo, arte u oficio.

(h) Arma de fuego antigua. (1) Significa cualquier arma de fuego con un mecanismo de tipo escopeta o fusil de mecha (matchlock), escopeta o fusil de chispa (flintlock), copo de percusión (percussion cap) manufacturado en o antes de 1898, o (2) cualquier réplica de un arma de fuego descrita en la cláusula (1) de este inciso si dicha réplica:

(A) No está diseñada o rediseñada para utilizar municiones de fuego anular (rim fire) o munición de tipo convencional de fuego central fijo (center fire).

(B) Utiliza munición de fuego anular (rim fire) o munición de tipo convencional de fuego central (center fire) que ya no es manufacturada en los Estados Unidos y que no se consigue por los canales legales de compra y venta.

(C) Cualquier rifle de carga por el cañón (muzzle loading rifle), escopeta o rifle de cartucho (pivot gun) o pistola de carga por el cañón (muzzle loading pistol) que esté diseñada o rediseñada para ser utilizada con pólvora negra, o un sustituto de pólvora negra, y que no pueda utilizarse con munición de munición de tipo fijo. Para los proyectiles de esta cláusula, el término "arma de fuego antigua" no incluirá cualquier arma que incorpore un armazón (frame) o receptor (receiver), cualquiera arma que sea convertida en un arma de carga por el cañón (muzzle loading weapon), o cualquier arma de carga por el cañón (muzzleloading weapon) que pueda ser convertida para ser capaz de disparar munición de tipo fijo mediante el reemplazo del cañón (barrel), cerrojo (bolt), anima (breech lock), o cualquier combinación de éstas.

(D) El término "munición de tipo fijo" significará aquella que está completamente ensamblada, entendiéndose con casquillo, pólvora, fulminante y cacharros.

(i) Armero. Significa cualquier persona natural o jurídica que, por sí o por medio de sus agentes o empleados, compre o introduzca para la venta, cambie, permute, ofrezca en venta o exponga a la venta, o tenga a la venta en su establecimiento comercial cualquier arma de fuego o municiones, o que realice cualquier trabajo mecánico o cosmético para un tercero en cualquier arma de fuego o municiones.

(j) Armor piercing. Significa un proyectil que pueda ser usado en arma corta y que este construido enteramente (excluyendo la presencia de componentes similares) o una combinación de aleación de tungsteno, acero, hierro, latón, bronce, berilio cuprico o uranio degradado; o un proyectil de cubierta completa mayor de calibre veintidós (22), diseñado e intencionado para usarse en arma corta y cuya cubierta tenga un peso de más de veinticinco por ciento (25%) de su peso total. Excluye la munición de españoles registrada por ley federal o estatal ambiental o reglamentación de caza para esos proyectiles, un proyectil desintegrable diseñado para tiro al blanco, un proyectil en que se determine por el Secretario del Tesoro de los Estados Unidos que su uso primario es para propósito defensivo, o cualquier otro proyectil integrado o nucleado del proyectil en cual dicho Secretario encuentre que su uso primordial es para fines industriales, incluyendo una carga usada en equipos de perforación de pozos de petróleo o gas.

(k) Casa. Significa la parte de una edificación que es utilizada o que sea ocupada por una sola persona o una sola familia.

(l) Comité. Significa el Comité Interagencial para Combatir el Tráfico Ilícito de Armas, establecido en este capítulo.

(m) Escopeta. Significa un arma de fuego de cañón largo con uno o más cañones con interiores lisos, diseñada para ser disparada desde el hombro, la cual puede disparar cartuchos de uno o más proyectiles. Puede ser alimentada manualmente o por abastecedor o receptor, y se puede disparar de manera manual, automática o semiautomática. Esta definición incluirá las escopetas con el cañón cortado a menos de dieciocho (18) pulgadas.

(n) Federación de tiro. Significa cualquier federación adscrita al Comité Olímpico de Puerto Rico que represente el deporte olímpico de tiro al blanco.

(o) Licencia de armas. Significa aquella licencia concedida por el Superintendente que autorice al concesionario para tener, poseer y transportar armas, sus municiones, y portar armas de fuego, tirar al blanco o cazar.

(p) Municiones. Significa cualquier bala, cartucho, proyectil, perdigón o cualquier carga que se ponga o pueda ponerse en un arma de fuego para ser disparada.

(q) Pistola. Significa cualquier arma de fuego que no tenga cilindro, la cual se carga manualmente o por un abastecedor, no diseñada para ser disparada del hombro, capaz de ser disparada en forma semiautomática o un disparo a la vez, dependiendo de su categoría, portar armas de fuego, tirar al blanco o cazar.

(r) Policía. Significa la Policía de Puerto Rico.

(s) Portacion. Significa la posesión inmediata o la tenencia física de un arma, cargada o descargada, sobre la persona del portador, entendiéndose también cuando no se esté transportando un arma de conformidad a como se dispone en este capítulo.

(t) Renton. Significa cualquier arma de fuego que contenga un cilindro giratorio con varias cámaras que, con la acción de apretar el gatillo o montar el martillo del arma, se alinea con el cañón, poniendo la bala en posición de ser disparada.

(u) Rifle. Significa cualquier arma de fuego diseñada para ser disparada desde el hombro, que dispara uno o tres proyectiles. Puede ser alimentada manual o manualmente por un abastecedor o receptor y se puede disparar de manera manual o semiautomática. El término "rifle" incluye el término "carabina.

(v) Secretario. Significa el Secretario del Departamento de Recreación y Deportes.

(w) Superintendente. Significa el Superintendente de la Policía de Puerto Rico.

(x) Transportación. Significa la posesión mediada o inmediata de un arma, con el fin de trasladarla de un lugar a otro. Dicha transportación deberá realizarse por una persona con licencia de armas y, el arma deberá estar descargada y ser transportada dentro de un estuche cerrado que no refleje su contenido, y el cual a su vez no podrá estar a simple vista.

(y) Vehículo. Significa cualquier medio que sirva para transportar personas o cosas por tierra, mar, aire o agua.

(z) Cambio de categoría. Significa incorporar permisos a una licencia de armas de fuego, independientemente de su categoría, portación, caza, o tiro al blanco.

Subcapítulo 2. Licencia Y Reglamentación

456. Registro electrónico. El Superintendente expedirá licencias de armas y/o de armarios de conformidad con las disposiciones de este capítulo, las cuales facilitarán la inscripción electrónica de todas las transacciones de armas de fuego y municiones por parte de la persona tenedora de una de éstas. Correspondrá al Superintendente disponer mediante reglamentación la forma en que funcionará el sistema de registro electrónico, y éste se asegurará que el sistema diseñado haga llegar directamente a la Policía toda transacción que efectúe un tenedor de licencia. Se le concede a la Policía de Puerto Rico el término de seis (6) meses contados a partir de la vigencia de esta ley para instalar este registro.

La licencia de armas será representada por un carné lo suficientemente pequeño como para ser portado en billetas de uso ordinario, y el cual contendrá al menos una fotografía del titular, el número de identificación, el nombre completo, el nombre, domicilio, fecha de nacimiento, sus numerales, y su número de identificación, autorizados a comprar. Contendrá, también, la fecha de expedición de la licencia y la fecha de su vencimiento, como mas adelante se dispone. Además, contendrá los mecanismos para lograr acceso al sistema de registro electrónico de la Policía para constatar su veracidad y otros datos pertinentes, tales como identificar el alcance del mismo mediante las cláusulas de portación, tiro, caza o todas las categorías. El carné no contendrá la dirección del peticionario ni mención de sus armas o municiones autorizadas a comprar, pero el registro electrónico de la Policía contendrá y sus armas o municiones tal información.

Disponiéndose, que mientras la Policía implementa y hace disponible a los armadores el sistema de registro electrónico, el Superintendente expedirá a cada concesionario de licencias de armas un carné provisional que al menos contiene la fotografía del concesionario y exprese su nombre completo, su fecha de nacimiento, sus numerales, el número de licencia, y los calibres correspondientes a las municiones que este autorizado a comprar. Contendrá, también, la fecha de expedición de la licencia y la fecha de
su vencimiento, como mas adelante se dispone. El campe oficial expedido de conformidad con las disposiciones de este título será el único documento acreditativo de autoridad legal para realizar las actividades autorizadas. Una vez este debidamente [implantado] el sistema de Registros Electrónicos el Superintendente únicamente podrá expedir el carné electrónico. De no estar disponible dicho sistema al momento de realizar alguna transacción, la misma se realizara según el procedimiento que el Superintendente disponga mediante reglamento.

456a. Licencia de armas

(a) El Superintendente expedirá una licencia de armas a cualquier peticionario que cumpla con los siguientes requisitos:

1. Haber cumplido veintiún (21) años de edad.
2. Tener un certificado negativo de antecedentes criminales y una certificación del personal del Gobierno de Puerto Rico o sus equivalentes, tal como el personal del Servicio Federal de Inteligencia, que no hayan incurrido en delitos establecidos en la sección 7 del título 28 de los Códigos Federales, que hayan sido condenados.
3. No ser persona que, habiendo sido incapacitado por un proceso de juicio por delitos enumerados en la sección 456j de este título o sus equivalentes, o que incurran en actos de violencia o dirigidos al público del Gobierno de Puerto Rico o sus equivalentes, tal como el personal del Servicio Federal de Inteligencia, que hayan sido condenados.
4. No ser ebrio habitual o adicto a sustancias controladas.
5. No estar declarado incapaz mental por un tribunal.
6. No incurrir ni pertenecer a organizaciones que incurran en actos de violencia o dirigidos al derrocamiento del gobierno construido.
7. No haber sido separado de las Fuerzas Armadas bajo condiciones deshonrosas, o que incurran en actos de violencia o dirigidos al público del Gobierno de Puerto Rico o sus equivalentes.
8. No estar bajo una orden del tribunal que le prohiba acarrear, espiar, amenazar o acercarse a un compañero intimo, alguno de los cónyuges, los hijos, la madre y la padre de éstos, o persona alguna, y no tener un historial de violencia.
9. Ser ciudadano de los Estados Unidos de América o residente legal de Puerto Rico.
10. No ser persona que, habiendo sido ciudadano de los Estados Unidos alguna vez, renuncie a esa ciudadanía.
11. Someter una declaración jurada atestiguando el cumplimiento con las leyes fiscales; estableciéndose que será razón para denegar la expedición de la licencia solicitada o para revocar esta el que el peticionario haya incumplido con las leyes fiscales del Estado Libre Asociado de Puerto Rico.
12. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
13. No ser persona que, habiendo sido ciudadano de los Estados Unidos alguna vez, renuncie a esa ciudadanía.
14. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
15. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
16. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
17. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
18. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
19. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
20. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
21. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
22. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
23. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
24. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
25. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
26. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
27. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
28. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
29. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
30. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
31. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
32. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
33. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
34. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
35. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
36. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
37. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
38. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
39. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
40. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
41. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
42. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
43. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
44. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
45. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
46. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
47. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
48. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
49. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
50. Someter una declaración jurada que establezca que el peticionario no tiene en su poder más de veinte (20) armas de fuego o munición que se desee poseer.
funciones, éstos podrán portar el arma a simple vista. (3) Las armas de fuego o municiones sólo se podrán donar, vender, traspasar, ceder, dejar bajo la custodia o cualquier otra forma de traspaso de control de dominio, a personas que posean licencia de armas o de armero u otra de las personas mencionadas en la sec. 456c de este título. (4) El concesionario sólo podrá transportar un arma de fuego a la vez, salvo los concesionarios que posean a su vez permisos de tiro al blanco o de caza, quienes no tendrán limitación de cantidad para portar armas de fuego en su persona mientras se encuentren en los predios de un club de tiro autorizado o en aquellos lugares donde se practique el deporte de caza, en conformidad a las leyes aplicables. (5) El concesionario sólo podrá comprar municiones de los calibres que puedan ser utilizados por las armas que posee inscritas a su nombre. (6) Esta licencia de armas no autoriza al concesionario a dedicarse al negocio de compra y venta de armas de fuego o municiones, limitándose la compra y venta de éstas a sus armas y municiones personales. (7) Esta licencia no autoriza al concesionario a dedicarse al negocio de compra y venta de armas de fuego o municiones, limitándose la compra y venta de éstas a sus armas y municiones personales. (e) Dentro del término de cuarenta y cinco (45) días de recibir su Licencia de Armas, prorrogable por treinta (30) días más si así se solicita dentro del término original, todo concesionario deberá radicar, de no haberla radicado antes, en el Cuartel General de la Policía de Puerto Rico personalmente o por correo certificado con acuse de recibo, una certificación expedida por un oficial autorizado de un club de tiro autorizado en Puerto Rico al efecto de que el peticionario ha aprobado un curso en el uso y manejo correcto y seguro de armas de fuego conforme a esta Ley. De no hacerlo, incurrirá en una falta administrativa de cien (100) dólares por cada mes de atraso, hasta un máximo de seis (6) meses, al cabo de los cuales se revocará su licencia y se incautará la misma, así como toda arma y munición con la que el peticionario haya adquirido. El Superintendente, para estos propósitos autorizará la compra de hasta un máximo de quinientas (500) municiones adicionales a las permitidas por este capítulo. Dichas municiones tendrán que ser consumidas en su totalidad por el concesionario durante el entrenamiento para la certificación. Lo dispuesto en este inciso no menoscabará lo dispuesto en el inciso (d)(7). El Superintendente habrá de atender cualquier reclamo de las personas que por razones de salud o circunstancia especiales, fuera de su control, no puedan cumplir con la obligación de certificación aquí impuesta. En todo caso en el que el Superintendente conceda una prórroga, el nuevo término para cumplir con los requisitos comenzará a partir de los diez (10) días después de resuelta las circunstancias que dieron lugar a la prórroga. (f) La Policía de Puerto Rico expedirá los duplicados de la licencia de arma. (g) Si el concesionario interesé un funcionario del concesionario de tiro de treinta (30) días naturales de serle solicitado previo el pago de cincuenta dólares ($50) en un comprobante de rentas internas por cada duplicado. In caso de cambio de categoría de la licencia, el costo para el cambio de categoría será de veinte dólares ($20). Todo carné de la licencia de armas tendrá la fecha en la cual deberá ser actualizado, que será cinco (5) años de expedido, y ninguna persona podrá hacer transacciones de armas de fuego o municiones, ni tirar en un club de tiro, ni cazar, ni portar, conducir o transportar armas, si no hubiera solicitado su actualización como se indica en este capítulo, so pena de que se revogue la licencia de armas y se imponga multa administrativa de doscientos dólares ($500) por tirar en un club de tiro, cazar, portar, conducir o transportar armas. Transcurridos seis (6) meses de su fecha de vencimiento, sólo podrá vender sus armas de fuego a una persona con licencia de armas. Cada cinco (5) años, en el quinto aniversario de la fecha de expedición de la licencia de armas, el peticionario vendrá obligado a renovar la misma cumplimentando una declaración jurada dirigida al Superintendente de la Policía, previo el pago correspondiente de rentas internas dispuesto en el Artículo 2.02 de esta Ley, haciendo constar que las circunstancias que dieron base al otorgamiento original se mantienen de igual forma o indicando de qué forma han cambiado. Dicha renovación se podrá realizar dentro de seis (6) meses antes o treinta (30) días después de la fecha que expire el término, el Superintendente revocará la misma e incautará las armas y municiones; Disponiéndose, que el concesionario podrá renovar e reinstalar su licencia de armas transcurridos los treinta (30) días antes mencionados conllevará una multa administrativa de cincuenta dólares ($50) por mes hasta un máximo de seis (6) meses, cantidad que deberá ser satisfecha como requisito a la renovación. Si pasados seis (6) meses no hubiera renovado la licencia de armas, el Superintendente revocará la misma e incautará las armas y municiones; Disponiéndose, que el concesionario no tendrá derecho a renovar su licencia de armas y que, en el caso de que el Superintendente no hubiera dispuesto de ella en el plazo indicado, se le notificará que no puede utilizar la licencia de armas. Se dispone que en el caso de que el concesionario estuviere residiendo fuera de Puerto Rico a la fecha aniversario de la renovación de la licencia o durante el período de renovación antes indicado, éste no vencerá hasta treinta (30) días de regresar el concesionario a Puerto Rico. Se dispone, además, que en el caso de que el concesionario fuese una mujer y ésta estuviese en estado de gestación a la fecha de renovación de la licencia o durante el período de renovación antes indicado, dicho período no vencerá hasta noventa (90) días después del alumbramiento. En todo caso que una mujer en estado de gestación venga obligada, bajo las disposiciones de este capítulo, a someter un certificado de entrenamiento, el término para radicarlo comenzará a partir de los noventa (90) días después del alumbramiento. El Superintendente notificará a todo concesionario que no hubiera dispuesto de su documentación previa los seis (6) meses antes del vencimiento de la licencia de armas, la fecha en que ésta deberá ser renovada. El Superintendente pondrá a la disposición, a través de los cuarteles de área de la Policía, de los armeros y del Internet todos los formularios necesarios para llevar a cabo la renovación. Renovada la licencia, el Superintendente emitirá, previo satisfacción de derechos de renovación, el nuevo carné dentro de los próximos treinta (30) días naturales, a menos que tenga causa justificada para demorarlo. Todo concesionario deberá informar al Superintendente de su cambio de dirección residencial o postal dentro de treinta (30) días de realizarse el cambio, so pena de multa administrativa de doscientos dólares ($500), que deberá pagar como requisito a la renovación de la licencia. (g) En cualquier momento, una persona podrá hacer valer la licencia de arma a la Policía para su cancelación, y conjuntamente entregará sus armas a la Policía o las traspasará a otra persona con licencia de armas vigente o de armero. (h) No será requisito poseer arma de fuego alguna para poder obtener licencia de armas y munición personal. 456c. Funcionarios y ex policías, procedimiento de expedición de licencia El Gobernador, los legisladores, los alcaldes, los secretarios, directores y jefes de agencias del Gobierno de Puerto Rico, los jueces estatales y federales, los fiscales estatales y federales, los procuradores de menores, los concesionarios, el Secretario de Gobierno, el Superintendente, los miembros de la Policía, los funcionarios, agentes y empleados del Gobierno de Puerto Rico que por razón del cargo y las funciones que desempeñan vengan requeridos a portar armas, y todo agente del orden público, podrán portar armas de fuego. Podrán portar armas de fuego, además, los ex gobernadores, ex legisladores, ex superintendentes, ex jueces estatales y federales, ex fiscales estatales y federales, ex procuradores de menores, ex alcaldes de Puerto Rico y los ex agentes del orden público, siempre que su retiro haya sido honorable, que no estén impedidos por este capítulo de poseer armas de fuego y que, en el caso de ex agentes del orden público, hayan servido en dicha capacidad por no menos de diez (10) años. Además, los miembros de las Fuerzas Armadas de Estados Unidos y de la Guardia Nacional de Puerto Rico podrán portar sin licencia las armas que les asignen dichos cuerpos mientras se encuentren en funciones oficiales. A esos fines, el Superintendente establecerá un procedimiento expedito mediante el cual otorgará a los funcionarios antes mencionados, salvo a los agentes del orden público y al propio Superintendente, una licencia de armas con el correspondiente permiso de portar. Argüello, agentes del orden público, funcionarios y empleados gubernamentales autorizados a portar y entrenar con armas pertenecientes al Estado Libre Asociado de Puerto Rico o al gobierno federal, podrán inscribir el calibre de su arma oficial para poder comprar y utilizar municiones en su licencia de armas, con el permiso de portar, previa autorización del jefe o director de la agencia y en armonía con las disposiciones de este capítulo. 456d. Permisos de portación de armas expedidos por el tribunal (a) La sala con competencia del Tribunal de Primera Instancia concederá, de no existir causa justificable para denegarlo, autorización al Superintendente para incluir en el carné del peticionario un permiso para portar, transportar y conducir, sin identificar arma en particular alguna, cualquier pistola o revólver legalmente poseído, previa notificación al Ministerio Público, y audiencia de éste así requerido, a toda
persona poseedora de una licencia de armas que demuestre temer por su seguridad. El peticionario deberá radicar junto a su solicitud, el recibo de un comprobante de rentas internas por la cantidad de doscientos cincuenta dólares ($250) a favor del Superintendente, cuyo comprobante deberá haber sido previamente aprobado por el Superintendente, y una certificación expedida por un oficial autorizado de un club de tiro en Puerto Rico, al efecto de que el peticionario ha aprobado un curso en el uso y manejo correcto de armas.

Los requisitos establecidos para la expedición de una licencia de armas dispuestas en la sec. 456a de este título serán considerados por el tribunal al momento de evaluar la concesión del permiso de portación. El permiso para portar armas expedido por el tribunal podrá renovarse concurrentemente con el procedimiento de renovación de la licencia de armas, mediante la presentación al Superintendente de un comprobante de cien dólares ($100) a favor del Superintendente y una petición jurada en la que se haga constar que las circunstancias que dieron lugar a la concesión original de la licencia aún prevalecen al momento de presentarse la solicitud. En el caso de que el permiso de portación se negara o prohiba por disposición de ley, el mismo deberá ser justificado previo a la concesión de la renovación. El Superintendente notificará la renovación del permiso de portar armas al tribunal dentro de un término de treinta (30) días.

Deberá acompañarse una declaración jurada a los efectos que cumple con todos los requisitos establecidos en la sec. 456a de este título y que todo el contenido de la solicitud es correcto y cierto.

(b) El permiso de portación aquí otorgado tendrá una duración sujeta a la vigencia de la licencia de armas, y podrá renovarse por términos consecutivos de cinco (5) años, junto a la licencia de armas. En los casos en que se deniegue el permiso, las cantidades pagadas mediante comprobantes no serán reembolsables.

(c) Como parte de la solicitud de renovación de la licencia de armas y del permiso de portar, el peticionario debe presentar ante el Superintendente una nueva certificación en el uso, manejo y medidas de seguridad de armas de fuego, certificada por un club de tiro. El Superintendente, para estos propósitos, autorizará la compra de hasta un máximo de doscientas cincuenta (250) municiones adicionales a las permitidas en este capítulo, las cuales tendrán que ser consumidas en su totalidad en el club de tiro al que el concesionario haya asistido durante el entrenamiento de certificación.

Todo agente del orden público a quien por razón de sus funciones se le asigne el manejo de una arma será adiestrado anualmente en el uso y manejo de dicha arma por funcionarios o contratistas de las agencias que los empleen que estén cualificados para certificar el uso, manejo y medidas de seguridad de armas de fuego. Será deber de la agencia que emplea a dicho agente someter una certificación al Superintendente de que el entrenamiento aquí establecido se ha llevado a cabo.

Los concesionarios que no cumplan con el requisito de certificación antes descrito no podrán portar una arma hasta tanto sean certificados, y paga de multa administrativa de quinientos dólares ($500); en caso de una segunda infracción a lo dispuesto en este inciso, el Superintendente, además, revocará el permiso de portación, sin mediar autorización del tribunal. En el caso de agentes del orden público, concluido un período de gracia de 60 días, las agencias no podrán utilizar personal no certificado de conformidad con esta sección en funciones que requieran el uso y portación de armas.

(d) El permiso de portación será incorporado por el Superintendente a la licencia de armas del concesionario, haciendo constar la categoría de portar, según lo establecido en la sec. 456a(f) de este título, dentro de los diez (10) días naturales siguientes de haber entregado el concesionario la autorización del tribunal.

456f. Acusación por delito grave; ocupación de armas Luego de una determinación de causa probable para el arresto de cualquier persona a la cual se haya otorgado una licencia de armas, por la comisión de cualquiera de los delitos especificados en la sec. 456j de este título y que violen las disposiciones de este capítulo, el tribunal suspenderá provisionalmente la licencia hasta la determinación final del procedimiento criminal. Disponiéndose, además, que el tribunal ordenará la ocupación o inmediación de la totalidad de las armas y municiones del concesionario para su custodia en el depósito de armas y municiones de la Policía. De resultar elacusado con una determinación de no culpabilidad, final y firme, el juez ordenará la inmediata devolución de su licencia de armas y de las armas y municiones. Toda arma y municiones así devueltas deberán entregarse en las mismas condiciones en que se ocuparon. El concesionario estará exento del pago por depósito. De resultar la acción judicial en una de culpabilidad, final y firme, el Superintendente revocará la licencia permanentemente y se incautará finalmente de todas las armas y municiones.

456g. Licencia de armero; informe de transacciones

(a) Ninguna persona podrá dedicarse al negocio de armero o comerciante en armas de fuego y municiones, sin poseer una licencia de armero expedida por el Secretario del Departamento de Hacienda. Dichas licencias vencerán a partir de un (1) año desde la fecha de su expedición y estarán nuevamente sujetas a los formalismos y requisitos de solicitud de este capítulo. Las licencias de armeros estarán sujetas a la aprobación y certificación de la Policía, previa inspección, sobre las medidas de seguridad existidas en la edificación donde esté ubicado el establecimiento. La solicitud para renovación de una licencia deberá radicarse con treinta (30) días de antelación a la fecha de su vencimiento.

(b) Cada transacción referente a la introducción de armas a Puerto Rico por armero o a la venta de armas y municiones, entre armeros deberá ser informada mediante el sistema electrónico establecido por este capítulo. De no estar disponible dicho sistema al momento de la transacción, será informada al Superintendente en formulario que proveerá este, debiendo expresar en el mismo el nombre, domicilio y funciones del armero, y en el caso de licencias, tanto de ventas como del comprador, así como la cantidad y descripción, incluyendo el número de serie de las armas o municiones objeto de cada transacción, según lo requiera el Superintendente.

(c) Un armero que posea una licencia expedida de acuerdo con este capítulo, podrá adquirir un arma que esté inscrita en el registro de armas bajo las disposiciones de este capítulo por compra de la persona que la haya inscrito a su nombre, siempre que tal persona tenga una licencia de armas expedida de acuerdo con este capítulo. A efectuarse cualquier venta de armas de fuego y municiones, la transacción deberá ser informada mediante el sistema electrónico establecido por este capítulo. De no estar disponible dicho sistema al momento de la transacción, el vendedor y comprador deberán notificarlo por escrito y con acuse de recibo al Superintendente, ambos mediante un mismo formulario. El armero, dentro de un término de veinticuatro (24) horas luego de entregar las armas, deberá notificarlo mediante facsímil y teléfono al Superintendente y en un término de dos (2) días consecutivos, y de no estar disponible el sistema electrónico, el armero, dentro de un término de veinticuatro (24) horas luego de entregar las armas, deberá notificarlo mediante correo certificado con acuse de recibo, o personalmente.

(d) Cuando el armero, a su mejor juicio, detecte anomalidad en el carné de un concesionario o la entrega de armas sea negada o prohibida por disposición de ley federal, notificará de inmediato, vía facsímil y teléfono al Superintendente o a la persona que en el correspondiente artículo designe y notifique a los armeros. El Superintendente procederá de inmediato a investigar al concesionario para determinar si procede la cancelación de la licencia y la formulación de cargos criminales.

Toda infracción a lo dispuesto en el inciso (a) de esta sección constituirá delito grave, y será sancionada con pena de multa administrativa que no excederá de quinientos (500) dólares por no notificar en la primera infracción, y dos mil (2,000) dólares por infracciones subsiguientes; Disponiéndose, que en el caso de una tercera falta, el Superintendente podrá optar por imponer la multa o iniciar el procedimiento para cancelar la licencia de armero y de surgir otra falta, el Superintendente procederá a cancelar la licencia de armero.

456h. Requisitos de un peticionario para licencia de armero

(a) Toda persona que desee obtener o trasladar de local una licencia de armero radicará ante el Secretario de Hacienda una solicitud jurada ante notario, acompañada de un comprobante de rentas internas de quinientos dólares ($500), en el formulario que proveerá el Secretario de Hacienda para estos propósitos. Luego de la aprobación de la solicitud por el Secretario de Hacienda, la misma será remitida al
Superintendente de la Policía de Puerto Rico, y ninguna licencia será expedida de conformidad con esta sección si se demuestre que el peticionario no cumple con los requisitos establecidos en el inciso (a) de la sec. 456a de este título, excepto que tendrá que ser ciudadano de los Estados Unidos. 

(b) Ninguna licencia de armero será expedida de conformidad con esta sección, sin que previamente se haya practicado por la Policía una investigación de todas las declaraciones contenidas en la solicitud y sin que los archivos de la Policía y los demás archivos accesibles (incluyendo los archivos del sistema Nacional Instant Criminal Background Check System) hayan sido examinados a los fines de determinar cualquier convicción anterior del peticionario. No se excederá licencia alguna si no se cumplen con todas las disposiciones de esta sección, o si las declaraciones contenidas en la solicitud no resultaren ciertas.

(c) Si el peticionario es una corporación o una sociedad, la solicitud deberá estar firmada y jurada por el presidente, el secretario y el tesorero de la corporación, o por todos los socios directores de la sociedad; deberá indicar el nombre de la corporación o de la sociedad, sitio y fecha de colocación la licencia, sitio de su oficina principal o domicilio, nombre de la ciudad o pueblo, calle y número donde será establecido el negocio, agencia, subagencia, oficina o sucursal para la cual se interese la licencia. Una licencia expedida bajo las disposiciones de esta sección será válida solamente para los negocios mencionados y descritos en la licencia. Dicha licencia no podrá traspassarse a ningún otro negocio ni a ninguna otra persona, y quedara automáticamente cancelada al disolverse la corporación o sociedad o sustituirse cualquiera de los oficiales de la corporación que suscribieron la solicitud, o al ingresar algún nuevo socio director en el caso de una sociedad, aunque dicha licencia podrá ser renovada tan pronto se cumpla con lo dispuesto en esta sección en relación con el nuevo oficial o el nuevo socio. En estos casos, el Secretario de Hacienda expedirá una licencia provisional mientras se efectúa el trámite de renovación. 

(d) Cuando el peticionario es una corporación o sociedad, no se expedirá licencia alguna si cualquier oficial de la corporación no cumple con los requisitos establecidos en el inciso (a) de la sec. 456a de este título, excepto que tendrá que ser ciudadano de los Estados Unidos. 

(e) En todo caso, la licencia de armero deberá ser expedida dentro de ciento veinte (120) días de radicada la solicitud personalmente o por correo certificado al Secretario del Departamento de Hacienda, sin perjuicio de que el Superintendente pueda continuar su investigación posteriormente y revocar la licencia en caso de que exista una causa legal para ello.

456i. Condiciones para operaciones de armeros; constancias de transacciones. Una persona, sociedad o corporación a la cual le hubiera expedido una licencia de armero podrá dedicarse a la venta de armas y municiones, o al negocio de armero bajo las siguientes condiciones: 

(a) El negocio se explorará solamente en el local designado en la licencia. Los armeros a quienes la Policía no les hubiese certificado que han cumplido con las medidas de seguridad de acuerdo con este capítulo, no podrán iniciar operaciones hasta cumplir con las mismas, ni podrán mantener en tal local armas o municiones que no sean aquellas que se esté autorizado a poseer y portar por el armero de acuerdo con las disposiciones de este capítulo. La infracción [a] este inciso por el armero o asistente, o por el funcionario administrativo que seré sancionada con multa no menor de cinco mil dólares ($5,000) ni mayor de cincuenta mil dólares ($50,000), a discreción del Superintendente. Además, conllevará que el Superintendente revoque la licencia. Este deberá inscribir cualquier multa aplicada en el registro ejercido de modalidad especificada.

(b) Ningún armero recibirá arma alguna para su reparación, modificación, limpieza, grabación, pulimentación, o para efectuar cualquier otro trabajo mecánico, sin que se le muestre previamente la licencia de armas, ni aceptara un arma de fuego bajo condición alguna que tenga su número de serie mutilado. La infracción de este inciso por parte del armero constituirá falta administrativa, y será sancionada con multa de diez mil dólares ($10,000). No cumplir con este requisito conllevará la revocación de la licencia del Superintendente.

(c) La licencia de armero o copia certificada de la misma deberá colocarse en el establecimiento, de modo que pueda leerse con facilidad. No cumplir con este requisito podrá conllevar imposición de multa administrativa de cinco mil dólares ($5,000).

(d) Todo armero deberá tener en algún lugar visible al comprador o cliente la siguiente advertencia: "El uso de un dispositivo de seguridad (locking device o safety lock) es recomendable para un arma de fuego. Toda arma cargada, así como sus municiones, deberán mantenerse fuera del alcance de menores o personas no autorizadas a utilizarlas. Es aconsejable guardar sus armas separadas de las municiones."

No cumplir con este requisito conllevará la imposición de una multa administrativa de cinco mil dólares ($5,000).

(e) Se llevara constancia de cada venta vendida y de cada venta de municiones, en libros que el armero deberá proveer en la forma que prescriba el Superintendente, quien suministrara estos libros a los armeros, previo el pago por estos de los costos correspondientes, según se disponga mediante reglamento. La constancia de cada venta será firmada personalmente por el comprador y por la persona que efectúe la venta, haciéndolo cada uno en presencia del otro; y dicha constancia expresará la fecha, día y hora de la venta, calibre, fabricación, modelo y número de fabrica del arma, calibre, marca y cantidad de municiones, y el nombre y número de licencia de armas. El vendedor anotara la descripción de las municiones, la cantidad que vende y la fecha, día y hora de la venta en el formulario que le proveerá el Superintendente. De igual forma, en el registro electrónico se llevará constancia de cualquier arma o municiones vendidas. El Superintendente tendrá que dar acceso al registro electrónico a la persona, o a cualquier funcionario o agente designado a la cual se le hubiere expedido una licencia de armero, a los únicos fines de poder registrar las transacciones a realizarse y que las mismas sean conformes a las disposiciones de este capítulo. El Superintendente tendrá la obligación de mantener el registro organizado de forma que facilite comprobar en cualquier momento la cantidad de municiones que adquiere cada tenedor de licencia, y no autorizará la venta de calibres distintos a los que estén inscritos a favor del concesionario.

(f) Cuando las municiones vendidas sean de las descritas en el segundo párrafo de la sec. 459 de este título, el vendedor llevará un registro especial en libros y formularios destinados a este fin que serán impresos en la misma que prescriba el Superintendente, además suministrado de conformidad al inciso (e) de esta sección, en el que aparecerá el nombre del comprador, la descripción de las municiones y la fecha y hora de la venta. Además, dicho registro contendrá lo siguiente: 

1) Una descripción completa de cada arma, incluyendo:

    (A) El fabricante de la misma;
    (B) el número de serie que aparezca grabado en la misma;
    (C) el nombre del arma, y
    (D) el modelo y tipo del arma.

Para la venta al por mayor de armas del mismo calibre, modelo y tipo, el armero puede acumular dichas ventas en sus records, siempre y cuando las mismas sean hechas en una misma fecha y a un solo comprador.

2) El nombre y dirección de cada persona de la cual se recibió el arma para la venta en la armería, conjuntamente con la fecha de adquisición.

3) El número, licencia y dirección de la persona natural o jurídica, a quien se vendió y la fecha de la entrega.

La utilización del sistema de registro electrónico no eximirá del cumplimiento de las disposiciones de esta sección.

(g) Los documentos y libros deberán mantenerse en el negocio indicado y descrito en la licencia, y deberán estar disponibles durante horas laborables para su inspección por cualquier funcionario del Ministerio Publico o agente del orden público. En los casos de revocación de la licencia según se prescribe en esta sección o del cese de operaciones del negocio, dichos libros y constancias deberán ser entregados inmediatamente al Superintendente.

(h) No se exhibirán armas, municiones o objetos de armas en ningún lugar de un establecimiento comercial dedicado a la venta de armas, donde puedan ser vistas desde el exterior del negocio. No cumplir con este requisito conllevará la imposición de una multa administrativa de cinco mil dólares ($5,000). Disponiéndose, que en casos de inobservancia de las medidas de seguridad o de las medidas dispuestas en esta sección en dos (2) o más ocasiones, por parte de los armeros, el Superintendente, previa notificación escrita, podrá revocar la licencia. De la persona no estar de acuerdo, podrá llevar una acción de revisión, en conformidad a las sec. 2101 et seq. del Título 3.

(i) Todo armero a quien se le haya expedido una licencia bajo las disposiciones de esta sección, que deje de llevar las constancias y libros que aquí se exigen, incurrirá en delito grave y convicto que fuere, será sancionado con pena de reclusión por un término fijo de uno (1) año y pénula de multa que no excederá de cien mil dólares ($100,000). De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de veinticuatro (24) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de seis (6) años. Además, el
Superintendente revocará cualquier licencia de armas o de armero que esta persona posea.

456. Fundamentos para rehusar expedir licencia El Superintendente no expedirá licencias de armas ni el Secretario del Departamento de Hacienda expedirá licencia de armas, o de haberse expedido se revocaran y el Superintendente de licencias de armas y municiones de cualquier persona que haya sido convicta, en o fuera de Puerto Rico, de cualquier delito grave o su tentativa, por conducta constitutiva de violencia doméstica según tipificada en las secciones 601 et seq. del Título 8, por conducta constitutiva de maltrato de menores según tipificada en la sección 4026 del Título 33, ni por conducta constitutiva de maltrato de menores según tipificada en la ley de Diciembre 16, 1999, Num. 342.

Disponiéndose, además, que tampoco se expedirá licencia alguna a una persona con un padecimiento mental que lo incapacite para poseer un arma, un ejército habitual o adicto al uso de narcóticos o drogas, ni a persona alguna que haya renunciado a la ciudadanía americana o que haya sido separada de esta condición por las Fuerzas Amadas de los Estados Unidos o de Puerto Rico, ni a ninguna persona que haya sido convicta por alguna violación a las disposiciones de este capítulo o de las anterior Ley de Armas (antiguas secciones 411 a 454 de este título).

456k. Registro de armas; pérdida y entrega de arma de fuego; muerte del poseedor de licencia La posesión de armas creada en el cuartel general de la Policía se ajustará en su organización y funcionamiento a las disposiciones de este capítulo y será llevado en forma computarizada, sistemática y ordenada de manera que se facilite la búsqueda de información. Este registro deberá estar siempre debidamente custodiado.

(b) Toda arma de fuego legalmente poseída después de entrar en vigor esta ley deberá ser inscrita en el registro de armas, en caso de que no estuviera previamente inscrita. El Superintendente entregará al declarante una constancia de dicha inscripción.

(c) Cuando una persona tenga bajo su dominio un arma o municiones debidamente autorizadas por ley y las pierda, se les desaparezcan, sea las roben o sean sustraídas mediante apropiación ilegal, deberá notificando mediante la presentación de una quejilla al distrito o precinto Policíaco donde éste resida o en el cuartel de la Policía más cercano, inmediatamente advenga en conocimiento de su pérdida, desaparición, robo o apropiación. Si no cumple con tal obligación, será culpable de delito menor grave y convicta que fuere, será sancionada con pena de multa hasta un máximo de cinco mil ($5,000) dólares por cada arma o cada quinientas (500) o fracción de municiones dejadas de inscribir.

El Superintendente investigará todo informe de pérdida, desaparición, robo o apropiación ilegal, y llevará un registro detallado del resultado de éstos a los fines de levantar estadísticas sobre informes de pérdida, desaparición, robo o apropiación ilegal de armas o municiones. De ser falsamente o falsa la información prestada por el querellante, el Superintendente notificará el hecho al Ministerio Público para que se presenten cargos criminales.

(d) Cuando falleciere una persona debidamente autorizada para la tenencia de armas, será deber de todo administrador, albacea o fideicomisario, o de cualquiera de ellos que actúe en Puerto Rico, y de cualquier subadministrador, agente o persona autorizada legalmente para administrar los bienes, notificar su fallecimiento al Superintendente dentro de los treinta (30) días siguientes a la fecha del fallecimiento expresará el nombre, residencia y circunstancias personales del fallecido. No notificar este hecho constituirá delito menos grave que será sancionado con pena de multa no mayor de quinientos (500) dólares. El Superintendente dispondrá lo necesario para la recepción, almacenamiento, custodia, que podrá ser por una persona con licencia de armas o una armería designada por el administrador, albacea o fideicomisario y/o disposición de dichas armas, mientras se distribuye la herencia. Si las armas fueran adjudicadas a un heredero que sea elegible para obtener una licencia de armas, y se le expulsiere tal licencia, dicha arma o armas se le entregará. Disponiéndose, que si dicho heredero ya fuera dueño del número máximo de armas permitido en este capítulo, el Superintendente concederá una autorización para la tenencia de las armas adquiridas por disposición de herencia que establezca éste mediano término. De serle denegada tal licencia, o de disponer la venta de dicha arma en pública subasta, la misma podrá ser adquirida únicamente por una persona con licencia de armas vigente, mediante subasta o por un armero debidamente autorizado por este capítulo y, de no ser así adquirida, dicha arma será entregada para su decomiso al Superintendente, tal como se dispone en este capítulo. Disponiéndose, además, que el Superintendente no entregará ninguna arma que, previo al fallecimiento de su dueño, no hubiese sido debidamente inscrita a tenor con el inciso (b) de esta sección.

(e) Cualquier adquisición, compra, venta, donación, cesión o cualquier forma de traspaso de titularidad de un arma de fuego y municiones deberá ser realizada ante una persona con licencia de armas para su correspondiente inscripción en el registro electrónico y en sus libros, en conformidad a lo dispuesto en la sección 456i. Toda adquisición o trascaso de las mencionados medios de traspaso de titularidad entre concesionarios de licencia de armas mediante los formularios de traspaso de armas que provea el Superintendente, dentro de los cinco (5) días siguientes al otorgamiento, para la debida anotación y corrección en el registro electrónico.

456l. Motivos para facultar agentes del orden público a ocupar armas Cualquier agente del orden público ocupará la licencia, arma y municiones que posea un concesionario cuando tuviere motivos fundados para entender que el tenedor de la licencia hizo o hará uso ilegal de las armas y municiones, para causar daño a otras personas; por haber proferido amenazas de cometer un delito; por haber expresado su intención de suicidarse; cuando haya demostrado reiteradamente negligencia o descuido en el manejo del arma; cuando se estime que el tenedor padece de una condición mental o física que le pudiese hacer adicto a sustancias controladas, o en cualquier otra situación de grave riesgo o peligro que justifique esta medida de emergencia. Un agente del orden público también ocupará la licencia, armas y municiones cuando se arreste al tenedor de la misma por la comisión de un delito grave o delito menos grave que implique violencia. A solicitud de la parte a quien se le ocupó el arma, hecho dentro de los quince (15) días laborables luego de la ocupación del arma, el Superintendente celebrará una vista administrativa en un término no mayor de cuarenta y cinco (45) días para sostener, revisar o modificar la ocupación del agente del orden público. El Superintendente deberá emitir su decisión en un plazo no mayor de cuarenta y cinco (45) días a partir de la celebración de dicha vista administrativa formal y de resultar favorable a la parte afectada la determinación de dicho Superintendente, éste ordenará la devolución del arma y municiones ocupadas.

456m. Armas de asalto semiautomáticas; fabricación, importación, distribución, posesión y transferencia

(a) No se podrá fabricar o hacer fabricar, ofrecer, vender, adquirir, prestar, posesar, usar, traspasar o importar un arma de asalto semiautomática. No obstante, esta prohibición no será de aplicación a:

(1) La posesión, uso, transferencia, en Puerto Rico o importación desde el territorio de los Estados Unidos, por personas cuya licencia contenga la categoría de tiro al blanco, de caza o posea licencia de armero, de aquellas armas de fuego semiautomáticas que tengan la nacionalidad de los Estados Unidos de Norte América, a la fecha de entrar en vigor esta ley, o

(2) La fabricación, importación, venta o entrega, por personas con licencia de armero, para uso de estas armas en el cumplimiento del deber por los agentes del orden público, del Gobierno de Puerto Rico o de los Estados Unidos, o para el uso de las fuerzas armadas del Gobierno de los Estados Unidos o de Puerto Rico.

(b) Las armas de asalto semiautomáticas a que se refiere esta sección son las siguientes:

1. Norinco **Mitchell**, y Poly Technologies **Avtomat Kalashnikovs** (todos los modelos de AK);
2. Action Arms **Israel** Military Industries **Uzi** y **Galil**;
3. Beretta AR70 (SC-70);
4. Colt AR-15;
5. Fabrique National **FN/FAL**, **FN/LAR**, y **FNC**;
6. SWD M-10, M-11, M-11/9 y M-12;
7. Steyr **AUG**;
8. INTRATEC TEC-9, **TEC-DC9** y **TEC-22**, y
9. Escopetas **revolving cylinder**, tales como (o similares a) la **Street Sweeper** y el **Stiker 12**.

(c) Además, será considerada como un arma de asalto semiautomática:

1. Un rifle semiautomático que pueda ser alimentado mediante retroalimentación por un abastecedor o recueto removible y que contenga más de dos (2) de las siguientes características:
   - (A) Cula**t**a plegada o telescopica;
   - (B) Empuñadura de pistola (pistol grip) que sobresalga flattamente por debajo de la acción del arma;
   - (C) Montura para bayoneta;
   - (D) Supresor de fuego o rosca para acomodar un supresor de fuego (flash suppressor), o
   - (E) Lanzador de granadas, excluyendo los lanzadores de bengalas.

(d) Las armas de asalto semiautomática que pueda ser alimentada mediante retroalimentación por un abastecedor o recueto removible y que contenga más de dos (2) de las siguientes características:

   - (A) Un abastecedor o recueto de municiones que se fije a la pistola por fuera de la empuñadura de la pistola (pistol grip);
(B) un cañón con roscas en su punta delantera capaz de aceptar una extensión al cañón, supresor de fuego (flash suppressor), agarre para la mano al frente del arma o un silenciador;
(C) una cubierta que se puede fijar cubriendo parcial o completamente una parte del cañón o aquella parte o pieza de un arma de fuego donde el fabricante de la misma coloca el número de serie del arma. Toda fabricación o cualquier forma de cesión o cualquier forma de traspaso de la titularidad de armas de fuego, municiones o aquella parte o pieza de un arma de fuego donde el fabricante de la misma coloca el número de serie del arma. Toda fabricación o cualquier forma de cesión o cualquier forma de traspaso de la titularidad de armas de fuego, municiones o aquella parte o pieza de un arma de fuego donde el fabricante de la misma coloca el número de serie del arma.
(D) un peso de manufactura en exceso a cincuenta (50) onzas descargada, o
(E) una versión semiautomática de un arma automática.
(1) una escopeta semiautomática que contenga dos (2) o más de las siguientes características:
   (A) Culata plegadiza o;
   (B) empuñadura de pistola (pistol grip) que sobresale manifiestamente por debajo de la acción del arma;
   (C) abastecedor o receptáculo de municiones fijo con capacidad para más de cinco (5) cartuchos, o
   (D) capaz de recibir un abastecedor o receptáculo de municiones removible.
(d) Toda persona que viole las disposiciones de esta sección incurrirá en delito grave, y convicta que fuere será sancionada con pena de reclusión para un término fijo de veinticuatro (24) años, sin derecho a sentencia suspendida, o a disfrutar de los beneficios de algún programa de desvío, bonificaciones o alternativa a la reclusión reconocida en esta jurisdicción, debiendo cumplir en años naturales la totalidad de la pena impuesta. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de dieciséis (16) años.
No constituirá delito la posesión o uso de estas armas en el cumplimiento del deber por los miembros de la Policía, y aquellos otros agentes del orden público debidamente autorizados a portar armas de fuego conforme se establece en este capítulo.
La aplicación de las disposiciones de esta sección será prospectiva a partir de la aprobación de esta ley.

Subcapítulo 3. Permisos de Tiro Al Blanco

457c. Permisos de tiro al blanco
(a) Toda persona que tenga una licencia de armas expedida de conformidad con este capítulo podrá solicitar al Superintendente un permiso de tiro al blanco. Proveerá bajo juramento ante notario toda la información requerida en los formularios de solicitud preparados a esos efectos por el Superintendente, los cuales requerirán al menos un comprobante de rentas internas de veinticinco (25) dólares, un retrato [de] dos (2) pulgadas por dos (2) pulgadas, y un sello de la federación de tiro. El Superintendente, dentro del término de treinta (30) días laborables de recibida la solicitud, expedirá el permiso solicitado, salvo que exista causa justificable para la denegación.
(b) No se expedirá permiso de tirador a persona alguna que no sea miembro de un club u organización de tiro al blanco y una federación de tiro, debidamente reconocidos por el Secretario. ...

Subcapítulo 4. Agencias de Seguridad Que Transporten Valores En Vehículos Blindados

457f. Licencias especiales
El Superintendente podrá expedir una licencia especial a aquellas agencias de seguridad que deseen transportar valores en vehículos blindados que así lo soliciten y que estén debidamente autorizadas a operar como tales; autorizándolas a comprar, poseer, disponer y mantener en su lugar de negocio un depósito para armas largas que no sean automáticas y municiones, pero prohibiéndolas para exclusivamente por los agentes de seguridad empleados por esta que estén asignados al transporte de valores en vehículos blindados y mientras estén en funciones de su empleo.

457j. Depósito de armas largas y municiones
Toda entidad para obtener la licencia especial para comprar, poseer, disponer y mantener en el lugar de negocio un depósito para armas largas y municiones deberá acompañarse con prueba fehaciente de que la agencia de seguridad emplea cinco (5) personas o más para tales fines.

El solicitante de una licencia especial de comprar, poseer, disponer y mantener en su lugar de negocio un depósito de armas largas cumplirá también con todas las disposiciones y requisitos de seguridad exigidos para las licencias de armeros, así como cualquier otro requisito que disponga el Superintendente mediante reglamento. Una vez el Superintendente certifique que el local del solicitante cumple con los requisitos de seguridad exigidos, se le expedirá la licencia especial solicitada. El negocio del solicitante operará únicamente en el local designado, estará sujeto a inspección por cualquier agente de la Policía o del Negociado de Investigaciones Especiales del Departamento de Justicia, y mantendrá la licencia en un sitio visible en su oficina. No podrá mantenerse en dicho local arma alguna que no sean aquellas que se esté autorizando a poseer de acuerdo a las disposiciones de este capítulo.

457k. Límite de armas
La licencia especial para poseer y mantener en su lugar de negocio un depósito de armas largas permitirá a la agencia de seguridad tener bajo su control y cuidado un número específico de armas largas tales como escopetas y rifles semiautomáticos, registradas a su nombre en los registros del Superintendente. La agencia solo podrá adquirir dos (2) armas largas en exceso del número de vehículos blindados que posea la agencia, según certifique la Comisión de Servicio Público, y que se dediquen al transporte de valores.

457r. Municiones
Se autoriza a las agencias de seguridad que obtengan la licencia especial que dispone este capítulo a comprar una cantidad razonable de municiones para las armas que le han sido autorizadas por el Superintendente en la licencia. La agencia de seguridad mantendrá un inventario perpetuo de las armas y municiones autorizadas, así como un registro del movimiento diario de estas. Estos registros se mantendrán a la disposición de la Policía de Puerto Rico. Disponiéndose, además, que la adquisición, compra, venta, donación, cesión o cualquier forma de traspaso de titularidad de armas de fuego, municiones o accesorios, realizados en virtud de esta licencia especial, deben haber sido inscritos debidamente en el registro electrónico por los medios que dispone este capítulo.

Subcapítulo 5. Armas

458. Fabricación, importación, venta y distribución
Se necesitará una licencia expedida conforme a los requisitos exigidos por este capítulo para fabricar, importar, ofrecer, vender o tener para la venta, alquilar o traspasar cualquier arma de fuego, municiones o aquella parte o pieza de un arma de fuego donde el fabricante de la misma coloca el número de serie del arma. Toda fabricación o cualquier forma de cesión o cualquier forma de traspaso de cualquier arma de fuego por un término fijo de quince (15) años, sin derecho a sentencia suspendida, a salir en libertad bajo palabra, o a disfrutar de los beneficios de algún programa de desvío, bonificaciones o alternativa a la reclusión reconocida en esta jurisdicción, debiendo cumplir en años naturales la totalidad de la pena impuesta. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de veinticinco (25) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de diez (10) años.

458a. Perdición de armas a personas sin licencia
Ningún armero entregará un arma de fuego a un comprador sin que este le muestre una licencia de arma vigente. Cuando el comprador del arma sea un cazador o tirador autorizado a poseer armas de fuego, la venta y entrega del arma se efectuará de la misma manera que se establece en este capítulo.

El armero que abandone vendas armas de fuego a una persona sin licencia, incurrirá en delito grave y convicto que fuere, será sancionado con pena de reclusión por un término fijo de quince (15) años. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de veinticinco (25) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de diez (10) años. Una convicción bajo esta sección conllevará la cancelación automática de la licencia del armero.

458b. Comercio de armas de fuego automáticas
Toda persona que venda o tenga para la venta, ofrezca, entrega, alquile, preste o en cualquier otra forma disponga de cualquier arma de fuego que pueda ser disparada automaticamente, independientemente de que dicha arma se denomine ametralladora o de otra manera, incurrirá en delito grave, y convicta que fuere será sancionada con pena de reclusión por un término fijo de veinticuatro (24) años, sin derecho a sentencia suspendida, a salir en libertad bajo palabra, o a disfrutar de los beneficios de algún programa de desvío, bonificaciones o alternativa a la reclusión reconocida en esta jurisdicción, debiendo cumplir en años naturales la totalidad de la pena impuesta. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de treinta y seis (36) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de dieciocho (18) años.

458e. Posesión sin licencia
Toda persona que tenga o posea, pero que no esté portando, un arma de fuego sin tener licencia para ello, ...
incurrirá en delito grave, y convicta que fuere será sancionada con pena de reclusión por un término fijo de cinco (5) años. De mediar circunstancias agravantes, la pena establecida podrá ser aumentada hasta un máximo de diez (10) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de un (1) año.

No obstante todo lo anterior, cuando una persona incurra en las conductas prohibidas por esta sección sin la intención de cometer un delito con el arma de fuego poseída sin licencia, y se trate de una persona que nunca haya sido convicta por violación a este capítulo, la Ley Núm. 348 de 21 de diciembre de 1999, las disposiciones de las sec. 1476 a 1482 del Título 32, o la Ley Núm. 27 de 10 de enero de 2002, o alguno de los delitos enumerados en la sec. 456j de este título, y el arma no sea una que ha sido reportada robada o apropiada ilegamente, incurrirá en delito menor, y convicta que fuere será sancionada con pena de reclusión por un término no mayor de seis (6) meses, pena de multa que no excederá de cinco mil dólares ($5,000), o ambas penas a discreción del tribunal. El tribunal, a su discreción, podrá imponer la pena de prestación de servicios en la comunidad en lugar de la pena de multa.

En caso de que el poseedor del arma demuestre con prueba fehaciente que posee una licencia de armas, aunque vencida, y que solicitó su renovación dentro del término provisto por este capítulo, no será culpable de delito alguno. Si no ha solicitado su renovación dentro del término provisto incurrirá en falta administrativa y tendrá que pagar el triple de los costos acumulados de los derechos de renovación.

458f. Posesión o uso ilegal de armas largas semiautomáticas, automáticas o escopeta de cañón cortado Toda persona que porte, posea o use sin autorización de este capítulo un arma larga semiautomática, una ametralladora, carabina, rifle, así como cualquier modificación de éstas o cualquiera otra arma que pueda ser disparada automáticamente o escopeta de cañón cortado a menos de dieciocho (18) pulgadas, y que pueda causar daño corporal o control, sea o no propietaria de la misma, incurrirá en delito grave, y convicta que fuere, será sancionada con pena de reclusión por un término fijo de doce (12) años. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de veinticuatro (24) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de seis (6) años.

Las disposiciones de esta sección no serán aplicables a los agentes del orden público debidamente autorizados y en cumplimiento de sus funciones oficiales.

458h. Facilitación a terceros Toda persona que con intención criminal facilite o ponga a la disposición de otra persona cualquiera arma de fuego que haya estado bajo su custodia o control, sea o no propietaria de la misma, incurrirá en delito grave y, convicta que fuere, será sancionada con pena de reclusión por un término fijo de doce (12) años. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de veinticuatro (24) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de seis (6) años.

458i. Número de serie o nombre de dueño en arma de fuego; remoción o mutilación Toda arma deberá llevar, en forma tal que no pueda ser cambiado, alterado o borrado, el número del armero o marca de fábrica bajo la cual se venderá el arma o el nombre del importador y, además, un número de serie o el nombre completo de su poseedor grabado en la misma.

Incurrirá en delito grave y sancionada con pena de reclusión por un término fijo de veinticuatro (24) años, sin derecho a sentencia suspendida, a salir en libertad bajo palabra, o a disfrutar de los beneficios de algún programa de desvío, bonificaciones o alternativa a la reclusión reconocida en esta jurisdicción, debiendo cumplir en años naturales la totalidad de la pena impuesta.

De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de treinta y seis (36) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de dieciocho (18) años.

No constituirá delito la posesión o uso de estas armas en el cumplimiento del deber por los miembros de la Policía, y aquellos otros agentes del orden público debidamente autorizados.

458j. Presunciones La posesión de un arma de fuego por una persona que no posea una licencia de armas se considerará evidencia prima facie de que dicha persona posee el arma con la intención de cometer delito.

La portación de un arma de fuego por una persona que no posea una licencia de armas con permiso para portar, se considerará evidencia prima facie de que dicha persona portaba el arma con la intención de cometer delito.

La posesión por cualquier persona de un arma a la cual se le haya removido, mutilado, cubierto permanentemente, alterado o borrado su número de serie o el nombre de su poseedor, se considerará evidencia prima facie de que dicha persona poseyó, mutiló, cubrió, alteró o borró dicho número de serie o el nombre de su poseedor.

La posesión por cualquier persona de un arma a la cual se le haya removido, mutilado, cubierto permanentemente, alterado o borrado su número de serie o el nombre de su poseedor se considerará evidencia prima facie de que dicha persona posee el arma con la intención de cometer un delito.

La posesión por cualquier persona de un arma al momento de cometer o intentar cometer un delito, se considerará evidencia prima facie de que dicha arma estaba cargada al momento de cometer o intentar cometer el delito.

La presencia de tres (3) o más armas de fuego en una habitación, casa, residencia, establecimiento, oficina, estructura o vehículo, constituirá evidencia prima facie de que el dueño o poseedor de dicha habitación, casa, residencia, establecimiento, oficina o vehículo, de aquellas personas que ocupen la habitación, casa, residencia, establecimiento, oficina, estructura, trafican y facilitan armas de fuego ilegalmente, siempre que estas personas no tengan una licencia de armas, de armero, de club de tiro o coto de caza.

La presencia de una ametralladora o cualquier otra arma de funcionamiento automático o de las municiones armor piercing en cualquier habitación, casa, residencia, establecimiento, oficina, estructura o vehículo, constituirá evidencia prima facie de su posesión ilegal por el dueño o poseedor de dicha edificación o vehículo, y por aquellas personas que ocupen la habitación, casa, edificio o estructura donde se encuentre tal ametralladora, arma de funcionamiento automático o escopeta de cañón cortado, y que tengan la posesión mediata o inmediata de la misma. Esta presunción no será de aplicación en los casos que se trate de un vehículo de servicio publico que en ese momento estuviera transportando pasajeros mediante paga, o que se demuestre que se trata de un transporte incidental o de emergencia.

La presencia de una ametralladora o cualquier otra arma de funcionamiento automático o de las municiones armor piercing en cualquier habitación, casa, residencia, establecimiento, oficina, estructura o vehículo, constituirá evidencia prima facie de que el dueño o poseedor de dicha edificación o vehículo posee el arma o las municiones con la intención de cometer un delito.

La presencia de un arma de fuego o de municiones en cualquier vehículo robado o hurtado constituirá evidencia prima facie de su posesión ilegal por todas las personas que viajen en tal vehículo al momento que dicha arma o municiones sean encontradas.

Las disposiciones de esta sección no aplicaran a los agentes del orden público en el cumplimiento de sus funciones oficiales.

458k. Notificación por porteador, almacénista o depositario de recibo de armas; penalidades Todo porteador (c) de vehículos aéreos o terrestres, y todo almacenista o depositario que a sabiendas reciba armas de fuego, accesorios o partes de estas o municiones para entrega en Puerto Rico, no entregara dicha mercancía al consignatario hasta que este le muestre su licencia de armas o de armero. Después de los (5) días laborables de la entrega, el porteador, almacenista o depositario notificara al Superintendente, dirigiendo la notificación personalmente o por correo certificado con acuse de recibo, el nombre, dirección y numero de licencia del consignatario y el numero de armas de fuego o municiones, incluyendo el
calibre, entregadas, así como cualquier otra información que requiera el Superintendente mediante reglamento.

Cuando el consignatario no tuviere licencia de armas o de armero, el porteador, almacenista o depositario notificará al Superintendente en el momento en que el nombre y dirección del consignatario, y el número de armas de fuego o municiones para entrega. Además, no entregara dicha mercancía a tal consignatario hasta tener autorización al efecto, expedida por el Superintendente.

En caso de cualquier obligación aquí establecida constituirá un delito grave que será sancionada con pena de reclusión por un término fijo de doce (12) años y pena de multa no menor de dos mil dólares ($2,000) ni mayor de diez mil dólares ($10,000). De mediar circunstancias agravantes, la pena fijará el poder del armero y municiará el máximo de veinticuatro (24) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de seis (6) años.

458l. Almacenamiento y custodia de armas en depósitos de armas y municiones

Todo armero vendrá obligado a implantar las medidas de seguridad exigidas por la Policía mediante el almacenamiento de las armas y munición sin que esta se depósiten o se custodie fuera del lugar de negocios; para su custodia de las armas y municiones. La Policía examinara cada tres (3) meses los locales de los armeros, los cuales de no cumplir con las medidas de seguridad exigidas, tendrán treinta (30) días para cumplir con las mismas o de lo contrario, deberán depositar las armas y municiones que posean para la venta, para su almacenamiento y custodia en la bóveda de otro armero o en el depósito de armas y municiones de la Policía de Puerto Rico, dentro del término que determine el Superintendente, en lo que corriyen la deficiencia.

Los armeros que, para corregir deficiencias, utilicen el depósito de armas y munición, pagaran por el almacenamiento y custodia de sus armas y municiones una mensualidad que se determinara mediante reglamento. Al establecer el costo de almacenamiento y custodia, se tomaran en consideración los costos de operación del depósito de armas y municiones; y la manutención de las armas y municiones para efectos de recibo, clasificación, custodia y entrega de las mismas. Los costos a cargarse a los usuarios del depósito de armas y municiones bajo ningún concepto excederán los costos reales y razonables por concepto del servicio prestado.

El Superintendente tendrá el poder y competencia para el almacenamiento, el depósito de armas y municiones enviara periódicamente a los armeros, según se disponga por reglamento, una factura en la que se indicara el costo del almacenamiento y custodia de sus armas, de acuerdo a la utilización del depósito de armas y municiones que durante dicho mes haya hecho el armero. La falta de pago por un armero será motivo suficiente para que el Superintendente, previa la celebración de una vista formal, pueda revocarle la licencia que hubiere expedido.

En el depósito de armas y municiones se almacenaran igualmente, mediante paga, las armas de guerra, ciudadanas y colectivas de armas que interesan como medida de seguridad, que sus armas sean guardadas temporalmente, sin menoscabo de que dichos ciudadanos puedan optar por guardar sus armas en negocios privados de armeros.

458n. Disparar o apuntar

(a) Incurrirá en delito grave con pena de reclusión por un término fijo de cinco (5) años, toda persona que, salvo en casos de defensa propia o de terceros, o de actuaciones en el desempeño de funciones oficiales o actividades legítimas de deportes,

Voluntariamente dispare cualquier arma en un sitio público, o en cualquier otro sitio donde haya alguna persona que pueda sufrir daño, aunque no le cause daño a persona alguna, o

(2) intencionalmente, aunque sin malicia, apunte hacia alguna persona con un arma, aunque no cause daño a persona alguna.

(b) Se sancionará de manera que se permita una reducción hasta un máximo de diez (10) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de (1) año.

Se señalará el costo del almacenamiento y custodia de armas en depósitos de armas y municiones, según se disponga por reglamento, de una factura en la que se indicara el costo del almacenamiento y custodia de armas, de acuerdo a la clasificación, custodia y entrega de las mismas.

458p. Custodia y disposición voluntaria por Policía; destrucción El Superintendente establecerá mediante reglamento lo relacionado al recibo, entrega custodia y disposición de aquellas armas que sean ocupadas o depositadas voluntariamente en la Policía por personas que tengan licencias; o fueren entregadas a la muerte del poseedor de una licencia; o por haberse cancelado la licencia al concesionario.

Se autoriza al Superintendente a vender, permutar, donar o ceder las armas a agencias del orden público federales, estatales o municipales u otras jurisdicciones. Además, podrá vender las armas a armeros o a una persona con licencia de armas expedida a tenor con lo dispuesto [por] este capítulo, según disponga el Superintendente, mediante la reglamentación promulgada al efecto.

458p. Colecciones. Nada de lo dispuesto en este capítulo impedirá que se conserven y mantengan colecciones privadas de armas y municiones, y que se colaboren y apoyen el buen manejo de armas, y que se interesen como medida de seguridad, que sus armas sean guardadas temporalmente, sin menoscabo de que dichos ciudadanos puedan optar por guardar sus armas en negocios privados de armeros.

Subcapítulo 6. Municiones

459. Fabricación, distribución, posesión y uso Se necesitará una licencia de armas, de tiro al blanco, de caza o de armero, según sea el caso, para fabricar, solicitar que se fabrique, importar, ofrecer, comprar, vender o tener para la venta, guardar, almacenar, entregar, prestar,
traspasar, o en cualquier otra forma disponer de, poseer, usar, portar o transportar municiones, conforme a los requisitos exigidos por este capítulo. Asimismo, se necesitará un permiso expedido por la Policía para comprar pólvora. Toda infracción a este artículo constituirá delito grave, y será sancionada con pena de reclusión por un término fijo de seis (6) años. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de doce (12) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de tres (3) años.

Será considerado como circunstancia agravante al momento de fijarse la sentencia, incurrir en cualquiera de las conductas descritas en este artículo sin la licencia o el permiso correspondiente para comprar pólvora, cuando las municiones sean de las comúnmente conocidas como armor piercing. No se considerará circunstancia agravante, venta o entrega de las municiones antes descriptas para uso de la Policía y otros agentes del orden público del Gobierno de Puerto Rico o de los Estados Unidos o para el uso de las Fuerzas Armadas de los Estados.

459a. Venta de municiones a personas sin licencia; límite en el número de municiones
Una persona con licencia de armas o de armero no podrá vender municiones a personas que no presenten una licencia de armas o los permisos correspondientes para comprar pólvora, cuando las municiones sean de las comúnmente conocidas como armor piercing. No se constituye como circunstancia agravante, venta o entrega de las municiones antes descriptas para uso de la Policía y otros agentes del orden público del Gobierno de Puerto Rico o de los Estados Unidos o para el uso de las Fuerzas Armadas de los Estados. 

459b. Compra de calibre distinto
Toda persona que, teniendo una licencia de armas válida, compruebe munición de un calibre distinto a los que puedan ser utilizados en las armas de fuego inscritas a su nombre, incurrirá en delito grave y, convicta que fuere, será sancionada con pena de reclusión por un término fijo de seis (6) años. De mediar circunstancias agravantes, la pena fija establecida podrá ser aumentada hasta un máximo de doce (12) años; de mediar circunstancias atenuantes, podrá ser reducida hasta un mínimo de tres (3) años.

Subcapítulo 7. Disposiciones Finales
460. Licencias de caza
Todo lo referente al licenciamiento, reglamentación y control del deporte de caza se regirá por lo dispuesto en las sec. 107 et seq. del Titulo 12, conocidas como la "Nueva Ley de Vida Silvestre de Puerto Rico". No obstante, el Superintendente facilitará la inscripción en el registro electrónico de las transacciones de armas y municiones de los tenedores de las licencias de caza, de conformidad a este capítulo.

(a) Toda licencia vigente para tener y poseer un arma de fuego, de tiro al blanco, de portar o licencia de funcionario público, deberá ser convertida en una licencia de armas con su correspondiente categoría, si alguna, en conformidad a las disposiciones de este capítulo, en o antes de concluido un plazo de seis (6) meses a partir de la fecha en que comience a regir esta ley. La conversión de la licencia de caza es voluntaria por parte del tenedor de la misma, y podrá llevarse a cabo en cualquier momento de conformidad a las disposiciones de este capítulo. Las licencias de tiro al blanco poseídas por menores de veintiún (21) años serán convertidas a permisos de tiro para menores, y dicha conversión será libre de costo. Disponiéndose, que hasta tanto sean convertidas, éstas se regirán bajo las disposiciones de las leyes bajo las cuales fueron emitidas. Se dispone que una vez que se solicite la conversión de otra licencia a licencia de armas, la licencia original no vencera hasta que se conceda la licencia de armas o se cancele por no cualificar, en armonía con este capítulo, el concesionario que solicita la conversión. 

Se dispone también que toda arma previamente inscrita bajo alguna otra licencia, al convertirse la licencia previa en una licencia de armas, advendrán automáticamente a quedar inscritas bajo la licencia de armas.

(b) Toda solicitud de conversión de licencia ante el Superintendente, según establecido en este capítulo, deberá ser acompañada de un certificado de rendición de cantidad de cincuenta dólares ($50), más un dólar ($1) por cada arma que el peticionario tenga inscrita legalmente.

(c) En el caso de las licencias pendientes de investigación, las cuales hayan sido solicitadas aunque aun no expedidas, por personas que habrán solicitado: 

(1) Licencia de tener y poseer. El Superintendente le entregará los documentos de la solicitud para que el peticionario someta su solicitud conforme a las disposiciones de este capítulo. Disponiéndose, que si el peticionario satisfizo el pago de los derechos correspondientes de conformidad con la Ley Num. 17 de 19 de enero de 1951, según enmendada, no tendrá que pagar los derechos establecidos en este capítulo.

(2) Licencia de tiro al blanco. El Superintendente le entregará los documentos de la solicitud para que el peticionario someta su solicitud de licencia de armas conforme a las disposiciones de este capítulo. Disponiéndose, que si el peticionario someterá un comprobante de rendición de cantidad de cinco dólares ($5), más un dólar ($1) por cada arma que el peticionario tenga legalmente.

(3) Licencia de caza. Se regirá por las disposiciones de las sec. 107 et seq. del Titulo 12, conocidas como la "Nueva Ley de Vida Silvestre de Puerto Rico".

(d) Toda licencia especial expedida a una agencia de seguridad que se dedique al transporte de valores en vehículos blindados o a sus agentes, expedida al amparo de la ley de Diciembre 21, 1999, Num 348, continuara con su validez hasta la conclusión de su vigencia, cuando deberá ser renovada de conformidad con las disposiciones de este capítulo.

[Contenido completo hasta la sesión del 2009]

RHODE ISLAND
R.I. GEN. LAWS

Title 11. Criminal Offense
Chapter 47. Weapons

11-47-1. Short title. This chapter may be cited as the “Firearms Act”.
11-47-2. Definitions. When used in this chapter, the following words and phrases are construed as follows:

(1) “Antique firearm” is defined as that term is defined under the provisions of 18 U.S.C. § 921.
(2) “Crime of violence” means and includes any of the following crimes or an attempt to commit any of them; murder, manslaughter, rape,
first or second degree sexual assault, first or second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery, burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a controlled substance as defined in schedule I or schedule II of § 21-28-2.08, any violation of § 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony, upon arrest consisting of an offense punishable as a felony offense under § 12-29-5.

(3) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," or other instrument from which steel or metal projectiles are expelled, or which may readily be converted to expel a projectile, except recurve, compound, or longbows, and except instruments propelling projectiles which are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the provisions of this section.

(4) "Fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(5) "License authorities" means the board of police commissioners of a city or town where the card has been instituted; the chief of police or superintendent of police of other cities and towns having a regular organized police force, and, in towns where there is no chief of police or superintendent of police, it means the town clerk who may issue licenses upon the recommendation of the town sergeant, and it also means any other person or body duly authorized by the city or town charter or by state law.

(6) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if the parts are in the possession or under the control of a person.

(7) "Person" includes individual, partnership, firm, association, or corporation.

(8) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon with overall length less than twenty-six inches (26"), but does not include any pistol or revolver designed for the use of blank cartridges only.

(9) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches (26") and/or barrel length of less than sixteen inches (16").

(10) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six inches (26") and/or barrel length of less than eighteen inches (18"), or both.

(11) "Vehicle" includes land, air, water, and all combinations of the same, and the word "purchase" shall include hire, accept, and borrow, and the expression "purchasing" shall be construed accordingly.

11-47-5. Possession of arms by person convicted of crime of violence or who is a fugitive from justice

(a) No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her possession any firearm.

(b) Notwithstanding the provisions of subsection (a) of this section, every person convicted of an offense punishable as a felony offense under § 12-29-5 shall purchase, own, carry, transport, or have in his or her possession any firearm, for a period of two (2) years following the date of that conviction.

(c) No person who is in community confinement or who has been convicted of any of offenses committed, or who is otherwise subject to electronic surveillance or monitoring devices as a condition of parole shall purchase, carry, transport, or have in his or her possession any firearm. This subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo contendere) to a crime of violence in a court of competent jurisdiction.

(d) Every person violating the provisions of this section shall, upon conviction, be punished by imprisonment for not less than two (2) nor more than ten (10) years; and for penalties provided in this section he or she shall not be afforded the benefits of suspension or deferral of sentencing or of probation.

11-47-5.1. Larceny of a firearm

(a) Every person who shall steal any firearm shall be deemed guilty of larceny. "Firearm", as utilized in this section only, shall not apply to an air rifle, air pistol, "blank gun," or "BB gun." Every person violating the provisions of this section shall be sentenced, upon conviction, to not less than one year nor more than ten (10) years, and the sentence shall be consecutive to any other sentence he or she may receive or is serving.

11-47-6. Mental incompetents, drug addicts, and drunkards prohibited from possession

No person who is under guardianship or treatment, an inmate of competency medical authority, and has been adjudicated, or is under treatment or confinement as a mental incompetent, or who has been adjudicated or is under treatment or confinement as a habitual drunkard, shall purchase, own, carry, transport, or have in his or her possession or under his or her control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he or she is a mentally stable person and a proper person to possess firearms, make application for the purchase of the firearm(s). Any person affected by the provisions of this section, in making application for the purchase of firearms and in executing the application, voluntarily gives his or her right to refuse or re- frain from disclosing any confidential information, including, but not limited to, any information arising from the physician-patient relationship, pertinent to a determination by the proper authorities regarding the approval or disapproval of this application. Any person affected by the provisions of this section, in making application for the purchase of firearms and in executing the application, further agrees to allow the proper authorities to investigate any and all medical records of the applicant pertinent to a determination by the authorities regarding the approval or disapproval of this application. In the event that the person or application for possession of a firearm has no other disqualifying record, the person or the firearm shall be permitted to possess firearms.

11-47-7. Possession of firearm by alien

(a) No unnaturalized foreign born person who entered the United States in violation of the laws of the United States or, having legally entered the United States, utilized an unlawful manner, but now remains in the United States in violation of the laws of the United States, shall purchase, own, carry, transport, or have in his or her possession any firearm.

(b) When any person is charged under this section, the law enforcement agency bringing the charge shall, prior to arraignment, notify the United States Office of Immigration and Naturalization of the charge and further notify the court, at arraignment, of the alleged status of the person so charged.

11-47-8. License or permit required for carrying pistol or possession of machine gun

(a) No person shall sell, purchase, own, carry, or remain within the state of Rhode Island, and 11-47-7, carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, except in his or her dwelling house or place of business or on land possessed by him or her as provided in §§ 11-47-9 and 11-47-10. The provisions of the above section shall not apply to any person who is the holder of a valid license or permit issued by the licensing authority of another state, or territory of the United States, or political subdivision thereof, allowing him or her to carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, provided the person is merely transporting the firearm through the state in a vehicle or other conveyance without any intent on the part of said person to detain him or herself or remain within the state of Rhode Island.

No person shall manufacture, sell, purchase, or possess a machine gun except as otherwise provided in § 11-47-9. Any person who violates any of the provisions of this section shall, upon conviction, be punished by imprisonment for not less than one nor more than ten (10) years or by a fine up to ten thousand dollars ($10,000), or both, and except for a first conviction under this section shall not be afforded the provisions of suspension or deferral of sentence, nor a probation.

(b) No person shall have in his or her possession or under his or her control any sawed-off shotgun or sawed-off rifle as defined in § 11-47-7. Any person convicted of violating this subsection shall be punished by imprisonment for up to ten (10) years or by a fine of up to five thousand dollars ($5,000), or both.

(c) No person shall have in his or her possession or under his or her control any firearm while the person delivers, possesses with intent to deliver, or manufactures a controlled substance. Any person convicted of violating this subsection shall be punished by imprisonment for not less than two (2) years nor more than twenty (20) years; and further provided, that the sentence shall be consecutive to any sentence the person may receive for the delivery, possession with intent to deliver, or the manufacture of the controlled substance. It shall not be a defense to a
violation of this subsection that a person has a license or permit to carry or possess a firearm.

11-47-9. Persons exempt from restrictions

The provisions of section 11-47-8 shall not apply to sherrifs, deputy sherrifs, the superintendent and members of the state police, members of the Rhode Island state police department, members of the Rhode Island state marshals, Rhode Island state fire marshal, chief deputy state fire marshals, state deputy state fire marshals assigned to the bomb squad, and those assigned to the investigation unit, correctional officers, all within the department of corrections, members of the police corps or town police force, career police investigators of the department attorney general appointed pursuant to section 42-9-8.1, the witness protection coordinator for the witness protection review board as set forth in chapter 30 of title 12 and subject to the minimum qualifications of section 42-9-8.1, the director, assistant director, investigators of the department of public safety Workers' Compensation Investigations unit pursuant to section 42-7.3-3.1 and automobile theft investigators of the Rhode Island state police pursuant to section 31-50., railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, or to members of the Army, Navy, Air Force, and Marine Corps of the United States, the National Guard, or organized reserves, when on duty, nor to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided these members are at or going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States, nor to any civilian guard carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the adjutant general where he or she is employed, nor to officers or employees of the military establishment who have on file with the attorney general of this state a list of the names and addresses of all civilian guards and criminal investigators so authorized, nor to duly authorized military organizations when on duty, nor to members when at or going to or from their customary places of assembly, nor to any individual employed in the capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any project owned or operated by a municipal detention facility corporation, including the Donald W. Wyatt Detention Facility, nor to a regular and/or ordinary transportation of pistols or revolvers as merchandise, nor to any person while transporting a pistol, or revolvers, unloaded from the place of purchase to their residence, or place of business, from their residence to their place of business or from their place of business to another residence, or to a federal firearms licensee for the purpose of sale to or from a bona fide gunsmith, or firearms repair facility, to any police station or other location designated as a site of a bona fide "gun buy-back" program but only if said pistol or revolver is unloaded and any ammunition for said pistol or revolver is not readily or directly accessible from the passenger compartment of such vehicle while transporting same and further provided that in the case of a vehicle without a compartment separate from the passenger compartment the firearm or the ammunition shall be stored in a locked container. Persons exempted by the provisions of this section from the provisions of section 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, that this shall not be construed as giving the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

11-47-9.1. Additional exemptions

The provisions of §§ 11-47-8 and 11-47-11 shall not apply to members of the state police, members of city or town police forces, and members of the Rhode Island airport police department. Persons exempted by the provisions of this section from the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state, provided, that this shall not be construed as giving the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

11-47-19. Manufacturers' licenses or permits

The attorney general may issue to any person, firm, or corporation, engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any and all machine gun parts under any regulations that the attorney general may prescribe.

11-47-20. Sale or possession of silencers

It shall be unlawful within this state to manufacture, sell, purchase, or possess any muffler, silencer, or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one year and one day.

11-47-20.1. Armor-piercing bullets

It shall be unlawful within this state to manufacture, sell, purchase, or otherwise transfer any bullets which have steel inner cores or cores of equivalent hardness and truncated cones and which are designed for use in pistols as armor-piercing or metal-piercing bullets. Any person who violates the provisions of this section shall be punished by imprisonment for not more than three (3) years, or a fine of not more than five thousand dollars ($5,000), or both. This section shall not apply to the purchase of those bullets by the Rhode Island state police, by any city or town police department of the state of Rhode Island, or by the department of environmental management for display as a part of a firearms training course under its auspices.

11-47-21. Restrictions on possession or carrying of explosives or noxious substances

Any person, except a member of the state police, the sheriff or the sheriff's deputies, a member of the police force of any city or town, or a member of the Army, Navy, Air Force, or Marine Corps of the United States, or of the National Guard or organized reserves when on duty, who possesses, or carries on about or on his or her person or in a vehicle, a bomb or bomb-like article, or other explosive device, with a commercial use, or who, with intent to use it unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas, or substance, shall be guilty of a violation of this chapter and punished as provided in § 11-47-26.

11-47-22. Forfeiture and destruction of unlawful firearms

(a) No property right shall exist in any firearm unlawfully possessed, carried, or used, and all unlawful firearms are hereby declared to be nuisances and forfeited to the state.

(b) Any firearm seized, confiscated from or turned in by any person, shall be placed in the custody of the superintendent of state police or the chief of police in the city or town in which it was seized, confiscated or turned in to. The officer who takes custody of the firearm shall promptly ascertain, using available record search systems, including but not limited to, the National Crime Information Center, whether the firearm has been reported stolen and if stolen shall notify the reporting law enforcement agency of the recovery of said firearm. If the police department in the city or town in which the firearm was seized or confiscated has been notified by a justice of the superior court or the attorney general that the firearm is necessary as evidence in a criminal or civil matter, it shall be returned to the lawful owner. However, any owner of a firearm who shall knowingly fail to report the loss or theft of the firearm to the proper law enforcement authorities shall not be entitled to return the firearm.

(c) If a firearm is found not to be stolen and the owner cannot be readily ascertained within ninety (90) days subsequent to the seizure or confiscation of said firearm and the firearm is no longer necessary as evidence in a criminal or civil matter, the police department having custody of the firearm shall have the option of either

(1) destroying said firearm by rendering it permanently and irretrievably inoperable;

(2) transferring custody of said firearms to the state crime laboratory for the purpose of criminal investigation; or

(3) holding an auction of those firearms seized, confiscated or turned in to said police department; provided, however, any firearms to be transferred at auction shall be limited to antique firearms or curios or relics. For purposes of this section, an antique firearm shall be defined as any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before the year 1898, and any replica of such firearm if such replica is not designed or redesigned for using rim-fire or conventional center fire fixed ammunition, or uses rim-fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade. Curios or relics shall be defined as firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must be manufactured at least fifty (50) years prior to the current date, but not including replacement thereof, and firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

(d) In the event that an auction is held, bid records limited to bona fide holders of valid Federal Firearms License for Retail Sale or a Federal Firearms Collector License. Any auction shall be advertised at least once a week for a period of three (3) weeks preceding the date of the auction in a newspaper of general circulation, said notice clearly stating the time, location and terms of said auction. All funds realized.
shall be used to purchase and provide necessary safety equipment, including, but not limited to, bulletproof vests, for the police department holding the auction and shall not revert to any general fund of the state, city or town, as the case may be.

(a) All firearms received by any police department in any manner shall be entered in the department's permanent records and listed by make, model, caliber and serial number and the manner in which said firearm was disposed of and, if by auction, the name and federal license number of the buyer. A copy of said record shall be forwarded to the office of the Rhode Island Attorney General and the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department on at least an annual basis.

11-47-23. False information in securing firearm or license

No person shall, in purchasing or otherwise securing delivery of a shotgun, rifle, pistol or revolver, or in applying for a license to carry it, give false information or offer false evidence of his or her identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-24. Alteration of marks of identification on firearms

No person shall change, alter, remove, or obliterate the name of the maker, model, caliber, number, or any other marking or designating identification on any firearm. Possession of any firearm upon which any of these marks shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated it. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-25. Antique firearms and collections

This chapter shall not apply to antique firearms unsuitable for use, nor to collections of firearms utilized and maintained for educational, scientific, or any similar purpose without intent to use the firearms.

11-47-26. Penalties for violations

Unless otherwise specified, any violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000), or imprisonment for not more than five (5) years, or both; provided, that a violation of any of the provisions set forth in §§ 11-47-34 and 11-47-35 which is for the limited purposes set forth in §§ 11-47-34 and 11-47-35 shall be punished for not more than thirty (30) days, or both; and provided, further, that the provisions of chapter 1 of title 14 shall apply to the case of any person under the age of eighteen (18) years.

11-47-30. Sale, transfer or delivery of firearms to minors

(a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed any firearm to any person under eighteen (18) years of age, when the person knows or has reason to know that the recipient is under eighteen (18) years of age.

(b) Every person violating this section shall be punished, upon conviction, by imprisonment for a term not to exceed ten (10) years. The prohibitions of this section shall not apply to any federally and state licensed dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of a firearm to a person under eighteen (18) years of age when the person knows or has reason to know that the recipient is under eighteen (18) years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of the minor.

11-47-31. Sale, transfer or delivery of ammunition to a minor

(a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed any ammunition, including any priming charge of powder, propelling charge of powder, or any form of ammunition to be ejected from a firearm and to be used in a firearm whether the firearm is a firearm or a firearm utilizing and maintaining a firearm.
The person selling the pistol or revolver shall on the date of application sign and forward by registered mail or by delivery in person the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the person who is to receive the pistols or revolvers is located. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the time of receipt and return it to the by the department of environmental management: sheriffs, the superintendent and members of the city or town police force, members of the park police, conservation officers, members of the airport police, and officers of the United States government authorized by law to carry a concealed firearm and, at the discretion of the department of environmental management, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized. Any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized. Any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authored.
11-47-39. Issuance and conditions of dealer's license The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in form prescribed by the attorney general effective for not more than one year from date of issue permitting the sale or transfer, or retention by, who he or she has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-23.

11-47-38. Dealers to be licensed No retail dealer shall sell a pistol or revolver to any person under the age of twenty-one (21) or to sales of antique firearms as defined in § 11-47-2.

11-47-36. Purchase of concealable firearms from out of state dealers No citizen of this state shall purchase any concealable firearm outside of the state of Rhode Island unless he or she has duly executed the application form prescribed in § 11-47-35, the application form to be obtained from any dealer, subdealer, or state or city town clerk of the city or town in which he or she resides or has his or her place of business. The original and duplicate copies of the application shall be delivered in person, duly executed, by the purchaser to the superintendent of the Rhode Island state police or to the chief of police of the city or town in which the purchaser resides. The purchaser shall send the triplicate copy of the application by registered mail to the attorney general within twenty-four (24) hours of the time of filing with the appropriate police authority. It shall be the duty of the police authority to whom the original and duplicate copies of the application are delivered to check the applicant's record to ascertain whether he or she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seventy-two (72) hours from twelve o'clock (12:00) noon of the day following the date of application, no disqualifying information has been found by the investigating police authority, the original and duplicate copies of the application marked or stamped "approved" and signed by the investigating police authority will be returned to the applicant by the most expeditious means. The approved duplicate copy of the application shall be sent by the purchaser to the out-of-state dealer as proof of lawful purchase, and the original shall be retained by the purchaser along with the bill of sale for the firearm purchased for a period of six (6) years as proof of lawful purchase. The triplicate copy of the application shall be retained by the attorney general for a period which shall in no case exceed ninety (90) days, provided that no evidence of the nature as would disqualify the applicant has been found.

11-47-37. Sale to minors and others forbidden No person shall sell a pistol or revolver to any person under the age of twenty-one (21) or to any person under the age of twenty-one (21) or to one who he or she has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-23.

11-47-38. Dealers to be licensed No retail dealer shall sell or transfer, or expose for sale or transfer, or have in his or her possession with intent to sell or otherwise transfer, any pistol, revolver, or other firearm without being licensed as provided in this chapter.

11-47-39. Issuance and conditions of dealer's license The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in form prescribed by the attorney general effective for not more than one year from date of issue permitting the sale or transfer, or possession by, who he or she has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-23.

11-47-38. Dealers to be licensed No retail dealer shall sell or transfer, or expose for sale or transfer, or have in his or her possession with intent to sell or otherwise transfer, any pistol, revolver, or other firearm without being licensed as provided in this chapter.

11-47-39. Issuance and conditions of dealer's license The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in form prescribed by the attorney general effective for not more than one year from date of issue permitting the sale or transfer, or possession by, who he or she has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-23.

11-47-38. Dealers to be licensed No retail dealer shall sell or transfer, or expose for sale or transfer, or have in his or her possession with intent to sell or otherwise transfer, any pistol, revolver, or other firearm without being licensed as provided in this chapter.
play pistols or revolvers upon a permit issued by the chief of police or town sergeant of any city or town. Any person, firm, or corporation violating the provisions of this section shall be punished by a fine not exceeding twenty-five dollars ($25.00) for the first offense and one hundred dollars ($100.00) for each subsequent offense.

11-47-48.1. Report of lost or stolen weapons Every person who owns a firearm shall report the loss or theft of their firearm to the local law enforcement agency within twenty-four (24) hours of the discovery of the loss or theft. Whoever knowingly violates this section shall be punished by a fine of not more than ten dollars ($50.00) nor more than one hundred dollars ($100).

11-47-51. Loaded weapons in vehicles It is unlawful for any person to have in his or her possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in any vehicle or conveyance or its attachments while upon or along any public highway, road, lane, or trail within this state; provided, that the provisions of this section shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, investigators of the department of attorney general appointed pursuant to § 42-9-8.1, the director, assistant director and other inspectors and agents at the Rhode Island state military establishment in the state of Rhode Island where he or she is employed by the United States.

11-47-52. Carrying of weapon while under the influence of liquor or drugs It is unlawful to carry a loaded firearm or any other weapon while intoxicated or under the influence of intoxicating liquor or narcotic drugs.

11-47-55. Enforcement of chapter Sheriffs, deputy sheriffs, the superintendent and members of the state police, members of the city or town police force, or other duly appointed law enforcement officers, including conservation officers, the Rhode Island National Guard, Air National Guard, or Marine Corps of the United States, or the National Guard or organized reserves, when on duty, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States.

11-47-58. Firearms - State preemption The control of firearms, ammunition, or their components parts regarding their ownership, possession, transportation, carrying, transfer, sale, purchase, purchase delay, licensing, registration, and taxation shall rest solely with the state, except as otherwise provided in this chapter.

11-47-60. Possession of firearms on school grounds (a)(1) No person shall have in his or her possession any firearm or other weapons on school grounds.

(2) For the purposes of this section, "school grounds" means the property of a public or private elementary or secondary school or in those portions of any building, stadium, or other structure on school grounds which were, at the time of the violation, being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

(b) Every person violating the provisions of this section shall, upon conviction, be sentenced to imprisonment for not more than five (5) years, or shall be fined not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

(2) Any juvenile adjudicated delinquent pursuant to § 11-47-14, § 11-47-15, and § 11-47-17 or to the following activities when the activities are officially recognized and sanctioned by the educational institution:

(a) Firearm instruction and/or safety courses;

(b) Government-sponsored military-related programs such as ROTC;

(c) Interscholastic shooting and/or marksmanship events;

(d) Military history and firearms collection courses and/or programs; and

(e) The use of blank guns in theatrical and/or athletic events.

(c) The provisions of this section shall not apply to colleges, universities, or junior colleges.

11-47-60.1. Safe storage (a) Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms and/or ammunition or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

(b) A person who stores or leaves on premises under his or her control a loaded firearm and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the parent or guardian, and the child obtains access to the firearm and causes injury to himself or herself or any other person with the firearm, is guilty of the crime of criminal storage of a firearm and, upon conviction, shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than one year, or both. For purposes of this section, a "child" is defined as any person who has not attained the age of sixteen (16) years.

(c) The provisions of subsection (b) of this section shall not apply whenever any of the following occurs:

(1) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner;

(2) The firearm is kept in a locked container or in a location in which a reasonable person would believe to be secured;

(3) The firearm is carried on the person or within such a close proximity so that the individual can readily retrieve and use the firearm as if carried on the person;

(4) The firearm is locked with a locking device;

(5) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person;

(6) The person who keeps a loaded firearm on any premises which is under the custody or control of any person has no reasonable expectations, based on objective facts and circumstances, that a child is likely to be present on the premises.

(d) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accident involving a firearm, the attorney general's department shall consider among other factors, the impact of the injury or death on the person who has allegedly violated this section when deciding whether to prosecute an alleged violation.

(2) It is the intent of the general assembly that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner.

11-47-60.2. Possession of weapons on school grounds -- Notification (a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.

(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.

(c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.

(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:

(1) Firearm instruction and/or safety course;

(2) Government-sponsored military-related programs such as ROTC;

(3) Interscholastic shooting and/or marksmanship events;

(4) Military history and firearms collection courses and/or programs; and

(5) The use of blank guns in theatrical and/or athletic events.

(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

11-47-60.3. Trigger lock required No licensed retail dealer shall deliver any pistol to any purchaser without providing a trigger lock or other safety device designed to prevent an unauthorized user from operating the pistol.
Title 16. Crimes and Offenses
Chapter 23. Offenses Involving Weapons

Article 1. Handguns

16-23-10. Definitions. When used in this article:
(1) "Handgun" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector’s item, or any that does not fire fixed cartridges.
(2) "Dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.
(3) "Crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.
(4) "Fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.
(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or territory.
(6) "Conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.
(7) "Division" means the State Law Enforcement Division.
(8) The terms "purchase" or "sell" means to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.
(9) "Person" means any individual, corporation, company, association, firm, partnership, society or joint stock company.
(10) "Luggage compartment" means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term "luggage compartment" refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hauler, utility vehicle, or sport utility vehicle, the term "luggage compartment" refers to the area behind, but not under, the rearmost seat. In a truck, the term "luggage compartment" refers to the area behind the rearmost seat, but not under the front seat.

16-23-20. Sale or delivery of handgun to and possession by certain persons unlawful; stolen handguns.
(A) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to:
(1) a person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions, or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent;
(2) a person who is a member of a subversive organization;
(3) a person under the age of eighteen, but this shall not apply to the issue of handguns to members of the Armed Forces of the United States, active or reserve, National Guard, State Militia, or R. O. T. C., when on duty or training or the temporary loan of handguns for instructions under the immediate supervision of a parent or adult instructor; or
(4) a person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a firearm, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but a person who is the subject of such an application is entitled to a reasonable notice and a proper hearing prior to any such adjudication."
(B) It is unlawful for a person enumerated in subsection (A) to possess or acquire handguns within this State.
(C) A person shall not knowingly buy, sell, transport, pawn, receive or possess any stolen handgun or one from which the original serial number has been removed or obliterated.

16-23-30. Penalties; disposition of fines; forfeiture and disposition of handguns.
(A) (1) A person, including a dealer, who violates the provisions of this article, except Section 16-23-20, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

SOUTH CAROLINA
S.C. Code

Page 439
fire a fixed cartridge but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap; or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary course of commercial trade.

(g) "Military firearm" means any military weapon, firearm, or destructive device, other than a machine gun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a pistol, rifle, or shotgun which fires only one shot for each pull of the trigger.

16-23-220. Unlawful transportation of machine gun, military firearm, or sawed-off shotgun or rifle within State. It is unlawful for a person to transport from one place to another in this State or for any railroad company, express company, or other common or carrier or any officer, agent, or employee thereof, any person acting in their behalf knowingly to ship or to transport from one place to another in this State a machine gun or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16-23-260.

16-23-230. Unlawful storing, keeping, or possessing of machine gun, military firearm, or sawed-off shotgun or rifle. It is unlawful for a person to store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a machine gun or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16-23-260.

16-23-240. Unlawful sale, rental, or giving away of machine gun, military firearm, or sawed-off shotgun or rifle; exceptions. It is unlawful for a person to sell, rent, give away, or participate in any manner, directly or indirectly, in the sale, renting, giving away, or otherwise disposing of a machine gun, or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16-23-260.

16-23-250. Exceptions to application of article. The provisions of this article do not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, or sawed-off shotguns or rifles from the United States or from this State and the members of those organizations. Any peace officer of the State or of a county or other political subdivision, state constable, member of the highway patrol, railroad policeman or warden, superintendent, head keeper or deputy of a state prison, correction facility, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or persons on duty in the postal service of the United States or a common carrier while transporting direct to a police department, military, or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun, or sawed-off rifle, may possess machine guns, or sawed-off shotguns, or sawed-off rifles, when required in the performance of their duties. The provisions of this section must not be construed to apply to machine guns, or sawed-off shotguns, or sawed-off rifles kept for display as relics and which are rendered harmless and nonfireable.

The provisions of this article do not apply to a manufacturer of machine guns or military firearms licensed pursuant to the provisions of 18 U. S. C. Section 921 et seq., a person authorized to possess these weapons by the United States, a member of the National Guard, a member of the National Guard Reserve, a member of the Army, Navy, or Air Force of the United States, or a member of the National Guard Reserve, to transport from one place to another in this State a machine gun or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16-23-260.

16-23-260. Penalties. A person violating the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

16-23-270. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

16-23-280. Manufacture and sale of machine guns by licensed manufacturer. Notwithstanding the provisions of this article, machine guns or military firearms manufactured by a firm licensed by the federal government and for the lawful use of that agency, trade or business of the United States or a common carrier transporting or shipping any machine gun or military firearm or sawed-off shotgun, or sawed-off rifle, manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a machine gun, rifle, or destructive device, other than a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in this article.

Article 5. Miscellaneous Offenses

16-23-405. Definition of "weapon"; confiscation and disposition of weapons used in commission or in furtherance of crime. (A) Except for the provisions relating to rifles and shotguns in Section 16-23-460, as used in this chapter, 'weapon' means firearm (rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive), a black jack, a metal pipe or pole, or any other type of device, or object which may be used to inflict bodily injury or death.

(B) A person convicted of a crime, in addition to a penalty, shall have a weapon used in the commission or in furtherance of the crime confiscated. Each weapon must be delivered to the chief of the police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated weapon may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with another law enforcement agency, sell it, sell it to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31 of Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(B) It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence on a weapon or similar type of ignition system or replica thereof is part of an interstate highway rest area facility.

(E) For purposes of this section, the terms 'premises' and 'property' do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility.

16-23-430. Carrying weapons on school property; concealed weapons. (A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any
other type of weapon, device, or object which may be used to inflict bodily injury or death.

(2) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, console, components or, by both fiber and a closed in a container secured by an integral fastener and transported in the luggage compartment of the vehicle.

(3) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.

16-23-450. Placing loaded trap gun, spring gun or like device. It shall be unlawful for any person to construct, sell, use, transport, sell or buy a trap gun, spring gun or any like device in any manner in any building or in any place within this State, and any violation of the provisions of this section shall constitute a misdemeanor and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment of not less than thirty days nor more than one year or both.

16-23-470. Illegal Possession of tear-gas gun or ammunition.

(a) It is unlawful for anyone except an authorized law enforcement officer to possess, use, transport, sell, or buy a tear-gas machine or gun, or the parts, ammunition, shells, or equipment that may be used in a tear-gas machine or gun. It is lawful for a person for self-defense purposes only to possess, use, transport, sell, or buy a tear-gas machine or gun, or its parts, ammunition, shells, or equipment for a tear-gas machine or gun, but the capacity of a tear-gas cartridge, shell, or container shall not exceed fifty cubic centimeters nor shall a tear-gas machine or gun have the capability of shooting a cartridge, shell, or container of more than fifty cubic centimeters.

(b) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both.

(c) Except as permitted above, nothing in this section prohibits the purchase, sale, transportation, or use of tear gas for the destruction of insects or rodents if tear gas is not in containers or shells suitable for use in a tear-gas gun, equipment, or machine and if the purchaser has written authority for the purchase and use of tear gas from the county agent of the county in which he resides.

16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. It is unlawful for a person to manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation, or other means. It is unlawful for a person to possess any object or article solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation, or other means.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined the discretion of the court or imprisoned not more than five years, or both.

16-23-490. Additional punishment for possession of firearm or knife during commission of, or attempt to commit, violent crime.

(a) If a person is in possession of a firearm or visibly displays what appears to be a firearm or visibly displays a knife during the commission of, or attempt to commit, a violent crime as defined in Section 16-1-60, he must be imprisoned five years, in addition to the punishment provided for the principal crime. This five-year sentence does not apply in cases where the death penalty or a life sentence without parole is imposed for the violent crime.

(b) Service of the five-year sentence is mandatory unless a longer mandatory minimum or imprisonment is provided by law for the violent crime. The court may impose this mandatory five-year sentence to run consecutively with any other sentence.

(c) Except as provided in this subsection, the person sentenced under this section is not eligible during this five-year period for parole, work release, or extended work release. The five persons may not be suspended and the person may not complete his term of imprisonment in less than five years. Pursuant to good-time credits, the person may earn credits during this period. The person is eligible for work release, if the person is sentenced to voluntary manslaughter (Section 16-3-50), kidnapping (Section 16-3-910), carjacking (Section 16-3-1075), burglary in the second degree (Section 16-11-312(B)), armed robbery (Section 16-11-330(A)), or attempted armed robbery (Section 16-11-330(B)), the crime did not involve any criminal sexual conduct or an additional violent crime as defined in Section 16-1-60, and the person is within three years of release from imprisonment.

(d) As used in this section, "firearm" means any machine gun, automatic rifle, revolver, pistol, or any weapon which will, or is designed to, or may readily be converted to expel a projectile; "knife" means an instrument or tool consisting of a sharp cutting blade whether or not fastened to a handle which is capable of being used to inflict a cut, slash, or wound.

(e) The offense hereby described may not be imposed unless the indictment alleged as a separate count that the person was in possession of a firearm or visibly displayed what appeared to be a firearm or visibly displays a knife during the commission of the violent crime and conviction was had upon this count in the indictment. The penalties prescribed in this section may not be imposed unless the person convicted was at the same time indicted and convicted of a violent crime as defined in Section 16-1-60.

16-23-520. Use, transportation, manufacture, possession, purchase, or sale of teflon-coated ammunition. It is unlawful for a person to use, transport, manufacture, possess, distribute, sell, or buy any ammunition or shells that are coated with polytetrafluoroethylene (teflon).

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both.

16-23-530. Firearms; possession by or sale to unlawful alien; penalties.

(a) It is unlawful for an alien unlawfully present in the United States to possess, purchase, offer to purchase, sell, lease, rent, barter, exchange, or transport into this State a firearm.

(b) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State a firearm to a person knowing that such person is not lawfully present in the United States. For purposes of this section, "firearm" means any person who violates the provisions of subsection (A) of this section is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(c) A person violating the provisions of subsection (B) of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both.

Article 7. Bombs, Destructive Devices, and Weapons of Mass Destruction

16-23-710. Definitions. For purposes of this article:

(1) "Bacteriological weapon" and "biological weapon" mean devices which are designed in a manner as to permit the intentional release into the population or environment of microbiological or other biological materials, toxins, or agents, whether natural or produced by manipulation or production, in a manner not authorized by law, or any device, the development, production, or stockpiling of which is prohibited pursuant to the "Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction", 26 U.S.T. 583, TIAS 8063.

(2) "Bomb" includes a destructive device capable of being detonated, triggered, or set off to release any substance or material that is destructive, irritating, odoriferous, or otherwise harmful to one or more organisms including, but not limited to, human beings, livestock, animals, crops or vegetation, or to earth, air, water, or any other material or substance necessary or required to sustain human or any other individual form of life, or to real or personal property. ...

(4) "Building" means any structure, vehicle, watercraft, or aircraft:

(a) where any person lodges or lives; or

(b) where people assemble for purposes of business, government, education, religion, entertainment, public transportation, or public use or where goods are stored. Where a building consists of two or more units separately occupied or secured, each unit is considered both a separate building in itself and a part of the main building.

(5) "Device" means an object, contrivance, instrument, technique, or any thing that is designed, manufactured, assembled, or capable of serving any purpose in a bomb, destructive device, explosive, incendiary, or weapon of mass destruction.

(6) "Detonate" means to explode or cause to explode.

(7) "Destructive device" means:

(a) a bomb, incendiary device, or any thing that can detonate, explode, or burn by mechanical, chemical, or nuclear means, or that contains an explosive, incendiary, poisonous gas, or toxic substance (chemical, biological, or nuclear); but not limited to, an incendiary or over-pressure device, or any other device capable of causing damage, injury, or death;

(b) a bacteriological weapon or biological weapon; or
(c) a combination of any parts, components, chemical compounds, or other substances, either designed or intended for use in converting any device into a destructive device which has been or can be assembled to cause damage, injury, or death.

(8) "Destructive device" means a device containing a detonating charge used to initiate detonation in an explosive or any device capable of triggering or setting off an explosion or explosive charge including, but not limited to, impact or an impact device, a timing mechanism, electricity, a primer, primer or detonating cord, a detonating cap or device of any kind, detonating waves, electric blasting caps, blasting caps for use with safety fuses, shock tube initiator, and detonating cord delay connectors, or any other device capable of detonating or exploding a bomb, weapon of mass destruction, or destructive device.

(9) "Distribute" means the actual or constructive delivery or the attempted transfer from one person to another.

(10) "Explosive" means a chemical compound or other substance or a mechanical system intended for the purpose of producing an explosive capable of causing injury, death, or damage to property or an explosive containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, friction, concussion, percussion, or detonation may produce an explosive capable of causing injury, death, or damage to property. Explosives include, but are not limited to, the list of explosive materials published and periodically updated by the Bureau of Alcohol, Tobacco and Firearms.

(11) "Hoax device" or "replica" means a device or object which has the appearance of a destructive device.

(12) "Incendiary" means any material that:
   (a) causes, or is capable of causing, fire when it is lit or ignited; and
   (b) is used to ignite a flammable liquid or compound in an unlawful manner.

(13) "Incendiary device" means a destructive device, however possessed or delivered, and by whatever name called, containing or holding a flammable liquid or compound, which is capable of being ignited by any means possible. Incendiary devices are not limited to incendiary bullets, incendiary devices of whatever name called, or incendiary bomb, grenade, missile, or similar device, whether capable of being carried or thrown by a person acting alone or with one or more persons, but does not include a device manufactured or produced for the primary purpose of illumination or for marking duties, obstructions, defective paving, or other hazards on streets, roads, highways, or bridges, when used in a lawful manner.

(14) "Over-pressure device" means a container filled with an explosive gas or expanding gas or liquid which is designed or constructed so as to cause the container to break, fracture, or rupture in a manner capable of causing death, injury, or property damage, and includes, but is not limited to, a chemical reaction bomb, an acid bomb, a caustic bomb, or a dry ice bomb.

(15) "Parts" means a combination of parts, components, chemical compounds, or other substances, designed or intended for use in converting any device into a destructive device which has been or can be assembled to cause damage, injury to human beings or other living organisms. However, the term does not include:
   (a) riot control agents, smoke and obscuration materials, or medical products which are manufactured, possessed, transported, or used in accordance with the laws of this State or the United States;
   (b) tear gas devices designed to be carried on or about the person which contain no more than fifty cubic centimeters of the chemical;
   (c) pesticides, as used in agriculture and household products.

(17) "Property" means real or personal property of any kind including money, choses in action, and other similar interest in property. ...

(19) "Weapon of mass destruction" means:
   (a) any destructive device as defined in item (8);
   (b) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
   (c) any weapon involving a disease organism; or
   (d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

16-23-715. Possession, threatened or attempted use of weapon of mass destruction for act of terrorism; penalty. A person who, without lawful authority, possesses, uses, threatens, or attempts or conspires to possess or use, a weapon of mass destruction in furtherance of an act of terrorism is guilty of a felony and upon conviction:
   (1) in cases resulting in the death of another person, must be punished by death or by imprisonment for not less than twenty-five years nor more than life.
   (2) in cases resulting in the death of another person, must be punished by imprisonment for not less than twenty-five years nor more than life.

16-23-720. Use, counseling or soliciting others to use, possessing, or threatening to use destructive device; harboring terrorist. A person who knowingly possesses, manufactures, transports, distributes, possesses with the intent to distribute a destructive device or any explosive, incendiary device, or over-pressure device or toxic substance or material which has been configured to cause damage, injury, or death, or a person who possesses parts, components, or materials which when assembled constitute or form a destructive device or toxic substance; or a mechanical system in which the person resides.

A person who, without lawful authority, possesses, uses, threatens, or attempts or conspires to possess or use, a weapon of mass destruction in furtherance of an act of terrorism is guilty of a felony and upon conviction:
   (1) in cases resulting in the death of another person, must be punished by death or by imprisonment for not less than twenty-five years nor more than life.

16-23-730. Hoax device or replica of destructive device or detonator; manufacture, possession or transport of; threat to use; penalties. A person who knowingly manufactures, possesses, transports, distributes, uses or aids, or counsels or conspires with another in the use of a hoax device or replica of a destructive device or detonator which causes any person reasonably to believe that the hoax device or replica is a destructive device or detonator is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year or fined not more than ten thousand dollars, or both.

16-23-770. Forfeiture of property used or intended for use in violation of article; storage and destruction; exceptions. (A) All property, or any part or interest in property used or intended for use in violation of this article is contraband and subject to forfeiture. Property subject to forfeiture must be seized by a law enforcement agency and forfeited to the State, a political subdivision of the State, or the seizing law enforcement agency. ...

(D) The provisions of this article do not apply to the lawful use of:
   (1) fertilizers, propellant activated devices, or propellant activated industrial tools manufactured, imported, distributed, or used for their intended purposes;
   (2) pesticides which are manufactured, stored, transported, distributed, possessed, or used in accordance with Chapter 7, Title 2, the federal Insecticide, Fungicide, and Rodenticide Act and the Environmental Pesticide Control Act of 1972;
   (3) explosives, blasting agents, detonators, and other objects regulated and controlled by the South Carolina Explosives Control Act;
   (4) ammunition for small arms and firearms;
   (5) components of ammunition for small arms and firearms;
   (6) ammunition reloading equipment;
   (7) the use of small arms propellant when used in war reenanments;
   (8) firearms, as defined in Section 16-8-10; or
   (9) fireworks and explosives which are permitted to be sold, possessed, or used under Chapter 35 of Title 23.

(E) The provisions of this article do not apply to the military or naval forces of the United States, to the duly organized military force of a state or territory, or to police or fire departments in this State when they are acting within their official capacities and in performance of their duties.

Title 23. Law Enforcement and Public Safety
Chapter 31. Firearms

Article 1. Purchase of Rifles and Shotguns

23-31-10. Purchase of rifle or shotgun in contiguous state. Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; provided, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

23-31-20. Purchase of rifle or shotgun in this State by resident of contiguous state. A resident of any state may purchase rifles and shotguns in this State if the resident conforms to applicable provisions of statutes and regulations of this State, the United States, and of the state in which the person resides.

Article 3. Regulation of Pistols

23-31-110. Definitions. When used in this article:
   (a) "Pistol" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.
   (b) The term "dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.
   (c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, may-
hem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one or more of the purposes of which, may include the overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term "division" shall mean the State Law Enforcement Division.

(h) The terms "purchase" or "sell" mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term "purchaser" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

23-31-130. Retail dealers shall be licensed.

No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

23-31-140. Purchase of pistol; residency requirement; driver's license as proof; exceptions.

(A) A person may not purchase a pistol from a dealer unless he is a resident of this State. For the purpose of this article, the possession of a valid South Carolina driver's license or Department of Motor Vehicles identification card constitutes proof of residency. However, residency is not required of a person who is on active duty in the United States military and who is in possession of a current United States military identification card.

(B) For purposes of this section, the purchase of a pistol does not include the redeeming of a pistol by its owner after it has been pledged to secure a loan.

23-31-150. Issuance, duration, conditions and forfeiture of retail dealer's license. The division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this article. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols to retail dealers within the State subject to the following conditions, for breach of any of which the license shall be forfeited:

(a) The license or a copy thereof, authenticated by the issuing authority, shall at all times and places of sale be available for inspection or displayed where it can easily be read.

(b) No pistol or ammunition shall be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) The fee for the issuance of such license shall be one hundred dollars and for renewal one hundred dollars every two years. The license fees shall be retained by the division for purposes of defraying the costs of administering the provisions of this article.

(d) Each applicant for a license shall post with the Division a bond in favor of the State with surety in the amount of ten thousand dollars. No bond shall be accepted for the term of two years unless it is evidenced that the principal named therein shall not act any unjustly suspending or revoking his license under provisions of this article. In lieu of a bond, a cash deposit or a deposit of other securities acceptable to the Division in the amount of ten thousand dollars shall be accepted. Any person aggrieved by any act of the principal named in such bond may in an action against the principal or surety therein, or both, recover damages. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond giving thirty days' notice to the Division and thereafter shall be relieved of liability for any breach of condition after the effective date of the cancellation.

(e) In order to insure compliance with the provisions of this article, dealers shall make available for inspection by the chief of the division or his agents, during normal business hours, all pistols in their possession.

(f) Each applicant for a license shall furnish to the Division a current federal firearms license and is required to maintain that federal firearms license in good standing as a condition of holding a retail dealer license issued under this section.

(g) A breach of any of the above conditions or violations of any provisions of this article by a dealer shall result in forfeiture of license, but the licensee is entitled to reasonable notice and proper hearing in the circuit court of the county in which he is licensed. The surety on the bond shall have the right to cancel such bond giving thirty days' notice to the Division and thereafter shall be relieved of liability for any breach of condition after the effective date of the cancellation.

23-31-160. Giving false information or evidence. No person shall give false information or evidence regarding any information or evidence required herein.

23-31-170. Mortgage, deposit or pledge of pistol. Only a licensed dealer shall make a loan secured on the death or destruction of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

23-31-180. Certain pistols declared to be contraband; forfeiture, seizure, and destruction; disposal restrictions; use for display.

No licensed retail dealer may hold, store, handle, sell, offer for sale, or otherwise possess in his place of business a pistol or other handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

A pistol or other handgun possessed or sold by a dealer in violation of this article is declared to be contraband and must be forfeited to or seized by the law enforcement agency in the municipality where forfeited or seized or to the law enforcement agency in the county where forfeited or seized if forfeited or seized outside a municipality or to the law enforcement agency in the county where the weapon or the law enforcement agency to which the weapon is forfeited. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined.

However, a law enforcement agency may use the weapon for display purposes after the weapon has been rendered inoperable.

23-31-190. Penalties; disposition of fines; forfeiture and disposition of pistols. A person, including a dealer who violates the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

In addition to the penalty provided in this section the pistol involved in the violation must be confiscated. The pistol must be delivered to the chief of the municipality or to the sheriff of the county, if the violation occurred outside the corporate limits of a municipality. The law enforcement agencies that receive the confiscated pistols may use them within their department, transfer them to another law enforcement agency, or destroy them. Records must be kept of all confiscated pistols received by the law enforcement agencies under the provisions of this article.

Article 4. Concealed Weapons Permit

23-31-205. Name. This article may be cited as "Law Abiding Citizens Self-Defense Act of 1996".

23-31-210. Definitions. As used in this article:

(1) "Resident" means an individual who is present in South Carolina with the intention of making a permanent home in South Carolina or military personnel on permanent change of station orders.

(2) "Qualified nonresident" means an individual who owns real property in South Carolina, but who resides in another state.

(3) "Picture identification" means:

(a) a valid South Carolina driver's license; or

(b) an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State.

(4) "Proof of residence" means a person's current address on the original or certified copy of:

(a) a valid South Carolina driver's license;

(b) a firearms qualification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State;

(c) a voter registration card; or

(d) another document that SLED may determine that fulfills this requirement.

(5) "Proof of training" means an original document or certified copy of the document supplied by an applicant that certifies that he is either:

(a) a person who, within three years before filing an application, has successfully completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must be a minimum of eight hours and must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and

(iv) the actual firing of the handgun in the presence of the instructor;
(b) an instructor certified by the National Rifle Association or another SLED-approved competent national organization that promotes the safe use of handguns;

(c) a person who can demonstrate to the Director of SLED or his designee that he has a proficient knowledge of handguns and state laws pertaining to handguns;

(d) an active duty police handgun instructor;

(e) a person who has a SLED-certified or approved competitive handgun shooting classification; or

(f) a member of the active or reserve military, or a member of the National Guard, who has had handgun training in the previous three years.

SLED shall promulgate regulations containing general guidelines for courses and qualifications for instructors which would satisfy the requirements of this item. For purposes of subitems (a) and (b), ‘proof of training’ is not satisfied unless the organization and its instructors meet or exceed the guidelines and qualifications contained in the regulations promulgated by SLED pursuant to this item.

(6) “Concealable weapon” means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property.

(7) “Proof of ownership of real property” means a certified current document from the county assessor of the county in which the property is located verifying ownership of the real property. SLED must determine the appropriate document that fulfills this requirement.


(A) Notwithstanding any other provision of law, except subject to subsection (B) of this section, SLED must issue a permit, which is no larger than three and one-half inches by three inches in size, to carry a concealable weapon to a resident who is at least twenty-one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) one current full face color photograph of the person, not smaller than one inch by one inch nor larger than three inches by five inches;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver’s license;

(5) proof of training;

(6) payment of a fifty-dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant cannot provide fingerprints or that the fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A) of this section, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED must also conduct a background check of the applicant pursuant to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, must submit a written statement from a licensed medical doctor specifying the reason or reasons why the applicant cannot provide fingerprints or that the fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(C) If an applicant is unable to comply with the requirements of this subsection is guilty of a misdemeanor and, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for the denial. The denial may be appealed by the Administrative Law Judge Division pursuant to Article 5, Chapter 23 of Title 1, upon a petition filed by an applicant within thirty days from the date of delivery of the division’s decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address, or if the applicant is a qualified nonresident, current residence address and where the applicant owns real property in this State; and

(9) all residence addresses for the three years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon;

(3) he is a resident of this State, is military personnel on permanent change of station orders, or is a qualified nonresident; and

(4) all information contained in this application is true and correct to the best of his knowledge.

(G) Medical professionals, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23-31-210(4)(a), and their personnel, who in good faith provide information regarding a person’s application, must be exempt from liability that may arise from issuance of a permit provided however, a weapon instructor must meet the requirements established in Section 23-31-210(4)(b), (c), (d), (e), or (f) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person or by mail to SLED headquarters which shall verify the legibility and accuracy of the required documents.

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual’s permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required as evidence in a civil action, subpoena, or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or a member of the active or reserve military. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4 of Chapter 31 of Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer (1) identifies himself as a law enforcement officer and (2) requests identification or a driver’s license from a permit holder. A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters.

(L) A permit holder must inform the police department, a SLED agent, or a member of the active or reserve military of his present residence if his residence address changes.

(M) SLED shall issue a replacement for lost, stolen, or damaged licenses. SLED has updated all information required in the original application and the payment of a five-dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change.
accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder's failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty-five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealed weapon in the following places:

(1) police, sheriff, or highway patrol station or any other law enforcement office or facility;
(2) detention facility, prison, or jail or any other correctional facility or office;
(3) courthouse or courtroom;
(4) polling place on election days;
(5) office, building, or place of meeting of the governing body of a county, public school district, municipality, or special purpose district;
(6) school or college athletic event not related to firearms;
(7) daycare facility or pre-school facility;
(8) place where the carrying of firearms is prohibited by federal law;
(9) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
or
(10) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.

A person who willfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained herein may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145.

(N) Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided that:

(1) the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state holding a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapon permits. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

(O) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16-23-20, items (1) through (5) and items (7) through (11);
(2) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as "pepper gas";
(3) carrying a concealable weapon in a manner not prohibited by law.

(P) A permit issued pursuant to this article is valid for four years. Subject to subsection (Q) of this section, SLED shall renew a permit upon:

(1) payment of a fifty-dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;
(2) completion of the renewal application; and
(3) submission of a photocopy of the applicant's valid South Carolina driver's license or South Carolina identification card.

(Q) Upon submission of the items required by subsection (P) of this section, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. If the background check is favorable, SLED must renew the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

(S) Once a concealed weapon permit holder is no longer a resident of this State or is no longer a qualified nonresident, his concealed weapon permit is void, and immediately must be surrendered to SLED.

(T) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;
(2) the number of permits that were issued;
(3) the number of permit applications that were denied;
(4) the number of permits that were renewed;
(5) the number of permit renewals that were denied;
(6) the number of permits that were suspended or revoked; and
(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation under Section 23-31-215(J)(1).

The report must include a breakdown of such information by county.

23-31-217. Effect on Section 16-23-20. Nothing in this article shall affect the provisions of Section 16-23-20.

Article 5. Use and Possession of Machineguns, Sawed-Off Shotguns and Rifles

23-31-310. Definitions. When used in this article:

(a) "Machine gun" applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, a single shot of shotshell ammunition with rapidity. A machine gun is designed to fire a fixed cartridge but does not include any firearm which may be readily restored to fire a fixed shotgun shell but does not include an antique firearm as defined in this section.

(b) "Sawed-off shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned for using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned for using the energy of the explosive in a fixed firearm cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge but does not include an antique firearm as described in this section.

(e) "Antique firearm" means any firearm not designed or redesigned for using the energy of the explosive in a fixed firearm cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) "Military firearm" means any military weapon, firearm, or destructive device, other than a machine gun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a pistol, rifle, or shot gun which fires only one shot for each pull of the trigger.

23-31-320. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, work-house, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military, or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

The provisions of this article shall not apply to any manufacturer of machine guns or military firearms or armed persons in the performance of their duties. The provisions of 18 U.S. C. Section 921 et seq., nor to any common or contract carrier transporting or shipping any machine guns or military firearms to or from such manufacturer if the transportation or shipment is not prohibited by federal law. Any such manufacturer shall furnish to the South Carolina Law Enforcement Division the serial numbers of
all machine guns or military firearms manufactured by it within thirty days of such manufacture and shall be subject to the penalties provided in Section 23-31-340 for noncompliance.

23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun

(A) Every petition permitted by Section 23-31-320 to possess a machine gun or sawed-off shotgun or sawed-off rifle, and any person elected or appointed to any office or position which entitles the person to possess a machine gun or sawed-off shotgun or sawed-off rifle, upon taking office, shall file a petition with the State Law Enforcement Division on a blank to be supplied by the division on request an application which is properly sworn. The application must be approved by the sheriff of the county in which the applicant resides or has his principal place of business and include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state, or otherwise, and where, if charged, and when it was disposed of. The applicant shall also give a description including the serial number and make of the machine gun or sawed-off shotgun or sawed-off rifle which he possesses or desires to possess. The State Law Enforcement Division shall file the application in its office. The division shall register the applicant with the information required in the application in a book or index to be kept for that purpose, assign to him a number, and issue to him a card which shall bear the signature of the division and number, and issue to his possession, or (2) who are engaged in professional film-making or providing services to professional movie-makers who use machine guns as regulated by this article in the course of creating movie "special effects".

(b) Applications for the special license authorized by this section must be in a form prescribed by the division, duly sworn to, containing the applicant's name, business and residence address, a record of any criminal charges filed against the applicant in the United States for other than traffic law violations and the disposition of the charges, a description of the machine guns to which the possession, transportation, or sale in this State, including their make and serial numbers, the sites within the State to which the machine guns will be transported, and such other information the division considers necessary to implement this section.

(c) The division may issue a special license pursuant to this section if it determines that the applicant has not been convicted of any offense other than traffic violations and the applicant clearly qualifies under item (1) or (2) of subsection (a). The special license is valid for a specified period not to exceed six months which must be stated on the license.

(d) Any person who knowingly and willfully makes any false statement for the purpose of obtaining the special license or who violates its terms, in addition to any other penalty provided by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than two years, or both.

Article 6. Using a Firearm while Under the Influence of Alcohol or a Controlled Substance

23-31-400. Definitions; unlawful use of firearm; violations.

(A) As used in this article:

(1) "Use a firearm" means to discharge a firearm.

(2) "Serious bodily injury" means a physical condition which creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(B) It is unlawful for a person who is under the influence of alcohol or a controlled substance to use a firearm in this State.

(C) A person who violates the provisions of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than two years.

(D) This article does not apply to persons lawfully defending themselves or their property.

Article 7. Local Regulations

23-31-510. Prohibition against regulation of certain matters. No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate:

(1) the transfer, ownership, possession, carrying, transportation, or transportation of firearms, ammunition, components of firearms, or any combination of these things; or

(2) a landowner discharging a firearm on the landowner's property to protect the landowner's family, employees, the general public, or the landowner's property from animals that the landowner reasonably believes pose a direct threat or danger to the landowner's property, people on the landowner's property, or the general public. For purposes of this item, the landowner's property must be a parcel of land comprised of at least twenty-five contiguous acres. Any ordinance regulating the discharge of firearms that does not specifically provide for an exception pursuant to this item is unenforceable as it pertains to an incident described in this item; otherwise, the ordinance is enforceable.

23-31-520. Matters subject to regulation.

This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.

Article 8. Identification Cards Issued to and Firearm Qualification Provided for Retired Law Enforcement Personnel

23-31-600. Retired personnel; identification cards; qualification for carrying concealed weapon.

(A) For purposes of this section:

(1) "Identification card" is a photographic identification card complying with 18 U.S.C. Section 926C(d).

(2) "Qualified retired law enforcement officer" means any retired law enforcement officer as defined in 18 U.S.C. Section 926(c) who at the time of his retirement was certified as a law enforcement officer in this State and who was trained and qualified to carry firearms in the performance of his duties.

(B) An agency or department within this State must comply with Section 3 of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. Section 926C, by issuing an identification card to any person who retired from that agency or department and who is a qualified retired law enforcement officer. If the agency or department currently issues credentials to active law enforcement officers and who is a qualified retired law enforcement officer, the agency or department may comply with the requirements of this section by issuing the same credentials to retired law enforcement officers. If the same credentials are issued, then the agency or department must stamp the credentials with the word "RETIRED."

(C) Subject to the limitations of subsection (E), a qualified retired law enforcement officer may carry a concealed weapon in this State if he possesses an identification card issued pursuant to subsection (C) along with a certification that he has, not less recently than one year before the date the individual is carrying the firearm, met the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

(2) The firearms certification required by this subsection may be reflected on the identification card or may be in a separate document carried with the identification card for the purpose of proving qualification for the firearms certificate.

(D) The restrictions contained in Sections 23-31-220 and 23-31-225 are applicable to a person carrying a concealed weapon pursuant to this section.

(E) The agency or department may charge the retired law enforcement officer a reasonable fee for issuing the identification card and must
Title 7. Counties

7-18A-36. Firearms regulation ordinances prohibited No county may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

Title 8. Townships

8-5-13 Firearms regulation ordinances prohibited No township may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

Title 9. Municipal Government

9-19-20. Firearm restrictions prohibited No municipality may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

Title 22. Crimes

Chapter 1. Definitions and General Provisions

22-1-1. Common-law rule of construction The rule of the common law that penal statutes are to be strictly construed has no application to this title. All its criminal and penal provisions and all penal statutes shall be construed according to the fair import of their terms, with a view to effect their objects and promote justice.

22-1-2. Definition of terms Terms used in this title or an attempt to commit, or a conspiracy to commit, any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first or second degree, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

(10) "Dangerous weapon" or "deadly weapon," any firearm, knife, stun gun, knife, or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;...

(13) "Destructive device." (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or

(b) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited;

(c) The term does not include "permissible fireworks," defined by § 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army pursuant to the provisions of 10 U.S.C. §§ 4684(2), 4685, or 4686; or any other device which is an antique or is a rifle which the owner intends to use solely for sport or recreation.

(14) "Explosive," any substance, or combination of substances, that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat. The term does not include "permissible fireworks," as defined by § 34-37-5;

(16) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word "gunpowder" includes any propellant that upon oxidation emits heat and light and is commonly used in firearms cartridges;

(17) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon;

(23) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device;

(32) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive;

(44) "Seller," any person or employee engaged in the business of selling pistols at retail;

(45) "Short rifle," any rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(46) "Shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

Chapter 14. Unlawful Use of Weapons

22-14-5 Possession of firearm with altered serial number -- Felony -- Exception No person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated is guilty of a Class 6 felony. The provisions of this section do not apply to persons who have applied for a new serial number pursuant to § 23-7-43.

22-14-15. Possession of firearm by one with prior violent crime conviction or certain drug-related conviction -- Felony -- Fifteen-year period No person who has been convicted in this state or elsewhere of a crime of violence or a felony pursuant to § 22-42-2, 22-42-3, 22-42-4, 22-42-7, 22-42-8, 22-42-9, 22-42-10 or 22-42-19, may possess or have control of a firearm. A violation of this section is a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation, or parole, for a five-year period prior to the commission of the principal offense.

22-14-15.1 Possession of firearm by one with prior drug conviction -- Felony -- Exception No person who has been convicted of a felony under chapter 22-42 or of a felony for a crime with the same elements in another state may possess or have control of a firearm. A violation of this section is a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation, or parole, for a felony under chapter 22-42 more than five years prior to the commission of the principal offense and is not subject to the restrictions in § 22-14-15.

22-14-15.2 Possession of firearm by one convicted of crime involving domestic violence -- Misdemeanor -- Civil rights restored -- Repeal of section -- Order restoring rights No person who has been convicted of a misdemeanor crime involving an act of domestic violence may possess or have control of a firearm. A violation of this section is a Class 1 misdemeanor. At the end of the one year period, any civil rights lost as a result of this provision shall be restored. Any person who has lost their right to possess or have control of a firearm as a result of a misdemeanor conviction involving an act of domestic violence, prior to the date of the effectiveness of this Act, shall be restored to those civil rights one year after the effective date of this Act. This section shall be repealed on the date when any federal law restricting the right to possess firearms for misdemeanor domestic violence convictions is repealed.
Once eligible under the statute, a person convicted under this section may petition the convicting court for an order reflecting the restoration of any firearm rights lost, if the person has not been convicted within the prior year of a crime for which firearm rights have been lost.

22-14-15. Persons prohibited from possession of destructive devices permitted
Any person who possesses a valid employee or user's permit from the United States federal government for explosive and destructive devices

Chapter 14A. Explosives and Destructive Devices

22-14A-4 Sale, transportation, or possession of destructive device — Felony
Any person who knowingly sells, offers for sale, transports or possesses any destructive device is guilty of a Class 4 felony. If such person has been previously convicted of a crime of violence in this state or elsewhere, the offense is a Class 3 felony.

22-14A-6 Possession of explosive or device with intent to injure, intimidate, or destroy property — Felony
Any person who has in his or her possession any explosive or destructive device under circumstances not described in § 22-14A-5, with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a Class 3 felony.

22-14A-11 Intentional use of device or explosive to cause serious bodily injury — Felony
Any person who explodes or ignites any destructive device or explosive with intent to cause serious bodily injury and which results in serious bodily injury is guilty of a Class 2 felony.

22-14A-13 -Unauthorized possession of substances with intent to make destructive device as felony Any person who possesses any substance, material, or any combination of substances or materials, with the intent to make a destructive device without first obtaining a permit from the department of public safety to make such device, is guilty of a Class 5 felony.

22-14A-16 Armed forces, National Guard, law enforcement agencies, and licensed sellers or possessors of explosives and destructive devices exempt The provisions of this chapter do not apply to the armed forces of the United States, the National Guard, any law enforcement agency or any officer, agent, employee or member thereof acting in a lawful capacity and any person possessing a valid seller’s permit or user’s permit from the United States federal government for explosive and destructive devices.

22-14A-21 Possession of registered or licensed destructive devices permitted Any person may possess destructive devices that are registered with, or licensed by, the state or federal government pursuant to law.

Title 23. Law Enforcement

Chapter 7. Firearms Control

23-7-1. Definitions applicable to chapter Temporarily used in this chapter, unless the context otherwise requires, mean:
(1) "Antique firearm," a firearm as defined in subdivision 22-1-2(4);
(2) "Concealed," a firearm as defined in subdivision 22-1-2(6);
(3) "Crime of violence," an action as defined in subdivision 22-1-2(9);
(4) "Pistol," a firearm as defined in subdivision 22-1-2(23);
(5) "Seller," a person as defined in subdivision 22-1-2(44).

23-7-1.1. Antique or nondisableable firearms accepted This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

23-7-7 Permit to carry concealed pistol — Valid statewide validity -- Background investigation A permit to carry a concealed pistol shall be issued to any person by the sheriff of the county in which the applicant resides. The permit shall be valid throughout the state and shall be issued pursuant to § 23-7-7.1. Prior to issuing the permit, the sheriff shall execute a background investigation, including a criminal history check, of every applicant for the purposes of verifying the qualifications of the applicant pursuant to the requirements of § 23-7-7.1. For the purposes of this section, a background investigation is defined as a computer check of available on-line records.

23-7-7.1 Requirements for issuance of temporary permit -- Time requirement -- Appeal of denial A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant:
(1) Is eighteen years of age or older;
(2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;
(3) Is not habitually in an intoxicated or drugged condition;
(4) Has no history of violence;
(5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
(6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application;
(7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;
(8) Is a citizen of the United States; and
(9) Is not a fugitive from justice.

A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.

23-7-7.1 Reciprocity with other states — Conditional The attorney general shall compare South Dakota permits and permits of the United States federal government to determine whether the laws of the other state meet or exceed the requirements of this chapter for the issuance of a permit. The secretary of state may enter into reciprocity agreements with other states after the attorney general has notified the secretary of state that the other states’ laws meet or exceed the provisions of this chapter.

23-7-9. Pistol to be delivered wrapped and unloaded—Violation as misdemeanor When a pistol is delivered, the pistol shall be securely wrapped and shall be unloaded. A pistol that is securely wrapped and delivered to a purchaser pursuant to this section is not a concealed weapon under § 22-14-9. A violation of this section is a Class 1 misdemeanor.

23-7-11. Regulation does not apply to sales of pistols at wholesale Sections 23-7-7 to 23-7-12, inclusive, do not apply to sales at wholesale.

23-7-12. False information or false evidence of identity to secure pistol or permit as felony No person, in purchasing or other-wise secure delivery of a pistol or in applying for a permit to carry a concealed pistol, may give false information or other false evidence of his identity. A violation of this section is a Class 6 felony.

23-7-18. Sale of pistol by retail dealer — Restrictions — Felony No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless a background investigation is made for at least thirty days immediately preceding the date of the sale or other-wise securing delivery of a pistol or in which the seller or shall present clear evidence of his identity. A violation of this section is a Class 1 misdemeanor.

23-7-40. Permissive firearms sales and delivery -- Contiguous states -- Federal law The state of South Dakota herewith permits residents of contiguous states and residents of other states, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearms accessories in South Dakota and in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b). (3) (A) of Public Law 90-618 of the 90th United States Congress, second session.

23-7-41. Repeal of federal restrictions -- No effect upon permissive firearms sales and delivery of firearms — Contiguous states In the event that presently enacted federal restrictions on the purchase, sale, trade, delivery, transportation or conveyance of firearms are repealed by the United States Congress or set aside by courts of competent jurisdiction, § 23-7-40 shall in no way be interpreted to prohibit or restrict the purchase, sale, trade, delivery, transportation or conveyance of shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of this state or of contiguous states, or of any other states who are otherwise competent to purchase, sell, trade, deliver, transport or convey rifles, shotguns, ammunition, reloading components or firearms accessories in this state, in contiguous states or other states.

23-7-43. New serial number engraved or stamped on firearm Upon application by an officer of a firearm, the director of the division of criminal investigation shall engrave or stamp a new serial number on any firearm on which the manufacturer’s number has been changed, altered, removed, or obliterated.

23-7-44 Possession of pistols by minors prohibited — Misdemeanor No person under the age of eighteen years may knowingly possess a pistol. A violation of this section is a Class 1 misdemeanor.
Title 39. Criminal Offenses
Chapter 14  Offenses Against Property
Part 7  --Criminal Instruments
39-14-702. Explosive components; possession
(a) A person commits an offense who unlawfully possesses any component part of an explosive including, but not limited to, a fuse cap, detonator or wiring, with the intent to produce or manufacture an explosive device.
(b) A violation of this section is a Class A misdemeanor.

Chapter 17. Offenses Against Public Health, Safety and Welfare
Part 13. Weapons
39-17-1301. Definitions. As used in this part, unless the context otherwise requires: ...
(3) "Crime of violence" includes any degree of murder, voluntary manslaughter, aggravated rape, rape, especially aggravated robbery, aggravated robbery, burglary, aggravated assault or aggravated kidnapping;
(4)(A) "Explosive weapon" means any explosive, incendiary or poisonous gas:
(i) Bomb;
(ii) Grenade;
(iii) Rocket;
(iv) Mine; or
(v) Shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage;
(B) "Explosive weapon" also means:
(i) Any breakable container which contains a flammable liquid with a flashpoint of one hundred fifty degrees (150°) Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for purposes of illumination; or
(ii) Any sealed device containing dry ice or other chemically reactive substances for the purposes of causing an explosion by a chemical reaction.

... firearm ... or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus, or equipment, which is identified by a serial number placed thereon by the manufacturer, the original serial number of which has been destroyed, removed, altered, covered, or defaced, is guilty of a Class 2 misdemeanor if the value of the property is four hundred dollars or less. If the value of the property is more than four hundred dollars, and less than one thousand dollars, such person is guilty of a Class 1 misdemeanor. If the value of the property is one thousand dollars or greater, such person is guilty of a Class 4 felony.

[Current through all 2010 Legislation passed at the 85th Regular Session including Supreme Court Rule 10-07]
(B) Involved the manufacture and sale of an automatic knife; provided, that the sale of such knife was limited to:

(A) Retail establishments that represent in writing under oath before a notary public that they only sell the knives to law enforcement officers, military personnel and emergency medical technicians;

(B) Law enforcement officers;

(C) Military personnel; or

(D) Emergency medical technicians.

(c) It is an affirmative defense to prosecution under this section which the person must prove by a preponderance of the evidence that:

(1) The person's conduct was relative to dealing with the weapon solely as a curio, ornament or keepsake, and if the weapon is a type described in subdivisions (a)(1)-(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) The possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(3) An offense under subdivision (a)(1) is a Class B felony.

(4) An offense under subdivisions (a)(2)-(5) is a class E felony.

(5) An offense under subdivision (a)(6) is a class C felony.

(6) An offense under subdivisions (a)(7)-(8) is a class A misdemeanor.

39-17-1303. Sale, loans or gifts; restrictions.

(a) A person commits an offense who:

(1) Intentionally, knowingly or recklessly sells, loans or makes a gift of a firearm or switchblade knife to a minor;

(2) Intentionally, knowingly or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated; or

(3) Intentionally, knowingly, recklessly or with criminal negligence violates the provisions of § 39-17-1316.

(b) It is a defense to prosecution under subdivision (a)(1) that:

(1) A firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity; and

(2) The person is not required to obtain a license under § 39-17-1316.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a Class A misdemeanor.

39-17-1304. Firearm ammunition; restrictions.

(a) It is an offense for any person to possess, use or attempt to use restricted firearm ammunition while committing or attempting to commit a crime of violence. A violation of this section constitutes a separate and distinct felony.

(b) It is an offense for any person or corporation to manufacture, sell, offer for sale, display for sale or use in this state any ammunition cartridge, metallic or otherwise, containing a bullet with a hollow-nose cavity which is filled with an explosive material and designed to detonate upon impact; provided, that the provisions of this section shall not apply to any state or federal military unit or personnel for use in the performance of its duties.

(c)(1) A violation of subsection (a) by possession of restricted firearm ammunition is a Class E felony.

(2) A violation of subsection (a) by use or attempted use of restricted firearm ammunition is a Class D felony.

(3) A violation of subsection (b) is a Class E felony.

39-17-1307. Carrying or possession of weapons.

(a)(1) A person commits an offense who carries with the intent to go armed a firearm, a knife with a blade length exceeding four inches (4"), or a club.

(2)(A) The first violation of subdivision (a)(1) is a Class C misdemeanor, and, in addition to any other penalty as provided by law, may be punished by a fine not to exceed five hundred dollars ($500).

(B) A second or subsequent violation of subdivision (a)(1) is a Class B misdemeanor.

(C) A violation of subdivision (a)(1) is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one (1) or more persons were present.

(b)(1) A person commits an offense who possesses a firearm, as defined in § 39-11-106, and:

(A) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon; or

(B) Has been convicted of a felony drug offense.

(2) An offense under subdivision (b)(1) is a Class E felony.

(c)(1) A person commits an offense who possesses a handgun and has been convicted of a felony.

(2) An offense under subdivision (c)(1) is a Class E felony.

(d)(1) A person commits an offense who possesses a deadly weapon other than a firearm with the intent to employ it during the commission of, attempt to commit, or escape from a dangerous offense as defined in § 39-17-1324.

(2) A person commits an offense who possesses any deadly weapon with the intent to employ it during the commission of, attempt to commit, or escape from any offense not defined as a dangerous offense by § 39-17-1324.

(e) A violation of this subdivision (d) is a Class E felony.

(f) It is an exception to the application of this section that a person authorized to carry a handgun pursuant to § 39-17-1351; is, at the time of the possession, subject to an order of protection that fully complies with the provisions of 18 U.S.C. Section 922(g)(6); or

(G) Is, at the time of the possession, subject to an order of protection that fully complies with the provisions of 18 U.S.C. Section 922(g)(6); or

(C) Is prohibited from possessing a firearm under any other provision of state or federal law.

(2) If the person is licensed as a federal firearms dealer or a responsible party under a federal firearms license, the determination of whether such an individual possesses firearms that constitute the business inventory under such federal license shall be determined based upon the applicable federal statutes or the rules, regulations and official letters, rulings and publications of the bureau of alcohol, tobacco, firearms and explosives.

(3) For purposes of this section, a person does not possess a firearm, including, but not limited to, firearms registered under the National Firearms Act, compiled in 26 U.S.C. § 5801 et seq., if the firearm is in a safe or similar container which is securely locked and to which the respondent does not have the combination, keys or other means of normal access.

(4) A violation of subdivision (f)(1) is a Class A misdemeanor and each violation constitutes a separate offense.

(5) If a violation of subdivision (f)(1) also constitutes a violation of § 36-3-625(h) or § 39-17-1315(e), the respondent may be charged and convicted under any or all such sections.

39-17-1308. Carrying or possession of weapons; definitions.

(a) It is a defense to the application of § 39-17-1307 if the possession or carrying was:

(1) Of an unloaded rifle, shotgun or handgun not concealed on or about the person and the ammunition for the weapon was not in the immediate vicinity of the person or weapon;

(2) By a person authorized to possess or carry a firearm pursuant to § 39-17-1315 or § 39-17-1315;

(3) At the person's:

(A) Place of residence;

(B) Place of business; or

(C) Premises;

(4) Incident to lawful hunting, trapping, fishing, camping, sport shooting or other lawful activity;

(5) By a person possessing a rifle or shotgun while engaged in the lawful protection of lives, property or premises from an imminent threat of injury to person or property;

(6) By a Tennessee valley authority officer who holds a valid commission from the commissioner of safety pursuant to this part while such officer is in the performance of the officer's official duties;

(7) By a state, county or municipal judge or any federal judge or any federal or county magistrate;

(8) By any out-of-state, full-time, commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification; provided, that if no such valid commission card and photo identification are retained, then it shall be unlawful for such officer to carry firearms in this state and the provisions of this section shall not apply. The defense provided by this subdivision (a)(10) shall only be applicable if the state where the out-of-state officer is employed has entered into a reciprocity agreement with this state that allows a full-time, commissioned law enforcement officer in Tennessee to lawfully carry or possess a weapon in the other state.

(b) The defenses described in this section are not available to persons described in § 39-17-1307(b)(1).
39-17-1309. Carrying or possession of weapons; school building and grounds.

(a) As used in this section, "weapon of like kind" includes razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unsterilized nail files and clips and tools used solely for preparation of food, instruction and maintenance.

(b) (1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, curling iron, ledged or leaved cane, switchblade knife, blackjack, knuckledusters or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

(2) A violation of this subsection (b) is a Class E felony.

(c)(1) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution. It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of such adult, while such vehicle is on school property.

(2) A violation of this subsection (c) is a Class B misdemeanor.

(d)(1) Each chief administrator of a public or private school shall display in prominent locations about a school, under penalty of a Class C felony, a written statement in the following form: "CARRYING WEAPONS ON SCHOOL PROPERTY IS THE GRAVE OFFENSE OF UNLAWFUL WEAPONS PosSESSION AND IS SUBJECT TO A MAXIMUM PENALTY OF SIX YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS ($3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

(2) As used in this subsection (d), "prominent locations about a school" includes, but is not limited to, sports arenas, gymnasiums, stadiums and cafeterias.

(e) The provisions of subsections (b) and (c) do not apply to the following persons:

(1) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(2) Civil officers of the United States in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;

(5) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(6) Any police officer employed by the administration or board of trustees of any public or private institution of higher education in the discharge of their duties; and

(7) Any registered security officer/guard who meets the requirements of title 62, chapter 35, and who is discharging such officer's official duties.

39-17-1310. Carrying or possession of weapons; school buildings and grounds; affirmative defenses.

It is an affirmative defense to prosecution under § 39-17-1309(a)-(d) that the person's behavior was in strict compliance with the requirements of one (1) of the following classifications:

(1) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the administrator of the educational institution;

(2) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the lands of the educational institution are posted prohibiting such entry;

(3) A person possessing guns or knives when conducting or attending "gun and knife shows" and the program has been approved by the administrator of the educational institution; or

(4) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove, utilize or allow to be removed or utilized any weapon from the vehicle while duration, director or full-time employee of the board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

39-17-1312. Carrying or possession of weapons; children and minors; inaction by parents or guardians.

(a) It is an offense if a person eighteen (18) years of age or older, including a parent or other legal guardian, knows that a minor or student is in possession of a firearm within the premises of a public or private school, in or on such school's athletic stadium or other facility or building where school sponsored athletic events are conducted, or public park, playground or civic center, and the person, parent or guardian fails to prevent the possession or fails to report it to the appropriate school or law enforcement officials.

(b) A violation of this section is a Class A misdemeanor.

39-17-1314. Construction of laws; preemption.

(a) Except as provided in § 39-17-1311(d), which allows counties and municipalities to prohibit the possession of handguns while within or on a public park, nature area, historic park, nature trail, campground, forest, greenway, waterfront or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof, no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of firearms, ammunition or components of firearms or combinations thereof; provided, that the provisions of this section shall be prospective only and shall not affect the validity of any ordinance or resolution lawfully enacted before April 8, 1986.

(b) The general assembly declares that the lawful design, marketing, manufacture and sale of firearms and ammunition to the public are not unreasonably dangerous activities and do not constitute a nuisance.

(c)(1) The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association or dealer by or on behalf of any state entity, county, municipality or metropolitan government for damages, abatement or injunctive relief resulting from or incurred in the design, manufacture, marketing or sale of firearms or ammunition to the public shall be reserved exclusively to the state.

(2) Nothing in this subsection (c) shall be construed to prohibit a county, municipality, or metropolitan government from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by such county, municipality, or metropolitan government.

(3) Nothing in this subsection (c) shall preclude an individual from bringing a cause of action for breach of a written contract, breach of an express warranty, or for injuries resulting from defects in the materials or workmanship in the manufacture of the firearm.

(d) The provisions of subsections (b) and (c) shall not apply in any litigation brought by an individual against a firearms or ammunition manufacturer, trade association or dealer.

39-17-1315. Handguns; directions.

(a)(1) Any law enforcement officer, police officer, bonded and sworn deputy sheriff, director, commissioner, county magistrate or retired law enforcement officer who is bonded and who, at the time of receiving the written directive, has successfully completed and, except for a law enforcement officer who has retired in good standing as certified by the chief law enforcement officer of the organization from which the officer retired, continues to successfully complete on an annual basis a firearm training program of at least eight (8) hours duration, director or full-time employee of the board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution, shall, in the performance of the director's or employee's duty, any duly authorized representative or full-time employee of the board of probation and parole who has been specifically designated by the board to execute warrants issued pursuant to § 40-28-121 or § 40-35-311 or to perform such other duties as specifically designated by the board, or any other officer or person authorized to carry handguns by this, or any other law of this state, may carry handguns at all times pursuant to a written directive by the executive supervisor of the organization to which the person is or was attached or employed, regardless of the person's regular duty hours or assignments; however, a copy of the written directive shall be retained as a portion of the records of the particular law enforcement agency that shall issue the directive. Nothing in this subdivision (a)(1) shall prevent federal officers from carrying firearms as prescribed by federal law.

(2) Any duly elected and sworn constable in any county having a population of not less than eleven thousand one hundred (11,100) nor more than eleven thousand two hundred (11,200) according to the 1970 federal census or any subsequent federal census, and being a county in which such constables retain law enforcement
powers and duties under the provisions of §§ 8-10-108, 40-6-210, 55-8-152, 57-5-202 and 57-9-101, are authorized to and may carry handguns at all times and may equip their vehicles with blue and red lights and sirens. The sheriff of such county shall issue a written directive or permit authorizing such constable to carry a handgun; provided, that each such constable has completed the same eight-hour annual firearm training program as is required by this subsection (a).

(3) The county commission may, by a two-thirds (2/3) vote, require any such constable to have in effect a liability policy or a corporate surety bond in an amount of not less than fifty thousand dollars ($50,000).

(b)(1) An individual, corporation or business entity is authorized to prohibit the possession of weapons by employees otherwise authorized by this subsection (b) on premises owned, operated or managed by such individual, corporation or business entity. Notice of such prohibition thereunder shall be posted or otherwise noticed to all affected employees.

(2) An individual, corporation, business entity or governmental entity or agent thereof is authorized to prohibit possession of weapons by any person otherwise authorized by this subsection (b) on premises owned, operated, managed or under control of such individual, corporation, business entity or governmental entity. Notice of such prohibition shall be posted or announced.

Sales; --requirements; background check.

(a)(1) Any person appropriately licensed by the federal government may stock and sell firearms to persons desiring them; however, sales to persons who have been convicted of the offense of stalking as prohibited by § 39-17-315, who are addicted to alcohol, and who are ineligible to receive them under 18 U.S.C. § 922 are prohibited. For purposes of this subdivision (a)(1), the offense of violation of a protective order as prohibited by § 39-13-113 shall be considered a "misdemeanor crime of domestic violence" for purposes of 18 U.S.C. § 921.

(b) The provisions of this subsection (a) prohibiting the sale of a firearm to a person convicted of a violent crime do not apply to:

(A) The person was pardoned for the offense;

(B) The person was convicted of a non-violent offense;

(C) The person's civil rights have been restored pursuant to title 40, chapter 29;

(D) The person is not possessed of possessing a firearm by the provisions of § 39-17-1307.

(b)(1) As used in this section, "firearm" has the meaning as defined in § 39-11-106, including handguns, long guns, and all other weapons which meet the definition except "antique firearms" as defined in 18 U.S.C. § 921.

(2) As used in this section, "gun dealer" means a person engaged in the business, as defined in 18 U.S.C. § 921, of selling, leasing, or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker, or otherwise.

(c) Except with respect to transactions between persons licensed as dealers under 18 U.S.C. § 923, a gun dealer shall comply with the following before a firearm is delivered to a purchaser:

(1) The purchaser shall present to the dealer current identification meeting the requirements of subsection (f);

(2) The gun dealer shall complete a firearms transaction record as required by 18 U.S.C. §§ 921, 929, and obtain the signature of the purchaser on the record;

(3) The gun dealer shall request by means designated by the bureau that the Tennessee bureau of investigation conduct a criminal history record check on the purchaser and shall provide the following information to the bureau: (A) The federal firearms license number of the gun dealer;

(B) The business name of the gun dealer;

(C) The place of transfer;

(E) The make, model, caliber and manufacturer's number of the firearm being transferred;

(F) The name, gender, race, and date of birth of the purchaser;

(G) The social security number of the purchaser, if one has been assigned; and

(H) The type, issuer and identification number of the identification presented by the purchaser;

(4) The gun dealer shall receive a unique approval number for the transfer from the bureau and record the approval number on the firearm transaction record.

(d) Upon receipt of a request of the gun dealer for a criminal history record check, the Tennessee bureau of investigation shall immediately, during the gun dealer's telephone call or by return call:

(1) Determine, from criminal records and otherwise available information, whether the purchaser is disqualified under the provisions of subdivision (a)(1) from completing the purchase; and

(2) Notify the dealer when a purchaser is disqualified from completing the transfer or provide the dealer with a unique approval number indicating that the purchaser is qualified to complete the transfer.

(e)(1) The Tennessee bureau of investigation may charge a reasonable fee, not to exceed ten dollars ($10.00), for conducting background checks and other costs incurred under the provisions of this section, and shall be empowered to bill the dealer and collect such costs associated with conducting background checks. By February 1 of each year the Tennessee bureau of investigation shall report to the judiciary committees of the senate and the house of representatives the amount of money collected pursuant to this section in excess of the costs associated with conducting background checks as required by this section. The excess money shall be appropriated by the general assembly to the Tennessee bureau of investigation for other law enforcement related purposes as it deems appropriate and necessary.

(f)(1) Identification required of the purchaser under the provisions of this section shall include one (1) piece of current, valid identification bearing a photograph and the date of birth of the purchaser that:

(A) Is issued under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an inter-
national governmental organization or an international quasi-governmental organization; and

(B) Is intended to be used for identification of an individual or is commonly accepted for the purpose of identification of an individual.

If the identification presented by the purchaser under subdivision (f)(1)(A) does not include the current address of the purchaser, the purchaser shall present a second piece of current identification that contains the current address of the purchaser.

(g) The Tennessee bureau of investigation may require that the dealer verify the identification of the purchaser if that identity is in question by sending the fingerprints of the purchaser to the bureau.

(h) The Tennessee bureau of investigation shall establish a telephone number that shall be operational seven (7) days a week between the hours of eight o'clock a.m. and ten o'clock p.m. during all workdays (8:00 a.m. to 8:00 p.m. CST), except Christmas Day, Thanksgiving Day, and Independence Day, for the purpose of responding to inquiries from dealers for a criminal history record check under this section.

(i) No public employee, official or agency shall be held criminally or civilly liable for performing the investigations required by this section; providing, however, that official or agency acts in good faith and without malice.

(j) Upon the determination that receipt of a firearm by a particular individual would not violate this section, and after the issuance of a unique identifying number for the transaction, the Tennessee bureau of investigation shall destroy all records (except the unique identifying number and the date that it was assigned) associating a particular individual with a particular purchase of firearms.

(k) A law enforcement agency may inspect the records of a gun dealer relating to transfers of firearms in the course of a reasonable inquiry during a criminal investigation or under the authority of a properly authorized subpoena or search warrant.

(l)(1) The background check does not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of subdivision (a)(9) and conduct a transaction in the legal and licensed status of both parties. The burden shall fall upon the transferee to determine the legality of the transaction in progress.

(2) The background check does not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or such agency's personnel. However, all other provisions and requirements of subsection (b)(1) must be observed. The burden of proof of the legality of the transactions or transfers shall rest upon the transferee.

(m) The director of the Tennessee bureau of investigation is hereby authorized to make and issue all rules and regulations necessary to carry out the provisions of this section.

(n) In addition to the other grounds for denial, the bureau shall deny the transfer of a firearm if the background check reveals information indicating that the purchaser has been charged with a crime for which the purchaser, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a fire-
39-17-1317. Confiscation and disposition.

(a) Any weapon, except those covered by subsection (h), that is possessed, used or retained for law enforcement purposes not less than sixty (60) days nor more than one hundred eighty (180) days after the last legal proceeding involving the weapon; or

(b) Any weapon that has been stolen or borrowed from its owner, and the owner was not involved in the offense for which the weapon was confiscated, shall be returned to the owner if permitted by law; chief of police, sheriff, commissioner of safety, or director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any municipal or county law enforcement agency or the director of a judicial district drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange existing firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms suitable for use by the law enforcement agency or drug task force. This exchange of firearms is permitted only between the department of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, a municipal or county law enforcement agency or a judicial district drug task force and a licensed and qualified law enforcement firearms dealer.

39-17-1318. Confiscated firearms; sales; new serial numbers.

(a) Any firearm confiscated and adjudicated as contraband pursuant to this part or any other provision of law could be sold at public auction or retained by a law enforcement agency for law enforcement as provided in § 39-17-1317, but for the fact that the serial number of the firearm has been defaced or destroyed, the commissioner of safety or the sheriff or chief of police, as appropriate, of the county in which the firearm was confiscated may send the firearm to the director of the Tennessee bureau of investigation. The director shall assign the firearm a new serial number, permanently affix the number to the firearm, record the number in the bureau's computer system, and send the firearm back to the commissioner of safety, the sheriff or chief of police for disposition in accordance with this part.

(b) If any firearm assigned a new serial number pursuant to subsection (a) is later sold at public auction, ten percent (10%) of the proceeds shall be paid to the general fund of the state to defray the costs incurred by the director in administering this section.

39-17-1319. – Juveniles; possession of handgun.

(a) As used in this section and § 39-17-1320, unless the context otherwise requires:

"Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the barrel of which, consisting of a groove in the bore of the barrel, is less than three-eighths of an inch in diameter; and

"Juvenile" means any person less than eighteen (18) years of age.

(b) Except as provided in this section, it is an offense for a juvenile to knowingly possess a handgun.

(c) Nothing in this section shall authorize the purchase of any weapon, the possession of which is otherwise prohibited by law.

(k) The commissioner of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any municipal or county law enforcement agency or the director of a judicial district drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange existing firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms suitable for use by the law enforcement agency or drug task force. This exchange of firearms is permitted only between the department of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, a municipal or county law enforcement agency or a judicial district drug task force and a licensed and qualified law enforcement firearms dealer.

39-17-1317. Confiscation and disposition.

(a) Any weapon, except those covered by subsection (h), that is possessed, used or retained for law enforcement purposes not less than sixty (60) days nor more than one hundred eighty (180) days after the last legal proceeding involving the weapon; or

(b) Any weapon that has been stolen or borrowed from its owner, and the owner was not involved in the offense for which the weapon was confiscated, shall be returned to the owner if permitted by law; chief of police, sheriff, commissioner of safety, or director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any municipal or county law enforcement agency or the director of a judicial district drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange existing firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms suitable for use by the law enforcement agency or drug task force. This exchange of firearms is permitted only between the department of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, a municipal or county law enforcement agency or a judicial district drug task force and a licensed and qualified law enforcement firearms dealer.

39-17-1318. Confiscated firearms; sales; new serial numbers.

(a) Any firearm confiscated and adjudicated as contraband pursuant to this part or any other provision of law could be sold at public auction or retained by a law enforcement agency for law enforcement as provided in § 39-17-1317, but for the fact that the serial number of the firearm has been defaced or destroyed, the commissioner of safety or the sheriff or chief of police, as appropriate, of the county in which the firearm was confiscated may send the firearm to the director of the Tennessee bureau of investigation. The director shall assign the firearm a new serial number, permanently affix the number to the firearm, record the number in the bureau's computer system, and send the firearm back to the commissioner of safety, the sheriff or chief of police for disposition in accordance with this part.

(b) If any firearm assigned a new serial number pursuant to subsection (a) is later sold at public auction, ten percent (10%) of the proceeds shall be paid to the general fund of the state to defray the costs incurred by the director in administering this section.

39-17-1319. – Juveniles; possession of handgun.

(a) As used in this section and § 39-17-1320, unless the context otherwise requires:

"Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, consisting of a groove in the bore of the barrel, is less than three-eighths of an inch in diameter; and

"Juvenile" means any person less than eighteen (18) years of age.

(b) Except as provided in this section, it is an offense for a juvenile to knowingly possess a handgun.

(c) Nothing in this section shall authorize the purchase of any weapon, the possession of which is otherwise prohibited by law.

(k) The commissioner of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, the executive head of any municipal or county law enforcement agency or the director of a judicial district drug task force may petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange existing firearms that have previously been properly titled, as specified by this section, to the law enforcement agency or the drug task force for other firearms suitable for use by the law enforcement agency or drug task force. This exchange of firearms is permitted only between the department of safety, the director of the Tennessee bureau of investigation, the executive director of the Tennessee alcoholic beverage commission, a municipal or county law enforcement agency or a judicial district drug task force and a licensed and qualified law enforcement firearms dealer.
39-17-1320. Providing handguns to juveniles; penalties.

(a) It is an offense for a person intentionally, knowingly or recklessly to provide a handgun with or without remuneration to any person that the person providing the handgun knows or has reason to believe is a juvenile in violation of § 39-17-1319.

(b) It is an offense for a parent or guardian intentionally, knowingly or recklessly to provide a handgun to a juvenile or permit a juvenile to possess a handgun, if such parent or guardian knows of a substantial risk that such juvenile will use a handgun to commit a felony.

(c) Unlawfully providing or permitting a juvenile to possess a handgun in violation of subsection (a) is a Class A misdemeanor and in violation of subsection (b) is a Class D felony.

39-17-1351. Possession of a firearm while under influence of alcohol; punishment.

(a) Notwithstanding whether a person has a permit issued pursuant to § 39-17-1315 or § 39-17-1351, it is an offense for a person to possess a handgun while under the influence of alcohol or any controlled substance.

(b) It is a violation of this section for a person to possess a firearm if the person is both:

(1) Within the confines of an establishment open to the public where liquor, wine or other alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-6-102(1), are served for consumption on the premises.

(2) Consuming any alcoholic beverage listed in subdivision (b)(1).

(c)(1) A violation of this section is a Class A misdemeanor.

(2) In addition to the punishment authorized by subdivision (c)(1), if the violation of subsection (a), occurs in an establishment described in subdivision (b)(1), and the person who has a handgun permit issued pursuant to § 39-17-1351, such permit shall be suspended in accordance with § 39-17-1352 for a period of three (3) years.

39-17-1350. Authority of law enforcement officers to carry firearms.

(a) Notwithstanding any provision of law to the contrary, any law enforcement officer may carry firearms at all times and in all places within Tennessee, on-duty or off-duty, regardless of the officer’s regular duty hours or assignments, except as provided by subdivision (c), federal law, lawful orders of court or the written directives of the executive supervisor of the employing agency.

(b) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers’ authority to carry firearms by other sections within this part.

(c) The authority conferred by this section shall not extend to a law enforcement officer:

(1) Who is not engaged in the actual discharge of official duties as a law enforcement officer and carries a firearm onto school grounds or inside a school building during regular school hours unless the officer immediately informs the principal that the officer will be present on school grounds or inside the school building and in possession of a firearm. If the principal is unavailable, the notice may be given to an appropriate administrative staff person in the principal’s office;

(2) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance;

(3) Who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding.

(d) For purposes of this section, “law enforcement officer” means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission, or a vested correctional officer employed by the department of correction, or a commissioned reserve deputy sheriff as authorized in writing by the sheriff, or a commissioned reserve or auxiliary police officer as authorized in writing by the chief of police.

(e) In counties having a population of not less than thirty-one thousand (31,000) nor more than thirty thousand four hundred (30,200) nor more than thirty thousand four hundred five (30,405) or not less than one hundred eighteen thousand four hundred (118,400) nor more than one hundred eighteen thousand seven hundred (118,700), according to the 1990 federal census or any subsequent federal census, the authority under this section shall only apply to law enforcement officers who are law enforcement officers for those counties or law enforcement officers for municipalities located therein.

(f)(1) The secretary of state shall, in consultation with the commissioner of the department of correction, a law enforcement officer or the state’s attorney general, as authorized in writing by the chief of police, authorize to carry a firearm pursuant to this section.

(2) Any inmate relations coordinator or corrections officer desiring an identification card shall notify the secretary of state and shall provide the inmate relations coordinator’s or correctional officer’s full name and residential address. Upon receipt of the request, the secretary of state shall notify the commissioner of correction of the request. The commissioner of correction shall verify to the secretary of state whether the requesting inmate relations coordinator or correctional officer is vested and employed by the department of correction and shall so certify in a letter to be maintained by the secretary.

(3) If the secretary receives certification that a requesting inmate relations coordinator or correctional officer is vested and employed by the department, the secretary shall issue the inmate relations coordinator or correctional officer an identification card so certifying. The card shall be valid for as long as the inmate relations coordinator or correctional officer remains vested and in the employment of the department of correction.

(4) An inmate relations coordinator or correctional officer issued a card pursuant to this subsection (f) shall carry the card at all times the inmate relations coordinator or correctional officer is carrying a firearm. The card shall be sufficient proof that the inmate relations coordinator or corrections officer is authorized to carry a firearm pursuant to this section.

(5) If a vested inmate relations coordinator or correctional officer employed by the department resigns, is terminated, or is otherwise no longer employed by the department, the commissioner shall, within ten (10) days, notify the secretary of state. Upon receiving the notice, the secretary of state shall revoke the identification card and send a letter of revocation to the inmate relations coordinator or correctional officer at the coordinator’s or officer’s last known address.

(6)(A) A person who is no longer a vested inmate relations coordinator or correctional officer employed by the department of correction but who still has an identification card issued by the secretary of state shall have ten (10) days from receipt of the letter of revocation from the secretary of state to return the card to the secretary.
§ 39-17-1316 or § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(c) The application for a permit shall be on a standard form developed by the department. The application shall clearly state in bold face type directly above the signature line that an applicant who, with intent to deceive, makes any false statement on such application commits the felony offense of perjury pursuant to § 39-16-702. The following are eligibility requirements for obtaining a handgun carry permit and the application shall require the applicant to disclose and confirm compliance with, under oath, the following information concerning the applicant and the eligibility requirements:

(1) Full legal name and any aliases;  
(2) Addresses for the last five (5) years;  
(3) Date of birth;  
(4) Social security number;  
(5) Physical description (height, weight, race, sex, hair color and eye color);  
(6) That the applicant has not been convicted of a criminal offense that is designated as a felony, or that is one of the disqualifying misdemeanors set out in (c)(11), (c)(16), or (c)(18), with the exception of any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices;  
(7) That the applicant is not currently under indictment or information for any criminal offense that is designated as a felony, or that is one of the disqualifying misdemeanors set out in (c)(11), (c)(16), or (c)(18), with the exception of any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices;  
(8) That the applicant is not currently subject to any order of protection and, if so, the applicant shall provide a copy of the order;  
(9) That the applicant is not a fugitive from justice;  
(10) That the applicant is not an unlawful user of or addicted to alcohol or any controlled substance and the applicant has not been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application;  
(11) That the applicant has not been convicted of the offense of driving under the influence of an intoxicant in this or any other state twice (2) or more times within ten (10) years from the date of the application and that none of such convictions has occurred within five (5) years from the date of application or renewal;  
(12) That the applicant has not been adjudicated, or been judicially committed to or hospitalized in a mental institution pursuant to title 33, has not had a court appoint a conservator for the applicant by reason of a mental defect, has not been judicially determined to be disabled by reason of mental illness, developmental disability or other chronic condition and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in title 33, chapter 6, part 5, because of mental illness;  
(13) That the applicant is not an alien and is not illegally or unlawfully in the United States;  
(14) That the applicant has not been discharged from the armed forces under dishonorable conditions;  
(15) That the applicant has not renounced the applicant’s United States citizenship;  
(16) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(33);  
(17) That the applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability; and  
(18) That the applicant has not been convicted of the offense of stalking....

Upon receipt of a permit application, the department shall:

(a) Forward two (2) full sets of fingerprints of the applicant to the Tennessee bureau of investigation; and  
(b) Send a copy of the application to the sheriff of the county in which the applicant resides.

Within thirty (30) days of receiving an application, the sheriff shall provide the department with any information concerning the truthfulness of the applicant’s answers to the eligibility requirements of subsection (c) that is within the knowledge of the sheriff.

(h) Upon receipt of the fingerprints from the department, the Tennessee bureau of investigation shall:

(1) Within thirty (30) days from receipt of the fingerprints, conduct computer searches to determine the applicant’s eligibility for a permit under subsection (c) as are available to the bureau based solely upon the applicant’s name, date of birth and social security number and send the results of the searches to the department;  
(2) Conduct a criminal history record check based upon one (1) set of the fingerprints received and send the results to the department; and  
(3) Send one (1) set of the fingerprints received from the department to the federal bureau of investigation, request a federal criminal history record check based upon such fingerprints, as long as such service is available, and send the results of such check to the department.

The department shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subsection (h), or from other information received from the clerks of court regarding individuals adjudicated as a mental defective or judicially committed to a mental institution pursuant to title 33, or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of this section. The department shall not be required to confirm the applicant’s eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation, the clerk of court and the sheriffs, if any...

(n)(1) Except as provided in (n)(2), a permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun or handguns that the permit holder legally owns or possesses. The permit holder shall have the permit in the holder’s immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

(2) A Tennessee permit issued pursuant to this section to a person who is in or who enters into the United States armed forces shall continue in effect for so long as the person's service continues and such person is stationed outside this state, notwithstanding the fact that the person may be temporarily in this state on furlough, leave, or delay en route, and for a period not to exceed sixty (60) days following the date on which the person is honorably discharged or separated from service and any period of service in this state on reassignment to a duty station in this state, unless the permit is sooner suspended, cancelled or revoked for cause as provided by law. The permit is valid only when in the immediate possession of the permit holder and the permit holder has in the holder’s immediate possession the permit holder’s discharge or separation papers, if the permit holder has been discharged or separated from the service....

(q)(1) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of such permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars ($50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (c), and shall require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section. A permit issued pursuant to this section shall remain valid pursuant to subsection (n)(2) be-
required to comply with the renewal provisions of subdivision (q)(1). If the renewal application is filed six (6) months or more from expiration of the sixty (60) day period following the date of honorable discharge, separation, or return to this state on reassignment to a duty station in this state, the person shall, for all purposes, be considered a new applicant.

(h)(1) A facially valid handgun permit, firearms permit, weapons permit or license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a handgun permit issued by this state; provided, however, that the provisions of this subsection (h) shall not be construed to authorize the holder of any out-of-state permit or license to carry, in this state, any firearm or weapon other than a handgun.

(2) For a person to lawfully carry a handgun in this state based upon a permit or license issued in another state, the person must be in possession of the permit or license at all times such person carries a handgun in this state.

(3)(A) The commissioner of safety shall enter into written reciprocity agreements with other states that require the execution of the agreements. The commissioner of safety shall prepare and publicly publish a current list of states honoring permits issued by the state of Tennessee and shall make the list available to anyone upon request. The commissioner of safety shall also prepare and publicly publish a current list of states who, after inquiry by the commissioner, refuse to enter into a reciprocity agreement with this state or honor handgun carry permits issued by this state. To the extent that any state may impose conditions in the reciprocity agreements, the commissioner of safety shall publish those conditions as part of the list. If another state imposes conditions on Tennessee permit holders in a reciprocity agreement, the conditions shall also be a part of the agreement and apply to the other state’s permit holders when they carry a handgun in this state.

(B) If a person with a handgun permit from another state decides to become a resident of Tennessee, the person must obtain a Tennessee handgun permit within six (6) months of establishing residency in Tennessee. The permit may be issued based on the person having a permit from another state provided the other state has substantially similar permit eligibility requirements as this state. However, if during such six (6) month period the person applies for a handgun permit in this state and the application is denied, the person shall not be allowed to carry a handgun in this state based upon the other state’s permit.

(C)(i) F a person who is a resident of and handgun permit holder in another state is employed in this state on a regular basis and desires to carry a handgun in this state, the person shall have six (6) months from the last day of the sixth month of regular employment in this state to obtain a Tennessee handgun carry permit. The permit may be issued based on the person having a permit from another state provided the other state has substantially similar permit eligibility requirements as this state.
enforcement officer shall immediately advise the dealer that the transfer is prohibited.

Texas Local Government Code

Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities

Chapter 229. Miscellaneous Regulatory Authority of Municipalities

229.001. Firearms; Explosives

(a) A municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

1. require residents or private employees to be armed for personal or national defense, law enforcement, or another lawful purpose;
2. regulate the discharge of firearms within the limits of the municipality;
3. regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;
4. regulate the use of firearms in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;
5. regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation; or
6. regulate the carrying of a firearm by a person other than a person licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, at a:
   1. public park;
   2. public meeting of a municipality, county, or other governmental body;
   3. political rally, parade, or official political meeting;
   4. nonprofit annual kite-flying festival.

(c) The exception provided by Subsection (b)(5) does not apply if the firearm is in or is carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm is of the type commonly used in the activity.

(d) The exception provided by Subsection (b)(4) does not authorize the seizure or confiscation of any firearm or ammunition from an individual who is lawfully carrying or possessing the firearm or ammunition.

Texas Penal Code

Title 10. Offenses Against Public Health, Safety, and Morals

Chapter 46. Weapons

46.01. Definitions

In this chapter:

(2) "Explosive weapon" means any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is:

(A) an antique or curio firearm manufactured before 1899;
(B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition;
(C) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand. ...

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches. ...

(12) "Armor-piercing ammunition" means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.

(13) "Hoax bomb" means a device that:

(A) reasonably appears to be an explosive or incendiary device; or
(B) by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies. ...

(18) "Zip gun" means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

46.04. Unlawful Possession of Firearm

(a) A person who has been convicted of an offense commits an offense if he possesses a firearm:

1. after conviction and before the fifth anniversary of the later of:
   (1) the date of the person's release from confinement following conviction of the felony or the person's release from supervision under community supervision, parole, or mandatory supervision, whichever date is later; or
   (2) after the period described by Subdivision (1), at any location other than the premises at which the person lives;

(b) A person who has been convicted of an offense under Section 22.01, punishable as a Class A misdemeanor and involving a member of the person's family or household, commits an offense if the person possesses a firearm before the fifth anniversary of the later of:

1. the date of the person's release from confinement following conviction of the misdemeanor; or
2. the date of the person's release from community supervision following conviction of the misdemeanor.

(c) A person, other than a peace officer, as defined by Section 1.07, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292 or Chapter 7A, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, commits an offense if the person possesses a firearm after receiving notice of the order and before expiration of the order.

(d) In this section, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(e) An offense under Subsection (a) is a felony of the third degree. An offense under Subsection (b) or (c) is a Class A misdemeanor.

(f) For the purposes of paragraph (e), an offense under the laws of this state, another state, or the United States is, except as provided by subsection (g), a felony if, at the time it is committed, the offense: (1) is designated by a law of this state as a felony;

2. contains all the elements of an offense designated by a law of this state as a felony; or
3. is punishable by confinement for one year or more in a penitentiary.

(g) An offense is not considered a felony for purposes of subsection (f) if, at the time the person possesses a firearm, the offense:

1. is not designated by a law of this state as a felony; and
2. does not contain all the elements of any offense designated by a law of this state as a felony.

46.041. Unlawful Possession of Metal or Body Armor by Felon

(a) In this section, "metal or body armor" means any body covering manifestly designed, made, or adapted for the purpose of protecting a person against gunfire.

(b) A person who has been convicted of a felony commits an offense if after the conviction the person possesses metal or body armor.

(c) An offense under this section is a felony of the third degree.

46.05. Prohibited Weapons

(a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

1. an explosive weapon;
2. a machine gun;
3. a short-barrel firearm;
4. a firearm silencer;
5. a switchblade knife;
6. knives;
7. armor-piercing ammunition;
8. a chemical dispensing device; or
9. a zip gun.

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a correctional facility.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

1. was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio; or
2. was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b).

(e) An offense under this section is a felony of the third degree unless it is committed under Subsection (a)(5) or (a)(6), in which event, it is a Class A misdemeanor.
46.06. Unlawful Transfer of Certain Weapons

(a) A person commits an offense if the person:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;
(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm, club, or illegal knife;
(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated;
(4) knowingly sells a firearm or ammunition for a firearm to any person who has been convicted of a felony before the fifth anniversary of the following day:

(A) the person's release from confinement following conviction of the felony; or
(B) the person's release from supervision under community supervision, parole, or mandatory supervision following conviction of the felony;
(5) sells, rents, leases, loans, or gives a handgun to any person knowing that an active protective order is directed to the person to whom the handgun is to be delivered; or
(6) knowingly purchases, rents, leases, or receives as a loan or gift from another a handgun while an active protective order is directed to the person:

(b) In this section:

(c) (1) "Intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.
(2) "Active protective order" means a protective order issued under Title 4, Family Code, that is in effect. The term does not include a temporary protective order issued before the court holds a hearing on the matter.
(c) (c) An offense under this section is a Class A misdemeanor.
(d) An offense under this section is a Class A misdemeanor, except that an offense under Subsection (a)(2) is a state jail felony if the weapon that is the subject of the offense is a handgun.

46.07. Interstate Purchase

A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in another state. This authorization is enacted in conformance with 18 U.S.C. Section 922(b)(3)(A).

46.08. Hoax Bombs

(a) A person commits an offense if the person knowingly manufactures, sells, purchases, transports, or possesses a hoax bomb with intent to use the hoax bomb:

(1) make another believe that the hoax bomb is an explosive or incendiary device; or
(2) cause alarm or reaction of any type by an official of a public safety agency or volunteer agency organized to deal with emergencies.

(b) An offense under this section is an Class A misdemeanor.

46.09. Components of Explosives

(a) A person commits an offense if the person knowingly possesses components of an explosive weapon with the intent to combine the components into an explosive weapon for use in a criminal endeavor.

(b) An offense under this section is a felony of the third degree.

46.11. Penalty If Offense Committed Within Weapon-Free School Zone

(a) Except as provided by Subsection (b), the punishment prescribed for an offense under this chapter is increased to the punishment prescribed for the next highest category of offense if it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense in a place that the actor knew was:

(1) within 300 feet of the premises of a school;
(2) on premises where:

(A) an official school function is taking place;

(B) an event sponsored or sanctioned by the University Interscholastic League is taking place.

(b) This section does not apply to an offense under Section 46.03(a)(1).

(c) In this section:

(1) "Institution of higher education" and "premises" have the meanings assigned by Section 481.134, Health and Safety Code.
(2) "School" means a private or public elementary or secondary school.

46.13. Making a Firearm Accessible to a Child

(a) A person commits an offense if a child:

(1) "Child" means a person younger than 17 years of age.
(2) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

(b) "Secure" means to take steps that a responsible person would take to prevent the access to a readily dischargeable firearm by a child, including but not limited to placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means.

(c) An offense under this section is a Class A misdemeanor, except that an offense under Subsection (a)(2) is a state jail felony if the firearm that is the subject of the offense is a handgun.

46.14. Firearm Smuggling

(a) A person commits an offense if the person knowingly engages in the business of transporting or transferring a firearm that the person knows was acquired in violation of the laws of any state or of the United States. For purposes of this subsection, a person is considered to engage in the business of transporting or transferring a firearm if the person engages in that conduct:

(1) on more than one occasion; or
(2) for profit or any other form of remuneration.

(b) An offense under this section is a felony of the third degree, unless it is shown on the trial of the offense that the offense was committed with respect to three or more firearms in a single criminal episode, in which event the offense is a felony of the second degree.

(c) This section does not apply to a peace officer who is engaged in the actual discharge of an official duty.

(d) A conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

[Current through the end of the 2009 Regular Session and First Called Session]
Title 76. Utah Criminal Code

Chapter 3. Punishments

76-3-203.2. Definitions - Use of dangerous weapon in offenses committed on or about school premises - Enhanced penalties

(1) (a) As used in this section and Section 76-10-505.5, "on or about school premises" means any of the following:

(i) in a public or private elementary, secondary, or on the grounds of any of those schools;

(ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions;

(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections (1)(a)(i) and (ii);

(iv) on the grounds of a preschool or child-care facility; and

(v) within 1,000 feet of any structure, facility, or grounds included in Subsections (1)(a)(i), (ii), (iii), and (iv).

Chapter 10. Offenses Against Public Health, Safety, Welfare, and Morals

76-10-500. Uniform law

(1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:

(a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or

(b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(2) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

76-10-501 Definitions As used in this part:

(1)(a) "Antique firearm" means any firearm:

(i) (A) with a matchlock, flintlock, percussion cap, or similar type of ignition system; and

(B) that was manufactured in or before 1898; or

(ii) that is a replica of any firearm described in this Subsection (1)(a), if the replica:

(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(B) uses rimfire or centerfire fixed ammunition which is:

(i) no longer manufactured in the United States; and

(ii) not readily available in ordinary channels of commercial trade; or

(iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.

(b) "Antique firearm" does not include:

(i) any weapon that incorporates a firearm frame or receiver;

(ii) any firearm that is converted into a muzzle loading weapon; or

(iii) any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:

(A) barrel;

(B) bolt;

(C) breechblock; or

(D) any combination of Subsection (1)(b)(iii) (A), (B), or (C).

(2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(3)(a) "Concealed dangerous weapon" means a dangerous weapon that is covered, hidden, or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.

(b) A dangerous weapon shall not be considered a concealed dangerous weapon if it is a firearm which is unloaded and is securely encased.

(4) "Criminal history background check" means a criminal background check conducted by a licensed firearms dealer on every purchaser of a handgun through the division or the local law enforcement agency where the firearms dealer conducts business.

(5) "Curio or relic firearm" means any firearm that:

(a) is of special interest to a collector because of a quality that is not associated with firearms intended for:

(i) sporting use;

(ii) use as an offensive weapon; or

(iii) use as a defensive weapon;

(b) was manufactured at least 50 years prior to the current date; and

(c) is a replica of a firearm described in Subsection (5)(b)(i).

(6)(a) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(b) The following factors shall be used in determining whether a knife, or any other item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon:

(i) the character of the instrument, object, or thing;

(ii) the character of the wound produced, if any;

(iii) the manner in which the instrument, object, or thing was used; and

(iv) the other lawful purposes for which the instrument, object, or thing may be used.

(c) "Dangerous weapon" does not include any explosive, chemical, or incendiary device as defined by Section 76-10-306.

(7) "Dealer" means a person who is licensed under federal and criminal procedure, 18 U.S.C. 923 and engaged in the business of selling, leasing, or otherwise transferring a hand-gun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

(8) "Enter" means intrusion of the entire body.

(9) "Firearm" means a firearm, revolver, shotgun, sawed-off shotgun, rifle or sawed-off rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

(b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique firearm.

(10) "Firearms transaction record form" means a form created by the division to be completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

(11) "Fully automatic weapon" means any firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.

(a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine, does not exceed 12 inches.

(b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol or revolver" do not include an antique firearm.

(12)(a) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose.

(b) "Intrusion" means intrusion of the entire body.

(13) "Prohibited area" means a place where it is unlawful to discharge a firearm.

(14) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person.

(15) "Residence" means an improvement to real property used or occupied as a primary or secondary residence.

(16) "Secondary residence" means a residence other than a primary residence.

(17) "Sawed-off shotgun" or "sawed-off rifle" means a shotgun having a barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels of fewer than 16 inches in length, or any dangerous weapon made from a rifle or shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.

(18) "Securely encased" means not readily accessible for immediate use, such as held in a
gun rack, or in a closed case or container, whether or not locked, or in a trunk or other storage area of a motor vehicle, not including a glove box or console box.

(19) “State entity” means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(20) “Violent felony” has the same meaning as defined in Section 76-3-203.5.

76-10-502. When weapon deemed loaded
(1) For the purpose of this chapter, any pistol, revolver, shot gun, rifle, or other weapon de- scribed in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
(2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
(3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

76-10-505. Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons
(1) For purposes of this section:
(a) A Category I restricted person is a person who:
(i) has been convicted of any violent felony as defined in Section 76-3-203.5;
(ii) is on parole from a secure facility as defined in Section 62A-7-101; or
(iv) within the last ten years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5.
(b) A Category II restricted person is a person who:
(i) has been convicted of or is under indictment for an offense which if committed within the last ten years has been adjudi-
(ii) has been convicted of any violent felony as defined in Section 76-3-203.5 or any minor who has been adjudicated as mentally defec-
(iii) is on parole from a secure facility as defined in Section 62A-7-101;
(iv) within the last ten years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5.
(2) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun on or about school premises - Penalties
(1) A person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in Subsection 76-3-203.2 (1).
(2)(a) Possession of a dangerous weapon or firearm to violent minor
(b) Possession of a firearm or sawed-off shot- gun on or about school premises is a class B misde-
(c) Possession of a firearm or sawed-off shot gun on or about school premises is a class A misde-
(d) possession is:
(i) at the person's place of residence or on the person's property;
(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport stu-
dents;
(iii) at the person's place of business which is not located in the areas described in Subsection 76-3-203.2 (1)(a)(i), (ii), or (iv).
(4) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.
76-10-509. Possession of dangerous weapon by minor
(1) A minor under 18 years of age may not possess a dangerous weapon unless he:
(a) has the permission of his parent or guardian to have the weapon; or
(b) is accompanied by a parent or guardian while he has the weapon in his possession.
including any temporary residence or camp; or (2) on the person's real property.

76-10-520. Number or mark assigned to pistol or revolver by Department of Public Safety The Department of Public Safety upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the Department of Public Safety has been destroyed or obliterated.

76-10-521. Unlawful marking of pistol or revolver
(1) Any person who places or stamps on any pistol or revolver any number except one assigned to it by the Department of Public Safety is guilty of a class A misdemeanor.
(2) This section does not prohibit restoration by the order of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the Department of Public Safety, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

76-10-522. Alteration of number or mark on pistol or revolver Any person who changes, alters, removes, or obliterates the name of the maker, the model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the Department of Public Safety, on any pistol or revolver, without first having secured written permission from the Department of Public Safety to make the change, alteration, or removal, is guilty of a class A misdemeanor.

76-10-523. Persons exempt from weapons laws
(1) This part and Title 53, Chapter 5, Part 7, Concealed Weapon Act, do not apply to any of the following:
(a) a United States marshal;
(b) a federal official required to carry a firearm;
(c) a peace officer of this or any other jurisdiction;
(d) a law enforcement official as defined and qualified under Section 53-5-711;
(e) a judge as defined and qualified under Section 53-5-711;
(f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise;
(g) a nonresident traveling in or through the state, provided that any firearm is:
(i) unloaded; and
(ii) securely encased as defined in Section 76-10-501.
(2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued:
(a) pursuant to Section 53-5-704; or
(b) by another state or county.

76-10-524. Purchase of firearms pursuant to federal law This part will allow purchases of firearms and ammunition pursuant to U.S.C. Title 18 Chapter 44 Sec. 922(b)(3).

76-10-526. Criminal background check prior to purchase of a firearm - Fee - Exemption for concealed firearm permit holders
(1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued pursuant to Section 53-5-705.
(2)(a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.
(b) A dealer may not accept a driving privilege card issued in accordance with section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this subsection (2).
(3) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.
(a) An individual, except a dealer, purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.
(b) The form shall contain the following information:
(i) the dealer identification number;
(ii) the name and address of the individual receiving the firearm;
(iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and
(iv) the Social Security number or any other identification number of the individual receiving the firearm.
(5)(a) The dealer shall send the form required by Subsection (4) to the bureau immediately upon its completion.
(b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).
(6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.
(7) When the dealer calls for or requests a criminal history background check, the bureau shall:
(a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;
(b) inform the dealer that:
(i) the records indicate the individual is prohibited; or
(ii) the individual is approved for purchasing, possessing, or transferring a firearm;
(c) provide the dealer with a unique transaction number for that inquiry; and
(d) provide a response to the requesting dealer during the call for a criminal background, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.
(9)(a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request if the bureau determines that the individual receiving the gun is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.
(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.
(10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.
(11) The bureau shall make rules as provided in Title 63g, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the division pursuant to this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).
(12)(a) A dealer shall collect a Federal Law Background Check fee related to the sale of a firearm under this section, which is $7.50.
(b) This fee remains in effect until changed by the bureau through the process under Section 63gJ-1-504.
(13) An individual with a concealed firearm permit issued pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:
(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and
(b) the dealer verifies with the division that the individual's concealed firearm permit is valid.

76-10-527. Penalties
(1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:
(a) requests, obtains, or submits criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.
(b) requests, obtains, or submits criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.
(2) A person who willfully and intentionally makes a false statement of the information required for a criminal history background check in Section 76-10-526.
(3) Except as otherwise provided in Subsection (1), a dealer is guilty of a felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in violation of this part.
(4) A person is guilty of a felony of the third degree if the person purchases a firearm with the intent to:
(a) resell or otherwise provide a firearm to any person who is ineligible to purchase or receive a firearm from a dealer in the state; or
(b) transport a firearm out of this state to be resold to an ineligible person.

[Current through the 2010 General Session]
Chapter 37. Explosives

1603. Definitions For the purposes of this chapter:
(A) "Destructive device" means any:
1. An explosive, incendiary or poison gas bomb; or
2. An explosive, incendiary or poison gas grenade; or
3. An explosive, incendiary or poison gas rocket having a propellant charge of more than four ounces; or
4. An explosive, incendiary or poison gas missile having an explosive or incendiary charge of more than one-quarter ounce; or
5. A device similar to those devices enumerated in paragraphs (1), (A)-(E) of this section.

(B) "Explosive" means dynamite, or any explosive compound of which nitroglycerin forms a part, or fulminate in bulk or dry condition, or blasting caps, or detonating fuses, or blasting powder or any other similar explosive. The term does not include a firearm or ammunition therefor, or any components of ammunition for a firearm including primers, smokeless powder or black powder.

(C) "Hoax device" means any device so designed, assembled, fabricated or manufactured as to convey the physical appearance of an explosive or incendiary bomb or the physical appearance of any of the devices enumerated in subdivisions (A)-(F) of division (1) of this section which is lacking an explosive or incendiary charge.

1604. Possession of destructive devices A person who manufactures, possesses, stores or transports to another shall record the name device shall be imprisoned for not more than 10 years or fined not more than $5,000.00, or both.

1606. Possession and use of explosives A person who possesses, purchases, stores, uses or transports an explosive without a license as provided in chapter 177, subchapter 2, division 2 of Title 20 shall be imprisoned for not more than 5 years or fined not more than $1,000.00 or both.

1607. Sale of explosives A person who gives, transfers or sells an explosive to another unless the purchaser exhibits a valid license issued under chapter 177, subchapter 2, division 2 of Title 20 shall be imprisoned for not more than 5 years or fined not more than $1,000.00 or both.

1609. Record of sale
(A) A person may not give, transfer or sell an explosive to another unless the purchaser exhibits a valid license issued under chapter 177, subchapter 2, division 2 of Title 20.

(B) A person who gives, transfers or sells an explosive shall record the name and address of the purchaser, the license number of the purchaser, the date of sale, the type and quantity of explosives sold, the serial or lot number of the explosives, if any, and the purpose for which the explosive is to be used on forms provided by the commissioner of public safety. The purchaser holding a license shall keep a record of each purchase made and the disposition of the explosives, giving a full report without delay but in no event later than twenty-four hours after discovery of the loss or theft of any of such explosives to the commissioner of public safety. The records shall be kept by the seller and the purchaser for a period of two years and shall be open to inspection by any law enforcement officer.

(C) A person who violates a provision of this section shall be imprisoned for not more than five years or fined not more than $1,000.00 or both.

1610. Purchase in contiguous states Any person holding a valid license under chapter 177, subchapter 2, division 2 of Title 20 may purchase explosives in any state contiguous to this state and transport them into this state, provided that he furnishes a record of each purchase to the commissioner of public safety within fifteen days of the transportation of the explosives into this state, and that he complies with both the laws applicable to the purchases in the contiguous state, and the pertinent statutes of the United States government.

1611. Exemptions
(a) Nothing contained in this chapter shall apply to the armed forces of the United States, the duly authorized militia of the state, the fire or police department or any subdivision thereof.

(b) Nothing contained in this chapter shall apply to destructive devices or explosives while being transported upon vessels, motor vehicles or railroad cars in conformity with the regulations adopted by the interstate commerce commission.

(c) The provisions of section 1604 of this title do not apply to a person who holds a valid license issued under Title 18 of the United States Code, chapter 44, to manufacture, possess, use, store or transport a destructive device provided he is complying with the terms of the license.

1612. Placing a hoax device A person who willfully and maliciously puts, places or installs a hoax device in any building, house, facility of public purpose for which the explosive is to be used on forms provided by the commissioner of public safety. The purchaser holding a license shall keep a record of each purchase made and the disposition of the explosives, giving a full report without delay but in no event later than twenty-four hours after discovery of the loss or theft of any of such explosives to the commissioner of public safety. The records shall be kept by the seller and the purchaser for a period of two years and shall be open to inspection by any law enforcement officer.

1615. Criminal penalties for place and intentionally utilizes the material with the intent to cause harm, and the use places persons at risk of serious bodily injury or death, or endangers the environment.

2) "Health care provider" means a person, partnership, corporation, facility or institution, licensed, certified or authorized, by law, to provide professional health care service in this state to an individual during that individual's medical care, treatment or confinement.

3) "Hoax weapon" means any substance, compound, or object item intended to convey the physical appearance or chemical properties of a weapon of mass destruction, which is not a weapon of mass destruction (which does not contain a weapon of mass destruction.

4) "Law enforcement agency" means:
(A) A federal law enforcement agency, including the Bureau of Alcohol, Tobacco and Firearms, the Federal Bureau of Investigation, Military Police or Military Criminal Investigative Division, United States Marshals Service, Secret Service, Federal Emergency Management Agency, or the Department of Defense Threat Reduction Agency.

(B) One of the following Vermont law enforcement agencies:
(i) The department of public safety.
(ii) The Advisory Committee on Criminal Justice, which includes the Governor’s Office of Criminal Justice Planning.
(iii) The sheriff’s department.
(iv) The attorney general’s office.
(v) The state’s attorney’s office.
(vi) The capitol police department.

5) "Nuclear or radiological agents" means any improvised nuclear device (IND) which is an explosive device designed to cause a nuclear yield, any radiological dispersal device (RDD), any explosive device utilized to spread radioactive material, or a simple radiological dispersal device (SRDD) which is any container designed to release radiological material as a weapon without an explosion.

6) "Vector" means a living organism or a molecule, including a recombinant molecule, or a biological product that may be engineered as a result of biotechnology, that is capable of carrying a biological agent or toxin to a host.

7) "Weapon of mass destruction" means a chemical warfare agent, weaponized biological or biologic warfare agent, nuclear agent, or radiological agent.

8) "Weaponization" means the deliberate processing, preparation, packaging, or synthesis of any substance or agent for use as a weapon or munition. "Weaponized agents" means those agents or substances that have been prepared for dissemination through any explosive, thermal, pneumatic, mechanical or other means.

9) "Weaponized biological or biologic warfare agents" means:
A) weaponized pathogens, including bacteria, viruses, rickettsia, yeasts, or fungi;
B) genetically-engineered pathogens;
C) weaponized toxins;
D) weaponized vectors; and
(E) weaponized endogenous biological regulators (EBRs).

(b) The lawful use of chemicals for legitimate mineral extraction, industrial, agricultural, or commercial purposes is not proscribed by this chapter.

3502. Possession and use of weapons or mass destruction

(a) A person who knowingly and without lawful authority possesses, develops, manufactures, produces, transfers, acquires, or stockpiles any weapon of mass destruction shall be imprisoned not more than 20 years or fined not more than $250,000.00, or both.

(b) A person who uses or directly employs against other persons a weapon of mass destruction in a form that may cause disabling illness or injury in human beings shall be imprisoned not less than five years nor more than life and fined not more than $250,000.00.

(c) A person who uses a weapon of mass destruction in a form that may cause widespread damage to or disruption of water or food supplies shall be imprisoned not less than five years nor more than 30 years and fined not more than $250,000.00.

(d) A person who uses a weapon of mass destruction against livestock or crops with the intent to cause widespread and substantial damage to livestock or crops shall be imprisoned not more than 30 years and fined not more than $250,000.00.

(e) A person who uses a weapon of mass destruction in a form that may cause widespread and significant damage to public or private property shall be imprisoned not more than 30 years and fined not more than $250,000.00.

(f) A person who uses recombinant technology or any other biological advance to create new pathogens or more virulent forms of existing pathogens for the purpose of creating a weapon of mass destruction shall be imprisoned not more than 20 years or fined not more than $250,000.00, or both.

(g) A person who knowingly and intentionally places a hoax weapon in any public place, building, house, residence, facility of public transport, vehicular conveyance, train, ship, boat, aircraft, dam or reservoir for storing water, shall be imprisoned not more than five years or fined not more than $10,000.00, or both.

(h) No university, research institution, private company, individual, or hospital engaged in scientific or public health research and, as required, registered with the Centers for Disease Control and Prevention (CDC) pursuant to part 113 (commencing with Section 113.1) of subchapter E of chapter 1 of Title 9 or pursuant to Part 72 (commencing with Section 72.1) of Subchapter E of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor provisions, shall be subject to this section.

(i) Nothing in this section shall be construed to limit or restrict prosecution under any other applicable laws.

Chapter 85. Weapons

4004. Possession of dangerous or deadly weapon in a school bus or school building or on school property.

(a) No person shall knowingly possess a firearm or a dangerous or deadly weapon while within a school building or on a school bus. A person who violates this section shall, for the first offense, be imprisoned not more than one year or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned not more than three years or fined not more than $5,000.00, or both.

(b) No person shall knowingly possess a firearm or a dangerous or deadly weapon on any school property with the intent to injure another person. A person who violates this section shall, for the first offense, be imprisoned not more than two years or fined not more than $1,000.00, or both, and for a second or subsequent offense shall be imprisoned not more than three years or fined not more than $5,000.00, or both.

(c) This section shall not apply to:

(1) A law enforcement officer while engaged in duties incidental to his or her official duties and responsibilities.

(2) Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.

(3) (A) "School property" means any property owned by a school, including motor vehicles.

(B) "Owned by the school" means owned, leased, controlled or subcontracted by the school.

(C) "Dangerous and deadly weapon" has the meaning defined in section 4016 of this title.

(D) "Firearm" has the meaning defined in section 4016 of this title.

(E) "Law enforcement officer" has the meaning defined in section 4016 of this title.

(F) The provisions of this section shall not limit or restrict any prosecution for any other offense, including simple assault or aggravated assault.

(G) "Record of firearm sales" All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all second-hand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record and the pawnbroker or merchant shall present the record to the buyer or seller at the date of last entry and shall permit all enforcement officers to inspect the same at all reasonable times. A person, partnership or corporation who violates a provision of this section shall be fined not more than $100.00.

(H) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(I) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(J) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(K) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(L) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(M) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(N) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(O) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(P) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(Q) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(R) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(S) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(T) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(U) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(V) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(W) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(X) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(Y) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

(Z) "Firearm" means a firearm, other than a pistol or revolver, which is capable of being fired with only one pull of the trigger.

A person who carelessly or negligently wounds another person by gunshot shall be imprisoned not more than five years or fined not more than $1,000.00, or both.

4005. Gun silencers A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

(1) A certified, full-time law enforcement officer or department of fish and wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or

(2) The Vermont State Police in connection with its duties and responsibilities.

4011. Aiming gun at another Any person who shall intentionally point or aim any gun, pistol or other firearm at or towards another, except persons conform to the provisions of law applicable to such purchase in the state of Vermont and in the state in which the purchase is made.

4015. Purchase of firearms by nonresidents Residents of the state of Vermont may purchase rifles and shotguns in another state, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the state in which the purchase is made.

Title 24. Municipal and County Governments

Part 2. Municipalities

Chapter 61. Regulatory Provisions; Police Powers

Subchapter 11. Miscellaneous Regulatory Powers

2295. Authority of municipal and county governments to regulate firearms, ammunition, hunting, fishing and trapping Except as otherwise provided by law, no town, city or incorporated village, by ordinance, resolution or other enactment, shall directly regulate hunting, fishing and trapping or the possession, ownership,
transportation, transfer, sale, purchase, carrying, licensing or registration of traps, firearms, ammunition or components of firearms or ammunition. This section shall not limit the powers conferred upon a town, city or incorporated village under section 2291(8) of this title. The provisions of this section shall supersede any inconsistent provisions of a municipal charter.

Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

15.2-915. Control of firearms; applicability to authorities and local governmental agencies
A. No locality shall adopt or enforce any ordinance, resolution or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute.
B. Any ordinance, resolution or motion adopted prior to the effective date of this act governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.
C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

15.2-915.2. Regulation of transportation of a loaded rifle or shotgun
The governing body of any county or city may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. Any violation of such ordinance shall be punishable by a fine of not more than $100. Game wardens, sheriffs and all other law-enforcement officers shall enforce the provisions of this section. No ordinance adopted pursuant to this section shall be enforceable unless the governing body adopting such ordinance so notifies the Director of the Department of Game and Inland Fisheries by registered mail prior to May 1 of the year in which such ordinance is to take effect.

The provisions of this section shall not apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

15.2-915.3. Requiring fingerprinting for concealed handgun permit
Notwithstanding § 15.2-915, a county or city shall by ordinance require any person applying for a concealed handgun permit to submit to fingerprinting for the purpose of obtaining the applicant's state or national criminal history record; however, such ordinance may not require fingerprinting for the renewal of an existing permit pursuant to Subsection 1 of § 18.2-308.

15.2-915.4. Counties, cities and towns authorized to regulate use of pneumatic guns
A. A locality may prohibit, by ordinance, the shooting of pneumatic guns in any areas of the locality that are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof, and may require supervision by a parent, guardian, or other adult supervisor approved by a parent or guardian of any minor below the age of 16 in all uses of pneumatic guns on private or public property. The ordinance may specify that minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the local governing body or on private property with the consent of the owner. The ordinance may specify that any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use. Any penalty for a pneumatic gun offense set forth in such ordinance shall not exceed a Class 3 misdemeanor.
B. No such ordinance authorized by subsection A shall prohibit the use of pneumatic guns at facilities approved for shooting ranges or on other property where firearms may be discharged.
C. Training of minors in the use of pneumatic guns shall be done only under direct supervision of a parent, guardian, Junior Reserve Officers Training Corps instructor, or a certified instructor. Training of minors above the age of 16 may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian, and in compliance with all requirements of this section. Ranges and instructors may be certified by the National Rifle Association, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors.
D. Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.
E. As used in this section, "pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Chapter 12. General Powers and Procedures of Counties

15.2-1206. Repealed by Acts 2010, c. 495
15.2-1207. Pistols and revolvers; reports of sales
The power of any governing body of any county to require sellers of pistols and revolvers to furnish the clerk of the circuit court of the county, within ten days after sale of any such weapon, with the name and address of the purchaser, the date of purchase, and the number, make and model of the weapon sold is hereby repealed. The clerk shall destroy every record of the reports previously received.

15.2-1208. Same; in certain counties
Chapter 297 of the Acts of 1944, approved March 29, 1944, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than 1,000 people per square mile, is repealed. Any records or copies thereof that were created pursuant to this section that are in the custody of any county shall be destroyed no later than July 31, 2004. Upon destroying the records, the county shall certify to the circuit court that such destruction has been completed.

15.2-1209.1. Counties may regulate carrying of loaded firearms on public highways
The governing body of any county is hereby empowered to adopt ordinances making it unlawful for any person to carry or have in his possession, for the purpose of hunting, while on any part of a public highway within such county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking; and to provide a penalty for violation of such ordinance not to exceed a fine of $100. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles or for purposes other than hunting or to persons acting at the time in defense of persons or property.

Title 18.2. Crimes and Offenses Generally
Chapter 5. Crimes Against Property

Article 1. Arson and Related Crimes

18.2-85. Manufacture, possession, use, etc., of fire bombs or explosive materials or devices; penalties
For the purpose of this section:
"Device" means any instrument, apparatus or contrivance, including its component parts, that is capable of producing or intended to produce
"Explosive material" means any chemical compound, mechanical mixture or device that is commonly used or can be used for the purpose of producing an explosion and which contains any oxidizing material and an ingredient or ingredients in such proportions, quantities or packaging that an ignition by fire, friction, concussion, detonation, or by any part of the compound or mixture may cause a sudden generation of highly heated gases. These materials include, but are not limited to, gunpowder, powders for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents and smokeless powder.

"Fire bomb" means any container of a flammable material such as gasoline, kerosene, fuel oil, or other chemical compound, having a wick composed of any material, device or other substance which, if set or ignited, is capable of igniting such flammable material or chemical compound but does not include a similar device commercially manufactured and used solely for the purpose of illumination or cooking.

"Hoax explosive device" means any device which by its design, construction, content or characteristics appears to be or to contain a bomb or other destructive device or explosive but which is an imitation of any such device or explosive.

Any person who (i) possesses materials with which fire bombs or explosive materials or devices can be made with the intent to manufacture fire bombs or explosive materials or devices or, (ii) manufactures, transports, distributes, possesses or uses a fire bomb or explosive materials or devices shall be guilty of a Class 5 felony. Any person who constructs, uses, places, sends, or causes to be sent any hoax explosive device so as to intentionally cause another person to believe that such device is a bomb or explosive shall be guilty of a Class 6 felony.

Nothing in this section shall prohibit the authorized manufacture, transportation, distribution, use or possession of any material, substance, or device by a member of the armed forces of the United States, fire fighters or law enforcement officers, and shall not prohibit the manufacture, transportation, distribution, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose, subject to the provisions of §§ 27-97 and 27-97.2.

Chapter 7. Crimes Involving Health And Safety

Article 4. Dangerous Use of Firearms or Other Weapons

18.2-284. Selling or giving toy firearms No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by action of an explosion of a combustible material, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

Article 5. Uniform Machinegun Act

18.2-288. Definitions When used in this article:

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) "Combustible material, discharge blank or ball Every toy gun, pistol, rifle or other toy firearm, commercially manufactured and used solely for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as manifestly not aggressive or offensive.

(3) "Sawed-off" rifle Act" means a rifle of any caliber, less than .225 caliber shall not be included.

18.2-289. Use of machine gun for crime of violence Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

18.2-290. Use of machine gun for aggressive purpose Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

18.2-291. What constitutes aggressive purpose Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in § 18.2-295; or

(4) When empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

18.2-292. Presence prima facie evidence of use The presence of a machine gun in any room, boat or vehicle shall be prima facie evidence of the possession of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

18.2-293. What article does not apply to The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation thereof;

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

18.2-293.1. What article does not prohibit Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun usable as a weapon possessed as a curiosity, ornament, or keepsake;

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of § 18.2-295.

18.2-294. Manufacturer’s and dealer’s register; inspection of stock Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of each machine gun, the name, address, occupation, and the names of the persons to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefrom, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishing as a Class 3 misdemeanor.

18.2-295. Registration of machine guns Every machine gun in this Commonwealth shall be registered with the Department of State Police within twenty-four hours after its acquisition or, in the case of semi-automatic weapons which are converted, modified or otherwise altered to become machine guns, within twenty-four hours of the conversion, modification or alteration. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the applicant shall file a certificate of registration and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired or altered. The Superintendent of State Police shall upon registration required in this section forthwith furnish the registrant with a certificate of registration, which shall be valid as long as the registrant remains the same. Certificates of registration shall be retains by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in § 18.2-296. Upon transferring a registered machine gun, the transferor shall forthwith notify the Superintendent in writing, setting forth the date of transfer and name and address of the transferee. Failure to give the required notification shall be punishable as a Class 3 misdemeanor. Registration data shall not be subject to inspection by the public.

18.2-297. How article construed This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Article 6. “Sawed-off” Shotgun and “Sawed-off” Rifle Act

18.2-299. Definitions When used in this article:

"Sawed-off" shotgun means any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device, and which has a barrel length of less than 18 inches for smooth bore weapons and 16 inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

"Sawed-off" rifle means a rifle of any caliber, loaded or unloaded, which expels a projectile by action of an explosion of a combustible material and is designed as a shoulder weapon with a
barrel or barrels length of less than 16 inches or which has been modified to an overall length of less than 26 inches.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, robbery, assault with intent to maim, disable, disfigure or kill, burglary, burglary housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

18.2-300. Possession or use of "sawed-off" shotgun or "sawed-off" rifle

A. Possession or use of a "sawed-off" shotgun or "sawed-off" rifle in the perpetration or attempted perpetration of a crime of violence is a Class 2 felony.

B. Possession or use of a "sawed-off" shotgun or "sawed-off" rifle for any other purpose, except as permitted by the article and official use by those persons permitted possession by § 18.2-303, is a Class 4 felony.

18.2-303. What article does not apply to

The provisions of this article shall not be applicable to:

1. The manufacture for, and sale of, "sawed-off" shotguns or "sawed-off" rifles to the armed forces or law enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

2. "Sawed-off" shotguns, "sawed-off" rifles and automatic arms issued to the National Guard of Virginia by the United States or such arms as may be in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

18.2-303.1. What article does not prohibit possession of firearm

It shall be unlawful for any person acquit ted by reason of insanity; penalty; permit

18.2-308.1:3. Purchase, possession or transportation of firearm by persons involuntarily committed; penalty

A. It shall be unlawful for any person involuntarily admitted to a facility or ordered to mandatory outpatient treatment pursuant to § 19.2-189.2, involuntary admitted to a facility or ordered to mandatory outpatient treatment as the result of a commitment hearing pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, who was the subject of a temporary detention order pursuant to § 37.2-809 and subsequently agreed to voluntary admission pursuant to § 37.2-809 to purchase, possess or transport a firearm. A violation of this subsection shall be punishable as a Class I misdemeanor.

B. Any person so acquitted, upon discharge from the custody of the Commissioner, petition the general district court in which he resides for a permit to possess or carry a firearm. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines that the circumstances regarding the disability referred to in subsection A and the person's criminal history, treatment record, and reputation are such that the court is not likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition and issue a permit, in which event the provisions of subsection A do not apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

18.2-308.1:2. Purchase, possession or transportation of firearm by persons adjudicated legally incompetent or mentally incapacitated; penalty

It shall be unlawful for any person who has been adjudicated (i) legally incompetent pursuant to former § 37.1-128.02 or former § 37.1-134, (ii) mentally incapacitated pursuant to former § 37.1-132 or (iii) incapacitated pursuant to Article 1 (§ 37.1-134.6 et seq.) of Chapter 4 of Title 37.1 and whose competency or capacity has not been restored pursuant to former § 37.1-134.1 or § 37.1-134.16, to purchase, possess, or transport any firearm. A violation of this section shall be punishable as a Class 1 misdemeanor.
treatment, or his release from voluntary admission pursuant to § 37.2-805 following the issuance of a temporary detention order, petition the general district court in the city or county in which he resides to restore his right to purchase, possess or transport a firearm. A copy of the petition shall be served on or delivered to the Commonwealth’s attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. If the court determines that the circumstances regarding the petition are such that subsection A and the person’s criminal history, treatment record, and reputation are such that the person will not likely act in a manner dangerous to public safety and that granting the relief would not be contrary to the public interest, the court shall grant the petition. Any person denied relief by the general district court may petition the circuit court for a de novo review of the denial. Upon a grant of relief in any court, the court shall enter a written order granting the petition, in which event the provisions of subsection A shall no longer apply. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any such order.

18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalty It shall be unlawful for any person who is subject to (i) a protective order entered pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; or (iv) an order issued by a tribunal of another state, the United States or any of its territories, possessions or commonwealths, the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), or (iii) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this section is a Class 1 misdemeanor.

18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug offenses prohibited Any person who, within a thirty-six consecutive month period, has been convicted of two misdemeanor offenses under § 18.2-250 or § 18.2-250.1 shall be ineligible to purchase or transport a handgun. However, upon expiration of a period of five years from the date of the second conviction and provided the person has not been convicted of any such offense within that period, the ineligibility shall be remitted.

18.2-308.2. Possession or transportation of firearms, stun weapons, tasers or concealed weapons by convicted felons; penalties; petition for permit; when issued A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile within 18 years of age or older at the time of the offense of the criminal violation in violation of § 18.2-31 or § 18.2-32, kidnapping in violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 24 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, a firearm, ammunition for a firearm, or any explosive material, or to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall no longer apply to (i) any person who possesses a firearm, ammunition for a firearm or explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law enforcement officer in the performance of his duties, or (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person’s political disabilities, may expressly place conditions upon the reinstatement of the person’s right to ship, transport, possess or receive firearms.

C. Any person prohibited from possessing, transporting or carrying a firearm or stun weapon under subsection A, may petition the circuit court of the jurisdiction in which he resides for a permit to possess or carry a firearm or stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to a permit granted pursuant to this subsection.

D. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

E. For the purpose of this section: "Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, ammunition gun powder, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27.95.

18.2-308.2:1. Possession or transportation of certain firearms by certain persons A. It shall be unlawful for any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence to knowingly and intentionally possess or transport any assault firearm or to knowingly and intentionally carry about his person, hidden from common observation, an assault firearm.

B. It shall be unlawful for any person who is not a citizen of the United States and who is not lawfully admitted for permanent residence to knowingly and intentionally possess or transport any firearm or to knowingly and intentionally carry about his person, hidden from common observation, any firearm. A violation of this section shall be punishable as a Class 6 felony.

C. For purposes of this section, “assault firearm” means any semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

18.2-308.2:1. Prohibiting the selling, etc., of firearms to certain persons Any person who sells, bars, gives or furnishes, or has in his possession or under his control with the intent of selling, bartering, giving or furnishing, any firearm to any person he knows is prohibited from possessing, transporting, or carrying a firearm pursuant to § 18.2-308.1:1, § 18.2-308.2, subsection B of § 18.2-308.2:1 or (ii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States shall be guilty of a Class 6 felony. However, this prohibition shall not be applicable when the person convicted of the felony, adjudicated delinquent or acquitted by reason of insanity has (i) been issued a permit pursuant to subsection B of § 18.2-308.2 or (ii) an order to ship, transport, possess or receive firearms pursuant to § 18.2-308.2:1, (ii) been pardoned or had his political disabilities removed in accordance with subsection B of § 18.2-308.2 or (iii) obtained a permit to ship, transport, possess or receive firearms pursuant to the laws of the United States.

18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the
following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harboring, storing, or transferring the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing or transporting a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 of this subsection to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo-identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser unless 30 days have elapsed since issuance of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade or transfer a firearm to any person who has not been acquitted by reason of insanity and is subject to a court order restraining the applicant's child or intimate partner, or is the applicant subject to a protective order and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by the State Police the dealer shall maintain records for 30 days, except for multiple handgun transactions, for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm by state or federal law. A dealer, however, may maintain a log on record for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately search all available criminal history record information to determine if the buyer is prohibited from possessing or transporting a firearm under state or federal law, and if so, the dealer who conducted the background check shall disclose information indicating that the buyer is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, firearms, ammunition and magazines may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with proof of citizenship or status as a person lawfully admitted for permanent residence and one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include Saturday, Sunday, or any legal holiday.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required by subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.
E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section: "Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or reliquary as defined in this subsection.

"Assault firearm" means any semi-automatic weapon, or a weapon that is capable of firing more than one round of ammunition with a single trigger pull, that incorporates a firearm frame or receiver, and that cannot use fixed ammunition.

"Firearm" means any handgun, shotgun, or rifle that was manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof.

"Firearms that are certified by the curator of a museum, state, or federal museum that exhibits firearms to the public or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq. "Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm designed, made, and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means a person who has been granted the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data maintained by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law enforcement officer or agent of the United States, the Commonwealth or any local government; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

K. Any licensed firearms dealers shall collect a fee of $2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of $5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

M. Any person who attemps to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law enforcement officer or a law enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

N. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 5 felony. However, if the violation of this subsection involves a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 5 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

P. Except as provided in subdivisions 1, 2 and 3 of this subsection, it shall be unlawful for any person who is not a licensed firearms dealer to purchase more than one handgun within any 30-day period. A violation of this subsection shall be punishable as a Class 1 misdemeanor.

Q. Purchases in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described herein, by special application to the Department of State Police listing the number and type of handguns to be purchased and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales and for similar purposes. Such applications shall be signed under oath by the applicant on forms provided by the Department of State Police, shall state the purpose for the purchase above the limit, and shall require satisfactory proof of residency and identity. Such application must include what is sold, the name of the buyer, the seller, the manner of payment, and the name of the police officer or agent of the United States, the Commonwealth or any local government.

R. The Superintendent of Firearms (ATF). The Superintendent of Firearms (ATF) shall provide the Department of State Police with the list of buyers, sellers, and the manner of payment. All licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

S. All driver's licenses issued pursuant to this section shall be maintained as records as required by federal law, shall be kept on file at the dealer's direct supervision. The Superintendent of Firearms shall maintain as records as required by federal law, shall be kept on file at the dealer's direct supervision. The Superintendent of Firearms shall make available to local law enforcement officer or the law-enforcement officer of the United States, the Commonweath or any local government.

T. Upon being satisfied that these requirements have been met, the Department of State Police shall forthwith issue to the applicant a nontransferable certificate which shall be valid for seven days from the date of issue. The certificate shall be surrendered to the dealer by the prospective purchaser prior to the consummation of such sale and shall be kept on file at the dealer's place of business for inspection as provided in § 54.1-4201 for a period of not less than two years.

U. Upon request of any local law-enforcement agency, and pursuant to its regulations, the Department of State Police may certify such a certificate.

V. Any person who attempts to solicit, persuade, encourage, or entice any law enforcement officer or agent of the United States, the Commonwealth or any local government to receive an application pursuant to this section or application and certificates issued under this subsection shall be maintained as records as provided in subdivision B.3. The Department of State Police shall make available to local law-
enforcement agencies all records concerning certificates issued pursuant to this subsection and all records provided for in subdivision B 3.

2. The provisions of this subsection shall not apply to:

a. A law-enforcement agency;

b. An agency duly authorized to perform law-enforcement duties;

c. State and local correctional facilities;

d. A private security company licensed to do business within the Commonwealth;

e. The purchase of antique firearms as herein defined;

f. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately. Such person may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period, provided (i) the person provides to the law enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary thereof contains the name and address of the handgun owner, the description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the report was made to the law enforcement agency; and (iii) the date of the loss or theft as reflected on the official police re-port or summary thereof occurred within 30 days of the person’s attempt to replace the handgun. The firearms dealer shall attach a copy of the official police report or summary thereof to the copy of the Virginia firearms transaction report completed for the transaction and retain it for the period prescribed by the Department of State Police;

g. A person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day;

h. A person who holds a valid Virginia permit to carry a concealed handgun;

i. A person who purchases a handgun in a private sale. For purposes of this subdivision, a private sale means purchase from a person who makes no charge for the sales, exchanges or purchases of firearms for the enhancement of a personal collection of curios or relics as herein defined, or who sells all or part of such collection of curios and relics;

j. A law enforcement officer. For purposes of this subdivision, a law enforcement officer means any employee of a police department or sheriff’s office that is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth.

3. For the purposes of this subsection, “purchase” shall not include the exchange or replacement of a handgun by a seller for a handgun purchased from such seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement.

18.2-308.1:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties

A. No person, corporation or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq, shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under §§ 18.2-308.1:1, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.2, or 18.2-308.2:01 or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to § 18.2-308.1:4.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant’s fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining a federal criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they were not disqualified from possessing a firearm. With-in five working days of the employee’s next birth-day, after August 1, 2000, the dealer shall submit the employee’s fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person’s identity information, including their social security number and the following statement, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 1 misdemeanor. The penalty for false statements is a Class 1 misdemeanor.

C2. A federal criminal history record information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

D. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, elects to pay that cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller’s signature, firearm seller’s number and the dealer’s identification number shall be on the Federal firearms license form. The State Police shall void the firearm seller’s number when a disqualifying record is discovered. The State Police may suspend a firearm seller’s identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of the provisions of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller’s background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

“Dealer” means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

“Firearm” means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

“Place of business” means any place or premises where a dealer may lawfully transfer firearms.

“Seller” means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

“Firearm” means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

18.2-308.3. Use or attempted use of restricted ammunition in commission or attempted commission of crimes prohibited; penalty

Page 469
A. When used in this section: “Restricted firearm ammunition” applies to bullets, projectiles or other types of ammunition that are: (i) coated with or contain, in whole or in part, polytetrafluoroethylene or a similar product, (ii) commonly known as “KTW” bullets or “French Armaclay” or (iii) any cartridges containing bullets coated with a plastic substance with other than lead or lead alloy cores, jacketed bullets with other than lead or lead alloy cores, or cartridges of which the bullet itself is wholly comprised of a metal or metal alloy other than lead. This definition shall not be construed to include shrapnel or penetrator ammunition.

B. It shall be unlawful for any person to knowingly or attempt to use restricted firearm ammunition while committing or attempting to commit a crime. Violation of this section shall constitute a separate and distinct felony and any person found guilty thereof shall be guilty of a Class 5 felony.

18.2-308.4. Possession of firearms while in possession of certain controlled substances

A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm or ammunition while being transported; and

B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit a crime. Violation of this subsection shall be guilty of a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

18.2-308.5. Manufacture, import, sale, transfer or possession of plastic firearm prohibited

It shall be unlawful for any person to manufacture, import, sell, transfer or possess any plastic firearm. As used in this section “plastic firearm” means any firearm, including machine guns and sawed-off shotguns as de-fined in this chapter, containing less than 5.7 grams of electronically detectable material in the barrel, slide, cylinder, frame or receiver of which, when subjected to inspection by X-ray machines commonly used at airports, does not generate an image that accurately depicts its shape. A violation of this section shall be punishable as a Class 5 felony.

18.2-308.7. Possession or transportation of certain firearms by persons under the age of eighteen; penalty

It shall be unlawful for any person under 18 years of age to knowingly and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. For the purposes of this section, “handgun” means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand and “assault firearm” means any (i) semi-automatic centerfire pistol or revolver or rifle that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (ii) shotgun or any semi-automatic folding stock shotgun of more barrels when held in one hand on property; (ii) while in the home or on the property of his parent, grandparent, or legal guardian; or (ii) while accompanied by an adult, is at, or going to and from, a lawful hunting range or firearms educational class, provided that the weapons are unloaded while being transported;

3. Any person actually engaged in lawful hunting or going to and from a hunting area or preserve, provided that the weapons are unloaded while being transported;

4. Any person while carrying out his duties in the armed forces of the United States or the National Guard of this Commonwealth or any other state.

18.2-308.8. Importation, sale, possession or transfer of Striker 12’s prohibited; penalty

It shall be unlawful for any person to import, sell, possess or transfer any firearm known or commonly called the “Striker 12,” or any semi-automatic folding stock shotgun of like kind with a spring tension drum magazine capable of holding twelve shotgun shells. A violation of this section shall be punishable as a Class 6 felony.

19.2-309. Furnishing certain weapons to minors; penalty

A. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a dirk, switchblade knife or bowie knife, having good cause to believe he to be a minor, such person shall be guilty of a Class 1 misdemeanor.

B. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a handgun, having good cause to believe him to be a minor, such person shall be guilty of a Class 6 felony. This subsection shall not apply to any transfer made between family members for the purpose of engaged or participating event or activity.

18.2-311.1. Removing, altering, etc., serial number or other identification on firearm

Any person, firm, association or corporation who or which intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way or who or which causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way the name of the maker, model, manufacturer’s or serial number, or any other mark or identification on any pistol, shotgun, rifle, machine gun or any other firearm shall be guilty of a Class 1 misdemeanor.

19.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners

Notwithstanding the provisions of § 18.2-474, any person who willfully in any manner deliver, attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the Commonwealth of Virginia, or of any political subdivision thereof, a controlled substance regulated by the Drug Control Act in Chapter 34 of Title 54.1 or marijuana, shall be guilty of a Class 5 felony. Any person who willfully in any manner so deliver or attempt to deliver or conspire to deliver to any such prisoner, firearms, ammunition, or any firearm or ammunition of any nature shall be guilty of a Class 3 felony.

Nothing herein contained shall be construed to repeal or amend § 18.2-473.

Title 19.2. Criminal Procedure

Chapter 22. Miscellaneous Forfeiture Proceedings

19.2-386.28. Forfeiture of weapons that are concealed, possessed, transported or carried in violation of law

Any firearm, stun weapon or taser as defined by § 18.2-308.1, or any weapon concealed, possessed, transported or carried in violation of §§ 18.2-287.4, 18.2-308.12, 18.2-308.13, 18.2-308.1:4, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1.1, 18.2-308.4, 18.2-308.5, 18.2-308.7, or § 18.2-308.8 shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

19.2-386.29. Forfeiture of certain weapons used in commission of criminal offense

All pistols, shotguns, rifles, dirks, bowie knives, switchblade knives, ballistic knives, razors, slingshots, brass or metal knucks, blackjacks, stun weapons, and other weapons used by any person in the commission of a criminal offense, shall, upon conviction of such person, be forfeited to the Commonwealth or to the court trying the case. The court shall dispose of such weapons as it deems proper by entry of an order of record. Such disposition may include the destruction of the weapons or, subject to any registration requirements of federal law, sale of the firearms to a licensed dealer in such firearms in accordance with the provisions of Chapter 22 (§ 19.2-369 et seq.) of this title regarding sale of property forfeited to the Commonwealth.

The proceeds of any sale of such weapon shall be paid in accordance with the provisions of Article VIII, Section 8 of the Constitution of Virginia. In addition, the court may authorize the seizing law-enforcement agency to use the weapon for a period of time as specified in the order. When the seizing agency ceases to use the weapon, it shall be disposed of as otherwise provided in this section.

However, upon petition to the court and notice to the attorney for the Commonwealth, the court, upon good cause shown, shall retain any such weapon or weapon possession or use the weapon for a period of time as specified in the order. The court may, in its discretion, at the conclusion of all relevant proceedings if such owner (i) did not know and had no reason to know of the conduct giving rise to the forfeiture and (ii) is not otherwise prohibited by law from possessing the weapon. The owner shall acknowledge in a sworn affidavit to be filed with the record in the
Title 52. Police (State)

Chapter 1. Department of State Police

52-4.4. Duties relating to criminal history record information checks required by licensed firearms dealers The Superintendent of the Department of State Police shall establish a toll-free telephone number which shall be operational seven days a week between the hours of 8:00 a.m. and 10:00 p.m., except December 25, for purposes of responding to inquiries from licensed firearms dealers, as such term is defined in 18 U.S.C. § 921 et seq., pursuant to the provisions of § 18.2-308.2:2. The Department shall hire and train such personnel as are necessary to administer the provisions of this section.

52-8.4.1. Regulations for firearms shows The Superintendent of State Police shall provide a form for use by promoters of firearms shows for the purpose of notifying the State Police and the chief of police, or the sheriff in localities without police departments, of their intent to conduct a firearms show pursuant to § 54.1-4201.1.

Title 54.1. Professions and Occupations

Chapter 42. Dealers in Firearms

54.1-4200. Definitions For the purpose of this chapter, unless the context requires a different meaning:

"Dealer in firearms" means (i) any person, firm, partnership, or corporation engaged in the business of selling, trading or transferring firearms at wholesale or retail; (ii) any person, firm, partnership, or corporation engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or (iii) any person, firm, partnership, or corporation that is a pawnbroker.

"Engaged in business" means as applied to a dealer in firearms a person, firm, partnership, or corporation that devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through repetitive purchase or resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

"Firearms show" means any gathering or exhibition, open to the public, not occurring on the premises of a dealer in firearms, conducted principally for the purposes of exchanging, selling or trading firearms as defined in § 18.2-308.2:2.

54.1-4201. Inspection of records A. Every dealer in firearms shall keep at his place of business, for not less than a period of two years, the original consent form required to be completed by § 18.2-308.2:2. Every dealer in firearms shall admit to his place of business during regular business hours the chief law enforcement officer, or his designee, of the jurisdiction in which the dealer is located, or any law enforcement official of the Commonwealth, and shall permit such law enforcement officer, in the course of a bona fide criminal investigation, to examine and copy those federal and state records related to the acquisition or disposition of a particular firearm required by this section. This section shall not be construed to authorize the seizure of any records.

54.1-4201.1. Notification by sponsor of firearms shows to State Police and local law enforcement agencies required; records; penalty A. No promoter of a firearms show shall hold such show without giving notice at least thirty days prior to the show to the State Police and the sheriff or chief of police of the locality in which the firearms show will be held. The notice shall be given on a form provided by the State Police. A separate notice shall be required for each firearms show.

"Promoter" means any person, firm, corporation, club, association, or organization holding a firearms show in the Commonwealth.

The promoter shall maintain for the duration of the show a list of all vendors or exhibitors in the show for immediate inspection by any law enforcement authorities, and within five days after the conclusion of the show, by mail, by hand, by e-mail or by fax, transmit a copy of the complete vendor or exhibitor list to the law enforcement authorities to which the 30-day notice was required. The vendor or exhibitor list shall contain the full name and residence address and the business name and address, if any, of the vendors or exhibitors.

B. A willful violation of this section shall be a Class 3 misdemeanor.

C. The provisions of this section shall not apply to firearms shows held in any town with a population of not less than 1,995 and not more than 2,010, according to the 1990 United States census.

54.1-4202. Penalties for violation of the provisions of this chapter Any person convicted of a first offense for willfully violating the provisions of this chapter shall be guilty of a Class 2 misdemeanor. Any person convicted of a second or subsequent offense under the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

Title 59.1. Trade and Commerce

Chapter 10. Explosives

59.1-139. Persons possessing explosives to give notice of theft Any person having in his possession any explosives, covered by this chapter shall immediately notify the sheriff of the county or the police officials of the city in which any such explosives are being stored or used in the event that any such explosives are stolen.

Chapter 11.1. Firearms

59.1-148.4. Sale of firearms by law-enforcement agencies prohibited; exception A law enforcement agency of this Commonwealth shall not sell or trade any firearm owned and used or otherwise lawfully in its possession except (i) to another law enforcement agency of the Commonwealth, (ii) to a licensed firearms dealer, (iii) to the persons as provided in § 59.1-148.3 or (iv) as authorized by a court in accordance with § 19.2-386.29.

[Current through the end of the 2010 Regular Session]
no license to carry the same, as required in Title 23, chapter 5 of the Code, shall be evidence of his intention to commit said crime of violence.

(d) As used in this chapter—

(1) “Crime of violence” shall have the same definition as that contained in Title 23, section 451(e).

(2) “Machine gun” means any firearm, as defined in Title 23, section 451(d) of this Code, which shoots automatically more than 12 shots without reloading.

(3) “Sawed-off shotgun” means any firearm, as defined in Title 23, section 451(d) of this Code which has the capacity to fire more than one shot without manually reloading.

(4) The term “possession” as used in this section means both actual and constructive possession.

(5) “Constructive possession” means having the power and the intention at any given time to exercise dominion or actual control over the firearm either directly or through another person.

(6) “Assault weapon” means any firearm as defined in title 23, chapter 5, section 451(d) of this Code which will, with a single pull of the trigger, discharge ammunition until the trigger, or other actuating mechanism, is released or until the ammunition is expended.

(7) “Automatic weapon” means any firearm, as defined in Title 23, chapter 5, section 451(d) of this Code which has the capacity to fire more than one shot without manually reloading with a single pull of the trigger.

(8) “Semi-Automatic weapon” means any firearm, as defined in title 23, chapter 5, section 451(d) of this Code which has the capacity to fire one shot with each pull of the trigger without manually reloading.

(9) “Conversion kit” means any part or combination of parts designed and intended for use in converting any firearm into an automatic weapon and any combination of parts from which an automatic weapon can be assembled if the parts are in the possession or under the control of a person.

(e) Whoever, unless otherwise authorized by law, has, possesses, bears, transport or carries, either openly or concealed, on or about his person, or under his control in any vehicle of any description any firearm as defined in title 23 chapter 5, section 451(d) of this Code, or any weapon that can be converted into an automatic weapon as defined in title 23 chapter 5, section 451(h) and a conversion kit, loaded or unloaded, may be arrested without warrant, and shall be sentenced to imprisonment of not less than 10 years nor more than 20 years and shall be fined not more than $25,000, except that if such person has been convicted of a felony in any state, territorial or federal court of the United States, or if the automatic weapon or an imitation thereof was held, possessed, borne, transported by or under the proximate control of such person during the commission or attempted commission of a crime of violence, as defined in subsection (d)(1), then such person shall be subject to have the crime committed reclassified and a prison sentence imposed as follows:

(1) In the case of commission of a felony of the first degree, a life sentence;

(2) In the case of commission a felony of the second degree, to felony of a first degree and a minimum sentence of 20 years; and

(3) In the case of commission a felony of the third degree, to a felony of the second degree a minimum of 10 years.

(f) Whoever, unless authorized by law, has, possesses, bears, transports or carries, either openly or concealed, on or about his person, or under his control in any vehicle of any description, any automatic weapon as defined in subsection (d), or any weapon that can be converted along with a conversion kit, loaded or unloaded within one hundred feet of the real property comprising a public or private elementary, junior, secondary or vocational school or a public or private college, junior college, or university or a playground or a housing facility owned by a public housing authority or within one hundred feet of a public or private youth center or private youth center or public swimming pool or public beach, is subject to twice the maximum punishment prescribed in subsections (a) and (b) of this section and section 2256(a) and (b) of this chapter.

Title 23. Internal Security and Public Order

Chapter 5. Control of Firearms and Ammunition

451. Definitions

As used in this chapter, unless the context clearly requires otherwise-

(a) “Ammunition” means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) “Commissioner” means the Police Commissioner of the Virgin Islands.

(c) “Department” means the U.S. Virgin Islands Police Department (V.I.P.D.).

(d) “Firearm” means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air, gas, or spring gun or any “B.B.” pistols or “B.B.” guns that have been adapted or modified to discharge projectiles as a firearm.

(e) “Crime of Violence” means the crime of, or the attempt to commit, murder in any degree, voluntary manslaughter, rape, arson, discharging or aiming firearms, mayhem, kidnapping, assault in the first degree, assault in the second degree, robbery, burglary, unlawful entry or larceny.

(f) “Dealer in firearms and/or ammunition” means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) “Gunsmith” means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, bluing, or performing any mechanical operation on any firearm on an individual order basis.

(h) “Automatic weapon” means any firearm, as defined in title 23, chapter 5, section 451(d) of this Code that has the capacity to fire more than one shot without manually reloading with a single pull of the trigger.

(i) “Semi-Automatic weapon” means any firearm, as defined in title 23, chapter 5, section 451(d) of this Code that has the capacity to fire one shot with each pull of the trigger without manually reloading.

(j) “Conversion kit” means any part or combination of parts designed and intended for use in converting any firearm into an automatic weapon, and any combination of parts from which an automatic weapon can be assembled if the parts are in the possession or under the control of a person.

452. Applicability of chapter

No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

453. Persons who may lawfully carry firearms

(a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves.

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms.

(3) Persons employed in fulfilling defense functions of the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

(4) Members of the police force of the Virgin Islands, marshals, or other duly authorized peace officers.

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

454. Persons who may be licensed to carry firearms

A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

(1) An officer or employee of the Government of the Virgin Islands, in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

(2) An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties;

And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

455. Application for license; form, oath; fees

(a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare...
(A) For the purpose of this section the phrase "committed to a mental institution" includes commitment to a mental institution involuntarily, but does not include a person held in a mental institution for observation.

(B) For the purpose of this section, the phrase "mental institution" includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities and other facilities that provide diagnoses by licensed professionals for mental retardation or mental illness, including a psychiatric ward in a public or private hospital.

(c) Upon renewal of a license to have and possess a firearm, the receipt from the U.S. Virgin Islands Police Department (V.I.P.D.) for the renewal fee will serve as a temporary license until the official license can be provided to the licensee.

(d) The Commissioner shall ensure that the renewal license is presented to the licensee within forty-five (45) days of receipt of payment for the renewal fee.

(e) Notwithstanding the provisions of this section, no person shall be charged with possessing a firearm if the subject weapon had been previously licensed and said license has expired not more than ninety (90) days prior to arrest; Provided, however, that this subsection shall not apply to persons who possess, bear, transport, carry or have under their control in any vehicle, any firearm during the commission or attempted commission of a crime of violence, as defined in subsection (d) of section 2223, Title 14, Virgin Islands Code.

456. Qualifications of applicant

(a) The Commissioner shall not issue a license for firearms under section 454 of this chapter until all the circumstances and facts set forth in the application have been investigated, and the records of the Department and other available records have been examined, and unless such investigation establishes to the satisfaction of the Commissioner:

(1) the truth of such circumstances and facts;

(2) that the applicant is a resident of the Virgin Islands, including with respect to shotguns or rifles a minor not under 18 years of age, or a nonresident who holds a current and valid license to hunt in the Virgin Islands, or an alien bonded under applicable Federal and Virgin Islands statutes for employment with a person, firm, corporation or other business entity duly licensed in the Virgin Islands to carry on the business of providing security, patrol and private detective services; Provided, however, That in the case of any such bonded alien the license shall be issued to the business entity by which he is employed;

(3) that the applicant is a person of good moral character;

(4) that the applicant’s fingerprints have been duly taken and/or checked with the records of the Department or other appropriate sources; and

(5) that no proper reason exists to deny such application.

456a. Persons ineligible to possess or carry firearms or ammunition

(a) The following persons are ineligible for a license to possess or carry a firearm or ammunition as provided in this chapter:

(1) a person who has been convicted in any court for a crime punishable by imprisonment for a term exceeding one year;

(2) a person who is subject to revocation under any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements set forth in the preceding sections pertaining to the applicant’s eligibility, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident therein.

(b) The Commissioner shall not issue a license to have and possess a firearm to persons employed by private security guard or investigative agencies, as defined in subsection (g) of section 1003 of this title, unless and until such persons have successfully completed the psychological and drug and alcohol abuse tests authorized to be administered by the Department of Health pursuant to the provisions of section 418a of chapter 23 of Title 3, Virgin Islands Code, and (ii) have successfully completed the proper handling and use of firearms, including a comprehensive examination at the conclusion thereof, which, in the opinion of the Commissioner, is comparable in scope to that administered to appointees of the Police Division of the U.S. Virgin Islands Police Department (V.I.P.D.) pursuant to the authority of section 258, Title 3, Virgin Islands Code.

(c) Provided, however, That once such persons have complied with requirements under this subsection, he or she will be deemed to have complied with these requirements for all future applications for licenses to have and possess firearms, or for renewals of such licenses.

461. Cancellation of license

(a) Whenever, following the issuance of a firearms license hereunder, it shall appear to the satisfaction of the Commissioner:

(1) that such license was issued based on a false report of facts, or on concealment of facts on the part of the applicant; or

(2) that the licensee was not in fact entitled to such license pursuant to the provisions of this chapter; or

(3) that the licensee commits any act in violation of the terms of the license, or of any provisions of this chapter warranting the cancellation of the license;

the said Commissioner may after due notice and hearing cancel the license so issued; Provided, however, That pending such hearing the licensee shall surrender to said Commissioner or the peace officer representing him the firearm acquired and possessed by virtue of said license.

462. Recognized authority of out-of-state licenses

Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant’s eligibility, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident therein.

Any marshal, sheriff, constable, police or other peace officer, of any state or territory of the United States, whose duty it is to serve process and make arrests, may, while travelling through or in the Virgin Islands on official business, carry such weapons or equipment as has been authorized by his appointing authority.

463. License to sell and/or amendment; gunsmiths; report of transactions; private transfer sales to minors or aliens

(a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Licensing and
463. Qualifications of dealer or gunsmith
No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

464. Corporation or partnership application for license Where the applicant is a corporation or a partnership, the application shall be signed and sworn to by the president, the secretary and the treasurer of the corporation or by all the managing partners of the partnership; and it shall state the factory number of the corporation or the partnership, place and date of the incorporation or organization thereof, and the principal place of business. The requirements of subparagraphs (3) and (4) of section 456 of this chapter shall be applied to the president, the secretary, and the treasurer of the corporation and, in the proper case, to all partners of the partnership. A license issued under the provisions of this section shall be valid only for the business establishments named and described in the license. Said license may not be transferred to any other business establishment or to any other person and shall be automatically cancelled upon the dissolution of the corporation or partnership, or the sale of the business of a corporation or partnership signing the application, or upon the admission of any new partner in the case of a partnership, even though such license may be renewed as soon as the provisions of subparagraphs (3) and (4) of section 456 of this chapter in connection with the new officer or the new partner are complied with. In these cases the Commissioner may issue a provisional issue for a term of not more than thirty days while the renewal is being processed.

465. Conditions for dealers’ operations; Records of transactions Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

(1) The business shall be operated only on the premises specified in the license.

(2) The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

(3) Under no circumstances shall a weapon or ammunition be sold to the vendor or the latter's hand-ing over to him a license to have known to the vendor, and in the case of the sale or transfer of a firearm, the vendor shall be personally acquainted with the buyer or the latter clearly establishes his identity.

(4) A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, on books devoted to this purpose which shall be printed in the manner prescribed by the Commissioner and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other, and such record shall set forth the day and hour of the sale, caliber, manufacture, model and factory number of the weapon, caliber mark, and quantity of ammunition, the name, birthplace, address and occupation of the buyer. Said record shall also contain a thumbprint of the buyer and shall also set forth whether the buyer is personally known to the vendor, and in case the buyer is not a known to the vendor, in which the buyer establishes his identity. The vendor shall transmit a copy of such record by registered mail, within 24 hours following the sale, to the Commissioner; he shall send the duplicate within 24 hours following the sale to the Attorney General and shall keep the triplicate for six years.

(5) A licensee, if limited to the business of a gunsmith, shall not be required to forward reports of the work performed under said license, but shall maintain at his place of business an accurate and legible accounting of the nature and type of the jobs or work performed, together with the amount charged for the same. The customers, a description of the firearm, including the serial number which accounting shall be available as required by the Commissioner.

(6) The licensee may not place or cause to be placed any firearm or ammunition in any window display visible from any street or sidewalk.

(7) The licensee shall keep all firearms in a securely locked place except when being shown to a customer or being repaired or lawfully transported.

(8) The license shall not knowingly employ anyone in the licensees business or establishment through which the licensee operates the business pursuant to this chapter, if such person would not be eligible to register a firearm.

466. Sales of weapons and ammunition without licenses prohibited; sales slips
(a) No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's hand-ing over to him a license to have known to the vendor, and in the case of the sale or transfer of a firearm, the vendor may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished to a minor who displays a hunting or sporting license issued him in accordance with the provisions of this chapter, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner, or to the sale of firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.

(c) Any person, not otherwise engaged in the business of a dealer, a manufacturer, or a gunsmith, may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(a) No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's hand-ing over to him a license to have known to the vendor, and in the case of the sale or transfer of a firearm, the vendor may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished to a minor who displays a hunting or sporting license issued him in accordance with the provisions of this chapter, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner, or to the sale of firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.

(c) Any person, not otherwise engaged in the business of a dealer, a manufacturer, or a gunsmith, may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished to a minor who displays a hunting or sporting license issued him in accordance with the provisions of this chapter, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner, or to the sale of firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.

(c) Any person, not otherwise engaged in the business of a dealer, a manufacturer, or a gunsmith, may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished to a minor who displays a hunting or sporting license issued him in accordance with the provisions of this chapter, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner, or to the sale of firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.

(c) Any person, not otherwise engaged in the business of a dealer, a manufacturer, or a gunsmith, may transfer a firearm to another by sale, gift, exchange or otherwise only upon prior report to the Commissioner of the details of the proposed transaction. The Commissioner shall thereupon determine the eligibility of the proposed transferee for a license to possess firearms, and shall make such further determination as may be necessary in the circumstances.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished to a minor who displays a hunting or sporting license issued him in accordance with the provisions of this chapter, or to the sale of firearms and ammunition between dealers, shall be reported to the Commissioner, or to the sale of firearms or ammunition which are the subject of each transaction, shall be set forth therein, as required by the Commissioner.
468. Cancellation of license Whenever, fol-
lowing the issuance of a license to engage in the
business of dealer in firearms and/or ammuni-
tion or the business of a gunsmith, it shall ap-
ppear to the satisfaction of the Commissioner of
Licensing and Consumer Affairs:
(1) that the license was issued based on a false
report of facts, or the concealment of facts
on the part of the applicant; or
(2) that the licensee was not in fact entitled
to such license pursuant to the provisions of this
chapter; or
(3) that the licensee commits any act in viola-
tion of the terms of the license, or of any provi-
sions of this chapter warranting the cancellation
of the license
— the said Commissioner of Licensing and Con-
sumer Affairs, after due notice and hearing may
cancel the license so issued.

469. Report by carrier, warehouseman or
depoty; delivery to consignee Every wa-
ter, air or overtland carrier, and every warehous-
man or depoty who receives firearms or am-
munitions for delivery in the Virgin Islands shall
as soon as possible notify such fact and the
name and address of the consignee to the
Commissioner and shall not deliver said merchandise
to such consignee until he is authorized to do so
by the Commissioner, either in writing or in per-
son to the Commissioner immediately after recei-
ving the firearm or ammunition, fur-
ishing a complete description of the firearm or
ammunition purchased or otherwise obtained.
He shall also furnish his own name, address,
date of birth and occupation.
(b) Any person upon entering the Virgin Is-
lands bringing with him any firearm or ammuni-
tion shall report in writing or in person to the
Commissioner immediately after receipt of the firearm or ammunition, fur-
nishing a complete description of the firearm or
ammunition purchased or otherwise obtained.
He shall also furnish his own name, address,
date of birth and occupation.
(c) In the event the person reporting under
subsection (a) or (b), above, is qualified for a li-
cense to carry firearms in the Virgin Islands, the
Commissioner shall issue the same, upon pay-
ment of the proper fee, and the firearm shall be
registered in the Weapons Register provided for
in section 469 of this chapter. If the person is not
qualified for a license then the Commissioner
shall retain the firearms or ammunition for dispo-
sition in accordance with the provisions of sec-
tion 475 of this chapter, but no prosecution shall
lie against the person for unlawful possession of
the firearm or ammunition.
(d) Any person who fails to comply with this
section shall be punished as provided in section
484 of this chapter.

470. Report of firearms purchased outside
or brought into the Virgin Islands; fees; pen-
alty
(a) Any person other than a licensed dealer,
who purchases or otherwise obtains any firearm
or ammunition from any source within or outside
the Virgin Islands shall report such fact in writing
or in person to the Commissioner immediately
after receipt of the firearm or ammunition, fur-
nishing a complete description of the firearm or
ammunition purchased or otherwise obtained.
He shall also furnish his own name, address,
date of birth and occupation.
(b) Any person upon entering the Virgin Is-
lands with any firearm or ammuni-
tion shall report in writing or in person to the
Commissioner immediately after receipt of his unfor-
natural, by another person for the pur-
pose of obtaining or transporting firearms shall
be guilty of a felony.

471. Report of loss of firearm
Every per-son possessing or having under his control a firearm,
and who loses the same or finds that it has
disappeared, shall report the same to the
Commissioner within 10 days, following disco-
very of such loss or disappearance, and in the
event of his failing to do so any such person shall
be fined no more than $100.
be punished as provided in section 484 of this chapter.

484. General penalty section Any person who violates the provisions of this chapter shall, except when otherwise specifically provided herein, be fined not more than $5,000 or imprisoned not more than three years or both; provided that if the violation occurs after such person has been convicted in the Virgin Islands of a violation of this chapter, or of a crime of violence, either in the Virgin Islands or in another jurisdiction, such person shall be fined not more than $10,000 or imprisoned not more than ten years.

485. Regulations The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law.

The Police Commissioner shall issue rules and regulations, not inconsistent with the provisions of law, pertaining to the use and control of firearms used by employees of security, guard, patrol and private detective services. Such rules and regulations, upon approval by the Governor and the Legislature, shall have the force and effect of law. Upon such approval, the Commissioner shall cause such rules and regulations to be published and he shall provide each duly licensed security, guard, patrol and private detective service with copies thereof.

487. Seizure and forfeiture
(a) Any firearm being worn, borne, or transported by any person not authorized pursuant to section 454 of this title, and, therefore, in violation of section 484 of this title.

(b) Any person subject to seizure under subsection (a) of this section may be seized by any duly authorized officer, as an incident to an arrest or other appropriate violation of law.

(c) Any firearm being worn, borne, or transported by such person or found in the immediate vicinity of such firearm.

(d) Any person other than a firearms dealer wishing to transfer a firearm to another person shall effect the transfer at the Firearms Division of the Virgin Islands Police Department at or the place of business of a licensed firearms dealer within the Virgin Islands. Both individuals involved in the transfer must present the appropriate firearm licenses to the Firearms Division or the firearms dealer before such transfer may be effected. A record of transfer, as provided by the Virgin Islands Police Department, must be completed at the time of transfer, and no transfer of a firearm shall be valid absent the completion of registration and transfer documents as required by this section. The firearms dealer shall forward said documents to the Firearms Division of the Police Department by the end of the next business day.

(e) The completion of registration and transfer documents as required by this section shall constitute compliance with the requirements of Section 470, subsection (a) of this chapter.

489a. Safe storage of firearms; penalties
(a) Every person who owns, possesses, purchases, or acquires a firearm, as that word is defined at Section 451(d) of this chapter, shall be responsible for the safe storage of the firearm.

(b) Any person who owns, possesses, purchases, or acquires a firearm, as that word is defined in section 451(d) of this chapter, whose failure to lock or safely store the firearm directly results in a person not licensed to own or possess the firearm to gain access thereto, and said unlicensed person injures or kills himself or another person with said firearm, may, be upon conviction, punished by a fine not to exceed $2,500, imprisonment not to exceed two years, or both, and be subject to forfeiture of his license and firearm. This section shall not be construed as precluding the charge or conviction of any other appropriate violation of law.

(c) For purposes of this section, “safe storage” means the storage of a firearm in a locked manner so as to prevent discharge or storage of a firearm in a safe location that is inaccessible to all except the licensed owner of the firearm. For purposes of this section, a firearm is locked when the device installed on it or incorporated into its design is activated or set to prevent the firearm from being discharged.

[Current through August 20, 2010, No. 7182 § 3, Sess. L. 2010]
Title 9. Crimes and Punishments
Chapter 9.41. Firearms and Dangerous Weapons

9.41.010. Terms defined Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Shotgun" means a firearm having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a firearm with one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(6) "Short-barreled shotgun" means a short-barreled shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion arms and any type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;
(b) Cartridges are in a clip that is locked in place in the firearm;
(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
(d) There is a cartridge in the tube or magazine that is inserted in the action; or
(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearm license under 18 U.S.C. Sec. 923(a).

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, man-slaughter in the first degree, murder in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residen- tial burglary, and robbery in the second degree, and any firearm offense in effect at any time prior to June 1, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(b) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;
(b) Any felony violation of the uniform control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(c) After having previously been convicted or found guilty by reason of criminal trespass in the first degree, of violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(d) 19.41.040. Unlawful possession of firearms - Ownership, possession by certain persons – Restoration of right to possess – Penalties

(i) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(ii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(iii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(iv) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(v) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(vi) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(vii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(viii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(ix) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(x) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xi) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xiii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xiv) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xv) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xvi) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xvii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xviii) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xix) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(xx) "PNR" means unlawful possession of a firearm in a vehicle or other conveyance while in the United States.

(16) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;
(b) Any felony violation of the uniform control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(17) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;
(b) Any felony violation of the uniform control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(18) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(19) "Lawful permanent resident" has the same meaning afforded a person lawfully admitted for permanent residence in 8 U.S.C. Sec. 1101(a)(20).

9.41.040. Unlawful possession of firearms - Ownership, possession by certain persons – Restoration of right to possess – Penalties

(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(c) After having previously been convicted or found guilty by reason of criminal trespass in the first degree, of violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);
prior felony convictions that prohibit the possession of a firearm under subsection (1) of this section and has not previously been convicted or committed for by subsection (1) of this section, the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

9.41.042. Children - Permissible firearm possession

(1) Under RCW 9.41.047; and/or

(b) Unlawful possession of a firearm in the second degree under RCW 9.41.047; and/or

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 or

(ii) If the conviction or finding of not guilty by reason of insanity was for a felonious offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor offenses, the individual: (a) is under the supervision of corrections officers and turned over to the corrections officers and turned over to the correctional facility; (b) is under the supervision of a parent, guardian, or legal guardian; (c) is at least fourteen years of age; and

(3)(a) A person who is prohibited from possessing a firearm, by reason of being an incapacitated person, a person who is a fugitive from justice, or a person who is subject to a restraining order, may be found not guilty by reason of insanity. If the person is found not guilty by reason of insanity, the court shall order the person to undergo treatment under RCW 71.05.240, 71.05.320, chapter 71.34 RCW, or equivalent statutes of another jurisdiction.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

3. A person prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750; chapter 10.77 RCW, or equivalent statutes of another jurisdiction may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

4. The petition may be brought in the superior court that ordered the involuntary commitment or the superior court of the county in which the petitioner resides.
(c) Except as provided in (d) of this subsection, the court shall restore the purchaser's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:
(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;
(ii) The petitioner has successfully managed the condition related to the commitment;
(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and
(iv) The symptoms related to the commitment are not reasonably likely to recur.
(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the court shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.
(e) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of an order restoring such rights, a notice to the chief of police or sheriff of the municipality or the sheriff of the county in which the application to purchase is approved that the person's right to possess a firearm has been restored to the department of licensing, the department of social and health services, mental health institutions, and other facilities as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a pistol or to be issued a concealed pistol license.

9.41.080. Delivery to ineligible persons. No person may deliver a firearm to any person whom he or she has reasonable cause to believe is ineligible under RCW 9.41.040 to possess a firearm. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

9.41.090. Dealer deliveries regulated - Hold on delivery. (1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:
(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), "valid concealed pistol license" does not include any license issued before July 1, 1996, or subsequently, unless the license has been renewed by the department of social and health services' electronic data base and with other agencies as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a pistol or to be issued a concealed pistol license.
(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the application to purchase is approved that the purchaser is ineligible under RCW 9.41.040 to possess a pistol.
(c) The dealer has recorded the manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040.

The application shall contain a warning substantially as follows: "CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution."

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his or her address and dealer license number or state identification card to the application to the court for the period of time specified in this section unless the dealer is notified of a substantial danger to the safety of others.

9.41.094. Waiver of confidentiality. A signed application to purchase a pistol shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the application's eligibility to purchase a pistol to an inquiring court or law enforcement agency.

9.41.097. Supplying information on persons purchasing pistols or applying for concealed pistol licenses. (1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090.

(2) Mental health information received by:
(a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173;
(b) An issuing authority pursuant to RCW 9.41.047 or 9.41.070;
(c) A chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173.
(4) A law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

9.41.0975. Officials and agencies - Immunity, writ of mandamus
(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:
(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;
(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;
(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;
(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;
(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;
(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;
(g) For issuing a dealer's license to a person ineligible for such a license; or
(h) For failing to issue a dealer's license to a person eligible for such a license.
(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:
(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;
(b) Directing a law enforcement agency to approve an application to purchase wrongfully denied;
(c) Directing that erroneous information resulting from either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application be corrected;
(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

9.41.098. Forfeiture of firearms - Disposition - Confiscation
(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:
(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;
(b) Commercially sold to any person without an application as required by RCW 9.41.090;
(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;
(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;
(e) In the possession of a person who is in any place where a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;
(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime involving a firearm or weapon;
(g) Forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement officer on or after January 1, 1993.
(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.
(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the pros- ecuting attorney for use in subsequent legal pro- ceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.
(5) Dealer licensing and registration required Every dealer shall be licensed as provided in RCW 9.41.110 and shall register with the department of revenue as provided in chapters 82.04 and 82.32 RCW.
9.41.110. Dealer's licenses, by whom granted, conditions, fees - Employees, fingerprinting and background checks - Wholesale sales excepted - Permits prohibited
(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.
(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.
(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.
(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the department of licensing effective for not more than one year from the date of issuance permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.810. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.
(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.
(b) The dealer shall retain the name and the address of each employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols that are applicable to dealers.
(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearm-related products shall not be considered the carrying on of business.
(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.
In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and 9.41.110. The license of a dealer who fails to comply with the requirements of RCW 9.41.100. A statement in section (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No pistol may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; or (ii) may a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the subject is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of residence of the person to whom the weapon and the dealer selling the weapon.

(b) The director of licensing and the department of revenue shall not specify whether the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.95.080, 10.95.090, 10.95.100, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 923(c), or unless RCW 9.41.040 (3) or (4) applies.

The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess the weapon.

The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the applicant, a copy of the applicant's move, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has committed a violation of this section.

Possession of any firearm shall not make the firearm illegal for the person to possess under state or federal law.
passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include all of the following: application, set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited from possessing a firearm, you may be prosecuted in federal court.

A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law, and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus an additional fee imposed by the Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

9.41.175. Alien possession of firearms – Possession without license – Conditions.

(1) A nonimmigrant alien, who is not a resident of Washington or a citizen of Canada, may carry or possess any firearm without having first obtained an alien firearm license if the nonimmigrant alien possesses:

(a) A valid passport and visa showing he or she is in the country legally;

(b) If required under federal law, an approved United States department of justice ATF-6 NFA application and permit for temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c) (i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(2) A citizen of Canada may carry or possess any firearm so long as he or she possesses:

(a) A valid documentation as required for entry into the United States;

(b) The United States department of justice ATF-6 NFA application and permit for temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c) (i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(3) For purposes of subsections (1) and (2) of this section, the firearms may only be possessed for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

9.41.185. Coyote getters The use of "coyote getters" or similar spring-triggered shell devices shall not constitute a violation of any of the laws of the state of Washington when the use of such "coyote getters" is authorized by the state department of agriculture and/or the state department of natural resources, in concert with the United States Fish and Wildlife Service, for the purpose of controlling or eliminating coyotes harmful to livestock and game animals on range land or forest areas.

9.41.190. Unlawful firearms - Exceptions

(1) It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle; or to assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) This section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(3) It shall be an affirmative defense to a prosecution brought under this section that the machine gun, short-barreled shotgun, or short-barreled rifle was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(4) Any person violating this section is guilty of a class C felony.

9.41.220. Unlawful firearms and parts contraband All machine guns, short-barreled shotguns, or short-barreled rifles, or any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle, illegally held or illegally possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, short-barreled shotgun, or short-barreled rifle, or parts thereof, wherever and whenever found.

9.41.240. Possession of pistol by person from eighteen to twenty-one Unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

(1) In the person's place of abode;

(2) At the person's fixed place of business; or

(3) On real property under his or her control.

9.41.280. Possessing dangerous weapons on school facilities - Penalty - Exceptions

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.020;

(c) Any device commonly known as "nun-chucks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any angle.

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

(f) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;

(g) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any
revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state’s public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student’s parent or guardian regarding any violation of this act or adjudication of such, in which.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall be released within the seventy-two hours until the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting or law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the violations of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, not submit the results of the person’s examination and evaluation to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:
(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or security activities.

However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or dispensed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
(g) Any resident at least eighteen years of age in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school;
(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

9.41.290. State preemption. The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloading components. Cities, towns, and counties of the state may enact or enforce such laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

9.41.300. Weapons prohibited in certain places - Local laws and ordinances – Exception.

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:
(a) The restricted access areas of this section, or a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public.
(b) The areas in any building which are used in connection with court proceedings, including courthouses, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).
(c) For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 7.74.010, or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The local legislative authority shall designate the place where the restricted area shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;
(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;
(d) The restricted access areas of a facility certified or designated by the state liquor control board as off-limits to persons under twenty-one years of age; or
(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond
the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of the respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 94.61.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) (a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.64, 10.99, or 26.50 RCW, or an action under Title 26 RCW where such officer has alleged the existence of domestic violence as defined in RCW 26.50.10; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 94.61.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(8) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(9) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(10) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(11) "Weapons" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

9.41.310. Information pamphlet After a public hearing, the department of fish and wildlife shall publish a pamphlet on firearms safety and the legal limits of the use of firearms. The pamphlet shall include current information on firearms laws and regulations and state preemption of local firearms laws. This pamphlet may be used in the department's hunter safety education program and shall be provided to the department of licensing for distribution to fire-arms dealers and persons authorized to issue concealed pistol licenses. The department of fish and wildlife shall reimburse the department of licensing for costs associated with distribution of the pamphlet.

9.41.800. Surrender of weapons or licenses - Prohibition on future possession or licensing

(1) Any court when entering an order author-

ized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.50.300, or 26.50.600, or 26.50.650, or 26.50.700, or 26.50.790 may, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 94.61.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or posses-

sing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or posses-

sing a concealed pistol license.

(2) Any court when entering an order author-

ized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.50.650, or 26.50.700, or 26.50.790, or may, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 94.61.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or posses-

sing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or posses-

sing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may en-

ter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a seri-

ous and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surren-

der any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

9.41.920. Penalty Any violation of any provi-

sion of this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly.

Title 9A. Washington Criminal Code

Chapter 9A.56. Theft and Robbery

9A.56.300. Theft of a firearm

(1) A person is guilty of theft of a firearm if he or she commits a theft of any firearm.

(2) This section applies regardless of the value of the firearm taken in the theft.

(3) Each stolen firearm taken in the theft under this section is a separate offense.

(4) The definition of "theft" and the defense allowed against the prosecution for theft under RCW 9A.56.020 shall apply to the crime of theft of a firearm.

(5) As used in this section, "firearm" means any firearm as defined in RCW 9.41.010.

(6) Theft of a firearm is a class B felony.

9A.56.310. Possessing a stolen firearm

(1) A person is guilty of possessing a stolen firearm if he or she possesses, carries, delivers, sells, or is in control of a stolen firearm.

(2) This section applies regardless of the stolen firearm's value.

(3) Each stolen firearm possessed under this section is a separate offense.

(4) The definition of "possessing stolen proper-

ty" and the defense allowed against the prose-

cution for possessing stolen property under RCW 9A.56.140 shall apply to the crime of pos-

sessing a stolen firearm.

(5) As used in this section, "firearm" means any firearm as defined in RCW 9.41.010.

(6) Possessing a stolen firearm is a class B felony.

[Current with all 2010 legislation through the 2010 Regular and First Special Sessions]
8-12-5. General powers of every municipality and the governing body thereof. In addition to the powers and authority granted by: (i) The constitution of this state; (ii) other provisions of this chapter; (iii) other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative charters, every municipality and the governing body thereof shall have plenary power and authority thereof by ordinance or resolution, as the case may require, and by appropriate action based thereon; and

8-12-6a. Limitations upon municipalities' power to transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition. The provisions of section five [§ 8-12-5] of this article notwithstanding, neither a municipality nor the governing body of any municipality may limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition. Nothing herein shall in any way impair the authority of any municipality or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five [§ 8-12-5(16)] of this article or from enforcing any such ordinance or resolution: Provided, that any municipal ordinance in place as of the effective date of this section shall be excepted from the provisions of this section: Provided, however, that no provision in this section may be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

Chapter 27. Mentally Ill Persons

27-12-3. Miscellaneous offenses. If any person shall entice or influence, or attempt to cause or influence, or attempt to cause him or her to escape therefrom, or harbor or conceal any such patient who has escaped therefrom; or shall, without the permission of the superintendent of any such hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any money, firearms, drugs, cigarettes, tobacco, or any other article whatsoever; or shall receive from the hands of any such patient anything of value, whether belonging to the state or not; or shall cause or influence, or attempt to cause or influence, any such patient to violate any rule or to rebel against the government or discipline of such hospital; or shall tease, pester, annoy, or molest any such patient, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or imprisoned not exceeding six months, or, in the discretion of the court, both fined and imprisoned. If any person shall aid or abet the commission of any of the foregoing offenses or aid or abet an attempt to commit the same, he shall be guilty of the same as if he were the principal, and be punished as above provided. In the trial of an indictment for committing any of the above-named offenses, the accused may be found guilty of an attempt to commit the same, or of aiding or abetting another in committing or in an attempt to commit the same. If any person, not her husband, shall have sexual intercourse with any female patient who is a patient of any of said state hospitals, he shall be guilty of a felony, and, on conviction thereof, shall be confined in the penitentiary not less than ten nor more than fifteen years; and if such female patient be under sixteen years of age, he shall be imprisoned not less than ten nor more than twenty years.

Chapter 28. State Correctional and Penal Institutions

28-1-8. Offenses relating to youth facilities; penalties; escape; arrest and return. If any person, not her husband, shall have sexual intercourse with any female patient who is a patient of any such hospital, or any such other patient who is a patient of any of said state hospitals, he shall be guilty of a felony, and, on conviction thereof, shall be confined in the penitentiary not less than ten nor more than fifteen years; and if such female patient be under sixteen years of age, he shall be imprisoned not less than ten nor more than twenty years.

Chapter 29. Crimes and Their Punishment

Article 3E. Offenses Involving Explosives.

61-3E-1. Definitions. As used in this article, unless the context otherwise requires:

(a) "Destructive device" means any bomb, grenade, mine, rocket, missile, pipe bomb or similar device containing an explosive, incendiary, explosive gas orexpanding gas which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts, either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

"Destructive device" does not include a fire- arm as such is defined in section two, article seven of this chapter or model rockets and their components as defined in section twenty-three, article three, chapter twenty-nine of this code.

(b) "Explosive material" means any chemical compound, mechanical mixture or device that is commonly used or can be used for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packaging that an ignition by fire, by friction, by concussion, by percussion, by detonator or by any part of the compound or mixture may cause a sudden generation of highly heated gases. These materials include, but are not limited to, powders for blasting, high or low explosives, blasting materials, black or smokeless powders not manufactured or used for lawful sporting purposes or fireworks defined in section twenty-three, article three, chapter twenty-nine of this code, which are not defined in relation to this article. Also included are all explosive materials listed annually by the office of the state fire marshal and published in the state register, said publication being hereby mandated.

(c) "Hoax bomb" means any device or object that by its design, construction, content or character appears to be, or is represented to be, a destructive device, explosive material or incendiary device as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a destructive device, explosive material or incendiary device.

(d) "Incendiary device" means a container containing gasoline, kerosene, fuel oil, or derivative thereof, or to contain a destructive device, explosive material or incendiary device as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a destructive device, explosive material or incendiary device.

(e) "Legal authority" means that right as expressly stated by statute or law.

(f) "Person" shall mean an individual, corporation, company, association, firm, partnership, society or joint stock company.

(g) "Escape" is defined to mean any building or structure, other than an explosives manufacturing building, approved by the legal authority for the storage of explosive materials.
fine not more than five thousand dollars, or both.

61-3E-7. Manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; penalty.

(a) Any person who manufactures, sells, advertises for sale, transports or possesses a hoax bomb with intent to violate any provision of this code shall be guilty of a misdemeanor. Any person convicted of a violation of this section shall be incarcerated in a county or regional jail for not less than six months nor more than one year, or fined five thousand dollars, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who possesses or uses a hoax bomb to commit or attempt to commit any felony shall be guilty of a felony and, upon conviction thereof, shall be committed to the custody of the Division of Corrections for not less than one nor more than ten years, or fined not more than ten thousand dollars, or both.

61-3E-8. Theft of explosive material from storage magazines or buildings; penalty.

Any person who breaks and enters or shall enter without breaking any storage magazine, shop, or warehouse where explosive material or any other building or out-house adjoining thereto, any railcar, boat, vessel or motor vehicle within the jurisdiction of any county within this state where explosive material is stored, with the intent to commit larceny shall be guilty of a felony and, upon conviction thereof, shall be committed to the custody of the Division of Corrections for not less than one nor more than ten years or fined not more than ten thousand dollars, or both.

61-3E-9. Receipt, possession, storage, sale or transportation of stolen explosive material; penalty.

Any person who receives, conceals, transports, ships, stores, barter, sells or disposes of any explosive material knowing or having reason to know that such materials is stolen is guilty of a felony and, upon conviction thereof, shall be committed to the custody of the Division of Corrections for not less than one nor more than ten years or fined not more than ten thousand dollars, or both.

61-3E-11. Exemptions.

(a) Unless specifically prohibited by any provision of this code or the laws of the United States, nothing in this article shall prohibit the authorized manufacture, sale, transportation, distribution, use or possession of any explosive material by any person holding a permit for such issued by the office of the state fire marshal. Any person performing a lawful activity pursuant to or regulated by the terms of a permit issued by the division of environmental protection, or any office thereof, shall be exempt from the provisions of this article.

(b) Unless specifically prohibited by any other provision of this code or the laws of the United States, nothing in this section shall prohibit the authorized manufacture, transportation, distribution, use or possession of any explosive, destructive device or incendiary device by a member of the armed forces or law enforcement officers whenever such persons are acting lawfully and in the line of duty; nor shall it prohibit the manufacture, transportation, distribution, use or possession of any explosive material, destructive device or incendiary device to be used solely for lawful scientific research or lawful educational purposes. Any person engaged in other-wise lawful blasting activities failing to obtain a permit or in possession of an expired permit issued by the office of the state fire marshal shall not be construed to be in violation of the article.

61-3E-12. Contraband, seizure, forfeiture.

Any destructive device, explosive material, incendiary material or device possessed involved in, used or intended to be used in a violation of this article or any violation of any criminal law or regulation of this state are hereby declared to be contraband and any property interest therein shall be vested in the state of West Virginia. Said contraband may be seized by the office of the state fire marshal or other law enforcement agency conducting said investigation and upon application to the circuit court of the county in which said contraband is seized be forfeited to the state of West Virginia for destruction or for training purposes by the office of the state fire marshal or other law enforcement agency.

Article 7. Dangerous Weapons

61-7-1. Legislative findings. The Legislature finds that the overwhelming support of the citizens of West Virginia for article three, section twenty-two of the constitution of this state, commonly known as "Right to Keep and Bear Arms Amendment", constitutes the obligation of the state to reasonably regulate the right of persons to keep and bear arms for self-defense requires the reenactment of this article.

61-7-2. Definitions. As used in this article, unless the context otherwise requires: ... (7) "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(8) "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(9) "Deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments defined in subdivisions (1) through (8), inclusive, of this section more than one-half inch in length. Any instrument of like kind or character which may be easily concealed on or about the person, for the purposes of section one-a [§ 18A-5-1a], article five, chapter eighteen-a of this code and section eleven-a [§ 61-7-11a], article seven of this chapter, in addition to the definition of "knife" set forth in subdivision (3) of this section, the term "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of section one-a, article five, chapter eighteen-a of this code and section eleven-a, article seven of this chapter, the term "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(10) "Concealed" means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.
violence against the person of another or of a
felony sexual offense; or
(2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II controlled substance, or any minor controlled substance as defined in sections two hundred four [§ 60A-2-204], two hundred five [§ 60A-2-205] and two hundred six [§ 60A-2-206], article two, chapter sixty-a of this code and who possesses a firearm as such is defined in section two or of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than five thousand dollars, or both. The provisions of subsection (c) of this section shall not apply to persons convicted of offenses referred to in this subsection or to persons convicted of a violation of this section.

(c) Any person prohibited from possessing a firearm by the provisions of subdivision (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm if such possession would not violate any federal law: Provided, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition the circuit court to possess a firearm in accordance with the provisions of section five [§ 61-7A-5], article seven-a of this chapter.

61-7-8. Possession of deadly weapons by minors; prohibitions. Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: Provided, that a minor may possess a firearm upon premises owned by said minor or his family or on the premises of another with the permission of his or her parent or guardian and in the presence of such person or that of his family, with the permission of the owner or lessee of such property: Provided, however, that nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of article five [§§ 49-5-1 et seq.], chapter forty-nine of this code, and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

61-7-9. Possession of machine guns, penalties. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, any submachine gun, or any other automatic weapon unless he or she has fully complied with applicable federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

Any person who violates the provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars, or shall be confined in the county jail for not less than ninety days, or more than two years, or both. 61-7-10. Display of deadly weapons for sale or hire; sale to prohibited persons; penalties.

(a) A person may not publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

(b) Any person who violates the provisions of any provision of (a) or (c) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five thousand dollars or shall be confined in the county jail for not more than one year, or both.

(c) A person may not knowingly sell, rent, give or lend, or, where the person is other than a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend, any deadly weapon other than a firearm to a person prohibited from possessing a deadly weapon by any provision of this article.

(d) A person may not knowingly sell, rent, give or lend, or where the person is other than a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend a firearm or ammunition to a person prohibited by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle, or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(e) The official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his or her official capacity.

(f) Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony. Any person who willfully procures another to engage in conduct prohibited by this subsection shall be punished as a principal. This subsection does not apply to a law-enforcement officer acting in his or her official capacity. Any person who violates the provisions of this subsection is guilty of a felony, and, upon conviction thereof, shall be fined not more than $5,000, imprisoned in a state correctional facility for a definite term of not less than one year, or more than three years, or both, fined and imprisoned.

61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver’s license; possessing deadly weapons on premises housing courts of law and in offices of family law master.

(a) The Legislature hereby finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending, and the persons employing, the schools in this state, or those persons employed with the judicial department of this state. It is for the purpose of providing such assurances of safety, therefore, that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise those rights accorded to them pursuant to section twenty-two, article three of the Constitution of the state of West Virginia.

(b)(1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any school bus as defined in section one [§ 17A-1-1], article one, chapter seventeen-a of this code.

(2) This subsection shall not apply to:

(A) A law enforcement officer acting in his or her official capacity;

(B) A person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(C) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle, or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(D) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(E) The official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his or her official capacity.

(3) Any person violating this subsection shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary of this state for a term not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.

(c) It shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the state superintendent of schools within seventy-two hours after such violation occurs. The state board of education shall keep and maintain such reports and may prescribe rules establishing policy and procedures for the making and delivery of the same as required by this subsection. In addition, it shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

(d) In addition to the methods of disposition provided for in article five [§§ 49-5-1 et seq.], chapter forty-nine of this code, any court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may, in its discretion, order the Division of Motor Vehicles to suspend any driver’s license or instruction permit issued to such person for such period of time as the court may
deem appropriate, such suspension, however, not to extend beyond such person's nineteenth birthday; or, where such person has not been issued a driver's license or instruction permit by this state, order the division of motor vehicles to deny such person's application for the same for such period of time as the court may deem appropriate, however, not to extend beyond such person's nineteenth birthday. Any suspension ordered by the court pursuant to this subsection shall be effective upon the date of entry of such order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward the same to the division of motor vehicles.

(e)(1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and such person does not appeal such conviction within the time periods described in subsection (2) of this subsection, such person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall, or the person named in the order of suspension is the judgment of a circuit court, the circuit court's transcript, a presumption exists that the person named in the order of suspension is the greater period. The order shall determine that the person was convicted as de-

(f)(1) It shall be unlawful for any parent(s), guardian(s) or custodian(s) of a person less than eighteen years of age who knows that said person is in violation of subsection (b) of this section, or who has reasonable cause to believe that said person's violation of said subsection is imminent, to fail to immediately report such knowledge or belief to the appropriate school or law-enforcement officials.

(2) Any person violating this subsection shall be guilty of a misdemeanor, and, upon convic-
tion thereof, shall be fined not more than one thousand dollars, or shall be confined in jail not more than one year, or both. 

(g)(1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any premises which houses a court of law or in the offices of a family law master.

(2) This subsection shall not apply to:

(A) A law enforcement officer acting in his or her official capacity; or

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over such premises or offices.

(3) Any person violating this subsection shall be guilty of a felony, and, upon conviction there-

of, shall be imprisoned in the penitentiary of this state for a definite term of years not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

61-7-14. Right of certain persons to limit possession of firearms on premises.

Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on any premises which houses a court of law or in the offices of a family law master with the inten-
tent to commit a crime.

(2) Any person violating this subsection shall be guilty of a felony, and, upon conviction there-

of, shall be imprisoned in the penitentiary of this state for a definite term of years not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.

(j) Nothing in this section may be construed to be in conflict with the provisions of federal law.

Article 7A. State Mental Health Registry; Reporting of Persons Proscribed from Firearm Possession Due to Mental Condition to the National Instant Criminal Background Check System; Legislative Findings; Definitions; Reporting Requirements; Reinstatement of Rights Procedures.

61-7A-1. Legislative intent.

It is the intention of the Legislature in the enactment of this article to clarify the persons whom it intends to proscribe from the possession of firearms due to substance abuse or mental illness or insanity, or both, and to provide a process in effecting such prohibition.

The provisions of this article shall apply to the names of persons proscribed from the possession of firearms due to mental illness to the Central State Mental Health Registry; authorize reporting by registry to the National Instant Criminal Background Check System; and to prescribe a means for reinstating one's ability to lawfully possess a firearm.


As used in this article and as the terms are deemed to mean in 18 U. C. S. § 922(g) and section seven ([§ 61-7-7], article seven of this chapter as each exists as of the thirty-first day of January, two thousand eight:

(1) "A person adjudicated as a mental defective or mentally ill" means a person who has been determined by a duly authorized court, tribunal, board or other entity to be mentally ill to the point where he or she has been found to be incompetent to stand trial due to mental illness or insanity, has been found not guilty in a criminal proceeding by reason of mental illness or insanity or has been determined to be unable to handle his or her own affairs due to mental illness or insanity.

(2) "Committed to a mental institution" means to have been involuntarily committed for treatment pursuant to the provisions of chapter twenty-seven ([§§ 27-1-1 et seq.] of this code.

(3) "Mental institution" means any facility or part of a facility used for the treatment of persons committed for treatment of mental illness or addiction.

61-7A-3. Persons whose names are to be supplied to the central state mental health registry.

(a) The Superintendent of the West Virginia State Police and the Secretary of the Department of Health and Human Resources, or their designees, shall cooperate with the circuit clerk of each county and Administrator of the West Virginia Supreme Court of Appeals in compiling and maintaining a database containing the names and identifying information of persons who have been adjudicated to be mentally defective or who have been committed for treatment of a mental illness pursuant to the provisions of chapter twenty-seven ([§§ 27-1-1 et seq.] of this code. The registry shall be maintained by the Administrator of the Supreme Court of Appeals or the Superintendent of the West Virginia State Police.

(b) The name of any person who has been adjudicated to be mentally defective or who has been committed for treatment of a mental illness pursuant to the provisions of chapter twenty-

seven ([§§ 27-1-1 et seq.] of this code which shall be furnished to the West Virginia State Police for inclusion in the Central State Mental Health Registry. Upon receipt of the information being received by the Central State Mental Health Registry it may be transmitted to the National Instant Criminal Background Check System and to county sheriffs;
(c) The Secretary of Department of Human Resources and the circuit clerk of each county shall, as soon as practicable after the effective date of this article, supply to the Superintendent of the West Virginia State Police for inclusion in the Central State Mental Health Registry the name and identifying information required by the provisions of this article; (d) the central state mental health registry shall contain the name, address, at the time of commitment or adjudication of all persons who have been adjudicated to be mentally defective or who have been committed for treatment of a mental illness pursuant to the provisions of chapter twenty-seven §§ 27-1-1 et seq. of this code.

(e) The Central State Mental Health Registry shall provide only such information about a person on the registry to county sheriffs and the National Instant Criminal Background Check System as is necessary to identify registrants; and

(f) On or before the first day of January, two thousand ten, the Central State Mental Health Registry shall contain the name, address at the time of commitment or adjudication, date of birth, date of commitment or adjudication and any other identifying characteristics of all persons who have been adjudicated to be mentally defective or who have been committed for treatment of a mental illness pursuant to the provisions of chapter twenty-seven §§ 27-1-1 et seq. of this code. Under no circumstances shall the registry contain information relating to any diagnosis or treatment provided.

61-7A-4. Confidentiality; limits on use of registry information.

(a) Notwithstanding any provision of this code to the contrary, the Superintendent of the State Police, the Secretary of the Department of Health and Human Resources and the circuit clerks and the Administrator of the Supreme Court of Appeals may provide notice to the Central State Mental Health Registry and the National Instant Criminal Background Check System established pursuant to Section 103(d) of the Brady Handgun Violence Protection Act, 18 U. S. C. § 922, that a person: (i) Has been involuntarily committed as provided in chapter twenty-seven §§ 27-1-1 et seq. of this code; (ii) has been adjudicated mentally incompetent in a proceeding under article six-a §§ 61-6A-1 et seq. of this chapter; or (iii) has regained the ability to possess a firearm by order of a circuit court in a proceeding under section five §§ 61-7A-5 of this article.

(b) The information contained in the Central State Mental Health Registry is to be used solely for the purpose of records checks related to firearms purchases and for eligibility for a state license or permit to possess or carry a concealed firearm.

(c) Whenever a person's name and other identifying information has been added to the Central State Mental Health Registry, a review of the state concealed handgun registry shall be undertaken and if such review reveals that the person possesses a current concealed handgun license, the sheriff of the county issuing the license, the sheriff of the county issuing the concealed handgun license shall be informed of the person's change in status.

61-7A-5. Petition to regain right to possess firearms.

(a) Any person who is prohibited from possessing a firearm pursuant to the provisions of section seven § 61-7-7, article seven of this chapter or by provisions of federal law by virtue of being mentally disabled or to have a prior involuntary commitment to a mental institution pursuant to chapter twenty-seven §§ 27-1-1 et seq. of this code may petition the circuit court of the county of his or her residence to regain the ability to lawfully possess a firearm. If the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibilities concomitant with the possession of a firearm, the court may enter an order allowing the petitioner to possess a firearm.

(b) The circuit clerk of each county shall provide the Superintendent of the West Virginia State Police or his or her designee with a certified copy of any order entered pursuant to the provisions of this section. If the order restores the petitioner's ability to possess a firearm, petitioner's name shall be promptly removed from the Central State Mental Health Registry and the superintendent shall forthwith inform the Federal Bureau of Investigation or other federal entity operating the National Instant Criminal Background Check System of the court action.

WISCONSIN
Wis. Stat.

Chapter 66. General Municipality Law

66.0409. Local regulation of firearms.

(1) In this section:

(a) "Political subdivision" has the meaning given in s. 167.31(1)(c).

(b) "Political subdivision" means a city, village, town or county.

(c) "Sport shooting range" means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.

(2) Except as provided in subs. (3) and (4), no political subdivision may enact an ordinance or adopt a resolution that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloading components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

(3)(a) Nothing in this section prohibits a county from imposing a sales tax or use tax under subchapter V of chapter 77 on any firearm or part of a firearm, including ammunition and reloading components, sold in the county.

(b) Nothing in this section prohibits a city, village or town that is authorized to exercise village powers under s. 60.22(3) from enacting an ordinance or adopting a resolution that restricts the discharge of a firearm.

(4)(a) Nothing in this section prohibits a political subdivision from continuing to enforce an ordinance or resolution that is in effect on November 18, 1995, and that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloading components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

(b) Nothing in this section prohibits a political subdivision from continuing to enforce an ordinance or resolution that is in effect on November 18, 1995, and that regulates the sale, purchase, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloading components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

(c) Whenever a person's name and other identifying information has been added to the Central State Mental Health Registry, a review of the state concealed handgun registry shall be undertaken and if such review reveals that the person possesses a current concealed handgun license, the sheriff of the county issuing the license, the sheriff of the county issuing the concealed handgun license shall be informed of the person's change in status.

(d) "Firearm" means a weapon that acts by force of gunpowder.

(e) "Highway" has the meaning given under s. 340.01(22).

(f) "Family member of the landowner" means a person who is related to the landowner as a parent, child, spouse, or sibling.

(g) "Firearm" means a weapon that acts by force of gunpowder.

(h) "Farm tractor" has the meaning given in s. 340.01(16).

(i) "Firearm" means a weapon that acts by force of gunpowder.

(j) "Firearm" means a weapon that acts by force of gunpowder.

(k) "Firearm" means a weapon that acts by force of gunpowder.

(l) "Firearm" means a weapon that acts by force of gunpowder.

(m) "Firearm" means a weapon that acts by force of gunpowder.

(n) "Firearm" means a weapon that acts by force of gunpowder.

(o) "Firearm" means a weapon that acts by force of gunpowder.

(p) "Firearm" means a weapon that acts by force of gunpowder.

(q) "Firearm" means a weapon that acts by force of gunpowder.

(r) "Firearm" means a weapon that acts by force of gunpowder.

(s) "Firearm" means a weapon that acts by force of gunpowder.

(t) "Firearm" means a weapon that acts by force of gunpowder.

(u) "Firearm" means a weapon that acts by force of gunpowder.

(v) "Firearm" means a weapon that acts by force of gunpowder.

(w) "Firearm" means a weapon that acts by force of gunpowder.

(x) "Firearm" means a weapon that acts by force of gunpowder.

(y) "Firearm" means a weapon that acts by force of gunpowder.

(z) "Firearm" means a weapon that acts by force of gunpowder.

{Current through 2010 Second Extraordinary Session]
(dm) “Implement of husbandry” has the meaning given in s. 340.01(24).
(e) “Motorboat” has the meaning given under s. 30.50 (6).
(em) “Peace officer” has the meaning given in s. 939.22(22).
(et) “Private security person” has the meaning given in s. 440.26(1m)(h).
(f) “Roadway” has the meaning given under s. 340.01(54).
(fm) “Street” means a highway that is within the corporate limits of a city or village.
(g) “Unloaded” means any of the following:
1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
2. In the case of a cap lock muzzle-loading firearm, having the cap removed.
3. In the case of a flint lock muzzle-loading firearm, having the flint spanned cleaned of powder.
(h) Except as provided in s. 340.01(74), and includes a snowmobile, as defined in s. 340.01(58a), and an electric personal assistance mobility device, as defined in s. 340.01 (15pm), except that for purposes of subs. (4)(c) and (4m) “vehicle” has the meaning given for “motor vehicle” in s. 29.001(57).

(2) Prohibitions; motorboats and vehicles; highways and roadways.
(a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
(b) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
(c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
(d) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow from or across a highway or within 50 feet of the center of a roadway, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
(e) A person who violates pars. (a) to (d) is subject to a forfeit of not more than $100.

(3) Prohibitions; aircraft.
(a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
(b) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an aircraft.
(c) A person who violates pars. (a) or (b) shall be fined not more than $1,000 or imprisoned not more than 90 days or both.

(4) Exceptions.
(a) Subsections (2) and (3) do not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in or on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a roadway or within 50 feet of the center of a roadway:
1. A member of the U.S. armed forces.
2. A member of the national guard.
3. A private security person who meets all of the following requirements:
   a. He or she holds either a private detective license issued under s. 440.26(2)(a)2. or a private security permit issued under s. 440.26(5).
   b. He or she holds a certificate of proficiency to carry a firearm issued by the department of regulation and licensing.
   c. He or she is performing his or her assigned duties or responsibilities.
   d. He or she is wearing a uniform that clearly identifies him or her as a private security person.
   e. His or her firearm is in plain view, as defined by rule by the department of regulation and licensing.
   f. Subsections (2)(a) and (d) and (3) (a) and (b) do not apply to a peace officer who, in the line of duty, loads or discharges a firearm in, on or from a vehicle, motorboat or aircraft or discharges a firearm from or across a highway or within 50 feet of the center of a roadway.
2. Subsection (2)(b) does not apply to a person employed as a peace officer who places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft while in the line of duty.
3. Subsection (2)(b) does not apply to a person employed as a peace officer who places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft while traveling in the vehicle from his or her residence to his or her place of employment as a peace officer.
(b) Subsections (2)(a), (b) and (c) and (3)(a) and (b), and (3m) do not apply to a holder of a scientific research license under s. 169.25 or a scientific collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the license or permit was issued.

(5) Weapons surcharge.
(a) If a court imposes a fine or forfeiture for a violation of this section, the court shall also impose a weapons surcharge as required under s. 995.20.
(b) If a fine or forfeiture is suspended in whole or in part, the weapons surcharge shall be reduced in proportion to the suspension.
(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the weapons surcharge under this subsection. If the deposit is forfeited, the amount of the weapons surcharge shall be transmitted to the secretary of administration under sub. (d). If the deposit is returned, the amount of the weapons surcharge shall also be returned.
(d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons surcharge as required under s. 59.40(2)(m). The county treasurer shall then pay the secretary of administration as provided in s. 59.25(3)(f).2. The secretary of administration shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370(3)(mu).

Chapter 175. Miscellaneous Police

175.30. Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35. Waiting period for purchase of handguns
(1) In this section: (ag) “Criminal history record” includes information reported to the department under s. 938.396 (2g) (n) that indicates a person was adjudicated delinquent for an act that if committed by an adult in this state would be a felony.
(b) “Firearms dealer” means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer issued by the U.S. department of the treasury.
(c) “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29. “Firearms restriction search” includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3), and a search to determine whether the person is prohibited from possessing a firearm under s. 813.125 (4m).
(d) “Handgun” means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.
(e) “Peace officer” has the meaning given in s. 57.50 (2)(m). The county treasurer shall then deduct the weapons surcharge from the deposit made under s. 59.40(2)(m). The amount of the weapons surcharge shall be transmitted to the secretary of administration under s. 59.25(3)(f).2. The secretary of administration shall deposit all amounts received under this subsection. If the deposit is forfeited, the amount of the weapons surcharge shall be transmitted to the secretary of administration under s. 59.25(3)(f).2. The secretary of administration shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370(3)(mu).

Chapter 175. Miscellaneous Police

175.30. Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35. Waiting period for purchase of handguns
(1) In this section:
inspect identification containing a photograph of the transferee.

(b) The department of justice shall promulgate rules prescribing a notification form for use under sub. (2) requiring the transferee to provide his or her name, date of birth, gender, race and social security number and his or her identification necessary to permit an accurate firearms restrictions record search under par. (c) 3. and the required notification under par. (c) 4. The department of justice shall make the forms available at locations throughout the state.

(c) The department of justice shall promulgate rules for a firearms restrictions record search regarding transferees under sub. (2), including procedures for all of the following:

1. A firearms dealer to convey the information from a completed notification form to the department using a toll-free telephone number provided by the department.
2. The department to provide the firearms dealer with a confirmation number confirming the receipt of the information under subd. 1.
3. The department to conduct the firearms restrictions record search regarding the transferee. The rules shall include, but not be limited to, a requirement that the department use the transaction information for management of enforcement systems and the national crime information center system.
4. The department to notify the dealer, either during the initial telephone call or as soon thereafter as practicable, of the results of the firearms restrictions record search as follows:
   a. If the search indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall provide the firearms dealer with a unique nonapproval number.
   b. If the search indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall provide the firearms dealer with a unique approval number.
   c. If the search indicates a felony charge without a recorded disposition, the deadline under sub. (2) (d) is extended to the end of the 3rd completed consecutive calendar day on which the finding is made. The department shall notify the firearms dealer of the extension as soon as practicable. During the extended period, the department shall make every reasonable effort to determine the disposition of the charge and notify the firearms dealer of the results as soon as practicable.

(d) The department of justice shall promulgate rules to convey information in a timely manner to the national instant criminal background check system regarding individuals ordered not to possess a firearm under s. 51.20 (13)(cv)1., 51.45(13)(j)1., 54.10(3)(f)1., or 55.12(10)(a)1.

2. The department of justice shall promulgate rules to convey information in a timely manner to the national instant criminal background check system regarding the cancellation under 51.20 (13)(cv)1m. c., 51.45(13)(j)2. C., 54.10(3)(f)2. c. or 55.12(10)(b)3 of an order not to possess a firearm.
3. Upon the request of any firearms dealer, the department of justice shall provide that firearms dealer with a unique firearms dealer identification number for use under this section.

21. The department shall charge a firearms dealer a $13 fee for each firearms restrictions record search that the firearms dealer requests under sub. (2) (c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct firearms restrictions record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department according to par. (c).

22. A firearms dealer shall maintain the original record of all completed notification forms and a record of all confirmation numbers and corresponding approval or nonapproval numbers that he or she receives regarding firearms restrictions record searches under sub. (2g). The firearms dealer shall mail the duplicate copy of each completed notification form to the department of justice.

(2k)(ag) In this subsection:

1. "Law enforcement agency of a physically adjacent state" has the meaning given in s. 175.46 (1) (b).
2. "Wisconsin law enforcement agency" means a governmental unit of one or more persons employed by this state or a political subdivision of this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
3. Except as provided in pars. (b) to (l) and as necessary to administer this section, the department of justice shall do all of the following:
   1. Deny access to any record kept under this section.
   2. Check each duplicate notification form received under sub. (2g) against the information recorded by the department regarding the corresponding request for a firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall destroy all records regarding that firearms restrictions record search within 30 days after receiving the duplicate form.

(b) Notwithstanding par. (ar), the department of justice may maintain all of the following:

1. Records necessary to comply with federal law.
2. A. Except as provided in subd. 2., a log of dates of requests for firearms restrictions record searches under sub. (2g) together with confirmation numbers, unique approval and nonapproval numbers and firearms dealer identification numbers corresponding to those dates.
   b. Within 3 years after the department issues a unique approval number, the department shall destroy all corresponding information contained in the log under subd. 2.a.
3. Records necessary to administer this section.

(2k)(aj) In this subsection:

1. Information from a requester other than a law enforcement agency shall not disclose information to the requester that is provided by the department of justice under par. (c) or another law enforcement agency.
2. The Wisconsin law enforcement agency shall make the report whenever the agency has completed its investigation under par. (c) 2. a.
3. One year after the date that the Wisconsin law enforcement agency made the request under par. (c) 2. a, the department of justice may maintain all of the following:
   1. The person who is the subject of the information request under par. (c) 2. a is no longer material to the investigation conducted under par. (c) 2. a.
2. The Wisconsin law enforcement agency has completed its investigation under par. (c) 2. a.
3. One year after the date the Wisconsin law enforcement agency made the request under par. (c).

(g) If a search conducted under sub. (2g) indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the attorney general or his or her designee may disclose to a law enforcement agency, the Wisconsin law enforcement agency or another, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has attempted to obtain a handgun.

(h) If a search conducted under sub. (2g) indicates a felony charge without a recorded disposition and the attorney general or his or her designee has reasonable grounds to believe the transferee may pose a danger to himself, herself or another, the attorney general or his or her designee may disclose to a law enforcement agency that the transferee has obtained or has attempted to obtain a handgun.

(i) The department of justice may charge a fee for any services that the department provides under pars. (c) to (j).
(j) If a law enforcement agency of a physically adjacent state makes a request under par. (c), the department shall comply with the request under all of the following circumstances:

1. The law enforcement agency of the physically adjacent state agrees to comply with all the requirements under this subsection.

2. The physical adjacent state allows Wisconsin law enforcement agencies similar or greater access to similar information from that physically adjacent state.

(2L) The department of justice shall promulgate rules providing for the review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right to purchase a handgun because the firearms dealer received a nonapproval number under sub. (2g) (c) 4. a. may request a firearms restrictions record search review under those rules. If the person disagrees with the results of that review, the person may file an appeal under rules promulgated by the department.

(2) This section does not apply to any of the following:

(a) Transfers of any handgun classified as an antique by regulations of the U.S. department of the treasury.

(b) Transfers of any handgun between firearms dealers or between wholesalers and dealers.

(c) Transfers of any handgun to law enforcement or armed services agencies.

(3) Any person who intentionally violates sub. (2), (2e), (2f) or (2l) shall be fined not less than $500 nor more than $10,000 and may be imprisoned for not more than 9 months.

175.37. Warning whenever transferring a firearm.

(1) Upon the retail commercial sale or retail commercial transfer of any firearm, the seller or transferor shall provide to the buyer or transferee the following written warning in block letters not less than one-fourth inch in height: "IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE FIREARM."

(2) Any person who violates sub. (1) may be fined not less than $500 nor more than $1,000 and may be imprisoned for not more than 30 days or both.

Chapter 813. Injunctions, No Exeat and Receivers

813.12. Domestic abuse restraining orders and injunctions. ....

(4m) Notice of restriction on firearm possession; surrender of firearms. (a) An injunction issued under sub. (4) shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29.

2. Except as provided in par. (ag), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29.

(b) If the respondent is a peace officer, an injunction issued under sub. (4) may not require the respondent to surrender a firearm that he or she possesses, except as provided in par. (ag). If the respondent is a peace officer, an injunction issued under sub. (5) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess.

813.125. Harassment restraining orders and injunctions. ....

(4m) Restriction on firearm possession; surrender of firearms. (a) If a judge or circuit court commissioner issues an injunction under sub. (4) and the judge or circuit court commissioner determines, based on clear and convincing evidence presented at the hearing on the issuance of the injunction, that the respondent may use a firearm to cause physical harm to another or to endanger public safety, the judge or circuit court commissioner may prohibit the respondent from possessing a firearm.

(b) An order prohibiting a respondent from possessing a firearm issued under par. (a) remains in effect until the expiration of the injunction issued under sub. (4).

(c) An order issued under par. (a) that prohibits a respondent from possessing a firearm shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29.

2. Except as provided in par. (cg), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29.

(cg) If the respondent is a peace officer, an order issued under par. (a) may not require the
respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty. ...

(d) A firearm surrendered under par. (c)2. may not be returned to the respondent until a judge or circuit court commissioner determines all of the following:

1. That the injunction issued under sub. (4) has been vacated or has expired.

2. That the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief.

(e) If a respondent surrenders a firearm under par. (c)2. that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29(4).

Chapter 939. Crimes - General Provisions

Subchapter I. Preliminary Provisions

939.22. Words and phrases defined. In chs. 939 to 948 and 951, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction or the word or phrase is defined in s. 948.01 for purposes of ch. 948.

(2) "Airgun" means a weapon which expels a missile by the expansion of compressed air or other gas. ...

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; ...

Chapter 940. Crimes Against Life and Bodily Security

Subchapter II. Bodily Security

940.24. Injury by negligent handling of dangerous weapon, explosives or fire.

(1) Whoever causes bodily harm to another by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class I felony.

(2) Whoever causes bodily harm to an unborn child by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class I felony.

Chapter 941. Crimes against Public Health and Safety

Subchapter III. Weapons

941.20. Endangering safety by use of dangerous weapon.

(1) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Endangers another's safety by the negligent operation or handling of a dangerous weapon; or

(b) Operates or goes armed with a firearm while he or she is under the influence of an intoxicant; or

(c) Operates or goes armed with a firearm while he or she is under the influence of a restricted controlled substance in his or her blood.

(2) A defendant has a defense to any action under this paragraph that is based on the defendant allegedly having a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol in his or her blood, if he or she proves by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.

(3) Except as provided in sub. (1m), intentionally points a firearm at or towards a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver who is acting in an official capacity and who the person knows or has reason to know is a law enforcement officer, a fire fighter, an emergency medical technician, a first responder, or an ambulance driver, is guilty of a Class H felony.

941.25. Manufacturer to register machine guns. Every manufacturer shall keep a register of all machine guns manufactured or handled by him or her. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Every manufacturer shall permit any marshal, sheriff or other police officer to inspect his or her entire stock of machine guns, parts, and supplies therefor, and shall produce the register required under this section for inspection. Whoever violates any provision of this section is subject to a Class B forfeiture.

941.26. Machine guns and other weapons; use in certain cases; penalty.

(1)(a) No person may sell, possess, use or transport any machine gun or other fully automatic firearm.

(b) Except as provided in sub. (4), no person may sell, possess, use or transport any air gun, bomb, hand grenade, projectile or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(1m) No person may take a firearm that is not designed to shoot more than one shot without manual reloading, by a single function of the trigger and modify the firearm so that it does shoot more than one shot, without manual reloading, by a single function of the trigger.

(2)(a) Any person violating sub. (1)(a) is guilty of a Class H felony.

(b) Any person violating sub. (1m) is guilty of a Class F felony.

(c) Except as provided in par. (d), any person who violates sub. (1)(b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell or container under sub. (1)(b) is guilty of a Class A misdemeanor.

(d) Any person who violates sub. (1)(b) regarding the possession, noncommercial transportation or use of the bomb, grenade, projectile, shell or container under sub. (1)(b) in self-defense or defense of another, as allowed under s. 939.48, is subject to a Class B forfeiture.

(e) Any person who violates sub. (1)(b) regarding the sale or commercial transportation of the bomb, grenade, projectile, shell or container under sub. (1)(b) is guilty of a Class H felony.

(f) Any person who violates sub. (1)(b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1)(b) to cause bodily harm or bodily discomfort to another or who threatens to use the bomb, grenade, projectile, shell or container during his or her commission of another crime to incapacitate another person is guilty of a Class H felony.

(g) Any person who violates sub. (1)(b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1)(b) during or her commission of an armed robbery to cause bodily harm or bodily discomfort to another or who threatens to use the bomb, grenade, projectile, shell or container during his or her commission of another crime to incapacitate another person is guilty of a Class H felony.

(h) Any person who intentionally uses a device or container described under par. (a) to cause bodily harm or bodily discomfort to another is guilty of a Class A misdemeanor.

(i) Paragraph (b) does not apply to any of the following:

1. Any person acting in self-defense or defense of another, as allowed under s. 939.48.

2. Any peace officer acting in his or her official capacity. Notwithstanding section 939.22 (22), for purposes of this subdivision, peace officer does not include a commission warden who is not a state-certified commission warden.

3. Any armed forces or national guard personnel acting in the line of duty.

(4)(d) Whoever intentionally uses a device or container described under par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a Class H felony.
(e) Whoever uses a device or container described under par. (a) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the device or container during his or her commission of another crime to incapacitate another person is guilty of a Class E felony.

(f) Any person who offers for sale a device or container described under par. (a) and who leaves in his or her place of business an unsold device or container in a place where customers have ready access to the device or container is subject to a Class C forfeiture.

(g) Any person who sells or distributes a device or container described under par. (a) to a person who has not attained the age of 18 years is subject to a Class C forfeiture.

2. A person who proves all of the following by a preponderance of the evidence has a defense to prosecution under subd. 1.

(a) Provide information about the sale or distribution falsely represented that the purchaser or distributee falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser or distributee was such that an ordinary and prudent person would believe that the purchaser or distributee had attained the age of 18.

(c) That the sale was made in good faith, in reliance on an identification card and in the belief that the purchaser or distributee had attained the age of 18.

(h) Any person who intentionally offers for sale a device or container in a place where customers have direct access to the device or container is guilty of a Class A misdemeanor.

(jj) Whoever intentionally sells a device or container described under par. (a) that does not meet the safety criteria provided in rules promulgated under subd. 2. is guilty of a Class A misdemeanor.

2. The department of justice shall promulgate rules providing safety criteria for devices or containers described under par. (a). In promulgating the rules, the department shall do all of the following:

(a) Consider recommendations of law enforcement agencies, as defined in s. 165.83(1)(b), and manufacturers of devices or containers described under par. (a).

(b) Provide allowable amounts of oleoresin of capsicum, inert ingredients and total ingredients for a device or container described under par. (a).

(c) Provide a maximum effective range for a device or container described under par. (a).

(d) Provide other requirements to ensure that a device or container described under par. (a) is effective and appropriate for self-defense purposes.

3. Subdivisions 1. and 2. do not apply to sales of devices or containers described under par. (a) for use by peace officers or armed forces or national guard personnel.

(jj) Whoever intentionally sells a device or container described under par. (a) without providing the purchaser with all of the following is guilty of a Class A misdemeanor:

(a) A proper label on the device or container.

(b) Written safety instructions for using the device or container.

(c) A package that contains a clear, highlighted message to the purchaser cautioning him or her to read and follow the safety instructions.

2. The department of justice shall promulgate rules providing the requirements for labeling, packaging and written safety instructions under subd. 1.

(k) Any person who has not attained the age of 18 years and who possesses a device or container described under par. (a) is subject to a Class E forfeiture.

(L) Any person who has been convicted of a felony in this state or has been convicted of a crime elsewhere that would be a felony if committed in this state who possesses a device or container described under par. (a) is subject to a Class A misdemeanor. This paragraph does not apply if the person has received a pardon for the felony or crime.

941.27. Machine guns.

1. Definitions. In s. 941.25 and 941.26, “machine gun” means any of the following:

(a) Any weapon that shoots, is designed to shoot or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(b) The frame or receiver of any weapon designed for use under par. (a) or any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a weapon described under par. (a).

(c) Any combination of parts from which a weapon described under par. (a) can be assembled in the possession or under the control of a person.

2. Exceptions. Sections 941.25 and 941.26 shall not prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament or keepsake; or the possession of a machine gun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

941.28. Possession of short-barreled shotgun or short-barreled rifle.

1. In this section:

(a) “Rifle” means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a rifled barrel a single projectile for each pull of the trigger.

(b) “Short-barreled rifle” means a rifle having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a rifle having an overall length of less than 26 inches.

(c) “Short-barreled shotgun” means a shotgun having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a shotgun having an overall length of less than 26 inches.

(d) “Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

2. A person specified in sub. (1) is guilty of a Class G felony if he or she possesses a firearm under any of the following circumstances:

(a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1)(a) or (b).

(b) The person possesses a firearm subsequent to the adjudication, as specified in sub. (1)(b).

(c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness as specified in sub. (1)(c) or (d).

(d) The person possesses a firearm while subject to the court order, as specified in sub. (1)(e) or (g).

(e) The person possesses a firearm while the injunction, as specified in sub. (1)(f), is in effect.

(f) Any firearm involved in an offense under sub. (2) is subject to s. 968.20(3).

(g) A person is convicted of a crime, as specified in s. 939.052(b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub. (2).
The prohibition against firearm possession under this section does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity.

(7) This section does not apply to any person who has been found not guilty or not responsible by reason of insanity or mental disease, defect or illness if a court subsequently determines both of the following:

(a) The person is no longer insane or no longer has a mental disease, defect or illness.
(b) The person is not likely to act in a manner dangerous to public safety.

(8) This section does not apply to any person specified in sub. (1) if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. In any action or proceeding regarding this determination, the person has the burden of proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety.

(9) This section does not apply to a person specified in sub. (1) (e) if the prohibition under s. 51.20(13)(cv) 1. has been canceled under s. 51.20(13)(cv) 2. or (16)(gm), or under s. 51.20(13)(cv)1m. c. 1.

This section does not apply to a person specified in subs. (1) (em) if the order under s. 51.30(13)(cv)1., is canceled under s. 51.20(13)(cv)1m. c., if the order under s. 51.45(13)(j)1., is canceled under s. 51.45(13)(j)2. c., if the order under s. 54.10(3)(f)1 is canceled under s. 54.10(3)(f)2. c., or if the order under s. 55.12(10)(a) is canceled under s. 55.12(10)(b)3.

(10) The prohibition against firearm possession under this section does not apply to a person specified in sub. (1) (f) if the person satisfies any of the following:

(a) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty. Notwithstanding subsection 939.22 (22), for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.
(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.
(c) Any peace officer acting in the discharge of his or her official duties. Notwithstanding section 939.22 (22), this paragraph does not apply to a commission warden.
(d) Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his or her official duties.
(e) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.
(f) Any person who is on real property and acting with the consent of the owner of that property.

941.297 Sale or distribution of imitation firearms.

(1) In this section, "look-alike firearm" means any imitation of any original firearm that was manufactured, designed and produced after December 31, 1897, including and limited to toy guns, water guns, replica nonguns, and air-soft guns firing nonmetallic projectiles. "Look-alike firearm" does not include any imitation, nonfiring, collector replica of an antique firearm developed prior to 1898, or any traditional beebee, paintball or pellet-firing air gun that expels a projectile through the force of air pressure.

(2) Beginning November 19, 1992, no person may sell or distribute any look-alike firearm. Whoever violates this subsection is subject to a Class A forfeiture.

(3) This section does not apply to the sale or distribution of a look-alike firearm that complies with the marking or warning requirements under 15 USC 5001 (b).

941.298 Firearm silencers.

(1) In this section, "firearm silencer" means any device for silencing, muffling or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating such a device, and any part intended only for use in that assembly or fabrication.

(2) Whoever sells, delivers or possesses a firearm silencer is guilty of a Class H felony.

(3) Subsection (2) does not apply to sales or deliveries of firearm silencers to or possession of firearm silencers by any of the following:

(a) Any peace officer who is acting in compliance with the policies of the officer's department or agency. This paragraph does not apply to any officer whose department or agency does not have such a policy. Notwithstanding section 939.22 (22), this paragraph does not apply to a commission warden.
(b) Any armed forces or national guard personnel, while in the line of duty.
(c) Any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872.

941.31 Possession of explosives.

(1) Whoever makes, buys, transports, possesses, or transfers any explosive compound or offers to do the same, either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime, is guilty of a Class F felony.

(2) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Whoever violates this section is subject to a Class C forfeiture.

(3) Subsection (2) does not apply to any of the following:

(a) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.
(b) The person is on real property and acting with the consent of the owner of that property.

Chapter 943. Crimes against Property

Subchapter I. Damage

943.06 Molotov cocktails.

(1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb is guilty of a Class H felony.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by fire fighters or law enforcement officers.

Chapter 948. Crimes against Children

948.55 Leaving or storing a loaded firearm within the reach or easy access of a child.

(1) In this section, "child" means a person who has not attained the age of 14 years.

(2) Whoever recklessly stores or leaves a loaded firearm within the reach or easy access of a child is guilty of a Class A misdemeanor if all of the following occur:

(a) A child obtains the firearm without the lawful permission of his or her parent or guardian or the person having charge of the child.
(b) The child under par. (a) discharges the firearm and the discharge causes bodily harm or death to himself, herself or another.

(3) Whoever recklessly stores or leaves a loaded firearm within the reach or easy access of a child is guilty of a Class C misdemeanor if all of the following occur:

(a) A child obtains the firearm without the lawful permission of his or her parent or guardian or the person having charge of the child.
(b) The child under par. (a) possesses or exhibits the firearm in a public place or in violation of s. 941.20.

(4) Subsections (2) and (3) do not apply under any of the following circumstances:

(a) The firearm is stored or left in a securely locked box or container or in a location that a reasonable person would believe to be secure.
(b) The firearm is securely locked with a trigger lock.
(c) The firearm is left on the person's body or in such proximity to the person's body that he or she could retrieve it as easily and quickly as if carried on his or her body.

(d) The person is a peace officer or a member of the armed forces or national guard and the child obtains the firearm during or incidental to the performance of the person's duties. Notwithstanding section 939.22 (22), for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.

(e) The child obtains the firearm as a result of an illegal entry by any person.

(f) The child gains access to a loaded firearm and uses it in the lawful exercise of a privilege under s. 939.48.

(g) The person who stores or leaves a loaded firearm reasonably believes that a child is not likely to be present where the firearm is stored or left.

(h) The firearm is rendered inoperable by the removal of an essential component of the firing mechanism such as the bolt in a breech-loading firearm.

(5) Subsection (2) does not apply if the bodily harm or death resulted from an accident that occurs while the child is using the firearm in accordance with s. 948.60(3).

948.60. Possession of a dangerous weapon by a person under 18.

(1) In this section, "dangerous weapon" means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295(4); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manikigusari or similar length of chain having weighted ends.

(a) Any person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.

(b) Exemptions. In par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a Class I felony.

(c) Whoever violates par. (b) is guilty of a Class H felony if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A person under 17 years of age who has violated this subsection is subject to the provisions of ch. 938 unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.

(3)(a) This section does not apply to a person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to a person under 18 years of age who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who is a member of the armed forces or national guard and who transfers a dangerous weapon to a person under 18 years of age in the line of duty.

(c) This section applies only to a person under 18 years of age who possesses or is armed with a rifle or shotgun if the person is in violation of s. 941.28 or is not in compliance with ss. 29.304 and 29.593. This section applies only to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not in compliance with ss. 29.304 and 29.593 or to an adult who is in violation of s. 941.28.

948.605. Gun-free school zones.

(1) Definitions.

(a) "Encased" has the meaning given in s. 167.31(1)(b).

(b) "Firearm" does not include any beebee or pellet-firing gun that expels a projactile through the force of air pressure or any starter pistol.

(c) "Motor vehicle" has the meaning given in s. 340.01(35).

(b) "School" has the meaning given in s. 948.61(1)(b).

(c) "School zone" means any of the following:

1. In or on the grounds of a school.
2. Within 1,000 feet from the grounds of a school.
3. In or on the grounds of a school who: a. Encased; or b. In a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual;
6. By a law enforcement officer or state-certified commission warden acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school grounds for the purpose of gaining access to or for the purpose of delivering or picking up passengers or property. The weapon may not be removed from the vehicle or be used in any manner.

(c) Possess or uses a bow and arrow or knife while legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest under s. 120.13(38).

(d) Participates in a convocation authorized by school authorities in which weapons of collectors or instructors are handled or displayed.

(e) Exemption. A person under 17 years of age who has violated this section is subject to the provisions of ch. 938, unless jurisdiction is waived under s. 938.18 or the person is subject to the jurisdiction of a court of criminal jurisdiction under s. 938.183.
Title 6 Crimes and Offenses
Chapter 3 Offenses Against Property

Article 1. Arson and Related Offenses

6-3-111. Possession, manufacture, transportation and sale of explosives, improvised explosive device, or incendiary apparatus with unlawful intent prohibited; penalties; definition; exception.

(a) As used in this section:

(i) "Explosive" means any chemical or mechanical compound, substance or mixture that is commonly used or intended to cause an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packaging that an ignition by fire, friction, concussion, percussion or by detonation of any part of the compound or mixture is likely to cause such a sudden generation of heat and pressure that the resultant gaseous pressures are capable of producing destructive effects on nearby objects, or of destroying life or limb;

(ii) "Improvised explosive device" means any device, not commercially manufactured in the ordinary course of interstate commerce, which contains explosives as defined by paragraph (i) of this subsection;

(iii) "Incendiary apparatus" means any fuse, accelerator, time delay ignition apparatus, mechanism, device or material or combination of materials designed, devised or reasonably calculated to cause, spread or accelerate the rate of burning and to cause additional damage at or by a fire, or to cause an explosion in connection with a fire;

(iv) "Explosive device" and "incendiary apparatus" shall be construed to include and refer to any explosive, incendiary, bomb, grenade, rocket or missile having an explosive weight of more than one-quarter (1/4) ounce, any explosive or incendiary charge of more than one-quarter (1/4) ounce, mine or similar device containing or represented to contain any poison gas, nerve gas, biological agent or other chemical or substance capable of causing death or serious physical injury.

(b) Any person who possesses, manufactures, transports, sells or delivers to another person any explosive, improvised explosive device, or incendiary apparatus, with the intent unlawfully to endanger the life or physical well being of another, or to commit assault or battery or to inflict bodily harm or injury upon the person of another, or with the intent to assist another person to do the same, is guilty of a felony. Upon conviction, he shall be punished by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars ($5,000.00), or both.

(c) Any person who possesses, manufactures, transports, sells or delivers to another person any explosive, improvised explosive device, or incendiary apparatus, with the intent to cause injury or damage to the property of another as defined in W.S. 6-3-103(c), or with the intent to assist another person to do the same, is guilty of a felony. Upon conviction, he shall be punished by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars ($5,000.00), or both.

(d) A person is guilty of intimidation by explosive device if he knowingly, and with the intent to threaten, intimidate or terrorize another person, uses any object or material and represents it to be an explosive, improvised explosive device or incendiary apparatus, and thereby places another person in reasonable fear of imminent physical harm. Upon conviction he shall be punished by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars ($10,000.00), or both.

(e) Nothing contained in this section shall be construed to apply to any law enforcement officer if performed in the lawful performance of his official duties, nor to any person customarily engaged in the lawful business of manufacture, transportation, sale or use of such materials and devices, if performed in the ordinary course of business and without the criminal intent described in this section, nor to any person actually and lawfully engaged in demolition activity on a ranch, farm or construction site with the authority of the owner thereof, and acting without the criminal intent described in this section.

Title 6. Crimes and Offenses
Chapter 8. Weapons

Article 1. Weapons Offenses

6-8-102. Use or possession of firearm by person convicted of certain felony offenses; penalties.

Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony or a felony under W.S. 6-5-204(b), and has not been pardoned and who uses or knowingly possesses any firearm is guilty of a felony punishable by imprisonment for not more than three (3) years, a fine of not more than five thousand dollars ($5,000.00), or both.

6-8-103. Possession, manufacture or disposition of deadly weapon with unlawful intent; penalties.

(a) A person who knowingly possesses, manufactures, transports, repairs or sells a deadly weapon with intent to unlawfully threaten the life or physical well-being of another or to commit assault or inflict bodily injury on another is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than one thousand dollars ($1,000.00), or both.

(b) A person who carries a concealed weapon with intent to unlawfully threaten the life or physical well-being of another or to commit assault or inflict bodily injury on another is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than one thousand dollars ($1,000.00), or both.

6-8-104. Wearing or carrying concealed weapons; penalties; exceptions; permits.

(a) A person who wears or carries a concealed deadly weapon is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00), imprisonment in the county jail for not more than six (6) months, or both, unless:

(i) The person is a peace officer;

(ii) The person possesses a permit under this section; or

(iii) The person holds a valid permit authorizing him to carry a concealed firearm authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits, and is a valid statewide permit.

(b) The attorney general is authorized to issue permits to carry a concealed firearm to persons qualified as provided by this subsection. The attorney general shall promulgate rules necessary to carry out this section no later than October 1, 1994. Applications for a permit to carry a concealed firearm shall be made available and distributed by the division of criminal investigation and local law enforcement agencies. The permit shall be valid throughout the state for a period of five (5) years from the date of issuance. The permittee shall carry the permit, together with valid identification at all times when the permittee is carrying a concealed firearm and shall display both the permit and proper identification upon request of any peace officer...

(i) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after the loss or destruction of a permit, the permittee, including any permittee under paragraph (a)(iii) of this section, shall so notify the division. Violation of this subsection may result in cancellation or revocation of the permit.

(ii) No permit issued pursuant to this section or any permit issued from any other state shall authorize any person to carry a concealed firearm into:

(A) Any school, college or university; or

(B) Any other location or facility without the written consent of the security service of the school or institution.

(c) Any place where the carrying of firearms is prohibited by federal law or regulation or state law.

(d) As used in this section:

(i) "Division" means the division of criminal investigation within the office of the attorney general;

(ii) "Firearm" means any pistol, revolver or firearm, designed to be fired by the use of a single hand.

Article 2. Firearms Regulation

6-8-203. Firearms information to be kept in place of business; inspection by peace officer. The information required by federal law to be maintained on firearms shall be kept by every wholesaler, retailer, pawnbroker and dealer in firearms in the place of business of the wholesaler, retailer, pawnbroker or dealer, and shall be subject to inspection by any peace officer at all reasonable times.

Article 3. Rifles and Shotguns [Repealed]

Article 4. Regulation by State

6-8-401. Firearm, weapon and ammunition regulation and prohibition by state.

(a) The Wyoming legislature finds that the right to keep and bear arms is fundamental right.
The Wyoming legislature affirms this right as a constitutionally protected right in every part of Wyoming.

(b) Repealed by Laws 2010, ch. 108 § 3, eff. March 11, 2010.

(c) The sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the state, and regulation thereof is preempted by the state. Except as authorized by W.S. 15-1-103(a)(xviii), no city, town, county, political subdivision or any other entity shall authorize, regulate or prohibit the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use, carrying or possession of firearms, weapons and ammunition except as specifically provided by this chapter. This section shall not affect zoning or other ordinances which encompass firearms businesses along with other businesses. Zoning and other ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition a method of regulating firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are prohibited.

[Current through all 2010 Legislation]