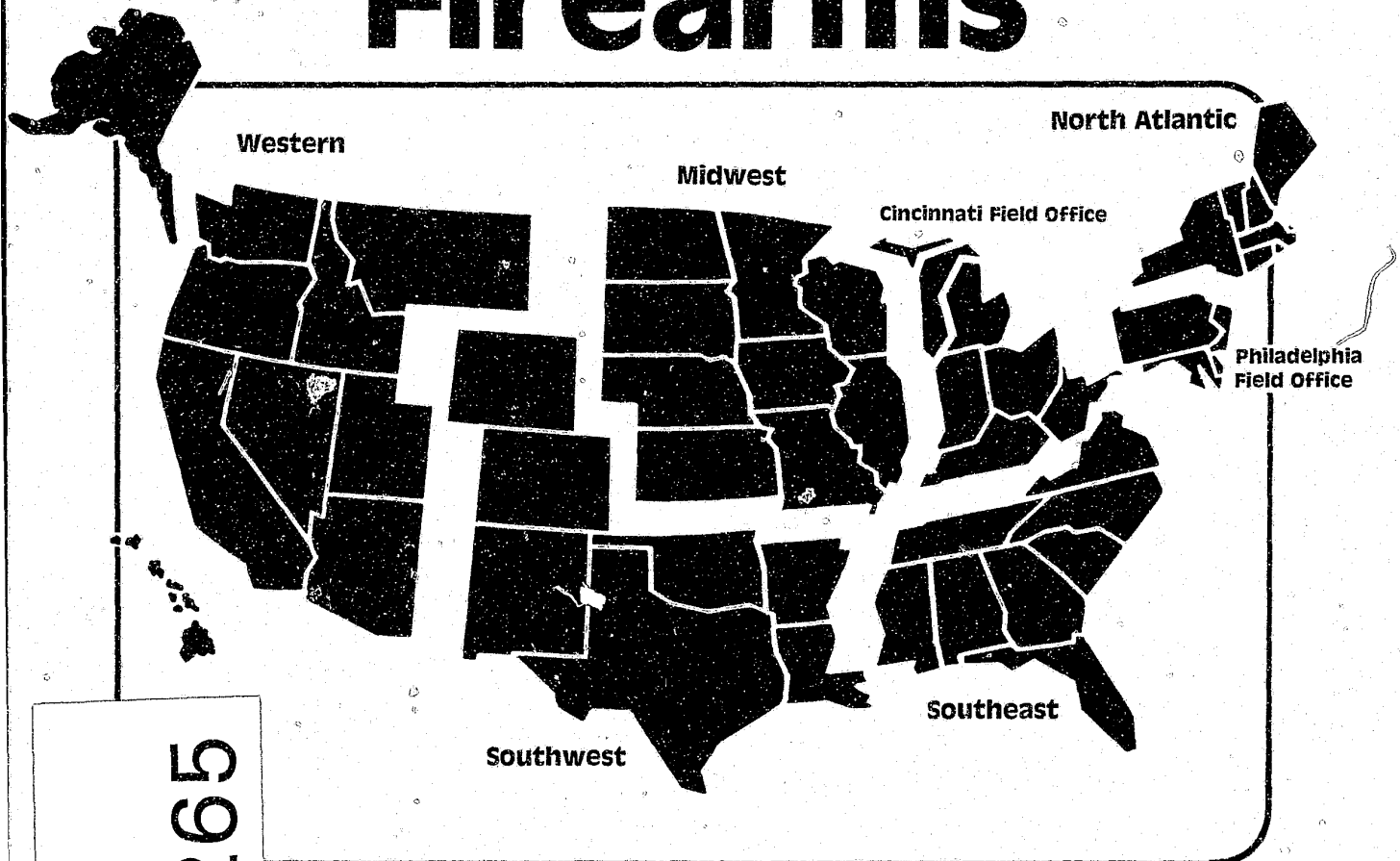




**18th
Edition**

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

State Laws and Published Ordinances - Firearms



157265

ATF P 5300.5 (7-88)

157265

**U.S. Department of Justice
National Institute of Justice**

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DIRECTOR'S MESSAGE
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

Amendments to the Gun Control Act during 1986 have allowed hunting enthusiasts greater opportunity to obtain shotguns and rifles of their choice from licensed Federal firearms dealers throughout the United States, thus increasing sales opportunities for those licensees. The law requires that these longgun sales be legal under the State laws of both dealer and purchaser. These changes have increased the dealers' need for ready access to State firearms laws to avoid making prohibited sales and thus causing problems for themselves and for their customers.

I am pleased to furnish you, the licensed dealer, the 18th Edition of State Laws and Published Ordinances-Firearms, which has (on pages iv - vi) a "Ready Reference" Table to provide you with an extra measure of assistance with your business operations. When deciding whether or not to make a sale, you should consult the full text of the State requirements, or perhaps even contact State authorities before making a decision.

As a Federal firearms licensee, you play the critical role of assuring that firearms are acquired from you only by persons who are eligible to receive or possess them. Your acquisition and disposition records, Forms 4473, and reports of multiple sales or other dispositions of handguns on Forms 3310.4, have proven valuable to law enforcement agencies at all levels of government in tracing the movements of weapons suspected of use in crimes. I greatly appreciate the high level of assistance you have provided when contacted by ATF's personnel, and hope this will continue.

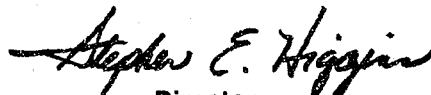
If you have any questions concerning:

- Your Federal firearms license, renewal application, or the Federal law or regulations, please do not hesitate to contact the ATF Compliance Region or Field Office servicing your State. Office addresses are on page vii.
- Stolen or lost Title II (National Firearms Act) weapons, or if you have knowledge of specific, unlawful activities, contact your nearest ATF Law Enforcement District Office, listed on page vii.
- Interpretation of a State, county, or other local law or ordinance, please contact the State police, local authority, or the State Attorney General. A listing of States' Attorneys General offices is on page viii.

Reports of multiple sales on ATF Forms 3310.4 are to be mailed to the nearest ATF Law Enforcement District Office.

If you are going out of business with no business successor, your firearms records are to be shipped to our Out-of-Business Record Center address. See page vii.

Materials and ideas for future editions of this publication are most welcome, and may be addressed to the Firearms and Explosives Operations Branch (C:F:F), P.O. Box 189, Washington, DC 20044.


Director

[This publication is required by Section 921(a)(19) of Title 18, United States Code, and by Section 110 of Public Law 99-308, to inform Federal firearms licensees of State and local firearms transaction requirements by these jurisdictions.]

NCSRS

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RELEVANCY CRITERIA

The ATF compiler applies the following criteria in deciding which published State and local firearms laws and ordinances are either relevant or not relevant to the effective administration of the Gun Control Act of 1968, as amended

RELEVANT - Firearms laws and ordinances published by State and local jurisdictions included in this publication are 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 particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts);
3. Restrict the sale, possession, or receipt of 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 I.D. 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; and
7. Restrict the sale of firearms (e.g., requirement for a State or local license to sell firearms; recordkeeping requirements imposed as a condition of lawful sale of firearms).

NOT RELEVANT - Firearms laws and ordinances published by State and local jurisdictions NOT included in this publication are those which:

1. Prohibit the carrying of weapons such as legal handguns, long-barreled rifles or shotguns, slingshots, dirks, daggers, etc. on persons or in vehicles;
2. Prohibit the discharge of weapons within city limits, parks, or on private property;
3. Require notification to local police departments or other designated officials AFTER the sale and delivery have been made.

IN ADDITION - Those local jurisdictions having ordinances meeting the relevancy criteria described above and which have incorporated only State firearms law by reference to, by extraction from, or by recodification of, State provisions, are omitted.

CROSS REFERENCING SYSTEM

The ATF compiler has attempted to streamline this publication by eliminating the full text of local ordinance provisions which simply adopt, are extracted from, or are identical to, State law or other local ordinances in the same State by employing a cross referencing system in which the ordinance citation appears on the left and the corresponding State law or other local ordinance provision is cited to the right.

When used in a cross reference, the words "adopts," "same as," and "extracted from" have the following meanings:

AdoptsThe ordinance contains language specifically incorporating cited State law.

Same asLanguage in the body of the ordinance is identical to provision cited. Title of a person or agency may vary, as might a penalty if included.

Extracted fromLanguage in the body of the ordinance contains the same requirement or definition set out in the State law, although the State Law may contain additional language. Penalty provisions and responsible agencies, where applicable, may vary.

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 U.S.C. §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. OK, 1978).

FEDERAL AGE RESTRICTIONS

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

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 U.S.C. §922(b)(1).] Where State or local law is MORE restrictive than the Federal, the State/local law shall apply.

[NOTE: Ammunition interchangeable between rifles and handguns (such as .22 caliber rimfire) may be sold to an individual 18 years of age, but less than 21, if the licensee is satisfied that the ammunition is being acquired for use in a rifle.]

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) < [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD- KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS [PREEMPTION]
ALABAMA	13A-11-77; 48 hrs. Pistol	13A-11-77 13A-11-79	13A-11-77 Pistol purchase appl.	13A-11-78	13A-11-77 13A-11-79	11-45-1.1
ALASKA	—	(11.61.200)	—	—	—	—
AMERICAN SAMOA	46.4221, 4229 Any firearm; time n/a	46.4228, 4229	46.4221, 4229 Any	46.4223	46.4224, 4228	—
ARIZONA	—	(13-3101.5.)	—	—	—	13-3108
ARKANSAS	—	(41-3103)	—	—	41-3163 - 3164	—
CALIFORNIA	12071, 072: 15 days, Concealable	12076(a) 12079	12072: Concealable =purchase appl; 12095 - 98: Movie/TV props = permit; 12230: Machineguns= permit; 12036: Destructive devices = permit	12070 12250 12305	12073 12076 12250 12350	(12071(a)) 53071
COLORADO	—	(18-12-108)	—	—	12-26-102	—
CONNECTICUT	29-33 Handguns- None with permits; 2 weeks without	29-33	—	29-28	29-11 53-202), (7)	—
DELAWARE	—	(11-1448) 24-904	—	24-901	24-904	—
DISTRICT OF COLUMBIA	22-3208: 48hrs., Pistols	6-2313 22-3208	6-2311(a): Any firearm	6-2341(b) 22-3209, -3210	6-2318 6-2344	NOT APPLICABLE
FLORIDA	—	(790.17, .18, .23)	—	—	—	790.33
GEORGIA	—	(16-11-131)	—	43-16-2	—	—
GUAM	—	60106; 60114	60106[I.D. card] All	60104 60115	—	—
HAWAII	134-3(h):10-15 days, Any firearm	134-3(a); 134-7	134-3(a): Any/all	134-31	—	—
IDAHO	—	18-3302, -3303	—	—	—	31-872; 50-343
ILLINOIS	24-3(g): 72 hrs., Concealable; 24 hrs., longguns	83-2 - 83-4	83-2 [I.D. card] All	—	24-4; 83-3(b)	(83-13.1)
INDIANA	35-47-2-8(c), -11: 7 work days, Handguns	35-47-2-9(a)	35-47-2-8: Application to transfer handgun	35-47-2-15	35-47-2-9(b)	35-47-2-13
IOWA	—	(724.3) 724.15	724.15 Pistol; revolver	—	—	—
KANSAS	—	(21-4204)	—	—	—	—
KENTUCKY	—	(527.040)	—	—	—	65.870
LOUISIANA	—	(14:95.1) 40:1753	[14:95.1.C.: Felons] 40:1787 NFA weapons	40:1787 47:382, 383	40:1754, 1789	—
MAINE	—	15:15-393 Felons	15:15-393 Any	—	15:17-455	—
MARYLAND	442(b): 7 days, Pistols/revolvers	(406,445) 379, 442(e)	442 Transfer appl.	443	378, 442(c),(f)	36H: Note ff 406; 442(a), 445(a)
MASSACHUSETTS	—	140:128B,129B,131A	140:129B-D;I.D. Card Pistol/revolver	140:122, 122B	140:123	—
MICHIGAN	—	28.92(1)	28.92 Pistol	—	28.92(2)	—
MINNESOTA	624.7132(4): Pistol, 7 days	(624.713) 624.7131, .7132	624.7131 Pistol	—	609.67(4)(b) 624.7132	471.633
MISSISSIPPI	—	(45-9-15) 45-9-1 thru 5; 45-9-17	45-9-3: Registration of 45-9-1 weapons 10 days after purchase	—	45-9-9 97-37-11	—

(vi)

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD- KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS (PREEMPTION)
MISSOURI	571.090.3: Concealable; not to exceed 7 working days	571.080 .090	571.080: Concealable	—	—	—
MONTANA	—	45-8-308	—	—	45-8-309	45-8-351
NEBRASKA	—	(28-1204, 1206)	—	—	—	—
NEVADA	—	(202.360)	—	—	—	—
NEW HAMPSHIRE	—	159:9	159:8-a Pistol/revolver	159:8	159:9	—
NEW JERSEY	2C:58-3.f: Handgun; Residents: 30 days; Others, 45 days	(2C:39-10.c.) 2C:58-2.d 2C:58-3	2C:58-3 (I.D. card) Handgun	2C:58-1,-2	2C:39-3.g.(2), (3) 2C:58-1.e.,-2.b.	2C:1-5.d.
NEW MEXICO	—	(30-7-16)	—	—	—	—
NEW YORK	400.00.4-a Pistol or revolver-up to 6 mo.	(400.00.1) 400.00.3	400.00.1,.6: Pistol/revolver	400.00.2	400.00.12	400.00.6
NORTH CAROLINA	14-404, -409.3; Pis- tols, Up to 30 days	(14-415.1) 14-402,-404 14-409.1,-409.3	14-402,-403,-404 -409.1,-409.2,-409.3 Pistol	14-402,-409.1 105-80,-102.4	14-406,-409.5	(105-80(c))
NORTH DAKOTA	—	(62.1-02-01 - 03) 62.1-05-01	—	—	62.1-03-03 62.1-05-01	62.1-01-03
COMMONWEALTH OF N. MARIANAS	—	556, 558	555-558 Firearm, device, ammunition	560, 568, 580	563, 564, 565, 566, 567, 569	(578)
OHIO	—	2923.18	2923.18: Dangerous Ordnance	—	2923.20	—
OKLAHOMA	—	(1273, 1289.10,.12)	—	—	—	1289.24
OREGON	166.430(3) Conceal- able: 120 hrs.	(166.270) 166.420(2)	—	166.430	166.420	—
PENNSYLVANIA	6111(a) Any firearm: 48 hrs.	6111(b)	6111(a) Any; Purchase application	6112, 6113	6111, 6113	6120
COMMONWEALTH/ PUERTO RICO	—	425, 438	416: Any firearm	432	432,436,438	—
RHODE ISLAND	11-47-35(a) Pistols/ revolvers - 72 hrs	11-47-35	11-4-35 Pistol/revolver	11-47-38	11-47-40	11-47-41 11-47-56
SOUTH CAROLINA	—	23-31-140	—	23-31-130,-150	23-31-140 23-31-360	HB 2826, signed 06-1C 86
SOUTH DAKOTA	23-7-9: W/permit to carry, none; With no permit, 48 hrs.	23-7-10	23-7-10: Pistol - Purchase appl. or permit to carry	—	23-7-10	7-18A-36 8-5-13 9-19-20
TENNESSEE	39-6-1704(c),(d) Handguns: To 15 days	39-6-1704(c)	39-6-1704(c): Certification; sidearms	39-6-1704(g)	39-6-1704(c)	—
TEXAS	—	(46.05,.07)	—	—	—	Title 28: Art. 1015p.
UTAH	—	(76-10-503,-509)	—	—	—	76-10-501(1)(b)
VERMONT	—	—	—	—	4006	—
VIRGINIA	—	(18.2-308.2,.3)	—	15.1-523, 525	15.1-524 18.2-294,295,304	15.1-29.15
VIRGIN ISLANDS	466 Any, 48 hrs.	466	452, 466: Any	461, 463	465	—
WASHINGTON	9.41.090(1) Pistols; Resident: 5 days; Others: to 60 days	9.41.090	9.41.090 Pistol purchase application.	9.41.100	9.41.110(4)	(9.41.300(2)) 9.41.110(7) 9.41.290
WEST VIRGINIA	—	61-7-9	61-7-8: Machineguns; high powered rifles; ammunition for same.	—	61-7-9	(8-12-5) 8-12-5a

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD- KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS [PREEMPTION]
WISCONSIN	175.35 Handguns: 48 hrs.	(941.29)	—	—	941.25	—
WYOMING	—	6-8-202,-202	—	—	6-8-201,-202,-203	—

FOOTNOTES

[Any section citation seen above should be reviewed for **ACTUAL** impact.]

[A " — " means that the requirement has not been determined to exist.]

COL.

- 1 "STATE" includes the 50 States; the District of Columbia (DC); American Samoa (AS); Guam (GU); Northern Marianas (CM), a Commonwealth; Puerto Rico (PR), a Commonwealth; Virgin Islands (VI); and, any of the possessions of the United States. These possessions are not included in this Appendix.
- 2 "STATE- PURCHASER WAITING PERIOD" generally refers to the period between purchaser application for type/types of firearms and allowable receipt or delivery. Exceptions exist among the States. However, where there is a requirement to file application to obtain a license or permit to purchase a firearm, a waiting period is often "built in" the processing of the application which may not appear in this Appendix.
- 3 "STATE- PURCHASER REQUIREMENTS" generally means a positive action the customer must make or take; those section cites in parenthesis [()] indicate **LISTS**, only, of prohibitions/prohibited persons.
- 4 "STATE- LICENSE/PERMIT TO PURCHASE; TYPE" shows section(s) of State law where required. "TYPE" means the type of firearm(s) or a generic term (e.g., concealable).
- 5 "STATE- LICENSE: DEALER, MANUFACTURER, ETC." generally means the person must have **BOTH** a Federal and State license.
- 6 "STATE- LICENSEE RECORDKEEPING REQUIREMENTS" is fairly clear. However, this category may refer to relatively narrow types of firearms or situations.
- 7 "STATE- LOCAL GOV'T LIMITS [PREEMPTION]" means that the State overrides its counties, cities, and/or other local jurisdictions, in whole or in part. Entries in parenthesis [()] indicate that permission of some type is specifically **GRANTED** to local jurisdictions to enact local ordinances.

DRAFTING INFORMATION

The Compiler of "State Laws and Published Ordinances-Firearms" is ATF Specialist Gary Caplan of the Firearms and Explosives Operations Branch, Compliance Operations, who is responsible for the digests and notes contained herein. OFFICIAL INTERPRETATION of any State or local law must, however, be left to officials of the relevant jurisdiction(s).
Materials, advice and information for future editions may be addressed to:

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Firearms and Explosives Operations Branch (C:F:F)
Post Office Box 189
Washington, DC 20044

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To Receive ATF Forms and Publications:
 7943 Angus Court; Springfield, VA 22153
 (703) 455-7801

FIREARMS OUT-OF-BUSINESS RECORDS CENTER

To Ship Out-of-Business Firearms Records:
 3361F 75th Avenue; Landover, MD 20785

ATF COMPLIANCE OPERATIONS - REGION/FIELD OFFICE ADDRESSES AND TELEPHONE NUMBERS**MIDWEST REGION**

IL, IA, KS, MN, MO, NE,
 ND, SD, WI,
 230 South Dearborn St, 15th Flr.
 Chicago, IL 60604
 312-353-3894 Licensing
 312-353-3883 F&E Coordinator
 Cincinnati Field Office
 IN, KY, MI, OH, WV
 6519 Federal Office Building
 550 Main Street
 Cincinnati, OH 45202
 513-684-3715 Licensing
 513-684-3715 F&E Coordinator

NORTH ATLANTIC REGION

CT, ME, MA, NH, NY, RI, VT
 6 World Trade Center, 6th Flr.
 New York, NY 10048
 212-264-1733 Licensing
 212-264-3993 F&E Coordinator
 Philadelphia Field Office
 DE, DC, MD, NJ, PA
 841 Chestnut Building, Room 380
 Philadelphia, PA 19107
 215-597-2238 Licensing
 215-597-2220 F&E Coordinator
 Southeast Region
 AL, FL, GA, MS, NC, SC, TN,
 VA [PR + VI]
 3835 Northeast Expressway
 P.O. Box 2994 [Zip 30301]
 Atlanta, GA 30370
 404-986-6040 Licensing
 404-986-6030 F&E Coordinator

WESTERN REGION

AK, AZ, CA, HI, ID, MT, NV, OR, UT, WA
 [AS, CM, + GU]
 221 Main St, 11th Flr.
 San Francisco, CA 94105
 415-974-9632 Licensing
 415-974-9632 F&E Coordinator
 Southwest Region
 AR, CO, LA, NM, OK, TX, WY
 1114 Commerce St, 7th Flr.
 Dallas, TX 75242
 214-767-2277 Licensing
 214-767-2277 F&E Coordinator

**ATF LAW ENFORCEMENT - DISTRICT OFFICE ADDRESSES
 (Alphabetical by State)**

2121 8th Avenue, North
 Room 725, 2121 Building
 Birmingham, AL 35203
 205-731-1205
 P.O. Box 1991, Main Office
 Los Angeles, CA 90012
 213-894-4812
 221 Main Street, Suite 1250
 San Francisco, CA 94105
 415-974-9589
 8420 NW 52nd St, Suite 120
 Miami, FL 33166
 305-536-4368
 101 Marietta St, NW, Suite 406
 Atlanta, GA 30303
 404-331-6526
 2115 Butterfield Road, Suite 300
 Oak Brook, IL 60521-1364
 312-620-7824
 510 West Broadway, Suite 807
 Louisville, KY 40202
 502-582-5211
 Hale Boggs Federal Bldg, Room 330
 500 Camp Street
 New Orleans, LA 70130
 504-589-2048
 Boston Federal Office Bldg.
 10 Causeway St, Room 701
 Boston, MA 02222-1081
 617-565-7042
 533 Federal Building
 231 W. Lafayette Street
 Detroit, MI 48226
 313-226-4830
 658 Federal Bldg & US Courthouse
 316 North Robert Street
 St. Paul, MN 55101
 612-290-3092

811 Grand Avenue, Room 106
 Kansas City, MO 64106
 816-374-7188
 1114 Market Street, Room 611
 St. Louis, MO 63101
 314-425-5560
 P.O. Box 3482, Church St. Station
 New York, NY 10008
 212-264-4657
 222 South Church Street, Room 404
 Charlotte, NC 28202
 704-371-6125
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 7251 Engle Road
 Middleburg Heights, OH 44130
 216-522-7210
 U.S. Customs House, Room 504
 2nd and Chestnut Streets
 Philadelphia, PA 19106
 215-597-7266
 215 Centerview Dr., Suite 215-A
 Brentwood, TN 37027
 615-736-5412
 1114 Commerce Street, Room 718
 Dallas, TX 75242
 214-767-2250
 16630 Imperial Valley Drive
 Suite 263
 Houston, TX 77060
 713-229-3511
 701 W. Broad St, Room 206
 Falls Church, VA 22046
 703-285-2543
 806 Jackson Federal Bldg
 915 2nd Avenue
 Seattle, WA 98174
 206-442-4485

[We have provided you with a listing of the State Attorneys General for you to reach if you have State-related questions or problems.]

Attorney General of Alabama
State Administrative Building
Montgomery, Alabama 36130
205-834-5150

Attorney General of Alaska
Pouch K, State Capitol
Juneau, Alaska 99811
907-465-3600

Attorney General of American Samoa
P.O. Box 7
Pago Pago, American Samoa 96799

Attorney General of Arizona
1700 West Washington
Phoenix, Arizona 85007
602-255-4266

Attorney General of Arkansas
Justice Building
Little Rock, Arkansas 72201
501-371-2007

Attorney General of California
800 Tishman Building, 3580 Wilshire
Los Angeles, California 90010
916-324-5437

Attorney General of Colorado
1525 Sherman Street - Third Floor
Denver, Colorado 80203
303-866-3611

Attorney General of Connecticut
Capitol Annex, 30 Trinity Street
Hartford, Connecticut 06115
203-566-2026

Attorney General of Delaware
820 North French Street, 8th Floor
Wilmington, Delaware 19801
302-571-2500

Attorney General of Florida
State Capitol
Tallahassee, Florida 32304
904-487-1963

Attorney General of Georgia
132 State Judicial Building
Atlanta, Georgia 30334
404-656-4585

Attorney General of Guam
Dept. of Law, 238 O'Hara St., 7
Agana, Guam 96910

Attorney General of Hawaii
State Capitol
Honolulu, Hawaii 96813
808-548-4740

Attorney General of Idaho
State House
Boise, Idaho 83720
208-334-2400

Attorney General of Illinois
500 South Second
Springfield, Illinois 62701
217-782-1090

Attorney General of Indiana
219 State House
Indianapolis, Indiana 46204
317-232-6201

Attorney General of Iowa
Hoover Building - Second Floor
Des Moines, Iowa 50319
515-281-5164

Attorney General of Kansas
Judicial Center - Second Floor
Topeka, Kansas 66612
913-296-2215

Attorney General of Kentucky
State Capitol
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Alabama

State Law

Code of AL

Title 11. Counties and Municipal Corporations

CHAPTER 45. ORDINANCES AND RESOLUTIONS

11-45-1.1. Subject matter of handguns reserved to state legislature.

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.

COMPILER'S NOTE

The Office of the Attorney General of the State of Alabama advises that the Alabama legislature has reserved to itself the total power to regulate handguns. Therefore, any previously enacted ordinances relating to handguns would be invalid (3/15/83).

Title 13A. Criminal Code

CHAPTER 11. OFFENSES AGAINST PUBLIC ORDER AND SAFETY

13A-11-57. Selling, etc., pistol or bowie 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-11-60. Possession or sale of brass or steel teflon-coated handgun ammunition; applicability of section.

(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 state or local law enforcement officers; nor shall it 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 for such firearm, upon conviction of such felony or attempted felony, in addition and consecutive to the punishment prescribed for said felony or attempted felony, shall be punished by the imposition of an additional term of three years in the penitentiary.

(d) Any person violating the provisions of this section shall be guilty of a Class C felony as defined by section 13A-5-3.

13A-11-62. Definitions.

For purposes of this division [62-66], the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) **Firearm.** Definition is same as provided in section 13A-8-1(4).

COMPILER'S NOTE:

Section 13A-8-1(4) defines firearm as "a weapon from which a shot is discharged by gunpowder."

(2) **Rifle.** 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 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. Possession, sale, etc., of short-barreled rifle or short-barreled shotgun; applicability of section.

(a) 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.

(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. Alteration, etc., of manufacturer's number, etc., of firearm; possession, etc., of firearm after identification altered.

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.

COMPILER'S NOTE

It is the opinion of the Alabama Attorney General that Act 82-430 [codified in §§ 13A-11-62 - 13A-11-66] "is not applicable if, but only if, the dealer sells or delivers the otherwise prohibited weapon to the police department or law enforcement agency, involved for supervised use by its officers 'In the course of or in connection with official duties.'"

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.

13A-11-72. Certain persons forbidden to possess pistol.

(a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

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

13A-11-76. Delivery to minors, habitual drunkards, etc. No person shall deliver a pistol to any person under the age of 18 or to one who 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-11-77. Sales regulated; application for purchase. No seller shall deliver a pistol to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; and he shall retain the triplicate for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

13A-11-78. Dealers' licenses — Required. 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. Same — Issuance; conditions; display; fees. 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 issue, 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, make, model 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. * * *

13A-11-80. Loans secured by deposit, etc., of pistol prohibited; certain transfers prohibited. 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 in application for licenses, purchases, etc. 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 offer false evidence of his identity.

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

Title 40. Revenue and Taxation

CHAPTER 12. LICENSES

40-12-143. Pistols, revolvers, * * *, etc.

Persons dealing in pistols, revolvers, maxim silencers * * * whether principal stock in trade or not shall pay * * * license tax in cities and towns * * *. All persons dealing in pistols, revolvers, and maxim silencers shall be required to keep a permanent record of the sale of every pistol, revolver, and maxim silencer showing [the information required by the State], which record shall always be open for inspection by any peace officer of the state of Alabama or any municipality thereof. * * *

40-12-158. Shotguns, rifles, ammunition, etc.

Each person dealing in shotguns, rifles of .22 calibre or over, metallic ammunition or shotgun shells shall pay a license tax * * * in cities * * * whether incorporated or not. * * *

Alaska

State Law

AK Stats.

Title 11. Criminal Law

Chapter 61. Offenses Against Public Order

ARTICLE 2. WEAPONS AND EXPLOSIVES

Sec. 11.61.200. Misconduct involving weapons in the first degree.

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

(1) knowingly possesses a firearm capable of being concealed on his person after having 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;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who 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;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to a person whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or drug into his body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable; or

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable.

(b) It is an affirmative defense to a prosecution under (a)(1) or (2) of this section that

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

(2) 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

(3) a period of five years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the possession, sale, or transfer of the firearm.

(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 the National Firearms Act (26 U.S.C. sec. 5801 et. seq.).

(d) The provisions of (a)(3) of this section do not apply to a peace officer acting within the scope and authority of his employment.

(e) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas; (I) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death; (II) rocket, other than an emergency flare, having a propellant charge of more than four ounces; (III) bomb; (IV) grenade;

(B) device designed, made or adapted to muffle the report of a firearm; * * *

(E) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(F) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185. * * *

Anchorage

8.05.430 Minors — Sale of firearms to. It is unlawful for any person to give, barter, sell, lease or otherwise make available to any

person under the age of 18 years any firearm, including but not limited to pistols, rifles and shotguns, or any ammunition therefor, without consent of the parent or guardian of the minor.

Anchorage Borough

18.05.060 Minors, selling firearms to; age. It shall be unlawful without consent of parent or guardian for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles, and shotguns.

Fairbanks

Sec. 6.506. Failing to maintain a firearm transaction record.

(a) Except as provided in paragraph (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 thereof, 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 paragraph (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 Title 18,

Chapter 44 of the United States Code (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 Title 18, Chapter 44 of the United States Code.

American Samoa

Territorial Law

American Samoa Code

Title 46. Criminal Justice

Chapter 42. Weapons

46.4201 Definitions.

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

(g) "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.

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

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

(j) "Spring gun" means any fused, timed, or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death. * * *

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 short barreled rifle or shotgun;

(4) a firearm silencer; * * *

(b) A person does not commit a crime under this section if his conduct:

(1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;

(2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or

(3) was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

(4) was incident to displaying the weapon in a public museum or exhibition; or

(5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4) or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machine gun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot readily be made operable.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b). * * *

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

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 importer's serial number engraved or cast on the receiver or frame of the firearm. * * *

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 for a firearm to any 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 * * *, rifle, shotgun * * * 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 the 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. * * *

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, an habitual drunkard, a drug addict, or is currently adjudged mentally incompetent. * * *

46.4220 Definition of "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 for any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license therefor from the Treasurer.

(b) A license to possess arms shall not be issued by the Treasurer unless the application therefor has been approved by the Governor or his designated representative.

46.4222 License — Required for import.

(a) It is unlawful for any person to import arms into American Samoa without having obtained a license therefor from the Treasurer.

(b) A license to import arms shall not be issued by the Treasurer unless the application for the license has been approved by the Governor or his designated representative.

46.4223 License — Required for sale of arms.

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the Treasurer a license to sell arms. The application for such license shall contain such information as may be required by the Treasurer.

(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 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. * * *

46.4226 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.

46.4228 Marking arms for identification.

Each person to whom a license to possess arms is issued shall, upon receipt of such

arms, produce at the office of the Treasurer 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 letters as may be designated by the Treasurer and also marked with a number indicating the order of the license, and registration as specified in the license, unless the arm has a plainly visible and distinctive serial number stamped on it. Such arms when duly marked shall be redeliv-

ered to the licensee, together with the 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. 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 firearms to be sold. * * *

Arizona

State Law

AZ Rev. Stats. Ann.

Title 13. Criminal Code

13-3101. Definitions. In this chapter, unless the context otherwise requires:

1. **"Deadly weapon"** means anything 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 but does not mean or include ammunition or ammunition 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 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 explosive, except that it does not include a firearm in permanently inoperable condition.

5. **"Prohibited possessor"** means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under the provisions of §36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony involving violence or possession and use of a deadly weapon or dangerous instrument and whose civil rights have not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

6. **"Prohibited weapon"** means * * * any:

(a) Explosive, incendiary or poison gas:

(i) Bomb.

(ii) Grenade.

(iii) Rocket having a propellant charge of more than four ounces.

(iv) Mine.

(b) Device designed, made or adapted to muffle the report of a firearm; or

(c) Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(d) Rifle with a barrel length of less than sixteen inches or shotgun with a barrel length of less than eighteen inches, or any firearm made from a rifle or shotgun which, as modified, has an overall length of less than twenty-six inches; or * * *

(f) Breakable container which contains a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less and has a wick or similar device capable of being ignited; or

(g) Combination of parts or materials designed and intended for use in making or converting a device into an item set forth in subdivision (a) or (f) of this paragraph.

The items as set forth in subdivisions (a), (b), (c) and (d) of this paragraph shall not include any such firearms or devices registered in the national firearms registry and transfer records of the United States treasury department or any firearm which has been classified as a curio or relic by the United States treasury department.

COMPILER'S NOTE:

City ordinance regulating possession of firearms was in conflict with, and preempted by § 13-3101 et seq. relating to offenses involving weapons and explosives. Op.Atty.Gen. No. 178-274.

13-3102. Misconduct involving weapons; defenses; classification.

A. A person commits misconduct involving weapons by knowingly: * * *

3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon; or

4. Possessing a deadly weapon if such person is a prohibited possessor; or

5. Selling or transferring a deadly weapon to a prohibited possessor; or

6. Defacing a deadly weapon; or

7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; * * *

B. Subsection A, paragraph 1 of this section shall not apply to a person in his dwelling, business premises or on real property owned or leased by that person.

C. Subsection A, paragraphs * * * 3, 7 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. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.

D. Subsection A, paragraphs 3 and 7 of this section shall not apply to:

1. The possession, transporting, selling or transferring 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, if:

(a) 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 § 170(C) of title 26 of the United States Code as a recipient of a charitable contribution; and

(b) Reasonable precautions are taken with respect to theft or misuse of such material.

2. The regular and lawful transporting as merchandise; or

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.

E. Subsection A, paragraph 3 of this section shall not apply to the merchandise of an authorized manufacturer thereof or dealer therein, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer or a regularly constituted or appointed state, county or municipal police department or police officer, or a detention facility, or the military service of this or another state or the United States, or a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law. * * *

13-3108. Firearms regulated by state; state preemption

A. Ordinances of any political subdivision of this state relating to the transportation, possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

B. A political subdivision of this state shall not require the licensing or registration of firearms or prohibit the ownership, purchase, sale or transfer of firearms.

13-3109. Sale or gift of firearm to minor; classification.

A. A person who sells or gives to a minor, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a class 2 misdemeanor.

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

Arkansas

State Law

AR Stats. Ann.

Title 41. Criminal Code

Chapter 31. Firearms, Weapons, and Related Offenses

41-3101. Definitions. As used in this Chapter [§§ 41-3101 — 41-3110], unless the context plainly requires otherwise:

(1) "Instrument of crime" means anything manifestly designed, made, adapted, or commonly used for criminal purposes.

(2) "Minor" means any person under eighteen (18) years of age.

41-3102. Possessing instrument of crime.

(1) A person commits the offense of possessing an instrument of crime if he possesses any instrument of crime with a purpose to employ it criminally.

(2) Possessing an instrument of crime is a class A misdemeanor.

41-3103. Firearms — Possession by certain persons prohibited.

(1) No person who has been:

(a) convicted of a felony; or

(b) adjudicated a mental defective; or

(c) committed involuntarily to any mental institution; shall possess or own any firearm.

(2) A determination by a jury or court that a person committed a felony shall constitute a "conviction" for purposes of subsection (1) even though the court suspended imposition of sentence or placed the defendant on probation.

(3) A determination by a jury or court that a person committed a felony shall not constitute a "conviction" for purposes of subsection (1) if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

(4) A person who violates this section commits a class D felony if he has been convicted of a felony; otherwise, he commits a class A misdemeanor.

COMPILER'S NOTE:

It is the opinion of the Arkansas Attorney General that convicted felons who receive a full gubernatorial pardon before July 6, 1977, are no longer subject to a State ban on the possession of firearms. To have the same effect, pardons issued after the date must include language specifically authorizing possession of firearms.

41-3104. Criminal use of prohibited weapons.

(1) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun, firearm specially made or specially adapted for silent discharge, * * * or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(2) It is a defense to a prosecution under this section that:

(a) the person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(b) the defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the

above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully. * * *

41-3105. Legitimate manufacture, repair, and transportation of prohibited weapons. Section 3104 [§41-3104] shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces or to or for the authorized representatives of any law enforcement agency.

41-3106. Defacing a firearm.

(1) A person commits the offense of defacing a firearm when he knowingly removes, defaces, mars, covers, alters or destroys the manufacturer's serial number or identification mark of a firearm. * * *

41-3107. Possession of a defaced firearm.

(1) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

(2) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons. * * *

41-3109. Furnishing a deadly weapon to a minor.

(1) A person commits the offense of furnishing a deadly weapon to a minor when he 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 his welfare.

(2) Furnishing a deadly weapon to a minor is a class A misdemeanor.

41-3157. Uniform Machine Gun Act — Definition.

"Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device. * * *

41-3162. Guns for military use may be manufactured. Nothing contained in this act [§§41-3157 — 41-3167] shall prohibit or interfere 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 thereof, 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 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

41-3163. Manufacturer to keep register of guns manufactured. Every manufacturer 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 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 received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. * * *

41-3164. Guns now owned and in use to be registered. Every machine gun now in this State adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (secretary of state), on the effective date (Feb. 26, 1935) of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must 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. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

El Dorado

23-27(a)(1)-(6) same as 25.96(a)-(f), Little Rock

23-27(b)(1), (3) same as 25.97(a), (c), Little Rock

23-27(1), (3), (4) same as 25.98(a), (c), (f), Little Rock

Little Rock

25.96. Pistols, sale and transfer regulated — Definitions.

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The terms "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents),

rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. Same — License required; sales restricted.

(a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at

wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. Same — Possession by certain persons prohibited; permit to display; serial number; record of sales, etc.

(a) It shall be unlawful for any person who has been convicted of a crime of violence in

any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city. * * * *

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above. * * *

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

California

State Law

Penal Code

Dangerous Weapons Control Law

CONTROL OF DEADLY WEAPONS

CHAPTER 1. CONCEALED WEAPONS

Article 1. General Provisions

12000. This chapter shall be known and may be cited as "The Dangerous Weapons' Control Law."

12001. (a) As used in this chapter, the terms "pistol," "revolver," and "firearm capable of being concealed upon the person" shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. These terms also include any device which has a barrel 12 inches or more in length which is designed to be interchanged with a barrel less than 12 inches in length.

(b) As used in Sections 12021, 12072, and 12073, the terms "pistol," "revolver," and "firearm capable of being concealed upon the person" include the frame or receiver of any such weapon.

(c) For the purpose of Sections 12025 and 12031 the term "firearm" shall also include any rocket, rocket propelled projectile launcher or similar device containing any explosive or incendiary material whether or not such device is designed for emergency or distress signaling purposes.

COMPILER'S NOTE:

A black powder pistol kit containing a frame or receiver is a "pistol," "revolver," or "firearm capable of being concealed upon the person," as seen in Penal Code Section 12001, thereby making the definition apply by its terms to Sections 12072 and 12073, requiring a California license to engage in the business of selling, completion of a Dealer's Record of Sale, and a 15-day delay in the transfer of the kit. *Op. Atty. Gen. (IL 76-163, formerly Op. 76/24 IL).*

12001.5. Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

Article 2. Unlawful Carrying and Possession of Concealed Weapons

12020. (a) Any person in this state who 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 firearm which is not immediately recognizable as a firearm, any camouflaging firearm container or attachment, any ammunition which contains or consists of any flechette dart, any bullet containing or carrying an explosive agent, * * * or any instrument or weapon of the kind commonly known as a * * * sawed-off shotgun, * * * or who carries concealed upon his or her person any explosive substance, other than fixed ammunition, * * * is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison. A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

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

(1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law. * * *

(4) Any antique firearm. For purposes of this section "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 channels of commercial trade.

(5) Tracer ammunition manufactured for use in shotguns.

(6) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations

and which is in the possession of a person permitted to possess such items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulation issued pursuant thereto. Any person prohibited by Section 12021 or 12021.5 of this code or Section 8103 of the Welfare and Institutions Code from possessing such firearms or ammunition who obtains title to such items by bequest or intestate succession may retain title for not more than one year, but actual possession of such items at any time shall be punishable pursuant to Section 12021 or 12021.5 of this code or Section 8103 of the Welfare and Institutions Code. Within such year the person shall transfer title to such firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(7) 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 weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021 or 12021.5 of this code or Section 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021 or 12021.5 of this code or Section 8103 of the Welfare and Institutions Code. Within that year the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns. * * *

(d) (1) As used in this section a "sawed-off shotgun" means any firearm (including any revolver) manufactured, designed, or converted to fire shotgun ammunition having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by manufacture, alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. * * *

(3) As used in this section a "wallet 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 such firearm may be fired while mounted or enclosed in such case.

(4) As used in this section a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch or similar device, designed to be or capable of being used as an aid in walking, if such firearm may be fired while mounted or enclosed therein. * * *

(5) As used in this section, a "flechette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body. * * *

(8) As used in this section, "camouflaging firearm container or attachment" means any container, device, or instrument designed, used or capable of being used, to enclose, conceal, or disguise a firearm, and which is designed to allow the firing of the firearm by external controls while enclosed in, or disguised by, the device without removing the firearm.

12020.5. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020.

12021. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or of an offense enumerated in Section 12001.6, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison, or in a county jail not exceeding one year or by a fine not exceeding \$1,000, or by both.

(b) Notwithstanding the provisions of subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 12001.6, when such conviction results from certification by the juvenile court for prosecution as an adult in an adult court under the provisions of Section 707 of the Welfare and Institutions Code, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense and shall be punishable by imprisonment in the state prison, or in a county jail not exceeding one year or by a fine not exceeding \$1,000, or by both.

(c) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

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

(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 such punishments.

COMPILER'S NOTE:

In the opinion of the California Attorney General: "California is not constitutionally required to recognize sister state gubernatorial or presidential pardons for pur-

poses of section 12021. Nor is California compelled to recognize relief granted by federal authorities pursuant to 18 U.S.C. 925(c). However, under 18 U.S.C.A. 5024, states are required to recognize the expungement of a youth offender's conviction pursuant to 18 U.S.C.A. 5021. California would recognize such an expungement for purposes of section 12021."

12021.1. (a) Notwithstanding the provisions of subdivision (a) of Section 12021, any person who has been previously convicted of any of the offenses listed in subdivision (b) and who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punished by imprisonment in a county jail for at least six months and not exceeding one year, or by imprisonment in the state prison. 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.

(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, which 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 on a peace officer.

(12) Assault by a life prisoner on a noninmate.

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

(14) Arson.

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

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

(17) Exploding a destructive 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 provide great bodily injury.

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

(26) Any offense enumerated in Section 12001.6.

(c) Any 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 possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punished by imprisonment in a county jail for at least six months and not exceeding one year, or by imprisonment in the state prison. 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 (c) 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 (c), or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivisions (a) and (c), 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 such a disposition.

12022.2. Notwithstanding any other provision of law, any person who, while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession ammunition for such firearm designed primarily to penetrate metal or armor, shall upon conviction of such felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional term of three years.

COMPILER'S NOTE:

Section 12026.1 complements Federal law (18 U.S.C. 926A) and regulations (27 CFR 178.38) and is set out below.

12026.1 (a) Section 12025 shall not be construed to prohibit any citizen of the United States over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed by Section 12021, from transporting or carrying any pistol, revolver, or other firearm capable of being concealed upon the person, provided that the following applies to the firearm:

(1) The firearm is within a motor vehicle and it is locked in the vehicle's trunk or in a locked container in the vehicle other than the utility or glove compartment.

(2) The firearm is carried by the person directly to or from any motor vehicle for any lawful purpose and, while carrying the firearm, the firearm is contained within a locked container.

(b) The provisions of this section do not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm capable of being concealed upon the person in accordance with this chapter.

(c) As used in this section, "locked container" means a secure container which is enclosed and locked by a padlock, key lock, combination lock, or similar locking device. * * *

Article 4. Licenses to Sell Concealed Weapons

12070. No person shall engage in the business of selling, transferring, advertising, offering, or exposing for sale or transfer, any pistol, revolver or other firearm capable of

being concealed upon the person unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor. As used in this article, engaging in the business of selling or transferring concealable firearms does not include the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any handgun at a gun show, swap meet or similar event.

As used in this section, "infrequent" means occasional and without regularity.

12071. (a) The duly constituted licensing authorities of any city, county, or city and county shall accept applications for, and may grant licenses permitting the licensee to sell at retail within the city, county, or city and county, pistols, revolvers, and other firearms capable of being concealed upon the person. If a license is granted, it shall be in the form prescribed by the Attorney General, effective for not more than one year from the date of issue, and be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

(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 easily be seen.

(3) No pistol or revolver shall be delivered:

(A) Within 15 days of the application for the purchase, or, after notice by the department pursuant to subdivision (c) of Section 12076, within 15 days of the submission to the department of corrected copies of the register or within 15 days of the submission to the department of any fee required pursuant to subdivision (d) of Section 12076, whichever is later.

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

(C) Unless the purchaser either is personally known to the seller or shall present clear evidence of his or her identity.

(D) Whenever the dealer is notified by the Department of Justice that a purchaser is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(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.

(b) As used in this article, "clear evidence of his or her identity" includes, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity of the purchaser.

12072. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he 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 from owning or possessing these firearms; nor shall any dealer sell, deliver or transfer any firearm capable of being concealed upon the person, to any person under the age of 21 years. In no event shall any such firearm be delivered to the purchaser within 15 days of the application for the purchase thereof, or, after notice by the department pursuant to subdivision (c) of Section 12076, within 15 days of the submission to the department of corrected copies of

the register or within 15 days of the submission to the department of any fee required pursuant to subdivision (d) of Section 12076, whichever is later and when delivered such firearm shall be either securely wrapped or in a locked container and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

COMPILER'S NOTES:

1. Federal firearms licensees are prohibited from transferring handguns to persons under 21 years of age.

2. Section 12072, which prohibits transfer of concealed weapons to minors and certain other persons, and this section are applicable to the sale of a pistol with a 14 inch barrel, where interchangeable barrels of less than 12 inches are available for purchase from the seller. See 12001(a).

12073. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated. * * *

12076. Register of sales; violations; mailing copies; possession by unauthorized persons; inaccurate, illegible, or incomplete information; fees

(a) The purchaser of any firearm capable of being concealed upon the person shall be required to present clear evidence of his or her identity, as defined in Section 12071, to the dealer, and the dealer shall require him or her to sign his or her 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. * * *

12078. The preceding provisions of this article do not apply to sales of concealable 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, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser as a peace officer who is authorized to carry firearms while in the performance of his or her duties and authorizing the purchase. The certification shall be delivered to the

seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold * * *

12079. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. * * *

Article 5. Obliteration of Identification Marks

12090. 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. 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.

12092. The Department of Justice 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 has been destroyed or obliterated. * * *

12094. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his 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.

Article 6. Permits

12095. 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 use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

12096. 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 sawed-off shotguns are to be put. * * *

12097. (a) Every person, firm or corporation to whom a permit is issued shall keep it on his person or at the place where the sawed-off shotguns 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 sawed-off shotgun 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 such a number which shall be placed or stamped on that weapon.

12098. 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 sawed-off shotguns has ceased or that the holder of the permit has used the sawed-off shotguns 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.

CHAPTER 2. MACHINEGUNS

Article 1. General Provisions

12200. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with that weapon. The term also includes any part or combination of parts designed and intended for use in converting a weapon into a machinegun. 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. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machineguns by police departments, sheriffs' offices, city marshal's offices, 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 this chapter prohibit the possession of machineguns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

Article 2. Unlawful Possession of Machine Guns

12220. Any person, firm or corporation, who within this state sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machinegun, except as provided 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 \$10,000, or by both such fine and imprisonment.

Article 3. Permits

12230. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory show-

ing that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

12231. 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 firearms are to be put. * * *

12232. Every person, firm or corporation to whom a permit is issued shall keep it on his person or 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. 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.

Article 4. Licenses to Sell Machine Guns

12250. (a) The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

1. The business shall be carried on only in the place designated in the license.

2. The license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

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 descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Attorney General.

(b) Applications for licenses 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 firearms are to be put. * * *

12251. It shall be a public nuisance to possess any machinegun in violation of this chapter, and the Attorney General, any district attorney or any city attorney may bring an action before the superior court to enjoin the possession of any such machinegun. * * *

CHAPTER 2.5. DESTRUCTIVE DEVICES

12301. (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 .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, 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 such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(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.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

12302. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) 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 employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision 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.

12303. 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 \$10,000 or by both such fine and imprisonment. * * *

12303.3. Every person who possesses, explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

12303.6. 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. 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. * * *

12305. Permit to conduct business; applications; fees; renewal

(a) Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice.

(b) 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. * * *

12306. Permit for possessing or transporting; applications; fees; renewal

(a) Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device.

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. * * *

12307. 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 such destructive device. * * *

12312. 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 DESIGNED PRIMARILY TO PENETRATE METAL OR ARMOR

12320. Any person, firm, or corporation who, within this state knowingly possesses any handgun ammunition designed primarily to penetrate metal or armor is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison, or in the county jail for a term not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

12321. Any person, firm, or corporation who, within this state, manufactures, imports, sells, offers to sell, or knowingly transports any handgun ammunition designed primarily to penetrate metal or armor is guilty of a felony and upon conviction thereof shall be punished by imprisonment in state prison, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

12322. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or

use of any ammunition by 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 employment, of any police agency or forensic laboratory or any person who is the holder of a valid permit issued pursuant to Section 12305 or 12306.

12323. As used in this chapter, "handgun ammunition" means ammunition principally for use in pistols and revolvers, as defined in Section 12001, notwithstanding that the ammunition may also be used in some rifles.

12324. 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. Nothing in this chapter shall prohibit the manufacture of ammunition under contracts approved by agencies of the state or federal government.

CHAPTER 3. PISTOLS

12350. Every person engaged in the business of selling pistols other than those defined in Section 12001 of this code at retail shall keep a register in which shall be entered the name, age, occupation and residence (if residing in a city then the street number of such residence) of each and every purchaser of such pistols, together with the number or other mark of identification if any on pistol, which register shall be open to the inspection of all peace officers at all times.

CHAPTER 5. FIREARM DEVICES

Article 1. General Provisions

12500. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

12501. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

Article 2. Unlawful Possession of Firearm Silencers

12520. Any person, firm or corporation who within this state possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison or by fine not to exceed \$10,000 or by both.

CHAPTER 6. MISCELLANEOUS

Article 1. Minors

12550. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

12551. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

12552. Every person who furnishes any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, to any minor, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.

Article 2. Felons

12560. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison or in a county jail not exceeding one year or by a fine not exceeding \$1,000, or by both such term of imprisonment and such fine.

**WELFARE AND INSTITUTIONS
CODE
SECTIONS**

CHAPTER 3. FIREARMS

8100. Possession by mental patient

No person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution shall own or have in his possession or under his custody or control any firearms whatsoever.

8101. Supplying, selling, giving, or allowing possession or control of firearms or deadly weapons; persons described in Section 8100 or 8103; punishment; deadly weapon defined Any person who shall knowingly supply, sell, give, or allow possession or control of any firearm or deadly weapon to any person described in Section 8100 or 8103 shall be punishable by imprisonment in a 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 such fine and imprisonment. For purposes of this section, "deadly weapon" means any weapon, the possession or concealed carrying of which is prohibited by Section 12020 of the Penal Code.

8103. Possession; adjudication by court to be danger to others as a result of mental disorder or mental illness; mentally disordered sex offender; finding of not guilty by reason of insanity; mentally incompetent to stand trial; placed under conservatorship as a result of mental disorder or chronic alcoholism; felony, punishment

(a) (1) No 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 mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall have in his or her possession, custody, or control any firearm unless there has been issued to such person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm without endangering others, and such person has not, subsequent to the issuance of such certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

(2) The court shall immediately notify the Department of Justice of the court order finding the individual to be a person described in paragraph (1). The court shall also notify the Department of Justice of any certificate issued as described in paragraph (1).

(b) (1) No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of murder, mayhem, a violation of Section 207 or 209 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, robbery in which the victim suffers great bodily injury, a violation of Section 451 or 452 of the Penal Code involving a trailer coach, as

defined in Section 635 of the Vehicle Code, or any dwelling house, a violation of subdivision 2 or 3 of Section 261 of the Penal Code, a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 12303.1, 12303.2, 12303.3, 12308, 12309, or 12310 of the Penal Code, or of a felony involving death, great bodily injury, or an act which poses a serious threat of bodily harm to another person, or a violation of the law of any other state or the United States which includes all the elements of any of the above felonies as defined under California law, shall have in his or her possession or under his or her custody or control any firearm.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1).

(c) (1) No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of any crime other than those described in subdivision (b) shall have in his or her possession, custody, or control any firearm unless the court of commitment has found the person to have recovered sanity, pursuant to Section 1026.2 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her sanity.

(d) (1) No person found by a court to be mentally incompetent to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code or the law of any other state or the United States, shall have in his or her possession, custody, or control any firearm, unless there has been a finding with respect to such person of restoration to competence to stand trial by the committing court, pursuant to Section 1372 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be mentally incompetent as described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her competence.

(e) (1) No person who has been placed under conservatorship by a court, pursuant to Section 5350 or the law of any other state or the United States, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism shall have in his or her possession, custody, or control any firearm while under such conservatorship if, at the time the conservatorship was ordered or thereafter, the court which imposed the conservatorship found that possession of a firearm by the person would present a danger to the safety of the person or to others. Upon placing any person under conservatorship, and prohibiting firearm 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 possession by the person as described in paragraph (1). The notice shall include the date 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 by the person would no longer present a danger to the safety of the person or others, the court shall immediately notify the Department of Justice.

(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, and shall be used only to determine eligibility to purchase or possess firearms. Any person who knowingly furnishes any such information for any other purpose is guilty of a misdemeanor. All such 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).

(f) Every person who possesses or has under his or her custody or control any firearm in violation of this section is guilty of a felony which is punishable by imprisonment in the state prison, or in the county jail for not more than one year, and which is subject to subdivision (b) of Section 17 of the Penal Code.

GOVERNMENT CODE

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 subdivisions as defined in section 1721 of the Labor Code.

COMPILER'S NOTE

A California city does not have the legislative authority to prohibit the possession of operative handguns within the city even if law enforcement officers are excluded from the prohibition 65 Ops. Att'y. Gen. 457, 8-3-82.

COMPILER'S NOTES:

1. A permit to purchase is required. [An asterisk (*) next to a name indicates another listing.]

*Clovis

2. The sale or furnishing of firearms or ammunition to underage persons is restricted within the following jurisdictions. Minimum permissible age under 18 is noted. [An asterisk (*) next to a name indicates another listing.]

Alhambra
Azusa
Bell
Belmont
Beverly Hills
Buena Park
*Burbank 16
*Chula Vista 16
*Clovis
Compton
Culver
*Daly
El Cajon
El Cerrito
*El Monte
Foster
Fremont
Gardena
*Glendale
Half Moon Bay
Hawthorne

Long Beach
*Los Angeles
Lynwood
Montclair
Monterey Park
*Oakland
Piedmont
Pittsburg
Placentia
Redding
San Bernardino
San Bruno
San Carlos
*San Fernando
San Marino
*Santa Mateo County
*Santa Barbara
*Santa Fe Springs
Santa Maria
*Santa Monica
Selma

*Hayward
Hermosa Beach
Inglewood
La Mesa

Sierra Madre
Upland
Vista
West Covina
Whittier

3. The sale or furnishing of firearms or ammunition to underage persons is restricted without the consent of a parent or guardian within the following jurisdictions. Minimum permissible age, without consent, under age 18 is noted. [An asterisk (*) next to a name indicates another listing.]

Alameda County
Artesia
*Baldwin Park
Bellflower
Carson
Cerritos
Commerce
Contra Costa County
(ammo: 16)
*Corona
Cudahy
Downey
Duarte
*El Monte 16
Fontana
Fresno
Hawallan Gardens
*Hayward
Lakewood
La Habra
La Mirada
*La Puente
Lomita

Los Angeles County
Norwalk
Paramount
Pico Rivera
Pleasant Hill 16
Redwood
Rolling Hills Estates
Rosemead

*San Bernardino County
San Dimas
*San Fernando
San Jacinto
*San Jose
*Santa Barbara
Santa Clara
*Santa Fe Springs
South Lake Tahoe 14
*Stockton
Temple
Union
*Walnut
Walnut Creek
Westminster

4. A license or permit to sell firearms is required by the following jurisdictions. [An asterisk (*) next to a name indicates another listing.]

*Baldwin Park
*Burbank
Carpinteria
Chowchilla
*Chula Vista
*Clovis
*Corona
Cupertino
*Daly
*El Monte
El Segundo
Fullerton
*Glendale
*La Puente
Lompoc
Long Beach
*Los Angeles
Los Banos
Manteca
Merced
Oceanside

Orange County
Oxnard
Palmdale
*San Bernardino County
San Diego
San Diego County
San Francisco
*San Jose
San Luis Obispo County
*San Marcos
*San Mateo County
*Santa Barbara
Santa Barbara County
*Santa Monica
Seaside
South Pasadena
Stanislaus County
*Stockton
*Walnut
Yreka

5. Swap meet exchanges or sales prohibited.

Escondido

Thousand Oaks

Los Angeles

Chap. IV, Art. 5. MINORS

Sec 45.01. Firearms — * * * — Sale to minors:

No person shall sell, exchange, give or loan to any person under 18 years of age any * * * gun, revolver, pistol or firearm of any description, * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Chap. X, Art. 3. BUSINESS REGULATIONS

Sec. 103.12. Fees: The Clerk shall receive all police permit fees. Applications for permits and applications for change of location shall not be accepted by the Clerk unless accom-

panied by the prescribed fee. Charges for applications for permits, applications for change of location and the annual police permit fee shall be made according to the following schedule:

Type of Business	Original Fee	Annual Police Permit Fee	Change of Location Fee
Firearms, Concealable, Vendor	273.00	135.00	271.00

Sec. 103.13. Records: Permittees shall keep records on such forms and in the manner the Board deems necessary to carry out the purposes of this Article. Such records shall be kept for five years.

Sec. 103.14. Sellers of firearms.

(a) **Definition. "Seller of Firearms"** shall be any person who sells or offers for sale at retail any pistol, revolver, rifle, shotgun or other firearm which detonates or fires an explosive compound or other from of combustion in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) **Permit required.** No person shall engage in, conduct, manage, or carry on the

business of selling firearms without a written permit from the Board.

(c) **Fixed location.** Each permittee must have a fixed place of business. Sales of firearms may only be made at said fixed location.

(d) **Overlapping business.** If any person shall engage in, conduct, manage or carry on at the same time more than one business requiring police permits, such person shall comply with all of the provisions affecting each business.

(e) **Permittee responsible for the conduct of business.** It shall be the duty of the permittee to see that no firearms are sold or offered for sale in violation of the Penal Code of the State of California or of this section.

(f) **Advertising restrictions.** No advertising shall be displayed which violates Section 12071 of the Penal Code for the State of California.

(g) **Rules for protection of firearms.** The Board shall adopt and enforce by rules and regulations security requirements for the protection from theft of firearms and ammunition sold and maintained by permittee. Such rules may require that permittee provide burglar alarm systems, separate storage areas for ammunition and other measures designed to

prevent the theft of such merchandise from the premises of permittee.

Oakland

2-2.31. Maxim silencers. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

San Marcos

17-51. Records — Second hand weapons. If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

a) Name, address, and physical description of such person.

b) The description and license number of the vehicle, if any, being driven by such person.

c) The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.

d) Such other information which may be required by the Sheriff.

Colorado

State Law

CO Rev. Stat.

Title 12. Professions and Occupations

Article 26. Firearms Dealers

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1)(a) **"Firearms"** means a pistol, revolver, or other weapon 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.

(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 capable of being effectually used.

12-26-102. Retail dealers — record — inspection. Every individual, firm, or corporation engaged, 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 the book kept for that purpose and shall include the name of the person to whom the pistol or revolver 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 resides; 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 exchange 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 — penalty. 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 purchaser, lessee, or exchanger of a pistol or revolver who, in connection with the making of such record, gives false information is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

12-26-104. Jurisdiction — county courts. County courts, within their respective counties, have jurisdiction to hear and determine all cases arising under the provisions of this article, and appeal from judgment shall be to the district courts in the respective counties in the same manner as is now provided by law for appeals from judgments of the county courts in the cases of misdemeanors.

Title 18. Criminal Code

Article 12. Offenses Relating to Firearms and Weapons

18-12-101. Definitions.

(1) As used in this article, unless the context otherwise requires: * * *

(b) **"Bomb"** means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S. 1973, 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. * * *

(g) **"Machine gun"** 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. * * *

(2) It 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 weapon"** means a firearm silencer, machine gun, short shotgun, or short rifle. * * *

(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. * * *

(5) It shall be an affirmative defense to the charge of possessing a dangerous 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 or if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or iden-

tification mark, has been removed, defaced, altered, or destroyed, except by normal wear and tear.

18-12-104. Defacing a firearm. A person commits a Class 5 felony if he knowingly removes, defaces, covers, alters, or destroys the manufacturer's serial number or any other distinguishing number or identification mark of a firearm. * * *

18-12-106. Prohibited use of weapons.

(1) A person commits a class 2 misdemeanor if: * * *

(d) He has in his possession a firearm while he 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 * * * is no defense to a violation of this subsection (1).

18-12-107. Penalty for second offense.

Any person who has within five years previously been convicted of a violation under sections 18-12-102 to 18-12-106 shall upon conviction for a second or subsequent offense under the same be guilty of a class 5 felony.

18-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release or escape from incarceration, whichever is greater, who possesses, uses, or carries upon his person a firearm or other weapon mentioned in section 18-1-901 (3)(h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

18-12-109. Possession, use, or removal of explosives or incendiary devices—possession of components thereof—persons exempt.

(1) As used in this section:

(a)(i) "Explosive or incendiary device" means:

(A) Dynamite and all other forms of high explosives, including, but not limited to, water gel, slurry, military C-4 (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 detcord or primacord, 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 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 acting alone.

(ii) "Explosive or incendiary device" shall not include rifle, pistol, or shotgun ammunition, or the components for hand loading 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, booby trap, or activating mechanism for any explosive or incendiary device.

(ii) "Explosive or incendiary parts" shall not include rifle, pistol, or shotgun ammunition, or the components for hand loading rifle, pistol, shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(2) Any person who knowingly possesses or controls 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 Colorado division of mines while acting within the scope of his employment;

(d) A person possessing a valid permit issued the provisions of article 7 of title 9, C.R.S. 1973, 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. 1973, or an employee of such exempt person acting within the scope of his employment.

(4) Any person who knowingly uses or causes to be used an explosive or incendiary device in the commission of or attempts to commit a felony commits a class 2 felony.

(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 4 felony. A person convicted of this offense shall be subjected to a mandatory minimum sentence of two years.

(6) Any person who possesses any explosive or incendiary parts commits a class 4 felony.

COMPILER'S NOTE:

The following jurisdictions make it unlawful to sell or otherwise furnish weapons to any person who is under the influence of alcohol, or any narcotic drug or controlled substance, or who is in a condition of agitation and excitement, or who is a minor (under 18 years of age): Aurora, Boulder, Denver, and Sheridan.

Aurora

27-112(a) same as 38-112(a). Denver

27-114. Possessing an illegal weapon.

(a) As used in this section, the term "illegal weapon" means a * * * bomb, firearm silencer, * * * machine gun, short shotgun, short rifle * * * or any instrument or device designed to deceive or prevent an individual of reasonable caution and mentality, from ascertaining upon inspection, that such in-

strument or device is, in fact, designed to be used and capable of being used as a weapon.

(b) It shall be unlawful to knowingly possess an illegal weapon.

Boulder

5-8-19 Firearms dealers; Display of weapons, records, inspections.

(a) No secondhand dealer, pawnbroker, or any other person engaged in the wholesale or retail sale, rental, or exchange of any firearms shall display or place on exhibition any firearm in any show window or other window facing upon any street of the city.

(b) Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any firearms shall keep a record of each such firearm purchased, sold, rented, or exchanged at retail, which shall be open at all times for inspection by any peace officer.

(c) The record prescribed by subsection (b) of this section 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 or from whom such weapon is purchased, sold, or rented, or with whom exchanged; the person's age, physical description, driver's license number, signature, occupation, residence, and residence street address or location; the make, caliber, and finish of the firearm, together with the number or serial letter thereof, if any; the date of the purchase, sale, rental, or exchange of such weapon; and the name of the employee or other person making such purchase, sale, rental or exchange.

Colorado Springs

21-7-203 same as 38-126, Denver

Denver, City & County

38-122. Regulations pertaining to the sale of certain weapons.

(a) It shall be unlawful for any person who is a secondhand dealer or pawnbroker, or any other person engaged in the wholesale or retail sale, rental or exchange of any of the following weapons to display or place on exhibition, in any show window, or other window facing upon any street: any pistol, revolver or other firearm, with barrel less than twelve (12) inches in length, * * *

(b) For the purposes of subsection (c), words and phrases used therein shall have the following meanings respectively ascribed to them:

(1) **Antique firearm** shall mean any firearm, including any handgun, 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:

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) **Basic structural component** shall mean any or all of the following single parts (including a permanent assembly forming such single part) of a handgun: frame, barrel, cylinder, slide and breechblock.

(3) **Handgun** shall mean a firearm designed to be held and fired by the use of a single hand. The term "handgun" also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The

term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5485(a) of the United States Internal Revenue Code of 1954.

(c) It shall be unlawful for any secondhand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made:

(1) Of any material having a melting point (liquidus) of less than one thousand (1,000) degrees Fahrenheit; or

(2) Of any material having an ultimate tensile strength of less than fifty-five thousand (55,000) pounds per square inch; or

(3) Of any powdered metal having a density of less than seven and five-tenths (7.5) grams per cubic centimeter.

38-123. Identification and records concerning sales, etc.

(a) Every person who sells, rents or exchanges at retail any weapon designated in section * * * 38-122 shall require the vendee, lessee or person with whom such exchange is made to furnish more than one type of identification before such sale, rental or exchange is consummated.

(b) Every person engaged in the sale, rental or exchange at retail of any weapon designated in section * * * 38-122 shall keep a record of each such weapon so sold,

rented or exchanged at retail and of the vendee or lessee thereof, or person with whom such exchange is made; said record shall at all times be open to inspection by the manager of safety or a duly authorized agent, or by any police officer of the city and shall be made at the time of each such transaction in a book kept for that purpose, and shall include:

(1) The name of the person to whom such weapon is sold or rented, or with whom it is exchanged;

(2) The age of such person;

(3) The occupation of such person;

(4) The residence and, if residing in a city, the street and street number of the residence of such person;

(5) The make, caliber if any, and finish of the weapon so sold, rented or exchanged, and the number or serial number thereof, if any;

(6) The date of the sale, rental or exchange of such weapon;

(7) The name of the employee or other person making such sale, rental or exchange of such weapon; and

(8) A description of each of the types of identification furnished by the vendee, lessee or person with whom such exchange is made, together with any serial numbers or other distinctive features noted in or appearing on each such type of identification so furnished.

(c) It shall be unlawful for any person who purchases, rents or exchanges any weapon

designated in section * * * 38-122 to give a false or fictitious name, or any other false, fraudulent or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental or exchange is made.

38-126. Incendiary or explosive device.

(a) For the purposes of this section, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting or burning.

(b) It shall be unlawful for any person to throw, place or cause to be placed any incendiary or explosive device for the purpose of causing injury to any person, or damage to property.

(c) It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person, or damage to property.

(d) Except as otherwise permitted by law, it shall be unlawful for any person to possess on their person, in any motor vehicle, or in any structure, an incendiary or explosive device.

Connecticut

State Law

CT General Stats. Ann.

TITLE 29. PUBLIC SAFETY AND STATE POLICE

29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38 inclusive, mean any firearm having a barrel less than twelve inches in length.

29-28. Permit for selling * * * pistols or revolvers. No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor * * *

29-31. Display of permit to sell. Record of sales. 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 exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver 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 date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and

occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

29-33. No sale to aliens. Application to purchase. Waiting period. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of public safety, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of public safety, and no sale or delivery of any pistol or revolver shall be made until the expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be; securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any

bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of public safety and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for a least six years. The waiting period herein specified during which delivery may not 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. 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 rim fire or conventional center fire fixed ammunition except rim fire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

29-34. False information. Sale to minors prohibited. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall

sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

29-36. Altering or removing identification mark. No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

TITLE 53. CRIMES

53-202. Machine guns.

(1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device.

"Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, and larceny.

(2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years.

(3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years.

(4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(a) 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 was found; or

(b) when in the possession of, or use 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

(c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or

(d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

(5) 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.

(6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, 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, 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. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, 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.

(7) Each machine gun in this state adapted to use pistol or cartridges of thirty (.30 in. or 7.63mm.) or larger 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 name, address 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 (6) and which is still in the actual possession of the manufacturer.

(8) No provision of this section shall apply to 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. * * *

TITLE 53a. PENAL CODE

53a-3. Definitions. Except where different meanings are expressly specified, the following terms have the following meanings when used in this title:

(1) "Person" means a human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality;

(2) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property; * * *

(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 continuous 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. * * *

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 silencers.

(c) Possession of a sawed-off shotgun or a silencer is a class D felony.

East Hartford

13-34. Display of firearms for sale. No person shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with a barrel of less than twelve (12) inches in length.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

Ordinance to Regulate the Sale at Retail of Pistols and Revolvers

(1) No person shall advertise, sell, offer or expose for sale, or have in his possession with intent to sell, any pistol or revolver at retail unless such person shall have obtained:

(a) a federal license as a dealer in firearms or ammunition from the Bureau of Alcohol, Tobacco and Firearms;

(b) a state permit for the sale at retail of pistols and revolvers within the City of New Haven; and

(c) a state permit to engage in or conduct business as a seller within the State of Connecticut for the place of business in which such a sale of any pistol or revolver at retail shall occur from the State Tax Commissioner.

(2) No sale of any pistol or revolver at retail by any person qualified to conduct such a sale under subsection (1) shall be conducted in a private dwelling, no part of which is open to the general public. * * *

(4) For the purposes of this section

(a) the term "sale of any pistol or revolver at retail" means any transfer of title, exchange or barter, in any manner or by any means whatsoever, of any pistol or revolver for a consideration for any purpose other than resale in the regular course of business;

(b) the term "pistol or revolver" means any firearm having a barrel less than twelve inches in length.

18-12. Firearms and ammunition; sales to children. No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. (Guns and firearms) — Sale to children prohibited. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years * * * any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by

means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

Windsor

Section 2, Regulation of dangerous weapons where minors under age 18 are involved. No person shall within the Town of Windsor sell, give, lend or otherwise transfer or make available to any person under the

Delaware

State Law

DE Code Ann.

TITLE 11. CRIMES AND CRIMINAL PROCEDURE

222. General definitions. When used in this Criminal Code: * * *

(5) "**Deadly weapon**" includes any weapon from which a shot may be discharged * * *

(9) "**Firearm**" includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable. It does not include a BB gun. * * *

1444. Possessing a destructive weapon; class D felony. A person is guilty of possessing a destructive weapon when he sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

Possessing a destructive weapon is a class D felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968.

The term "**shotgun**" as used in this section 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 shot gun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

The term "**sawed-off shotgun**" as used in this section means a shotgun having 1 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.

1445. Unlawfully dealing with a dangerous weapon; class B misdemeanor. A person is guilty of unlawfully dealing with a dangerous weapon: * * *

(2) He sells, gives or otherwise transfers to a child under 16 years of age a firearm * * *
Unlawfully dealing with a dangerous weapon is a class B misdemeanor.

1448. Purchase and possession of deadly weapons by certain persons prohibited; class E felony. Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any weapon

during the commission of such felony or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanatorium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in this State that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant drug as those terms were defined prior to the effective date of the Uniform Controlled Substance Act in January 1973, or of a narcotic drug or controlled substance as defined in Chapter 47 of Title 16, who purchases, owns, possesses or controls any deadly weapon is guilty of a class E felony.

1450. Receiving a stolen firearm; class E felony. A person is guilty of receiving a stolen firearm if he intentionally receives, retains or disposes of a firearm of another person with intent to deprive the owner of it or to appropriate it, knowing 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 E 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 he knows is substantially below its reasonable value.

1451. Theft of a firearm; class E felony. A person is guilty of theft of a firearm when he takes, exercises control over or obtains a firearm of another person intending to deprive him of it or appropriate it. Theft of a firearm is a class E felony.

TITLE 24. PROFESSIONS AND OCCUPATIONS

901. Necessity for license; exceptions. No person shall sell or expose to sale any pistol or revolver, or revolver of pistol cartridges, * * * without first having obtained a license therefor, which license shall be known as "**special license to sell deadly weapons**." This section shall not apply to toy pistols * * *

902. Application and fee for license; duration. 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 Administrative Services to obtain a license to conduct such business. The license shall entitle the holder thereof to conduct such business until the 1st day of June next succeeding its date.

903. Sale to minors or intoxicated persons. No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of §901 of this title.

age of eighteen (18) years any firearm, airgun or other dangerous weapon * * * except where the relationship of parent and child, guardian and ward, or adult firearm instructor and pupil exists between such person and the person under eighteen (18) years of age.

904. Record; data to be recorded. Any person desiring to engage in the business described in this chapter shall keep and maintain in his place of business at all times a record. In such record he shall enter the date of sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, the apparent age of the purchaser, and the names and addresses of at least 2 residents of the State who shall positively identify the purchaser before the sale can be made. No clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. The record shall at all times be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of this State. This section shall not apply to pistol or revolver cartridges.

COMPILER'S NOTE:

It was not rational for Delaware to limit sales of firearms to persons who knew 2 Delaware freeholders and could produce them as witnesses, and that provision of this section requiring such freeholder identification was unconstitutional. *Hetherington v. Sears, Roebuck & Co.*, 652 F.2d 1152 (3rd Cir. 1981).

Dover

20-34. Sales to intoxicated persons and minors prohibited. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in section 2029(a) (revolver or pistol of any description, a shotgun or rifle) * * * to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

Elsmere

Ordinance 108

Section 3. It shall be unlawful for anyone within the limits of the Town of Elsmere or within the limits of the public lands vested in said Town to sell, distribute, dispense or give away any fire arms or ammunition of any character whatsoever.

Wilmington

35-28.1. Retailers of firearms.

No person shall receive a license as a retailer of firearms unless he complies with the provisions of section 39-2, and the regulations issued pursuant thereto.

35-53 Licenses. * * * The following rates shall be annual fees except as otherwise specifically provided; * * * Retailers — Firearms — \$125.

39-1. Ammunition dealers — Definitions. For the purposes of section 39-2 the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ammunition: Any material used in discharging any type of firearm or any projectile discharged by such firearm.

Minor: Any person under the age of eighteen (18) years.

39-2. Same — Restrictions on storage and display; sales to minors; identification and registration of purchasers.

(a) Any person engaged in the business of selling ammunition shall be required to comply with the following:

(1) During business hours, no ammunition may be displayed on any open counter or in any other place readily accessible to the public.

(2) During nonbusiness hours, ammunition shall not be displayed in windows.

(3) A storage space, steel vault or steel safe approved by the police and fire departments of a sufficient size to hold all the ammunition held for sale in any place in which ammunition is sold shall be provided.

(4) No person shall sell, give or deliver any ammunition to minors; provided, that this section shall not apply to ammunition supplied by a parent or guardian to his child for lawful purposes.

(5) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(6) 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.

(b) Any person who violates the provisions of this section shall, upon summary conviction, be subject to a minimum fine of one hundred dollars (\$100.00) and a maximum fine of five hundred dollars (\$500.00) or to imprisonment not exceeding ninety (90) days, or both, for each offense.

39-2.1. Prohibition of importation, manufacture, sale, distribution, possession and use of armor-piercing or other bullets coated with nonstick finish.

(a) **Definitions.** For purposes of this section the following definitions shall apply:

(1) The term "**bullet**" means a round or elongated missile designed to be fired from a firearm.

(2) The term "**bulletproof vest**" means any commercially available, soft, lightweight body armor, usually consisting of several layers of a polyaramid fiber tradenamed "Kevlar."

(3) The term "**armor-piercing bullet**" means any bullet which is coated with a nonstick fluoropolymer finish (such as the registered trademark finishes, Teflon, Halon, Halar, Flvon, Soreflon or Algoflon).

(b) **Offenses.** It shall be unlawful for any person, firm, association, partnership, or corporation to bring into the City of Wilmington or to manufacture, sell, distribute, possess or use armor-piercing bullets or any other bullets

similarly coated with a nonstick fluoropolymer finish. It shall further be unlawful for any person, firm, association, partnership, or corporation 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 upon conviction be subject to a minimum fine of one hundred dollars (\$100.00) and a maximum fine of five hundred dollars (\$500.00), or to imprisonment not exceeding ninety (90) days, or both, for each offense.

39-19.1. Manufacture, delivery, sale or possession of certain weapons prohibited.

(a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell or possess a smoothbore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, taser gun or converted starter pistol.

(b) **Definitions.**

(1) The term "**smooth-bore shot revolver**" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shot-shell.

(2) The term "**short-barreled rifle**" means a rifle having one or more barrels less than sixteen 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 twenty-six (26) inches.

(3) The term "**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.

(4) The term "**converted tear gas gun**" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(5) The term "**converted starter pistol**" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(6) The term "**taser gun**," as used in this section; means any battery or electrically operated stun gun or high voltage weapon that projects a dart or barb or combination of darts or barbs attached to the weapon by lengths of wire, which is designed to transmit an electrical current upon discharge and impact.

(c) Any law enforcement officer while performing his lawful duties within the city shall be exempted from the effect of this section.

(d) A conviction of violation of this section shall be punishable by a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00) or by both such fine and imprisonment not exceeding six (6) months. The minimum sentence of a five hundred dollar (\$500.00) fine shall not be subject to suspension or reduction for any reason.

39-21. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or

indirectly furnish, within the city, to any minor under the age of eighteen (18) years, any gun, pistol, revolver or other firearm whatsoever.

39-35.1. Firearms dealers — Definitions. For the purposes of section 39-35.2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. 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. Whenever used in any cause prescribing and imposing 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.

Firearms. Any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

39-35.2. Storage and display of firearms; permits.

(a) 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.

(b) 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.

(c) No dealer shall receive a permit to store firearms unless he:

(1) Complies with the provisions of this section and regulations issued pursuant thereto.

(2) Pays on annual fee of twenty-five dollars.

(d)(1) 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 sixty days.

(2) 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.

(e) Any person who violates the provisions of this section shall, upon summary conviction, be subject to a minimum fine of one hundred dollars and a maximum fine of five hundred dollars or to imprisonment not exceeding ninety days, or both, for such offense.

District of Columbia

DC Code Ann.

TITLE 6. HEALTH AND SAFETY

CHAPTER 23. FIREARMS CONTROL

Subchapter I. General Provisions.

6-2301. Findings and purpose. The Council of the District of Columbia finds that in order to promote the health, safety and welfare of the people of the District of Columbia it is necessary to:

(1) Require the registration of all firearms that are owned by private citizens;

(2) Limit the types of weapons persons may lawfully possess;

(3) Assure that only qualified persons are allowed to possess firearms;

(4) Regulate deadly weapons dealers; and

(5) Make it more difficult for firearms, destructive devices, and ammunition to move in illicit commerce within the District of Columbia.

6-2302. Definitions. As used in this chapter the term:

(1) "Acts of Congress" means:

(A) Chapter 32 of Title 22;

(B) Omnibus Crime Control and Safe Streets Act of 1968, as amended (Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix); and

(C) An Act to Amend Title 18, United States Code, To Provide for Better Control of the Interstate Traffic in Firearms Act of 1968 (82 Stat. 1213; 18 U.S.C. §921 et seq.).

(2) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(3) "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 subparagraph (A) if such replica:

(i) is not designed or redesigned for using rim-fire or conventional center-fire fixed ammunition; or

(ii) Uses rim-fire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(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 §22-3201, 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 chapter.

(7) "Destructive device" means:

(A) An explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device;

(B) Any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun;

(C) Any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known;

(D) Any device designed or redesigned, made or remade, or readily converted 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) "Firearm" means any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer: Provided, that such term shall not include:

(A) Antique firearms; and/or

(B) Destructive devices;

(C) Any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

(D) Any device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot:

(A) Automatically, more than 1 shot by a single function of the trigger;

(B) Semiautomatically, more than 12 shots without manual reloading.

(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.

(13) "Registration certificate" means a certificate validly issued pursuant to this chapter evincing the registration of a firearm pursuant to this chapter.

(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 20 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 20 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, or transportation of any firearm, ammunition, or destructive device.

Subchapter II. Firearms and Destructive Devices.

6-2311. Registration requirements.

(a) Except as otherwise provided in this chapter, no person or organization shall within the District receive, possess, have under his control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization shall, within the District possess or have under his or its control any firearm, unless such person or organization is the holder of a valid registration certificate for such firearm. In the case of an organization, a registration certificate shall be issued:

(1) Only to an organization which has in its employ 1 or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees' duty hours; and

(2) Only to such organization in its own name and in the name of its president or the chief executive.

(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 proof that he is on his way to or from such

activity, 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 unloaded, securely wrapped, and carried in open view.

6-2312. Registration of certain firearms prohibited. No registration certificate shall be issued for any of the following types of firearms:

- (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: **Provided**, that the provisions of this paragraph shall not apply to any organization which has in its employ 1 or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees' duty hours.

6-2313. 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 chapter;

(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; or

(B) A violation of §22-507, regarding threats to do bodily harm, or §22-504, regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;

(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;

(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 §22-3203;

(10) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and the safe and responsible use of the same in accordance with 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 §6-2316; and

(11) 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's vision is sufficient and: **Provided further**, that this determination shall not be made with respect to persons applying to reregister any firearm pursuant to §6-2316.

(b) 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, serial 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 other registration certificates issued and outstanding;

(13) Such other information as the Chief determines is necessary to carry out the provisions of this chapter.

(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 chapter.

6-2314. Fingerprints and photographs of applicants; application in person required.

(a) The Chief may require any person applying for a registration certificate to be fingerprinted if, in his judgment, this is necessary to conduct an efficient and adequate investigation into the matters described in §6-2313 and to effectuate the purpose of this chapter: **Provided**, that any person who has been fingerprinted by the Chief within 5 years prior to submitting the application need not, in the Chief's discretion, be fingerprinted again if he offers other satisfactory proof of identity.

(b) Each applicant, other than an organization, shall submit with the application 2 full-face photographs of himself, 1½ by 1¼ inches in size which shall have been taken within the 30-day period immediately preceding the filing of the application.

(c) Every applicant (or in the case of an organization, the president or chief executive, or a person authorized in writing by him), shall appear in person at a time and place prescribed by the Chief, and may be required to bring with him the firearm for which a registration certificate is sought, which shall be unloaded and securely wrapped, and carried in open view.

6-2315. Application signed under oath; fees.

(a) Each applicant (the president or chief executive in the case of an organization) shall sign an oath or affirmation attesting to the truth of all the information required by §6-2313.

(b) Each application required by this subchapter shall be accompanied by a nonrefundable fee to be established by the Mayor: **Provided**, that such fee shall, in the judgment of the Mayor, reimburse the District for the cost of services provided under this subchapter.

6-2316. Time for filing registration applications.

(a) An application for a registration certificate shall be filed (and a registration certificate issued) prior to taking possession of a firearm from a licensed dealer or from any person or organization holding a registration certificate therefor. In all other cases, an application for registration shall be filed immediately after a firearm is brought into the District. It shall be deemed compliance with the preceding sentence if such person personally communicates with the Metropolitan Police Department (as determined by the Chief to be sufficient) and provides such information as may be demanded: **Provided**, that such person files an application for a registration certificate within 48 hours after such communication.

(b) Any firearm validly registered under prior regulations must be registered pursuant to this chapter in accordance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this chapter within 60 days of September 24, 1976.

6-2317. Issuance 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 chapter, thereto, shall issue a registration certificate. Each registration certificate shall be in duplicate and bear a unique 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) 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: **Provided**, that in the case of an application to register a firearm validly registered under prior regulations, the Chief shall have 365 days after the receipt of such application to approve or deny such application. The Chief may hold in abeyance an application where there is a revocation proceeding pending against such person or organization.

(c) Upon receipt of a registration certificate, each applicant shall examine same to ensure that the information thereon is correct. If the registration certificate is incorrect in any respect, the person or organization named thereon shall return it to the Chief with a signed statement showing the nature of the error. The Chief shall correct the error, if it occurred through administrative error. In the event the error resulted from information contained in the application, the applicant shall be required to file an amended application setting forth the correct information, and a statement explaining the error in the original application. Each amended application shall be accompanied by a fee equal to that required for the original application.

(d) In the event the Chief learns of an error in a registration certificate other than as provided in subsection (c) of this section, he may require the holder to return the registration certificate for correction. If the error resulted from information contained in the application, the person or organization named therein shall be required to file an amended application as provided in subsection (c) of this section.

(e) Each registration certificate issued by the Chief shall be accompanied by a statement setting forth the registrant's duties under this chapter.

6-2318. Duties of registrants. Each person and organization holding a registration certificate, in addition to any other requirements imposed by this chapter, or the acts of Congress, shall:

(1) Notify the Chief in writing of:

(A) The loss, theft, or destruction of the 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 §6-2313;

(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 of such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

6-2319. Revocation of registration certificate. A registration certificate shall be revoked if:

(1) Any of the criteria in §6-2313 are not currently met;

(2) The registered firearm has become an unregistrable firearm under the terms of §6-2312, or a destructive device;

(3) The information furnished to the Chief on the application for a registration certificate proves to be intentionally false; or

(4) There is a violation or omission of the duties, obligations or requirements imposed by §6-2318.

6-2320. Procedure for denial and revocation of registration certificate. [Contact the police department.]

* * * (c) Within 7 days of a decision unfavorable to the applicant or registrant becoming final, the applicant or registrant shall:

(1) Peaceably surrender to the Chief the firearm for which the registration certificate was revoked in the manner provided in §6-2375; or

(2) Lawfully remove such firearm from the District for so long as he has an interest in such firearm; or

(3) Otherwise lawfully dispose of his interest in such firearm.

6-2321. Information prohibited from use as evidence in criminal proceedings. No information obtained from a person under this subchapter or retained by a person in order to comply with any section of this subchapter, shall be used as evidence against such person in any criminal proceeding with respect to a violation of this chapter, occurring prior to or concurrently with the filing of the information required by this subchapter: **Provided**, that this section shall not apply to any violation of §22-2511, or §6-2374.

Subchapter III. Estates Containing Firearms.

6-2331. Rights and responsibilities of executors and administrators.

(a) The executor or administrator of an estate containing a firearm shall notify the Chief of the death of the decedent within 30 days of his appointment or qualification, whichever is earlier.

(b) Until the lawful distribution of such firearm to an heir or legatee or the lawful sale, transfer, or disposition of the firearm by the estate, the executor or administrator of such estate shall be charged with the duties and obligations which would have been imposed by this chapter upon the decedent, if the decedent were still alive: **Provided**, that such executor or administrator shall not be liable to the criminal penalties of §6-2376.

Subchapter IV. Licensing of Firearms Businesses.

6-2341. Manufacture of firearms, destructive devices or ammunition prohibited; requirement for dealer's license.

(a) No person or organization shall manufacture any firearm, destructive device or parts thereof, or ammunition, within the District: **Provided**, that persons holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for

his registered firearms: **Provided further**, that such person may not hand load, reload, or custom load ammunition for others.

(b) No person or organization shall engage in the business of selling, purchasing, or repairing any firearm, destructive device, parts thereof, or ammunition, without first obtaining a dealer's license, and no licensee shall engage in the business of selling, purchasing, or repairing firearms which are unregistrable under §6-2312, destructive devices, or parts thereof, except pursuant to a valid work or purchase order, for those persons specified in §6-2311(b)(1).

6-2342. Qualifications for dealer's license; application; fee.

(a) Any person eligible to register a firearm under this chapter and who, if a registrant, has not previously failed to perform any of the duties imposed by this chapter; and, any person eligible under the acts of Congress to engage in such business, may obtain a dealer's license, or a renewal thereof, which shall be valid for a period of not more than 1 year from the date of issuance. The license required by this chapter, shall be in addition to any other license or licensing procedure required by law.

(b) Each application for a dealer's license and each application for renewal thereof shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain:

(1) The information required by §6-2313 (a);

(2) 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 chapter.

(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 in the judgment of the Mayor, reimburse the District for the cost of services provided under this subchapter.

6-2343. 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 chapter 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.

(c) Upon receipt of a dealer's license, each applicant shall examine the same to ensure that the information thereon is correct. If the dealer's license is incorrect in any respect, the person named thereon shall return the same to the Chief with a signed statement showing the nature of the error. The Chief shall correct the error, if it occurred through

administrative error. In the event the error resulted from information contained in the application, the applicant shall be required to file an amended application explaining the error in the original application. Each amended application shall be accompanied by a fee equal to that required for the original application.

(d) In the event the Chief learns of an error in a dealer's license, other than as provided in subsection (c) of this section, he may require the holder to return the dealer's license for correction. If the error resulted from information contained in the application, the person named therein shall be required to file an amended application as provided in subsection (c) of this section.

(e) Each dealer's license issued by the Chief shall be accompanied by a statement setting forth a dealer's duties under this chapter.

6-2344. Duties of licensed dealers; records required.

(a) Each person holding a dealer's license, in addition to any other requirements imposed by this chapter, the acts of Congress, and other law, shall:

(1) Display the dealer's license in a conspicuous place on the premises;

(2) Notify the Chief in writing:

(A) Of the loss, theft, or destruction of the dealer's license (including the circumstances, if known) immediately upon the discovery of such loss, theft, or destruction;

(B) Of a change in any of the information appearing on the dealer's license or required by §6-2342 immediately upon the occurrence of any such change;

(3) Keep at the premises identified in the dealer's license a true and current record in book form of:

(A) The name, address, home phone, and date of birth of each employee handling firearms, ammunition, or destructive devices;

(B) Each firearm or destructive device received into inventory or for repair including the:

(i) Serial number, caliber, make, model, manufacturer's number (if any), dealer's identification number (if any), registration certificate number (if any) of the firearm, and similar descriptive information for destructive devices;

(ii) Name, address, and dealer's license number (if any) of the person or organization from whom the firearm or destructive device was purchased or otherwise received;

(iii) Consideration given for the firearm or destructive device, if any;

(iv) Date and time received by the licensee and in the case of repair, returned to the person holding the registration certificate; and

(v) Nature of the repairs made;

(C) Each firearm or destructive device sold or transferred including the:

(i) Serial number, caliber, make, model, manufacturer's number or dealer's identification number, and registration certificate number (if any) of the firearm or similar information for destructive devices;

(ii) Name, address, registration certificate number or license number (if any) of the person or organization to whom transferred;

(iii) The consideration for transfer; and,

(iv) Time and date of delivery of the firearm or destructive device to the transferee;

(D) Ammunition received into inventory including the:

(i) Brand and number of rounds of each caliber or gauge;

(ii) Name, address, and dealer's license or registration number (if any) of the person or organization from whom received;

(iii) Consideration given for the ammunition; and

(iv) Date and time of the receipt of the ammunition;

(E) Ammunition sold or transferred including:

(i) Brand and number of rounds of each caliber or gauge;

(ii) Name, address and dealer's license number (if any) of the person or organization to whom sold or transferred;

(iii) If the purchaser or transferee is not a licensee, the registration certificate number of the firearm for which the ammunition was sold or transferred;

(iv) The consideration for the sale and transfer; and

(v) The date and time of sale or transfer.

(b) The records required by subsection (a) of this section shall upon demand be exhibited during normal business hours to any member of the Metropolitan Police Department.

(c) Each person holding a dealer's license shall, when required by the Chief in writing, submit on a form and for the periods of time specified, any record information required to be maintained by subsection (a) of this section, and any other information reasonably obtainable therefrom.

6-2345. Revocation of dealer's license.

A dealer's license shall be revoked if:

(1) Any of the criteria in §6-2344 is not currently met; or

(2) The information furnished to the Chief on the application for a dealer's license proves to be intentionally false; or

(3) There is a violation or omission of the duties, obligations, or requirements imposed by §6-2344.

6-2346. Procedure for denial and revocation of dealer's license. [Contact the police department.]

* * * (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 chapter, register such firearms in his inventory as are capable of registration pursuant to this chapter;

(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 §6-2375;

(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 for 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.

6-2347. 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 repaired, or otherwise being worked on.

(b) No licensee shall knowingly employ any person in his establishment if such person

would not be eligible to register a firearm under this chapter.

6-2348. Identification number on firearm required before sale. No licensee shall sell or offer for sale any firearm which does not have imbedded into the metal portion of such firearm a unique manufacturer's identification number or serial number, unless the licensee shall have imbedded into the metal portion of such firearm a unique dealer's identification number.

6-2349. Certain information obtained from or retained by dealers not to be used as evidence in criminal proceedings. No information obtained from or retained by a licensed dealer to comply with this subchapter shall be used as evidence against such licensed dealer in any criminal proceeding with respect to a violation of this chapter occurring prior to or concurrently with the filing of such information: **Provided**, that this section shall not apply to any violation of §22-2511, or of §6-2374.

Subchapter V. Sale and Transfer of Firearms, Destructive Devices, and Ammunition.

6-2351. Sales and transfers prohibited. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in §6-2320 (c), 6-2352, or 6-2375.

6-2352. Permissible sales and transfers.

(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition or any firearm, except those which are unregistrable under §6-2312, 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 where 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:

(A) Any other licensed dealer;

(B) 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 §6-2312, to any person or organization possessing a registration certificate for such firearm: **Provided**, that if the Chief denies a registration certificate, he shall so advise the licensee who 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 consideration 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) The ammunition to be 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 chapter) shall be maintained by the licensed dealer for a period of 1 year from the date of sale.

(e) 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 VI. Possession of Ammunition.

6-2361. Persons permitted to possess ammunition. No person shall possess ammunition in the District of Columbia unless:

(1) He is a licensed dealer pursuant to subchapter IV;

(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.

Subchapter VII. Miscellaneous Provisions.

6-2371. 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.

6-2372. Firearms required to be unloaded and disassembled or locked. Except for law enforcement personnel described in §6-2311 (b) (1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

6-2373. 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.

6-2374. 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 chapter, or in giving any information pursuant to the requirements of this chapter, 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 chapter.

6-2375. 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 preclude the arrest and prosecution of such person on a charge of violating any provision of this chapter with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police district, station, or central headquarters, or by summoning 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 unloaded and securely wrapped in a package, 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.

(b) Whenever any firearm, destructive device, or any ammunition is surrendered under this section or pursuant to §6-2320(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.

6-2376. Penalties. Any person who violates any provision of this chapter shall upon conviction be fined not more than \$1,000 or be imprisoned for not more than 1 year, or both.

6-2378. Construction of chapter. Nothing in this chapter shall be construed, or applied to necessarily require, or excuse noncompliance with any provision of any federal law. This chapter and the penalties prescribed in §6-2376, for violations of this chapter, shall not supersede but shall supplement all statutes of the District and the United States in which similar conduct is prohibited or regulated.

TITLE 22. CRIMINAL OFFENSES

CHAPTER 32. WEAPONS

22-3201. Definitions.

(a) "**Pistol**," as used in this chapter, means any firearm with a barrel less than 12 inches in length.

(b) "**Sawed-off shotgun**," as used in this chapter, means any shotgun with a barrel less than 20 inches in length.

(c) "**Machine gun**," as used in this chapter, means any firearm which shoots automat-

ically or semiautomatically more than 12 shots without reloading.

(d) "**Person**," as used in this chapter, includes individual, firm, association, or corporation.

(e) "**Sell**" and "**purchase**" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

(f) "**Crime of violence**," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, robbery, house-breaking, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3202. Additional penalty for committing crime when armed.

(a) Any person who commits a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machinegun, rifle * * *):

(1) May, if he is convicted for the 1st time of having so committed a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to life imprisonment and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 5 years; and

(2) Shall, if he is convicted more than once of having so committed a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a minimum period of imprisonment of not less than 5 years and a maximum period of imprisonment which may not be less than 3 times the minimum sentence imposed and which may be up to life imprisonment and shall, if convicted of such second offense while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 10 years.

(b) Where the maximum sentence imposed under this section is life imprisonment, the minimum sentence imposed under subsection (a) of this section may not exceed 15 years imprisonment.

(c) Any person sentenced pursuant to paragraph (1) or (2) of subsection (a) above for a conviction of a crime of violence while armed with any pistol or firearm, shall serve a mandatory-minimum term of 5 years, if sentenced pursuant to paragraph (1) of subsection (a) of this section, or 10 years, if sentenced pursuant to paragraph (2) of subsection (a) of this section, and such person shall not be released on parole, granted probation, or granted suspension of sentence, prior to serving such mandatory-minimum sentence.

(d) Except as provided in subsection (c) of this section, any person sentenced under subsection (a)(2) of this section may be released on parole in accordance with Chapter 2 of Title 24, at any time after having served the minimum sentence imposed under that subsection.

(e) (1) Chapter 402 of Title 18 of the United States Code (Federal Youth Corrections Act) shall not apply with respect to any person sentenced under paragraph (2) of subsection (a) of this section.

(2) The execution or imposition of any term of imprisonment imposed under paragraph (2) of subsection (a) of this section may not be suspended and probation may not be granted.

(f) Nothing contained in this section shall be construed as reducing any sentence otherwise imposed or authorized to be imposed.

(g) No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

22-3203. Unlawful possession of a pistol. No person shall own or keep a pistol, or have a pistol in his possession or under his control within the District of Columbia, if—

(1) He is a drug addict;

(2) He has been convicted in the District of Columbia or elsewhere of a felony;

(3) He has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) He is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict.

22-3204. Carrying concealed weapons. No person shall within the District of Columbia carry either openly or concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon capable of being so concealed. Whoever violates this section shall be punished as provided in § 22-3215, unless the violation occurs after he has been convicted in the District of Columbia of a violation of this section or of a felony, either in the District of Columbia or in another jurisdiction, in which case he shall be sentenced to imprisonment for not more than 10 years.

22-3205. Exceptions to § 22-3204. The provisions of § 22-3204 shall not apply to marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law-enforcement officers, or to members of the Army, Navy, Air Force, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to 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 pistol in the usual or ordinary course of such business or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

22-3206. Issue of licenses to carry pistol. The Chief of Police of the District of Columbia may, upon the application of any person having a bona fide residence or place of business within the District of Columbia or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of

any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than 1 year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Mayor of the District of Columbia and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, and the duplicate shall be retained by the Chief of Police of the District of Columbia and preserved in his office for 6 years.

22-3207. Selling pistol to minors and others. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. Transfers of firearms, regulated. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents]* * * No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 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. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. Dealers of weapons to be licensed. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell any pistol, machine gun, sawed-off shotgun, * * * without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun * * *

22-3210. Licenses of weapons dealers; records; by whom granted; conditions. The Mayor of the District of Columbia may, in his 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 * * * at retail within the District of Columbia subject to the following conditions in addition to those specified in § 22-3209, for breach of any of which the licensee shall be subject to forfeiture and the licensee 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;

(3) 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 § 22-3203 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 identity. No machine gun, sawed-off shotgun * * * shall be sold to any person other than the persons designated in § 22-3214 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.

(4) 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;

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun * * * 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 purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement by the purchaser that he is not forbidden by § 22-3203 to possess a pistol. One copy of said record shall, within 7 days, be forwarded by mail to the Chief of Police of the District of Columbia and the other copy retained by the seller for 6 years;

(6) No pistol or imitation or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

22-3211. False information in purchase of weapons prohibited. No person shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun * * * within the District of Columbia, give false information or offer false evidence of his identity.

22-3212. Alteration of identifying marks of weapons prohibited. No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated 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 of the District of Columbia engaged in experimental work.

22-3213. Exceptions. Except as provided in § 22-3202 and § 22-3214 (b), this chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. Possession of certain dangerous weapons prohibited — Exceptions. (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen

or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, * * * may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, 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, wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. Manufacture, transfer, use, possession or transportation of molotov cocktails, 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 uncontained combustion upon impact; 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 uncontained combustion, with the intent that the same may be used unlawfully against any person or property * * *

22-3216. Severability. If any part of this chapter is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this chapter.

22-3217. Dangerous articles; definition; taking and destruction * * *

(a) As used in this section, the term "dangerous article" means:

(1) Any weapon such as a pistol, machine gun, sawed-off shotgun, * * *; or

(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 firearms.

(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, discovers a dangerous article which he reasonably believes is a nuisance under subsection (b) of this section he shall take it into his possession and surrender it to the Property Clerk of the Metropolitan Police Department.

(d) * * *

(5) The property Clerk shall make no disposition of a dangerous article under this section, whether in accordance with his 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 him 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) He shows on satisfactory evidence that he is the owner of the dangerous article or is the accredited representative of the owner, and that the ownership is lawful; and

(2) He shows on satisfactory evidence that at the time the dangerous article was taken into possession by a police officer it was not unlawfully owned and was not unlawfully possessed or carried by the claimant or with his knowledge or consent; and

(3) The receipt of possession by him will not cause the article to be a nuisance. A representative is accredited if he 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 claimant, such dangerous article shall be destroyed.

COMPILER'S NOTE:

The following provisions are provided in cooperation with the Capitol Police to

alert those who may visit the Nation's Capitol that possession of firearms on Capitol grounds or in buildings is a felony offense.

Title 40, United States Code

CHAPTER 2 — CAPITOL BUILDING AND GROUNDS

§193f. United States Capitol Grounds; firearms, dangerous weapons, explosives, or incendiary devices; violent entry and disorderly conduct in the Capitol Grounds and Buildings * * *

(a) It shall be unlawful for any person or group of persons —

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress. * * *

§193h. United States Capitol Grounds, prosecution and punishment of offenses * * *

(a) Any violation of section 193f(a) of this title, and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both. * * *

(c) Violations * * * shall be prosecuted by the United States attorney or his assistants in the name of the United States. * * * Prosecution for any violation of section 193f(a) of this title or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia.

Florida

State Law

FL Stat. Ann.

CHAPTER 790. WEAPONS AND FIREARMS

790.001 Definitions. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them 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. * * *

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it

may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "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, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shell, cartridges or ammunition for firearms;

(b) Fireworks as defined in §791.01;

(c) Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with §552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the Department of Insurance, when used for or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzleloading flint or percussion weapons.

The exclusions contained in paragraphs (a)-(d) shall not apply to the term "explosive" as used in the definition of "firearm" in subsection (6).

(6) "Firearm" means any weapon (including a starter gun) which will, or 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; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm unless the antique firearm is used in the commission of a riot, the inciting or encouraging of a riot, or the commission of a murder, armed robbery, aggravated assault, aggravated battery, burglary, aircraft piracy, kidnapping, or sexual battery.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "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;

(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;

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Offender Rehabilitation or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys, and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "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.

(11) "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 alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(14) "Electric weapon or device" means any device which, through the application or

use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

(15) "Readily accessible for immediate use" means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person.

(16) "Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access. * * *

[THE FOLLOWING WENT INTO EFFECT ON
OCTOBER 9, 1987]

790.053 Open carrying of weapons. —

Except as otherwise provided by law, it shall be unlawful for any person to openly carry on or about his person any firearm or electric weapon or device; provided, however, that a person may openly carry a stun gun or non-lethal electric weapon or device designed solely for defensive purposes, which weapon does not fire a dart or projectile. Any person violating this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

* * * * *

790.161. Making, possessing, throwing, placing or discharging any destructive device or attempt so to do, felony; penalties.

A person who makes, possesses, throws, places, discharges, or attempts to discharge any destructive device, with intent to do bodily harm to any person or with intent to do damage to property:

(1) Shall be guilty of a felony of the second degree, punishable as provided in s. 775.082 or s. 775.084. * * *

(4) If the act results in the death of another person, shall be guilty of a capital felony, punishable by death. In the event 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 and such person shall be required to serve a term of imprisonment of not less than 25 calendar years before becoming eligible for parole.

790.17 Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barter, lends or gives any minor under eighteen years of age any pistol, * * * electric weapon or device or other arm or weapon, * * * without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barter, lends or gives to any person of unsound mind an electric weapon or device or any dangerous weapon * * * is guilty of a misdemeanor of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

790.18 Selling arms to minors by dealers. It is unlawful for any dealer in arms to sell to minors any pistol, Springfield rifle or other repeating rifle, or electric weapon or device * * * and every person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or §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 care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE

Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under Federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty.

(1) It is unlawful for any person who has been convicted of a felony in the courts of this state or of a crime against the United States which is designated as a felony or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year to own or to have in his care, custody, possession, or control any firearm or electric weapon or device or to carry a concealed weapon, including all tear gas guns and chemical weapons or devices.

(2) This section shall not apply to a person convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section is guilty of a felony of the second degree, punishable as provided in §775.082, §775.083 and §775.084.

790.27 Alteration or removal of firearm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties.

(1)(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 §775.082, §775.083, or §775.084.

(2)(a) 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.

(b) Any person violating paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(3) This section shall not apply to antique firearms.

790.31. Armor-piercing or exploding ammunition 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) "Exploding 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 signalling 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.

(2)(a) Any person who manufactures, sells, offers for sale, or delivers any armor-piercing bullet or exploding bullet is guilty of a felony in the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who possesses an armor-piercing bullet or exploding bullet with knowledge of its armor-piercing or exploding capabilities loaded in a handgun is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who possesses with intent to use an armor-piercing bullet or exploding bullet to assist in the commission of a criminal act is guilty of 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:

(a) The possession of any item described in subsection (1) by any law enforcement officer or law enforcement agency.

(b) The manufacture of items described in subsection (1) exclusively for sale or delivery to law enforcement agencies.

(c) The sale or delivery of items described in subsection (1) to law enforcement agencies.

* * * * *

[THE FOLLOWING WAS APPROVED BY THE GOVERNOR ON MAY 12, 1987]

790.33(1) Preemption. — Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void. This section shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed 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 section and are prohibited.

790.33(2) Limited exception. —

(1) Any county may have the option to adopt a cooling off period ordinance requiring

a cooling off period of up to, but not to exceed, 48 hours between the purchase and delivery of a handgun. For purposes of this section "purchase" means payment on deposit, payment in full, or notification of intent to purchase. Adoption of a cooling off period ordinance, by any county, shall require an extraordinary vote of the county commission on votes on cooling off period ordinances. This exception is limited solely to individual counties and is limited to the provisions and restrictions contained in this section.

(2) Ordinances authorized by this section shall apply to all sales of handguns to individuals by a retail establishment except those sales to individuals exempted in this section. For purposes of this section, "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.

(3) Ordinances authorized by this section shall not require any reporting 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. 934.02.

(4) The following shall be exempt from any cooling off period:

(a) Individuals who are licensed to carry concealed firearms under the provisions of s. 790.05 or who are licensed to carry concealed firearms under any other provision of state law and 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) A law enforcement or correctional officer as defined in s. 943.10;

(d) A law enforcement agency as defined in s. 934.02;

(e) Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses; or

(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.

790.33(3) Policy and intent. — It is the intent of this act to provide uniform firearms laws in the state; and 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; and to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this act or general

law; and to require local jurisdictions to enforce state firearms laws.

* * * * *

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Hallandale*	Miami*
Jacksonville*	North Palm Beach*
Lake Worth*	Palm Beach County*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Jacksonville*(b),(c),(d)	Pinellas County* ("Saturday Night Specials")
Miami*("KTW" projectiles)	

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Hallandale*(24 hrs.)	Palm Beach County*
Lake Worth*(7-14 days)	(7-14 days)
Miami*(ID card=24 hrs; 72 w/o)	Pinellas County* (72 hrs.)

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Lake Worth*	Palm Beach County*
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5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Lake Worth*	North Palm Beach*
Miami*	Palm Beach County*

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirements for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Casselberry (a),(b)	Miami* (firearms registration)
Hallandale* (a),(b)	
Lake Worth* (a),(b)	North Palm Beach* (b)

Georgia

State Law

Code of 1981, Ann.

TITLE 16. CRIMES AND OFFENSES

CHAPTER 7. DAMAGE TO AND INTRUSION UPON PROPERTY

16-7-63. Criminal possession of explosives.

(a) A person commits the offense of criminal possession of explosives when he possesses, manufactures, or transports any explosive compound and either intends to use the explosive to commit a felony or knows that another intends to use the explosive to commit a felony.

(b) A person convicted of the offense of criminal possession of explosives shall be punished by imprisonment for not less than one nor more than ten years.

16-7-64. Criminal possession of an incendiary.

(a) A person commits the offense of criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or Molotov cocktail.

(b) As used in this Code section, the terms "fire bomb" and "Molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material which, when ignited, is capable of igniting the flammable liquid or compound when the device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving, or other hazards on streets, roads, highways, and bridges. * * *

(d) A person convicted of the offense of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years or by a fine not exceeding \$1,000.00, or by both.

CHAPTER 11. OFFENSES AGAINST PUBLIC ORDER AND SAFETY.

16-11-101. Furnishing weapons to persons under 21 years of age. A person is guilty of a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

16-11-106. Possession of firearm * * * during commission of or attempt to commit certain crimes.

(a) For the purposes of this Code section, the term "firearm" shall include stun guns and tasers. A stun gun or taser is any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge.

(b) Any person who shall have on his person a firearm * * * during the commission of, or the attempt to commit: * * *

(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing, administering, selling, or possession with intent to distribute any controlled substance as provided in Code Section 16-13-30; or

(5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as provided in Code Section 16-13-31,

and which crime is a felony, commits a felony and, upon conviction thereof, shall be punished by confinement for a period of 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 confinement for a period of ten years. 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 the court and probationary sentence imposed in lieu thereof.

(d) The punishment prescribed for the violation of subsections (b) and (c) of this Code section shall not be reducible to misdemeanor punishment as is provided by Code Section 17-10-5.

(e) Any crime committed in violation of subsections (b) and (c) of this Code section shall be considered a separate offense.

PART 2. POSSESSION OF DANGEROUS WEAPONS, ETC.

6-11-120. Short title. This part shall be known and may be cited as the "Georgia Firearms and Weapons Act."

6-11-121. 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 nonexplosive 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. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel 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 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; 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 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.

(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.

COMPILER'S NOTE:

Gun firing under six bullets by single function of trigger not a machine gun under section. — Since a machine gun that fires less than six bullets by a single function of the trigger is not, under Georgia law, a machine gun, federal registration of such a weapon has no significance under Georgia law. 1974 Op. Att'y Gen. No. U74-91.

16-11-122. Possession of sawed-off shotgun, machine gun, silencer, etc., generally. 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. Unlawful possession of firearms or weapons. A person commits the offense of unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, and, upon conviction thereof, he shall be punished by imprisonment for not less than one nor more than five years.

16-11-124. Exemptions from application of part. This part shall not apply to:

(1) A peace officer of any duly authorized police agency of this 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 or possess such firearms 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 barrel or barrels filled with lead, hand grenades filled with sand, or other nonexplosive materials; and

(4) Possession of a sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-

off rifle, machine gun, dangerous weapon, or silencer in accordance with the dictates of the National Firearms Act, 68A Stat. 725 (26 U.S.C. Sections 5841-5862).

16-11-125. Burden of proof as to exemptions, etc. In any complaint, accusation, or indictment and in any action or proceeding brought for the enforcement of this part it shall not be necessary to negative any exception, excuse, proviso, or exemption contained in this part, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

16-11-131. Possession of firearms by convicted felons prohibited; exceptions.

(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 Uniform 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 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, or transports any firearm commits a felony and, upon conviction thereof, 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 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. 925 shall, upon presenting to the Board of Public Safety proof that the relief has been granted and it being 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 the citizens of Georgia and that 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, 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 the citizens of Georgia and that 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 record that the relief has been granted by the board shall be entered upon the criminal history of the person maintained 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.

COMPILER'S NOTE:

Restoration, pursuant to pardon, etc.

An order of restoration of civil rights granted by the State Board of Pardons and Paroles which expressly authorizes an individual to receive, possess, or transport a firearm, satisfies the requirements of subsection (c) mandating the granting of a pardon. 1986 Op. Att'y Gen. No. 86-4.

TITLE 43. PROFESSIONS AND BUSINESS

CHAPTER 16. FIREARMS DEALERS

43-16-1. "Department" defined. As used in this chapter, the term "department" means the Department of Public Safety.

43-16-2. License requirement; applicability of chapter to casual sales. 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 sales of the articles referred to in this Code section between individuals or bona fide gun collectors.

43-16-3. Affidavit of applicant for license. 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.

43-16-4. Surety bond. There shall be filed with the application for a license under this chapter a bond for the sum of \$1,000.00, payable to the State of Georgia and conditioned upon the faithful performance of all provisions of this chapter, signed by the

applicant as principal, and with a surety company or two individuals as securities. Such bond must be approved by the department. * * *

43-16-7. Display of license. 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.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing.]

Atlanta*
Liberty County*

Savannah*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Decatur* (22 cal; less than 3" barrel; less than \$39)

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Liberty County* (48 hrs.) Savannah* (72 hrs.)

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Atlanta*

Savannah* (State permit to carry)

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Atlanta*
Liberty County* (21)

Savannah* (21)

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirements for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Atlanta* (a),(b)
Decatur* (b)
Liberty County* (b)

Macon (b)
Savannah* (b)
Warner Robins (b)

Guam

Territorial Law

Government Code of Guam

Chapter 60. Firearms

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 does not exclude from 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 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 **"director"** and **"department"** mean the Director of Public Safety and the Department of Public Safety, 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 Director, when fired from a pistol or revolver with a barrel five inches or less in length, is capable of penetrating body armor.

60101. Chapter not applicable.

This Chapter shall not apply to:

(a) Law enforcement officers when using firearms authorized by the Director 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 signalling, 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 §§4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

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 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 60110 of this Chapter.

60105. Shooting gallery. Any person who is in the business of operating a shooting gallery 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 the business of a shooting gallery.

60106. Identification card: 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 person may use and possess 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. Same: contents. Identification cards shall have on their face all the following:

(1) The name, address, sex, height and weight of the holder, his birthdate, 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 also 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 felony; or

(2) Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefor and who are citizens, or only for use at authorized sporting events and except for official representatives of foreign governments in their official capacities; or

(3) Who is presently charged by information or indictment with any crime stated in (b)(1) above; or

(4) Who has been adjudicated incompetent, has been committed to any mental institution; or

(5) Who is under the age of eighteen (18) years; or

(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 Director has determined that the offense was committed more than ten (10) years previously and that the applicant would not endanger the public safety by receiving an identification card; or

(7) Who, in the determination of the Director 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 therefor on a form supplied by the Department and shall supply such 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.

(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. * * *

60110. Registration. Any person purchasing, receiving by gift, devise or otherwise, acquiring or otherwise coming into permanent possession of a firearm, the possession of which is permitted by this Chapter, shall register the same with the Department within three (3) working days after acquiring said firearm on forms 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 a current identification card evidencing his eligibility to own, possess, use or carry the firearm presented for registration. All firearms to be registered shall be presented to the Department for inspection as to the facts required for registration. Any firearm registration issued under this Chapter shall expire on the third anniversary of its issuance and the Director shall promulgate rules and regulations regarding renewal of registration of firearms renewal of identification cards, and shall establish reasonable fees to cover the cost incurred for such renewals.

60111. Transfer of firearm: private. Upon the transfer of any firearm from one person not a dealer, manufacturer, wholesaler or repairer to another not a dealer, manufacturer, wholesaler or repairer, other than on loan, a new registration must be obtained by the new owner or one permanently possessing the firearm indicating the prior owner or possessor, and his identification card number, as well as all information pertinent to the new owner or possessor.

60112. Same: pawnbroker. Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner or to another person, a new registration must be obtained. * * *

60114. Identification card: possession.

(a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry.

(c) No person shall use, display, or carry with the intent to use or display, an identification card which has expired, which has been suspended or revoked, or for which a duplicate has been issued, or which has been defaced or altered. No person shall use any of the above for the purpose of obtaining any firearm.

(d) No person shall wilfully alter, remove or obliterate the name of the make, model, manufacturer's number or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any

mark of identity has been altered, removed or obliterated shall be presumptive evidence that the possessor has altered, removed or obliterated the same.

(e) If any person, in complying with any of the requirements of this Chapter, knowingly gives false information or knowingly offers false evidence of any of the facts required by the Department or by this Chapter, he shall be guilty of unsworn falsification and punished therefor as provided by §52.30 of the Criminal and Correctional Code. Additionally, upon conviction, such person shall not be eligible for an identification card for a period of ten (10) years, and any existing identification card issued to such person shall be revoked, and any firearms possessed pursuant to such identification card forfeited.

60115. Dealer: registration. Dealers, etc., must register. Any person who is a dealer, manufacturer, wholesaler or retailer of firearms or ammunition within the territory of Guam who must register pursuant to §60104 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered and copies to be displayed at each location where firearms are sold.

60116. Conduct of dealer's business. Any person or firm licensed pursuant to §60104 shall, in the conduct of his business:

(1) Display no firearms or ammunition in any place where they can be seen from outside the premises.

(2) Keep all firearms and ammunition in a securely locked place at all times except when they are actually being shown to a customer or when actually being repaired or worked on.

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use of firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition except that nothing in this Section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by the Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction.

(5) Keep a continuing and up-to-date inventory of all firearms and ammunition in his possession and report the loss, theft, damage or destruction of the same to the Department immediately upon the discovery of the event.

60117. Repair. No 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 any person after repair or other work done on it without the repairer 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.

60119. Shooting gallery: registration. Any person who operates a shooting gallery within the Territory who must register pursuant to §60105 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms used and stored at the shooting gallery and the security of the gallery and storage areas. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business. A separate registration card shall be required for each place where the business is conducted.

60120. Rules and regulations. The Director 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.

60121.1 Prohibitions and penalties: restricted bullet]

[[a)] Any person who imports, manufactures or sells a restricted bullet on Guam, except as specifically authorized by the Director for purposes of public safety, shall be 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.

[[b)] Any person who possesses or carries a restricted bullet not in accordance with the regulations promulgated by the Director shall be guilty of a felony of the third degree.

60123. Revalidation of previous weapon registration. All registrations of weapons issued 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 which time an identification card must be obtained and the firearms registered according to the provisions of this Chapter. This Section does not apply to firearms owned, possessed, used or carried in a manner declared illegal by any previous Act.

60124. Registration of prohibited firearms. Any firearm which cannot be legally owned, possessed, used or carried pursuant to this Act but which was legally possessed, owned, 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 eligibility to possess or own as stated in §60123, and keep or dispose of the firearm as the Director determines.

60126. Registry. The Department shall maintain a confidential registry, open only to law enforcement 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 the transferor,

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 resident 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 issued or denied him. Thereafter, all provisions of this Chapter apply in full to such person and he must purchase, possess or use firearms only in compliance therewith. The Section does not apply to any firearm which may not be legally possessed or used, carried or purchased under this Chapter. With respect to such firearms the provisions 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 per-

sons transiting Guam. Such transiting persons shall not have in their possession any firearm on Guam without first obtaining permission therefor from the Director.

60128. Minors. Any person who is ineligible to possess an identification card solely by reason of his age may use a firearm, if said minor is over the age of ten (10) years, only in the presence and under the direct control of an adult possessing a valid identification card evidencing his eligibility to use this type of firearm being used by the minor.

Hawaii

State Law

HI Rev. Stats.

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:

"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 does not exclude from the definition other weapons operated by explosives.

"Pistol" or **"revolver"** means any firearm of any shape whatsoever with a barrel less than sixteen inches in length and capable of discharging loaded ammunition or any noxious gas.

"Electric gun" means any portable device which is electrically operated project a missile or electromotive force. It does not mean to include any electric livestock prod used in animal husbandry.

"Chief of police" means the chief of police of the counties of Hawaii, Maui, Kauai, and the City and County of Honolulu.

"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 felony, or to avoid giving testimony in any criminal proceeding.

"Crime of violence" means any offense, as defined in Title 37, involves injury or threat of injury to the person of another.

134-2 Registration, mandatory.

(a) Every person arriving in the State who brings with him or by any other manner causes to be brought into the State firearms of any description, whether usable or unusable, serviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival of the person or of the firearm, whichever arrives later, register the same with the chief of police of the county of such person's place of business, or if there be no place of business, such person's residence, or if there be neither place of business nor residence, such person's place of sojourn provided that no alien shall be allowed to bring any firearm into the State.

(b) Every person who acquires a pistol or revolver pursuant to section 134-3 shall, within five days of acquisition, register it in the manner prescribed by this section.

Registration shall not be required for:

(1) any device designed to fire loose black powder.

(2) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; or

(3) all unserviceable firearms and destructive devices registered with the Bureau of Alcohol, Tobacco, and Firearms of the U.S. Department of the Treasury pursuant to Title 27, Code of Federal Regulations.

The registration shall be on such forms designated by the attorney general, which shall be uniform throughout the State, and shall include the names of the manufacturer and importer, model, type of action, caliber or gauge, the serial number, and the source from which receipt was obtained, including the name and address of the prior registrant.

No fee shall be charged for the registration.

(c) Any person who fails to comply with subsection (b) of this section shall be guilty of a misdemeanor. Failure to comply with any other subsection of this section shall be a petty misdemeanor.

134-3 Permits to acquire; penalty.

(a) No person shall acquire the ownership of a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person has first procured from the chief of police of the county of the person's place of business, or if there be no place of business, the person's residence, or if there be neither place of business nor residence, the person's place of sojourn, a permit to acquire as prescribed in this section: provided that when title to any firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of the firearm.

(b) The permit application form shall include the applicant's name, address, sex, height, weight, date of birth, place of birth, information regarding the applicant's mental health history, and social security number, and shall require the fingerprinting and photographing of the applicant by the police department of the county of registration, provided that where fingerprints and photograph are already on file with the department, the fingerprinting and photographing may be waived.

(c) Applicants for a permit shall sign a waiver at time of application, upon forms to

be specified by the attorney general, allowing the chief of police of the county issuing permits access to any records which have a bearing on the mental health of the applicant. The forms prescribed by the attorney general under this section shall be uniform throughout the State.

(d) No person shall keep in his possession any firearm which is owned by another, whether or not the owner has consented to its possession, without a permit from the chief of police of the appropriate county, except as provided in section 134-5.

(e) Any lawfully acquired rifle or shotgun may be loaned to an adult for use within the State for a period not to exceed fifteen days without obtaining 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.

(f) No firearm shall knowingly be loaned to any person who is prohibited under section 134-7 from ownership or possession of a firearm.

(g) Each chief of police may issue permits, within the chief's jurisdiction, to acquire firearms to citizens of the United States of the age of eighteen years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien has first procured a hunting license under section 191-1 to 191-6, or may issue permits to acquire firearms to aliens who are duly commissioned law enforcement officers in the State. However, any law enforcement officer who is the owner of a firearm and who is an alien, shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency.

(h) Applications for the permits shall be signed by the applicant upon forms to be specified by the attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, or dealers licensed by the United States Department of the Treasury, or to law enforcement officers, or where a license is granted under section 134-9, or where any firearm is registered pursuant to section 134-2(a), a permit shall be issued to a first time firearm purchaser no earlier than ten

calendar days after the date of application; provided that a permit shall be issued, or an application denied, no later than fifteen days from the date of the application. Persons who have previously obtained permits subject to the ten-day waiting period required by this subsection may be issued permits in less than ten days upon subsequent applications within one year. Permits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue. Permits to acquire a pistol or revolver require a separate application and permit for each transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue, subject to the disqualifications under section 134-7. In all cases where possession of a pistol or revolver is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. The person shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight, or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority with forty-eight hours after taking possession of the firearm. No person shall sell, give, loan or deliver into the possession of another any firearm except in accordance with this section.

(i) No fee shall be charged for permits under this section.

(j) Any person who violates this section shall be guilty of a misdemeanor.

134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of eighteen years shall possess any such rifle or shotgun, except as provided by section 134.5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 19-6 and a firearms permit under section 134-3.

Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both.

134-5 Possession by licensed hunters and minors; issuance of permits.

(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, or while going to and from the place of hunting or target shooting, if the person has procured a hunting license under section 191-1 to 191-5 and provided minors shall also obtain a permit [* * * limited to the sole purpose of carrying and using any rifle or shotgun as provided herein] and provided further that a hunting license shall not be

required for persons engaged in target shooting. * * *

(c) Any lawfully acquired firearm may be loaned to another, even though the other person is a minor, upon a target range or similar facility for a period not longer than to allow the other person to then and there use it for target shooting, without a permit. * * *

134-7 Ownership or possession prohibited, when; penalty.

(a) No person who is fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor.

(b) No person who is under indictment or who has waived indictment for, or has been convicted in this State or elsewhere of having committed a felony, or any crime of violence, or of the illegal sale of any drug, shall own or have in his possession or under his control any firearm or ammunition therefor.

(c) No person who:

(1) Is or has been under treatment for addiction to any dangerous, harmful or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

(2) Has been committed pursuant to section 333-27, 333-35, or 333-35.5;

(3) Has been admitted to and detained at a psychiatric facility pursuant to chapter 334, part IV or V;

(4) Has been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411; or

(5) Is or has been under treatment for significant behavioral, emotional or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes; shall own, possess, or control any firearm or ammunition therefor, unless the person has been medically documented to have been cured of the addiction, mental disease, disorder, or defect.

(d) No person who, as a minor:

(1) Is a fugitive from justice;

(2) Has been adjudicated by the family court to have committed a felony or any crime of violence; or

(3) Has been determined not to have been responsible for a criminal act or committed to any institution on account of a mental disease, disorder or defect; shall own, possess, or control any firearm or ammunition therefor, unless such person has been medically documented to have been cured of any such mental disease, disorder or defect.

For the purposes of enforcing this subsection, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

(e) Any person disqualified from ownership, possession or control of firearms and ammunition by this chapter shall dispose of all firearms and ammunition in compliance with this chapter.

(f) Any person violating subsection 134-7(a) or (b) shall be guilty of a class C felony, provided that any felon violating subsection 134-7(b) shall be guilty of a class B felony. Any person violating subsections 134-7(c), (d), or (e) shall be guilty of a misdemeanor.

134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer or acquisition of any machine guns, submachine guns, automobile rifles, or rifles with barrel lengths less than sixteen inches, or shotguns with barrel lengths less than eighteen inches, cannon,

mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite, or other explosives, blasting caps, bombs, or bomb-shell, or any type of ammunition, or any projectile component thereof, which is coated with teflon or any other similar coating or which is designed primarily to enhance its capability to penetrate metal or pierce protective armor, and any type of ammunition, or any projectile component thereof, designed or intended to explode or segment upon impact with its target, is prohibited. Any person violating this section shall be guilty of a class C felony and shall be imprisoned for a term of five years, without probation. * * *

134-9 * * * [contact the county chief of police concerning the carrying of concealable firearms concealed or unconcealed].

134-10 Alteration of identification marks prohibited; penalty. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. Any person who violates this section shall be guilty of a misdemeanor.

134-11 Exemptions.

(a) Sections 134-6 to 134-9 shall not apply:

(1) To members of police departments, sheriffs, and law enforcement officers;

(2) To members of the armed forces of the State and 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;

(6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this section.

(b) Sections 134-2 and 134-3 shall not apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

(c) Sections 134-6, 134-8, and 134-9 shall not apply to the possession, transportation, or use, with blank cartridges, of any firearm or explosive solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county pursuant to section 134-18] and not in violation of federal law.

134-16 Restriction of materials for manufacture of pistols or revolvers. 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 which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

The term antique pistol or revolver means any pistol manufactured in or before 1898 and any replica of such pistols or revolvers if such replica is not designed or redesigned for using 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.

134-17 Restriction on possession, sale, gift or delivery of electric guns. 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, loan or deliver to another any electric gun.

Any person violating this section shall be guilty of a misdemeanor.

134-[18] Permits.

(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 in writing, 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 chapter 91 concerning security 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 bear 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 respective 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.

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 \$10.00 and shall be payable to 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 licensee subject to the following conditions:

(1) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.

(2) That the license may during any time of national emergency or crisis, as defined in section 134-34, be canceled or suspended.

(3) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 134-4, 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 licensee and the government of the United States or the government of the State may agree upon some other disposition of the same.

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 the same, shall be fined not less than \$100 or more than \$1,000 or imprisoned not less than three months nor more than one year.

134-34 National emergency, when. A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the United States Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined.

* * * *

FEDERAL REGULATIONS

27 CFR 178.114: IMPORTATION BY MEMBERS OF THE U.S. ARMED FORCES

In compliance with the ALCOHOL, TOBACCO & FIREARMS Rul. 74-13, a person in the military service must abide by the following procedure in order to import a firearm acquired in a foreign country:

1. Ship the firearm(s) directly to the Bureau of Customs.

2. Upon his arrival in the state, he must come to the Honolulu Police Department with his shipping order and secure a "PERMIT TO ACQUIRE."

3. After securing the Permit to Acquire from the Honolulu Police Department, he takes the permit to the Alcohol, Tobacco and Firearms office where they will issue him form 6 (ATF Permit Form).

4. With both these forms he then goes to the Bureau of Customs and gains release of his firearm(s).

5. After obtaining the firearm(s), he returns to the Honolulu Police Department with the forms and the weapon(s) as required in section 134-2 HRS. * * * *

COMPILER'S NOTE:

Convicted felon, pardoned or not, may not lawfully own, possess, or have control of firearms. Att. Gen. Op. 81-12.

Idaho

State Law

ID Code

18-3300. CRIMES (FIREARMS, ETC.)

18-3302. * * * Sale to minors. If any person shall carry concealed upon or about his person any * * * pistol, revolver, gun or any other deadly or dangerous weapon * * * or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished * * *

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 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 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 * * *

31-800. COUNTIES (POWERS).

31-872. Regulation of firearms — Control by state. — No board of county commissioners of any county may in any manner regulate the lawful ownership, possession or

transportation of firearms when carried or transported for purposes not prohibited by the laws of the state of Idaho.

50-300. MUNICIPAL CORPORATIONS (POWERS).

50-343. Regulation of firearms — Control by state. — No city may in any manner

regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by law of the state of Idaho.

Illinois

State Law

IL Ann. Stat.

Chapter 38. Criminal Law and Procedure

ARTICLE 24. DEADLY WEAPONS

24-1. Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly: * * *

(2) Carries or possesses with intent to use the same unlawfully against another, a * * * 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 nonlethal 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 or fixed place of business any pistol, revolver, stun gun or taser or other firearm; 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 a machine gun, 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 of parts designed or intended for use in converting any weapon into a machine gun, or 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, or 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 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 26 inches or any bomb, bomb-shell, 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

(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; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm, when he is hooded,

robed or masked in such manner as to conceal his identity; or

(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 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 or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting 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, upon contact 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.

(11) Sells, manufactures or purchases 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 tubular metal case having projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained such tube between the projectile and the cap.

(12) Carries or possesses on or about his person any * * * pistol or revolver or other firearm, bomb, grenade, bottle or other container containing an explosive substance of over one quarter ounce, or cartridge while in the building or on the grounds of any elementary or secondary school, community college, college or university. This paragraph (12) shall not apply to law enforcement officers or security officer of such school, college or university, nor 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 and enclosed in a suitable case, box or transportation package.

(b) Sentence. A person convicted of a violation of Subsection 24-1(a)(1) through (5) Subsection 24-1(a)(8), Subsection (a)(10) or of 24-1(a)(11), commits a Class A misdemeanor; a person convicted of a violation of Subsection 24-1(a)(6) or 24-1(a)(7) commits a Class 3 felony. A person convicted of a violation of Subsection 24-1(a)(9) or 24-1(a)(12) commits a Class 4 felony. A person

convicted of a second or subsequent violation of Subsection 24-1(a)(4) commits a Class 4 felony.

(c) Violations on school property. (1) A person who violates Subsection 24-1(a)(6) or 24-1(a)(7) in any school or on the real property comprising any school commits a Class 2 felony. (2) A person who violates Subsection 24-1(a)(9) in any school or on the real property comprising any school commits a Class 3 felony. School is defined as any public or private elementary or secondary school community college, college or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in Subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) 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.

COMPILER'S NOTES:

1. All persons in Illinois, including law enforcement officers, are prohibited from possessing "sound suppressors" or "silencers," since such devices are designed for use in silencing the report of a firearm [§24-1(a)(6)]. IL State advisory 9-28-82.

2. No member of the general public is authorized to purchase or possess a weapon described in subsection 24-1(a)(7) * * * The fact that a weapon is currently incapable of discharging * * * rounds automatically solely because of the capacity of its magazine does not authorize its purchase or possession by an Illinois resident [§24-1(a)(7)]. IL State advisory 9-3-82.

24-1.1 Unlawful use of firearms by felons.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police pursuant to Section [83-10].

(b) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony. Any person who violates this Section while confined in a penal institution as defined in Section 2-14 of this Code is guilty of a Class 1 felony, if he possesses any

weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, and a Class X felony if he possesses any firearm, firearm ammunition or explosive.

24-2. Exemptions.

(a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any of the following:

(1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Warden, 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 place 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 or 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; watchmen while actually engaged in the performance of the duties of their 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 if their duties include the carrying of a weapon under the provisions of [Chapter 111, §2651 et seq.] while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subsection shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Registration and Education as prescribed by [Chapter 111, §2678] prior to becoming eligible for this exemption.

The Department of Registration and Education 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 concealed weapon.

(6) Any person regularly employed in a commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer of such security guards, and who, as such security guards are members of a security force of 5 persons or more registered with the Department of Registration and Education, provided, that such security guard has successfully completed a course of study, approved by and supervised by the Department of Registration and Education, consisting of not less than 40 hours of training which shall include 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 concealed 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), while on duty in the course of any investigation for the Commission.

(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 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 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, and such documentation shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(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 [Chapter 127 1/2, §501, et seq.].

(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 [Chapter 14, §207.06].

(12) Manufacture, transportation, or sale of weapons to persons authorized under (1) through (10) of this Subsection to possess those weapons.

(b) Subsection 24-1(a)(4) and 24-1(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 public or private, patrons of such ranges while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Licensed hunters, trappers or fishermen while engaged in hunting, trapping or fishing.

(4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

(c) 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 (1) through (3) of this Subsection to possess

machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which eight 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 eight or more shots or bullets can be discharged by a single function of the firing device but only such possession and activities which 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) The 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 subsection 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.

* * * *

(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) 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) Subsection 24-1(a)(11) and 24-3.1(a)(7) 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 official duty.

(2) Bonafide collectors of antique or surplus military ordinance.

(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 subsection (1) of subparagraph (g) of this Section, or like organizations and persons

outside 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.

(h) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a Common Carrier operating under license of the State of Illinois or the Federal Government, where such transportation, carrying, or possession is incident to the lawful transportation in which such Common Carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, 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.

24-2.1 Unlawful use of metal piercing bullets.

(a) A person commits the offense of unlawful use of metal piercing bullets when he knowingly manufactures, sells, purchases, possesses, or carries any metal piercing bullet.

For the purposes of this Section, "metal piercing bullet" means polytetrafluoroethylene-coated bullets; jacketed bullets with other than lead or lead alloy cores; and ammunition of which the bullet itself is wholly composed of a metal or metal alloy other than lead.

The definition contained herein shall not be construed to include shotgun shells.

(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 an offense.

(3) Members of the Armed forces 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 bullets or ammunition.

This exemption does not authorize the general private possession of any metal or armor piercing bullet, but only such possession and activities which 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 ordnance.

(8) Manufacture, transportation or sale of metal or armor piercing bullets to persons specifically authorized under paragraphs (1)

through (7) of this subsection to possess such bullets.

(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.

(d) **Sentence.** A person convicted of unlawful use of metal piercing bullets shall be guilty of a Class 3 felony.

24-2.2 Manufacture, sale or transfer of bullets represented to be metal piercing bullets.

(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 which is represented to be metal or armor piercing; to be polytetrafluoroethylene coated; to be jacketed and have a core other than lead or lead alloy; or to be wholly composed of a metal or metal alloy other than lead.

(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 metal piercing bullet 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.** Manufacture, sale, or transfer of bullets represented to be metal piercing bullets is a Class 4 felony.

24-3. Unlawful sale of firearms.

A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers 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, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) 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

(3) 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

(4) the sale of a firearm to a dealer licensed under the Federal [Gun Control] Act of the United States; or

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph,

(1) "firearm" is defined [in § 83-1.1];

(2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

(k) Sentence.

Any person convicted of unlawful sale of firearms in violation of paragraphs (b) through (h) commits a Class A misdemeanor.

Any person convicted of unlawful sale of firearms in violation of paragraphs (a) or (i) commits a Class 4 felony.

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.

(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 has been convicted of a felony under the laws of this State or any other jurisdiction, and has any firearm or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(7) 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 cap or primer at the rear end

thereof, with the propellant contained in such tube between the projectile and the cap.

(b) **Sentence.** Unlawful possession of firearms and firearm ammunition is a Class A misdemeanor.

24-3.2 Unlawful discharge of metal piercing bullets.

(a) A person commits the offense of unlawful discharge of metal piercing bullets when he knowingly or recklessly uses a metal piercing bullet in violation of this Section. For purposes of this Section, "metal piercing bullet" means polytetrafluoroethylene-coated bullets; jacketed bullets with other than lead or lead alloy cores; and ammunition of which the bullet itself is wholly composed of a metal or metal alloy other than lead. The definition contained herein shall not be construed to include shotgun shells.

(b) A person commits a Class X felony when he or she knowing that a firearm as defined in Section [83-1.1] is loaded with a metal piercing bullet, intentionally or recklessly discharges such firearm and such bullets strikes any other person.

(c) Any person who possesses, concealed on or about his person, a metal piercing bullet and a firearm suitable for the discharge thereof is guilty of a Class 2 felony.

(d) 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 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 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.

24-3.3. Unlawful sale or delivery of firearms on the premises of any school. Any person 18 years of age or older who sells, gives or delivers any firearm to any person under 18 years of age in any school or on the real property comprising any school commits a Class 3 felony. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college or university. This does not apply to peace officers or to students carrying or possessing firearms for use in school training courses, parades, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

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, age and 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.

COMPILER'S NOTE

1977 Opinion of the Attorney General: Auctioneer must follow statutory restrictions on sale and delivery of firearms and keep register of firearms sold. (No. S-1291.)

24-5. Defacing identification marks of firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a misdemeanor.

(b) 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 changed, altered, removed or obliterated the same.

ARTICLE 83. FIREARMS AND AMMUNITION

83-1. 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 and firearm ammunition 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 or possessing firearms and firearm ammunition.

83-1.1 Definitions. For purposes of this Act: "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, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.
- (2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (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 signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- (2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

83-2. Requisites for acquisition or possession — Exempted persons or entities.

(a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition 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 force of the United States, while using such 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 such persons must have their firearms unloaded and enclosed in a case;

(6) Nonresidents while on a firing or shooting range recognized by the Department of State Police however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(7) 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 such persons must have their firearms unloaded and enclosed in a case;

(8) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(9) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(10) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

(11) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition.

(c) The provisions of this Section regarding the acquisition and possession of firearms and firearm ammunition do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

83-3. Requisites for transfer.

(a) Except as provided in [83-3a] no person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition 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.

(b) Any person within this State who transfers or causes to be transferred any firearm 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 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 demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in [83-2(b)].

83-3a. 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. * * * [Contact State authorities about relevancy of the 5 State limitation] * * *

83-4. Application for Firearm Owner's Identification Card.

(a) Each applicant for a Firearm Owner's Identification Card shall:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police; and

(2) Submit evidence under penalty of perjury to the Department of State Police that:

(i) He is 21 years of age or over, or if he is under 21 years of age that he has the written consent of his parent or legal guardian to possess and acquire firearms and firearm ammunition and that he 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 is not an individual prohibited from having a Card;

(ii) He has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He is not addicted to narcotics;

(iv) He has not been a patient in a mental institution within the past 5 years; and

(v) He is not mentally retarded.

(b) Each application form shall include the following statement printed in bold type: "Warning: False statements of the applicant shall result in prosecution for perjury in accordance with Section 32-2 of the Criminal Code of 1961."

(c) Upon such written consent, pursuant to [83-4(a)(2)(i)], the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

83-5. 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 [83-8] by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a * * * fee * * *

83-6. Contents of identification card. 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 such other personal identifying information as may be required by the Director. 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.**"

83-7. Duration of identification card. [Unless revoked or seized as provided (in § 83-8; omitted by the ATF compiler)], a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued * * * [unless the Department finds the person to whom the card was issued is or was at the time of issuance one of the classes of prohibited persons listed under § 83-4(a)(2), or has intentionally made a false statement in the application.]

83-12. 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.

83-13. Acquisition or possession prohibited by law. Nothing in this Act shall make lawful the acquisition or possession of firearms or firearm ammunition which is otherwise prohibited by law.

83-13.1. 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.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Chicago* (Also, insufficient vision; no IL Firearm Owner's Identification Card [Contact city for details])	Franklin Park* Glen Ellyn* Highland Park* Niles* Peoria* Streamwood*
Chicago Ridge*	

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f)

other (specified)] [An asterisk (*) next to a name indicates another listing]

Chicago* (b),(c),(d),(e)=No registration certificate issued; (f) Handguns=Same, unless registered prior to city enactment of law. Exceptions (contact Chicago Police Department). Sales/transfers can be through licensed dealers, only.	Evanston* (No sale, exchange, rental or other transfer in weapons, firearms, handguns or ammunition allowed)
East St. Louis* (a),(b),(c),(d)=Possession prohibited; Handguns=Same, with exceptions (contact city)	Morton Grove* No dealing in handguns allowed; (a),(b),(d)= Possession prohibited; Handguns=Same, with exceptions (contact city)
	Niles* (b)
	Peoria* (Concealable firearms to be registered)

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Chicago* (Application approval/denial for: (1) Registration: 120 days;	(2) Re-registration; e.g., by an heir, 365 days)
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4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Chicago*	Skokie*
Chicago Ridge*	Streamwood*
Cicero*	Worth*
Joliet*	

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Chicago*	Lombard
Chicago Ridge*	Niles*
Cicero*	Peoria*
Franklin Park*	Skokie*
Glen Ellyn*	Streamwood*
Joliet*	

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Chicago* (a),(b)	Morton Grove* No handgun sales allowed
Chicago Ridge* (a)	Niles* (b)
Cicero* (a)	Peoria* (a),(b)
Evanston* No firearms sales allowed	Rockford* (a),(b)
Franklin Park* (a),(b)	Streamwood* (a)
Highland Park* (a)	Worth* (b)
Joliet* (a),(b)	

Indiana
State Law
IN Stat. Ann. (Burns)
Title 35. Crimes
Article 47. Regulation of Weapons

CHAPTER 1. DEFINITIONS

35-47-1-1. Applicability of definitions in chapter. — The definitions in this chapter apply throughout this article.

35-47-1-2. Alcohol abuser. — "Alcohol abuser" means an individual who has had two (2) or more alcohol related offenses, any one (1) of which resulted in conviction by a court or treatment in an alcohol abuse facility within three (3) years prior to the date of the application.

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.

35-47-1-4. Drug abuser. — "Drug abuser" means an individual who has had two (2) or more violations of IC 35-48-1, IC 35-48-2, IC 35-48-3 or IC 35-48-4, any one (1) of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

35-47-1-5. Firearm. — "Firearm" means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.

35-47-1-6. Handgun. — "Handgun" means any firearm:

(1) designed or adapted so as to be aimed and fired from one hand, regardless of barrel length; or

(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 a person who does not:

(1) have a conviction for resisting law enforcement under IC 35-44-3-3;

(2) have a conviction for a crime for which he could have been sentenced for more than one (1) year;

(3) have a record of being an alcohol or drug abuser as defined in this chapter;

(4) have documented evidence which would give rise to a reasonable belief that he has a propensity for violent or emotionally unstable conduct;

(5) make a false statement of material fact on his application;

(6) have a conviction for any crime involving an inability to safely handle a handgun; or

(7) have a conviction for violation of the provisions of this article within five (5) years of his application.

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 by alteration, modification 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 either a number of ball shot or a single projectile for each single pull of the trigger.

35-47-1-12. Superintendent. — "Superintendent" refers to the superintendent of the Indiana State Police Department.

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. HANDGUNS

35-47-2-6. Time for review of application. — Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed. 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. — No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give, or in any other manner transfer the ownership of a handgun to any person under the age of eighteen (18). It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe:

(1) has been convicted of a felony;

(2) is a drug abuser,

(3) is an alcohol abuser, or

(4) is of unsound mind.

35-47-2-8. Persons to whom sale regulations apply — Waiting period — Violations.

(a) 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.

(b) Except as otherwise provided, this section and sections 9 through 12 [35-47-2-9 through 35-47-2-12] of this chapter do not apply to sales at wholesale.

(c) No transferor shall deliver a handgun to a transferee until at least seven (7) working days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(d) The seven (7) day waiting period shall not apply to law enforcement officers. Any law enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself commits a Class B misdemeanor.

(e) The seven (7) day waiting period shall be waived for any person to whom a qualified or unlimited handgun-carrying license has

been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived", together with the date on which the handgun or handguns are released to the applicant.

(f) Any person using or seeking to use a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter commits a Class B misdemeanor.

35-47-2-9. Application form for sale or transfer of handgun — Fingerprints. —

(a) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor containing the following information: Date and hour of the transfer, name, full address, occupation, sex, color of eyes, color of hair, race, complexion, age, place of birth, date of birth, nationality, height, weight, build, scars and marks, and the make, model, caliber designation, and manufacturer's serial number of the handgun or handguns transferred.

(b) The application, in triplicate, shall be deposited with the transferor who shall, within eight (8) hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one (1) copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one (1) copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one (1) copy for six (6) years. In addition, the superintendent may require that the application include a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by a agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute ground for the suspension or revocation of the dealer's license.

35-47-2-11. Intent of chapter. —

(a) It is the intent of this chapter that:

(1) all sale forms shall be completed by the transferor; and

(2) delivery of the handgun or handguns not take place until the seven (7) working day waiting period has elapsed or has been waived as indicated in section 8 [35-47-2-8] of this chapter.

(b) Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any felony shall be grounds for nondelivery of a handgun, and in such case, delivery shall not occur without written approval of the superintendent.

35-47-2-12. Unlawful delivery of handgun — Delivery of a handgun by the transferor or his agent to the transferee:

(1) prior to the expiration of the seven (7) working day waiting period, except when the waiting period has been waived; or

(2) without the superintendent's written approval after receiving notice of grounds for nondelivery; is unlawful and constitutes grounds for the immediate suspension of the retail dealer's license.

Preemption

35-47-2-13. Record of lawful transfer — Forms as a proof of ownership — No additional record of any firearms shall be made or maintained by any local or state official or agency. All forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six (6) months to the transferee indicated on the forms. The forms shall be retained by the transferee as proof of ownership of a firearm listed thereon.

35-47-2-14. License requirements for retail dealer. — A retail dealer who:

- (1) sells;
- (2) trades;
- (3) transfers;
- (4) exposes for sale, trade or transfer; or
- (5) possesses with intent to sell, trade or transfer; any handgun without being licensed under sections 15 and 16 of this chapter and without displaying his license at all times commits a Class B misdemeanor.

35-47-2-15. Issuance of retail handgun dealer's license — Investigation and fingerprinting. —

(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. The applicant shall state his name, full address, occupation, sex, race, age, place of birth, date of birth, 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.

(b) The officer to whom the application is made shall send to the superintendent:

- (1) the verified application;
- (2) the results of the officer's investigation, and

(3) 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 provide the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, 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 handgun dealer's license. * * * 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 convicted of a felony 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. License-designated business site — Display of license — Restrictions on sale of handgun. —

(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. In the event a licensed dealer moves his place of business, he shall promptly notify 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 provisions 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) A retail dealer may display handguns for sale at gun shows but shall transfer handguns only in accordance with this chapter and federal law.

35-47-2-17. False information — Confiscation and disposal of handgun. — No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity. * * *

35-47-2-18. Alteration, removal or obliteration of identifying marks prohibited — 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; or

(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. Firearms exempted. — 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. Effect of full or conditional pardon. —

(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. Foreign licenses. —

(a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except 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 false or altered handgun license unlawful. — 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. * * *

35-47-2-24. Burden of proof — when prosecutions dismissed. —

(a) In an information or indictment brought for the enforcement of any provision of this chapter, it is not necessary to negate any exemption specified under this chapter, or to allege the absence of a license required under this chapter. The burden of proof is on the defendant to prove that he is exempt under section 2 [35-47-2-2] of this chapter, or that he has a license as required under this chapter.

(b) Whenever a person who has been arrested or charged with a violation of section 1 [35-47-2-1] of this chapter presents a valid license to the prosecuting attorney or establishes that he is exempt under section 2 of this chapter, any prosecution for a violation of section 1 of this chapter shall be dismissed immediately, and all records of an arrest or proceedings following arrest shall be destroyed immediately.

CHAPTER 3. DISPOSAL OF CONFISCATED WEAPONS.

35-47-3-1. Disposal of confiscated weapons. — All firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance with this chapter.

35-47-3-2. Firearms not required to be registered — Return of firearms to rightful owner — * * *

(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 such 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 returning of such firearms to rightful owners who have been convicted for the misuse of firearms. * * *

35-47-3-3. Firearms required to be registered — Return of firearms to rightful owner — * * *

(a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record.

(b) Such firearm 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 appli-

cable 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.

35-47-3-4. Unlawful knowing or intentional disposal of firearms. — A person who knowingly or intentionally:

(1) Delivers a confiscated firearm to a person convicted of a felony;

(A) Involving use of a firearm; and

(B) Which is the basis of the confiscation;

(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 or a city or town police force under this chapter, or the state under IC 14-2-9-2, for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearms; commits a Class D felony.

CHAPTER 4. MISCELLANEOUS PROVISIONS.

35-47-4-1. Sale or delivery of deadly weapon to intoxicated person unlawful. —

A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in 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. Making loan secured by mortgage, deposit or pledge of handgun unlawful. — 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 WEAPONS AND OTHER INSTRUMENTS OF VIOLENCE.

35-47-5-1. Sale or possession of explosive or inflammable substances. — A person who:

(1) sells;

(2) manufactures;

(3) purchases; or

(4) possesses;

a bomb, bombshell, grenade, bottle, or other container containing an explosive or inflammable substance, with knowledge that the item is to be used for an unlawful purpose, commits a Class C felony. * * *

35-47-5-4. Dealing in sawed-off shotguns prohibited — Exception. —

(a) A person who:

(1) Manufactures;

(2) Causes to be manufactured;

(3) Imports into Indiana;

(4) Keeps for sale;

(5) Offers or exposes 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 9-1-1-2 except for school buses and a vehicle operated in the transportation of passengers by a common carrier, as defined in IC 8-2-7-2, creates an inference that such weapon is in the 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 his motor vehicle in the proper pursuit of his 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. Firearms exempted. — 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.

35-47-5-8. Ownership or possession of machine gun or bomb prohibited. — A person who owns or possesses:

(1) a machine gun; or

(2) a bomb loaded with either explosives or dangerous gases; commits a Class C felony.

35-47-5-9. Operation of loaded machine gun or hurling of bomb prohibited. — A person who:

(1) operates a loaded machine gun; or

(2) hurls or drops a bomb loaded with either explosives or dangerous gases; commits a Class B felony.

35-47-5-10. Exemptions from bomb and machine gun prohibition. — The provisions of sections 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 or bombs 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.

(4) Persons lawfully engaged in the display, testing or use of fireworks.

(5) Agencies of state government.

(6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, bombs, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.

(7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.

35-47-5-11. Use of armor-piercing handgun ammunition prohibited — Exception. —

(a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

(1) Can be fired in a handgun; and

(2) Will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.

(b) A person who knowingly or intentionally:

(1) Manufactures;

(2) Possesses;

(3) Transfers possession of; or

(4) Offers to transfer possession of; armor-piercing handgun ammunition commits a Class C felony.

(c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shotguns.

(d) 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 armor-piercing handgun ammunition to a law enforcement agency.

CHAPTER 8 ELECTRONIC STUN WEAPONS, TASERS, AND STUN GUNS

35-47-8-1. "Electronic stun weapon" defined. — As used in this chapter, "electronic stun weapon" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five (5) milliamp sixty (60) hertz shock; and

(2) Used for the purpose of temporarily incapacitating a person.

35-47-8-2. "Stun gun" defined. — As used in this chapter, "stun gun" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge that equals or does not exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and

(2) Used for the purpose of temporarily incapacitating a person.

35-47-8-3. "Taser" defined. As used in this chapter, "taser" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and

(2) Used for the purpose of temporarily incapacitating a person.

35-47-8-4. Applicability of IC 35-47-2. — IC 35-47-2 applies to an electronic stun weapon or taser.

35-47-8-5. Purchase, possession, sale or use of stun gun. —

(a) A person eighteen (18) years of age or over may purchase or possess a stun gun.

(b) A person who sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a class B misdemeanor.

(c) A person who uses a stun gun in the commission of a crime commits a class A misdemeanor.

(d) A person who uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a class D felony.

Indianapolis

Sec. 20-190. Unlawful disposition of dangerous weapons. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, * * * [The] provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

Iowa
State Law
IA Code Ann.
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 firearm 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, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

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. 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 4 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.

6. Any bullet or projectile containing any explosive mixture or chemical compound capable of exploding or detonating prior to or upon impact.

7. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles or suppresses the sound when fired.

8. An offensive weapon or part or combination of parts therefor shall not include the following:

a. An antique firearm. An antique firearm is any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire ammunition or which uses only rimfire or 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.

b. A collector's item. A collector's item is any firearm other than a machine gun that by reason of its date of manufacture, value, design, and other characteristics is not likely to be used as a weapon. The commissioner of public safety shall designate by rule firearms which he or she determines to be

collector's items and shall revise or update the list of firearms at least annually.

c. Any device which is not designed or redesigned for use as a weapon; any device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety or similar device; or any firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition.

724.2 Authority to possess offensive weapons. Any of the following is authorized to possess an offensive weapon when his or her duties or lawful activities require or permit such possession:

1. Any peace officer.
2. Any member of the armed forces of the United States or of the national guard.

3. Any person in the service of the United States.

4. A correctional officer, serving in an institution under the authority of the Iowa department of corrections.

5. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

6. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

7. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

724.3 Unauthorized possession of offensive weapons. Any person, other than a person authorized herein, who knowingly possesses an offensive weapon commits a class D felony. * * *

724.15 Annual permit to acquire pistols or revolvers

1. 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:

a. The person is twenty-one years of age or older.

b. The person has never been convicted of a felony.

c. The person is not addicted to the use of alcohol or a controlled substance.

d. The person has no history of repeated acts of violence.

e. The person has never been convicted of a crime defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.

f. The person has never been adjudged mentally defective.

2. Any person who acquires ownership of a pistol or revolver shall not be required to obtain an annual permit if:

a. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are licensed firearms dealers under federal law;

b. The pistol or revolver acquired is an antique firearm, a collector's item, a device which is not designed or redesigned for use as a weapon, a device which is designed solely for use as a signaling, pyrotechnic, line-

throwing, safety, or similar device, or a firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition; or

c. The person acquiring the pistol or revolver is authorized to do so on behalf of a law enforcement agency.

3. 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, he or she may immediately invalidate the permit.

724.16 Annual permit to acquire required. Any person who acquires ownership of a pistol or revolver without a valid annual permit to acquire pistols or revolvers or any person who transfers ownership of a pistol or revolver to a person who does not have in his or her possession a valid annual permit to acquire pistols or revolvers is guilty of a simple misdemeanor.

724.17 Application for annual permit to acquire. 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 social security number of the applicant, the residence of the applicant, and the age of the applicant. * * *

724.19 Issuance of annual permit to acquire. The annual permit to acquire pistols or revolvers shall be issued to the applicant immediately upon completion of the application unless the applicant is disqualified under the provisions of section 724.15 and shall be on a form prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the social security number of the permittee, the residence of the permittee, and the effective date of the permit.

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 invalid 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 gives false information to one from whom the person seeks to acquire a pistol or revolver, commits an aggravated misdemeanor.

724.22 Sale to minors.

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 simple misdemeanor.

2. Except as provided in subsections 4 and 5, a person who sells, loans, gives, or makes available a pistol or revolver or ammunition for a pistol or revolver to a person below the age of twenty-one commits a simple misdemeanor.

3. A parent, guardian, spouse who is eighteen years of age or older, or another with the express consent of the minor's parent or guardian or spouse who is eighteen years of age or older may allow a minor to possess a rifle or shotgun or the ammunition therefor which may be lawfully used.

4. A person eighteen, nineteen, or twenty years of age may possess a firearm and the ammunition therefor while on military duty or while a peace officer, security guard or correctional officer, when such duty requires the possession of such a weapon or while the person receives instruction in the proper use thereof from an instructor who is twenty-one years of age or older.

5. A parent or guardian or spouse who is twenty-one years of age or older, of a person fourteen years of age but less than twenty-one may allow the person to possess a pistol or revolver or the ammunition therefor for any lawful purpose while under the direct supervision of the parent or guardian or spouse who is twenty-one years of age or older, or while the person receives instruction in the proper use thereof from an instructor twenty-one years of age or older, with the consent of such parent, guardian or spouse.

6. For the purposes of this section, caliber .22 rimfire ammunition shall be deemed to be rifle ammunition. * * *

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.

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 Receipt, transportation and possession of firearms and destructive devices by felons. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of an aggravated misdemeanor.

724.27 Exception to sections * * *
724.15, subsection 1, and 724.26. The provisions of * * * 724.15, subsection 1, paragraphs "b" and "e", and 724.26 shall not apply to a person who is pardoned or has had his or her 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.

Bettendorf

ORDINANCE NO. 19-86

19-16(c) A "dangerous weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include but are not limited to, any pistol, revolver, or other firearm * * *

19-16(d). No person shall sell, give, or otherwise supply dangerous weapons as defined above to any person knowing or having reasonable cause to believe that person to be under eighteen years of age, and no person under 18 years of age shall individually or jointly possess or control a dangerous weapon. Nothing contained herein shall be deemed to prevent possession of dangerous weapons by a person under eighteen years of age while in the home with the consent of that person's parent or guardian, nor shall it be a violation of this section to possess a dangerous weapon in conjunction with martial arts training * * *

Davenport

9.42.010-.030 same as 19-16(c),(d), Bettendorf

Kansas

State Law

KS Stat. Ann.

CHAPTER 21. CRIMES AND PUNISHMENT

Article 21-42. Crimes Against the Public Safety

21-4201. Unlawful use of weapons.

SECTION 1.

(1) Unlawful use of weapons is knowingly:

* * * *

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) selling, manufacturing, purchasing, possessing or carrying a shotgun 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;

(h) 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.

(2) Subsections (1) * * * (g) 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; 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) * * * (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 transferor.

(5) Subsection (1)(h) shall not apply to a governmental laboratory or solid plastic bullets.

(6) It shall be a defense that the defendant is within an exemption. * * *

21-4202. Aggravated weapons violations. An aggravated weapons violation is a violation of any of the provisions of K.S.A. 21-4201 by a person who within five (5) years

preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

Aggravated weapons violation is a class E felony.

21-4203. Unlawful disposal of firearms.

(1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21-4204. Unlawful possession of a firearm.

(1) Unlawful possession of a firearm is:

(a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve (12) inches long by a person

who, within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

(2) Violation of subsection (1)(a) of this section is a class B misdemeanor; violation of subsection (1)(b) is a class D felony.

21-4205. Defacing identification marks of a firearm.

(1) Defacing identification marks of firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(3) Defacing identification marks of a firearm is a class B misdemeanor.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Junction City*
Kansas City*

Lawrence*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Kansas City*(d),(e),
certain plastic-coated
bullets.

Wichita (c),(d),(e)

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Junction City* (48 hrs.)
Kansas City* (Certain
short-barreled firearms:
3-15 days)

Lawrence* (72 hrs.)

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Junction City*
(Firearms w/barrels
under 10 in. must be
registered)

Kansas City*(Permit to
purchase required for
firearms w/barrels
under nine in. or able
to accept same)

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Junction City*

Lawrence*

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Junction City* (b)
Kansas City* (b)

Lawrence* (b)

Kentucky

State Law

KY Revised Stat. Ann.

Chapter 65. General Provisions — Cities

65.870 Local firearm control ordinances prohibited. No city, county or urban-county government may occupy any part of the field of regulation of the transfer, ownership, possession, carrying or transportation of firearms, ammunition, or components of firearms or combination thereof.

Chapter 527. Offenses Relating to Firearms and Weapons

527.010 Definitions. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Handgun" 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.

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 handgun by convicted felon — Exceptions. —

(1) A person is guilty of possession of a handgun by a convicted felon when he possesses manufactures, or transports a handgun when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the governor or by the president of the United States; or

(b) Been granted relief by the United States secretary of the treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) Possession of a handgun by a convicted felon is a Class D felony.

(3) The provisions of this section shall apply only to persons convicted after January 1, 1975.

527.050. Possession of defaced firearm. —

(1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency 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.

Louisiana

State Law

Rev. Stat. — LA Stat. Ann.

TITLE 14. CRIMINAL LAW

Chapter 1. Criminal Code

91. Unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies

A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, burglary of a pharmacy, burglary of an inhabited dwelling, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony 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 or 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 three nor more than ten 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 possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

(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 issuing of the 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.

95.2. Additional penalties for possession of a firearm or explosive device in the commission of certain crimes.

A. Notwithstanding any other provisions of law to the contrary, any person who uses a firearm or explosive device at the time he commits or attempts to commit the crime of second degree murder, manslaughter, aggravated battery, simple kidnapping, aggravated

escape, aggravated burglary, aggravated arson, attempted aggravated rape, attempted first degree murder, or attempted aggravated kidnapping shall upon conviction serve a term of two years imprisonment for the first conviction and upon conviction for each second and subsequent offense listed in this Section, he shall serve a term of five years imprisonment.

B. The penalty provided herein shall be in addition to any other penalty imposed under the provisions of this Title and such person shall serve the additional term of imprisonment in the same manner as provided in the offense for which he was convicted and without benefit of parole, probation, suspension of sentence or credit for good time and any adjudication of guilt or imposition of sentence shall not be suspended.

C. The prison terms provided under the provisions of this Section shall run consecutively to any other penalty imposed upon conviction of any of the crimes listed in this Section.

TITLE 40. PUBLIC HEALTH AND SAFETY

Chapter 9. Weapons

PART I: MACHINE GUNS

1751. Definitions. For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchants" includes all persons dealing with machine guns as merchandise.

1752. Handling of machine guns unlawful; exceptions. No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may

purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

1753. Transfer of possessions permitted in certain cases; method. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or 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 his 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. This 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, armed or simple robbery, aggravated or simple burglary, or aggravated battery, or an attempt to commit any one 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; 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 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 number or marks or 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, alteration, or repair of any firearm.

(7) **"Muffler"** 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 thereof having control of the firearm and the name and home address of the person having actual possession thereof.

1784. Application to possess or transfer. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

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 shall be forwarded to the department. If approved, the original shall be returned to the applicant.

1785. Possession or dealing in unregistered or illegally transferred weapons. No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

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 other 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 or 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 or 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 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.

Under regulations prescribed by the department, any firearm may be imported or brought into this state or possessed or transferred when the purpose thereof is shown to be lawful.

PART IV: ARMOR-PIERCING BULLETS

1810. Definitions 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) 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 bonafide collector licensed by the Department of Public Safety.

TITLE 47. REVENUE AND TAXATION

OCCUPATIONAL LICENSE TAX

382. Wholesale dealers in pistols, rifles, or cartridges Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

383. Retail dealers in pistols, rifles or cartridges

A. Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers, or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, shall pay an annual license tax on the said business. * * *

B. No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in R.S. 47:382, or

without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Whoever violates the provisions of this Subsection shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not more than sixty days, or both.

Jefferson Parish

20-147. Sale prohibited to felons.

(a) All dealers in firearms, prior to delivering any firearm, will ascertain from the sheriff's office that the purchaser is not a convicted felon and is not charged as a felon.

(b) Dealers in firearms will contact the sheriff's office to determine if a buyer is a convicted felon or if felony charges are pending. Dealers will indicate on their record the name of the deputy who conducted the electronic investigation.

(c) It shall be unlawful for any person in the parish to sell, offer for sale, assign, pledge, lease, loan, give, transfer, purchase or receive any firearm, pistol or revolver to or from a known felon.

(d) The provisions of this section shall not apply to the sheriff, his deputies, or any duly, legally, constituted officer of the law or law enforcement officer while acting in their official capacity, nor shall same apply to the arms, accoutrements and equipment of the military and naval forces of the United States, or of any other officers of the United States authorized by law to possess firearms of any kind; nor shall same apply to the arms, accoutrements and equipment of the militia, any firearm which is unserviceable and which is transferred as a curiosity or ornament, nor shall same apply to a licensed authorized dealer in firearms.

New Orleans

MUNICIPAL CRIMINAL CODE

42-55. Sale, purchase, possession, use of specified instrumentalities prohibited. It shall be unlawful for anyone knowingly to

(3) Use any device or attachment of any kind, designed, used or intended for use in silencing the noise of any firearm, rifle or shotgun.

42-58. Attempted acquisition of firearms by a person convicted of crime of violence; interposed parties. It shall be unlaw-

ful for any of the following persons to attempt to acquire any firearm, shotgun, rifle, or any muffler or silencer for any such weapon, or any ammunition for any such weapon:

(1) Any person convicted of a crime of violence in any court of the State of Louisiana, or any other state, territory, or United States District Court.

(2) Any person who acts for another person convicted of a crime of violence, as an interposed party, with knowledge that the person for whom the acquisition is being made has been convicted of a crime of violence or with knowledge that the ultimate possessor of such weapon will be person convicted of a crime of violence.

For purposes of this section, an "acquisition" is defined as a purchase, gift, loan, exchange or other disposition or transfer of any weapon included in this section.

42-59. Illegal possession or ownership of firearms or other dangerous instruments by certain persons. It shall be unlawful for any of the following persons to own, have in his possession or in any vehicle under his control, any shotgun, rifle, firearm, muffler, silencer or any ammunition for any such weapon, or any other instrument customarily used or intended for use as a dangerous weapon:

(1) Any person convicted of a crime of violence in any court of the State of Louisiana or any other state, territory or in the District of Columbia, or in any District Court of the United States;

(2) Any person under indictment for or charged by information with any crime of violence;

(3) Any person who is a fugitive from justice;

(4) Any person who is an unlawful user of or addicted to narcotics, barbiturates or amphetamines.

42-61. Unlawful sale, transfer to persons under eighteen. It is unlawful to sell or transfer any shotgun, rifle, air pistol, air rifle or firearm to persons under eighteen (18) years of age.

42-64. Procedure for sale or transfer of firearms; record of transfers. No person or dealer shall sell or transfer any firearm until the Federal Firearms Transaction Record shall have been executed in triplicate by the prospective purchaser or transferee, and the applicant's fingerprints applied to one copy of application.

42-66. Unlawful to sell, transfer firearms to certain persons. It shall be unlawful for

any person or dealer to sell or transfer a firearm to any person whom he knows or has reasonable cause to believe:

(1) Has been convicted of a crime of violence;

(2) Is a fugitive from justice;

(3) Is an unlawful user of or addicted to narcotics, barbiturates or amphetamines;

(4) The person is visibly under the influence of alcohol or drugs;

(5) The person is under eighteen (18) years of age.

42-69. Sale, transfer of firearms; exemptions.

The provisions of Sections 42-63 through 42-68 shall not be construed to include any antique or unserviceable firearm sold or transferred and/or held as a curio or museum piece.

For the purposes of Sections 42-63 through 42-68, a dealer shall be exempt from application thereof, only when purchasing firearms for resale, and not as an isolated transaction.

A purchase by a pawnbroker shall include an acquisition growing out of a pledge or pawn and shall not be exempt from the regulatory provisions of this Article.

Westwego

15:160. Sale or distribution of guns, permits required.

(a) It shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol, revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, permit department, a permit therefor.

(b) Any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for these purposes by the permit department of the Sheriff of the Parish of Jefferson. Applications shall be filed by both the proposed vendor and the proposed vendee. 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 shall be forwarded to the permit department of the Sheriff of the Parish of Jefferson, and if approved, the original shall be returned to the applicant.

Maine

State Law

ME Rev. Stat. Ann.

TITLE 12. CONSERVATION

CHAPTER 701. GENERAL PROVISIONS

7001. Definitions. As used in this chapter and chapters 703 to 721, unless the context otherwise indicates, the following terms shall have the following meanings.

1. **Alien.** "Alien" means a person who is not a citizen of the United States. * * *

5A. **Domicile.** "Domicile" means the place where a person has his true, fixed and permanent home.

8. **Firearm.** "Firearm" includes any instrument used in the propulsion of pellets, shot,

shells, or bullets by action of gunpowder, compressed air or gas exploded or released within it.

A. **"Autoloading firearm"** means a firearm that reloads itself after each shot and requires that the trigger be pulled for each shot.

B. **"Automatic firearm"** means a firearm that will continue to fire as long as the trigger is held back. * * *

32. **Resident.** "Resident" means a citizen of the United States who has been domiciled in this State continuously during the 3 months next prior to the date on which he applies for

any license or permit under chapter 707, or an alien who has been so domiciled for one year. No person shall be considered a resident if he has not:

A. If registered to vote, registered in Maine;

B. If licensed to drive a motor vehicle, made application for a Maine motor vehicle operator's license;

C. If owning a motor vehicle or vehicles located within the State, registered each such vehicle in Maine; and

D. Complied with the state income tax laws. * * *

CHAPTER 709. HUNTING AND TRAPPING

7406. Prohibited acts * * *

17. Use or possession of prohibited implements or aids. A person is guilty, except as provided in subsection 20, paragraph B, of use or possession of a prohibited implement or aid if he:

A. Uses for hunting or possesses any automatic firearms;

B. Uses for hunting or possesses any auto-loading firearms having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges shall have the magazine permanently altered to contain not more than 5 cartridges before it may be used in this State;

C. Sell, offers for sale, uses or possesses any firearm fitted or contrived with any device for deadening the sound of explosion;

D. Uses cartridges containing tracer bullets;

E. Uses cartridges containing explosive bullets;

20. Exceptions.

B. The following are exceptions concerning subsection 17.

(1) Paragraphs A, B, C, D, E and F do not apply to military organizations authorized by law to bear arms or to the National Guard in the performance of its duty.

(2) Paragraphs B, D and E do not apply to firearms using the .22 caliber rim fire cartridge or to any autoloading pistol having a barrel less than 8 inches in length. * * *

TITLE 15. COURT PROCEDURE — CRIMINAL

CHAPTER 15. POSSESSION OF FIREARMS BY FELONS

393. Possession of firearms prohibited for certain persons.

1. **Possession prohibited.** No person who has been convicted of any crime, under the laws of the United States, the State of Maine or any other state, which is punishable by one year or more imprisonment or any other crime which was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, shall own, have in his possession or under his control any firearm, unless such a person has obtained a permit under this section. For the purposes of this subsection, a person shall be deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty by a court of competent jurisdiction.

2. **Application after 5 years.** Any person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from any and all sentences imposed as a result of the conviction, apply to the Commissioner of Public Safety for a permit to carry a firearm. Such a person shall not be issued a license to carry a concealed firearm or other weapon pursuant to Title 25, Chapter 253-A.

3. **Contents.** The application shall be on a form prepared by the Commissioner of Public Safety. The application shall include the following: The applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation; the

reason for the request; and any other information deemed by the commissioner to be of assistance. The application shall be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge which are the subject of the conviction.

4. **Notification, objection and hearing.** Upon receipt of an application, the Commissioner of Public Safety shall determine if it is in proper form. If the application is proper, he shall within 30 days notify in writing the sentencing judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency which investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out. If, within 30 days of the sending of notice, any person so notified objects in writing to the issuance of a permit, none shall be issued. The commissioner may deny an application if no objection is filed.

5. **Appeal.** Any person to whom a permit has been denied may appeal to the Superior Court of Kennebec County. The decision of the commissioner may not be overturned unless the court shall find that the applicant's request is reasonable and that the denial of the commissioner was arbitrary, capricious or discriminatory.

6. **Filing fee.** The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

7. **Definitions.** For the purposes of this section, the term "dangerous weapon" shall have the same meaning as in Title 17-A, section 2, subsection 9 and the term "firearm" shall have the same meaning as in Title 17-A, section 2, subsection 12-A.

8. **Penalty.** A violation of subsection 1 is a Class C crime.

CHAPTER 17. MISCELLANEOUS PROVISIONS

455. **Record of sales of firearms.** No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, and the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, and shall be open to the inspection of any sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney. Any dealer who fails to keep that record or refuses to show it to any officer listed in this section commits a civil violation * * * Whoever gives a false or fictitious name to the dealer commits a civil violation * * *

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 conditional.

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, a thing presented in a covered or open manner as a dangerous weapon shall be presumed to be 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 * * * he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child (under the age of 16 years), * * * firearms or ammunition; * * *

CHAPTER 29. FORGERY AND RELATED OFFENSES

705. **Criminal simulation** 1. A person is guilty of criminal simulation if: * * *

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 * * * firearm or other object; or

(2) He possesses any such object or any such item after that number has been altered, removed or obscured. * * *

CHAPTER 43. WEAPONS

1051. Possession of machine gun

1. A person is guilty of possession of a machine gun if, without authority to do so, he knowingly possesses a machine gun.

2. As used in this chapter, "machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

3. Possession of a machine gun is a Class D crime.

1052. **Right to possess, carry or transport machine gun.** Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, shall be exempt from this chapter.

1056. Possession of metal-piercing ammunition.

1. A person is guilty of possession of metal-piercing ammunition if, without authority to do so, he knowingly, possesses metal-piercing ammunition.

2. As used in this chapter, "metal-piercing ammunition" means any type of ammunition commonly known as KTW ammunition.

3. Possession of metal-piercing ammunition is a Class D crime.

4. This section shall 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 forensic laboratories, in the course of duty or employment.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Biddeford*
Cape Elizabeth*
Falmouth*
Lewiston*

Portland*
South Portland*
Westbrook*

2. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Biddeford*(72 hrs.)
Cape Elizabeth*(7 days)
Falmouth*(72 hrs.)
Lewiston*(72 hrs.)

Portland*(72 hrs.)
South Portland*(7 days)
Westbrook*(7 days)

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Bangor
Presque Isle

South Portland*

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Biddeford*(a),(b)
Cape Elizabeth*(b)
Falmouth*(b)

Lewiston*(b)
South Portland*(b)
Westbrook*(b)

Maryland

State Law

Ann. Code of MD

Article 27. Crimes and Punishments

H.B. No. 1131 — AN ACT CONCERNING HANDGUNS:

PROHIBITION OF MANUFACTURE AND SALE;
PROHIBITION OF STRICT LIABILITY FOR DAMAGES CAUSED BY CERTAIN CRIMINAL USE OF FIREARMS.

SIGNED BY THE GOVERNOR ON MAY 23, 1988

PREAMBLE

WHEREAS, Certain handguns generally include several of the following characteristics: easily concealable, ballistically inaccurate, relatively light in weight, of low quality and manufacture, unreliable as to safety, and of low caliber; and

WHEREAS, Certain handguns have no legitimate socially useful purpose and are not suitable for law enforcement, self-protection, or sporting activities; and

WHEREAS, Only the prohibition of the manufacture and sale of these handguns will remove these handguns from the streets of this State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 — Crimes and Punishments

EDITOR'S NOTE:

Sections 36F and 443(h) are amended; Sections 36-I and 36-J are added by this Act. Both the new and amended sections are included in this edition of State Laws and Published Ordinances-Firearms.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given

effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That compliance with the prohibition of this Act against the manufacture for distribution or sale, sale, or offer for sale of handguns is not required until January 1, 1990.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

* * * *

36F. [Definitions.]

(a) As used in this subheading, the following words have the meaning indicated.

(b) "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, except it does not include a shotgun, rifle, or antique firearm as those terms are defined below.

(c) "Antique firearm" means:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) Any replica of any firearm described in paragraph (1) of this subsection 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 which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(d) "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.

(e) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen 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 inches.

(f) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen 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 twenty-six inches.

(g) "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.

(h) "Handgun roster" means the roster of permitted handguns compiled by the Board under section 36-I of this Article.

(i) "Law enforcement personnel" means:

(1) Any full-time member of a police force or other agency of the United States, a State, a county, a 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 of a county or municipality or other political subdivision of a State; and

(2) Any part-time member of a police force of a county or municipality who is certified by the county or municipality as being trained and qualified in the use of handguns.

(j) "Superintendent" means the Superintendent of the Maryland State Police, or the Superintendent's designee.

(k) "Vehicle" means any motor vehicle as defined in Title 11 of the Transportation Article, trains, aircraft, and vessels.

(l) "Board" means the Handgun Roster Board.

36H. State preemption of weapons and ammunition regulations.

(a) **Handguns, rifles, shotguns, and ammunition.** — Except as provided in subsections (b), (c), and (d) of this section, the State of Maryland hereby preempts the rights of any county, municipal corporation, or special taxing district whether by law, ordinance, or regulation to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of the following:

- (1) Handgun, defined in Art. 27, § 36F(b);
- (2) Rifle, as defined in Art. 27, § 36F(d);
- (3) Shotgun, as defined in Art. 27, § 36F(g);

and

(4) Ammunition and components for the above enumerated items.

(b) **Exceptions.** — Any county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the weapons and ammunition listed in subsection (a) of this section:

- (1) With respect to minors;

(2) With respect to these activities on or within 100 yards of parks, churches, schools, public buildings, and other places of public assembly; however, the teaching of firearms safety training or other educational or sporting use may not be prohibited; and

(3) With respect to law enforcement personnel of the subdivision.

(c) **Authority to amend local laws or regulations.** — To the extent that local laws or regulations do not create an inconsistency with the provisions of this section or expand existing regulatory control, any county, municipal corporation, or special taxing district may exercise its existing authority to amend any local laws or regulations that exist before January 1, 1985.

(d) **Discharge of handguns, rifles, and shotguns.** — In accordance with law, any county, municipal corporation, or special taxing district may continue to regulate the discharge of handguns, rifles, and shotguns, but may not prohibit the discharge of firearms at established ranges.

36-I. [Prohibited activities; injunction to enjoin certain activities; rules and regulations.]

(a) Except for the manufacture of prototype models required for design, development, testing, and approval by the Board, a person may not manufacture for distribution or sale any handgun that is not included on the handgun roster in the State.

(b) A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985 that is not on the handgun roster.

(c) A person may not manufacture, sell, or offer for sale any handgun on which the manufacturer's identification mark or number is obliterated, removed, changed, or otherwise altered.

(d) The Superintendent may seek a permanent or temporary injunction from a circuit court to enjoin the willful and continuous manufacture, sale, or offer for sale, in violation of this section, of a handgun not included on the handgun roster.

(e) Subject to the provisions of the Administrative Procedure Act, the Secretary of Public Safety and Correctional Services shall adopt rules and regulations necessary to carry out the provisions of this Act.

(f) Nothing in this section shall be construed to interfere with a person's ability to manufacture, sell, or offer to sell rifles or other weapons not defined as handguns in section 36F(b) of this article.

(g) [Penalties.]

(1) Any person who manufactures a handgun for distribution or sale in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$10,000 for each violation.

(2) Any person or entity who sells or offers to sell a handgun in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$2,500 for each violation.

(3) For purposes of this subsection, each handgun manufactured, sold, or offered for sale in violation of this subsection shall be a separate violation.

(h) [Liability for damages.]

(1) A person or entity may not be held strictly liable for damages of any kind resulting from injuries to another person sustained as a result of the criminal use of any firearm by a third person, unless the person or entity conspired with the third person to commit, or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

(2) This section may not be construed to otherwise negate, limit, or modify the doctrine of negligence or strict liability relating to abnormally dangerous products or activities and defective products.

36J. [Handgun Roster Board; personnel and activities.]

(a) [Membership and meetings of the Board.]

(1) There is a Handgun Roster Board in the Department of Public Safety and Correctional Services.

(2) The Board shall consist of 9 members, appointed by the Governor with the advice and consent of the Senate, each of whom shall serve for a term of 4 years.

(3) The members of the Board shall be:

- (i) The Superintendent;
- (ii) A representative of the Association of Chiefs of Police;
- (iii) A representative of the Maryland State's Attorneys' Association;
- (iv) A representative of a handgun manufacturer, preferably a manufacturer from the State;
- (v) A representative of the Maryland chapter of the National Rifle Association;
- (vi) A representative of the Marylanders Against Handgun Abuse; and
- (vii) Three (3) citizen members.

(4) The Superintendent shall serve as Chairman of the Board.

(5) The Board shall meet at the request of the Chairman of the Board or by request of a majority of the members.

(b) [Handgun roster entry criteria and determination; compilation, and distribution.]

(1) There is a handgun roster that the Board shall compile and publish in the MARYLAND REGISTER by July 1, 1989, and thereafter maintain, of permitted handguns that are useful for legitimate sporting, self-protection, or law enforcement purposes.

(2) The Board shall consider the following characteristics of a handgun in determining whether any handgun should be placed on the handgun roster:

- (i) Concealability;
- (ii) Ballistic accuracy;
- (iii) Weight;
- (iv) Quality of materials;
- (v) Quality of manufacture;

(vi) Reliability as to safety;

(vii) Caliber;

(viii) Detectability by the standard security equipment commonly used at airports or courthouses and approved by the Federal Aviation Administration for use at airports in the United States; and

(ix) Utility for legitimate sporting activities, self-protection, or law enforcement.

(4) The Board shall semiannually:

(i) Publish the handgun roster in the MARYLAND REGISTER; and

(ii) Send a copy of the handgun roster to all pistol and revolver dealers that are licensed under section 443 of this article.

(c) [Placing a handgun on the handgun roster; court action.]

(1) The Board may place a handgun on the handgun roster upon the Board's own initiative.

(2) On the successful petition of any person, subject to the provisions of subsections (e) and (f) of this section, the Board shall place a handgun on the handgun roster unless a court, after all appeals are exhausted, has made a finding that the decision of the Board shall be affirmed.

(d) [Petitioning for placement on handgun roster; requirements.]

(1) A person who petitions for placement of a handgun on the handgun roster shall bear the burden of proof that the handgun should be placed on the roster.

(2) A petition to place a handgun on the handgun roster shall be submitted in writing and shall be in the form and manner prescribed by the Board.

(e) [Period for Board to approve or deny petition.]

(1) Upon receipt of a petition to place a handgun on the handgun roster, the Board shall, within 45 days of receipt of the petition:

(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 its inclusion in the handgun roster must 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.

(f)(1) [Notification of denial by Board; request for hearing and burden of proof to be met by petitioner; hearing and decision by Board; handgun testing by Board.]

(i) If the Board denies a petition to place a handgun on the handgun roster, the Board shall notify the petitioner by certified mail, return receipt requested.

(ii) The petitioner may request a hearing within 15 days from the date that the Board's denial letter is received.

(2) The Board shall, within a reasonable time not to exceed 90 days after receiving a request for a hearing, both hold a hearing on the petition and issue a written final decision on the petition.

(3) The Board shall provide notice of the hearing in accordance with the Administrative Procedure Act.

(4) At a hearing held under this subsection, the petitioner shall have the burden of proving to the Board, that the handgun at issue is useful for legitimate sporting, law enforcement, or self-protection purposes, and therefore should be placed on the roster.

(5) Any aggrieved party of record may appeal within 30 days a final decision of the Board in accordance with the Administrative Procedure Act.

(6) Nothing in this section shall be construed as requiring the Board to test any handgun or have any handgun tested at the Board's expense.

EXPLOSIVES

139A. Molotov cocktail.

(a) It is unlawful for any person to manufacture, assemble, use or possess in this State, any device commonly known as a firebomb or a Molotov cocktail. Such a device is defined as any container which is filled with an incendiary mixture or flammable material or liquid, and is designed and intended to be used as a destructive device and whose ignition is caused by flame, friction, concussion, detonation or other method which will produce destructive effects primarily through combustion rather than explosion. This provision does not extend to those containers that contain and that are primarily designed and approved for the transportation or storage of a particular mixture, material or liquid.

(b) Violation of this section is a misdemeanor and is punishable upon conviction by imprisonment in the penitentiary for not to exceed 5 years, or by fine not to exceed \$2,500 or both.

139B. Destructive explosive devices.

(a) **Devices made illegal.** — A person may not manufacture, assemble, possess, transport, or place in this State any destructive explosive device with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) **Definition.** — The term, "destructive explosive device" shall include any explosive, as defined by Article 38A, § 26A of the Code, incendiary or poisonous gas incorporated into a bomb, grenade, rocket having a propellant charge, missile having an explosive or incendiary charge, mine, or other similar device.

(c) **Penalty.** — A person who violates this section is guilty of a felony and, upon conviction, is subject to imprisonment for 20 years or a fine of \$10,000 or both.

MACHINE GUNS

372. Definitions. "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, mayhem, assault with intent to do great bodily harm, assault with intent to murder, assault with intent to rape, robbery, burglary, housebreaking, breaking and entering and theft.

"Person" applies to and includes firm, partnership, association or corporation. * * *

375. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) 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; or

(b) 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; or

(c) When the machine gun is of the kind described in §379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

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

377. Exceptions. Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, of 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 for a purpose manifestly not aggressive or offensive.

378. Manufacturer's register; inspection of stock. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method 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 acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

379. Registration of machine guns. Except in the calendar year it was purchased, every machine gun in this State shall be registered with the Superintendent of the Maryland State Police annually during the month of May. Also, every machine gun shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must 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. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose. * * *

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

383. Short title. This subtitle may be cited as the Uniform Machine Gun Act.

MINORS, SELLING DEADLY WEAPONS TO

406. Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions. It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other dead-

ly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

COMPILER'S NOTE

State law preempts local restrictions on possession or sale of handgun ammunition. 67 Op. Att'y Gen. (December 10, 1982).

PISTOLS

441. Definitions.

(a) As used in this subtitle —

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including commonlaw and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly weapon; sexual offense in the first degree; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or 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.

(g) The term "antique pistol or revolver" means:

(1) Any pistol or revolver (including any pistol or revolver with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898; and

(2) Any replica of any pistol or revolver described in paragraph (1) if the replica:

(i) Is not designed or redesigned for 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.

442. Sale or transfer of pistols and revolvers.

(a) **Right to regulate sales preempted by State.** All restrictions imposed by the laws,

ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) **Application to purchase or transfer.** No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) **Same — Disposition of copies.** The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) **Same — Statement of penalties for supplying false information required.** The application to purchase or transfer shall bear the following legend: "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 two years, or a fine of not more than \$1,000, or both."

(e) **Same — Information required.** The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age as required by federal law.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee. * * *

(g) **Sale prohibited to disapproved applicant; exceptions.** — No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his

duly authorized agent or agents or overruled by the action of the courts * * *

(i) **Notification of completed transaction; permanent record of sales and transfers.** Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notification shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) **Construction of section.** Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under §443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

(k) **Penalties.** — Any person who knowingly gives any false information or makes any material misstatement in an application required by this section, or who fails to promptly forward such application to the Superintendent of the Maryland State Police or his duly authorized agent or agents, or who sells or transfers a pistol or revolver to a person other than the one by whom application was made, or who otherwise sells, transfers, purchases, or receives transfer of a pistol or revolver in violation of this section, shall upon conviction thereof be subject to the penalties hereinafter provided in §448 of this subtitle.

443. Pistol and revolver dealer's license.

(a) **Required.** — No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver dealer's license issued by the Superintendent of the Maryland State Police or his duly authorized agent or agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold. * * *

(c) **Application for license — Statement of penalties for giving false information required.** — Every annual application for a pistol and revolver dealer's license shall bear the following legend: "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 two years, or a fine of not more than \$1,000, or both."

(d) **Same — Information required.** — The application for a pistol and revolver dealer's license shall contain the following information:

(1) Applicant's name, address, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application

shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A clear and recognizable photograph of the applicant, except where such photograph has been submitted with a prior year's application.

(3) A set of the applicant's fingerprints, except where such fingerprints have been submitted with a prior year's application.

(4) A statement by the applicant that he or she:

(i) Is a citizen of the United States.

(ii) Is at least 21 years of age as required by federal law.

(iii) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(iv) Is not a fugitive from justice.

(v) Is not an habitual drunkard.

(vi) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(vii) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others. * * *

(h) **Revocation of license.** — The Superintendent of the Maryland State Police or his duly authorized agent or agents shall revoke an issued pistol and revolver dealer's license, by written notification forwarded to the licensee, under any of the following circumstances:

(1) When it is discovered false information or statements have been supplied or made in an application required by this section.

(2) If the licensee is convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or has spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless the licensee produces a physician's certificate, issued subsequent to the last period of institutionalization, certifying that the licensee is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(3) If the licensee has willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of section 36-1 of this article.

(i) **Sales by person whose license has been revoked prohibited; exceptions.** — No person shall engage in the business of selling pistols or revolvers whose pistol and revolver dealer's license has been revoked, unless such revocation has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (j) below.

(j) **Hearing on revocation of license; judicial review.** — Any prospective dealer aggrieved by the action of the State Police may request a hearing within thirty (30) days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act. A suspension or revocation shall

not take effect while an appeal is pending.

444. Obliteration, etc., identification mark or number. It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's identification mark or number on any firearms. Whenever on trial for a violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

445. Restrictions on sale, transfer and possession of pistols and revolvers.

(a) Right to regulate transfer and possession of pistols and revolvers preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc. A dealer or person may not sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age as required by federal law.

(c) Possession by criminal, fugitive, etc. It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

446. Sale, transfer, etc., of stolen pistol. It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

447. Antique or unserviceable firearm excepted. The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

447A. Marine signal pistols, etc. This subtitle does not apply to any signal pistol or other visual distress signal approved by the United States Coast Guard for use as a marine safety device.

448. Penalties. Any person violating any of the provisions of this subtitle unless otherwise stated herein shall upon conviction be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than three years, or both. Any prospective purchaser making a false material statement on an application to purchase or transfer required by §442 or any dealer making a false material statement on an application for a pistol and revolver dealer's license required by §443 shall upon conviction thereof be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than two (2) years, or both.

RIFLES AND SHOTGUNS

481C. Short-barreled rifles and short-barreled shotguns.

(a) Definitions. —

(1) In this section, the following words have the meanings indicated:

(2) "Rifle" * * * [is defined in § 36F(d)]

(3) "Short-barreled shotgun" * * * [is defined in § 36F(e)]

(4) "Short-barreled rifle" * * * [is defined in § 36F(f)]

(5) "Shotgun" * * * [is defined in § 36F(g)]

(6) The terms short-barreled shotgun and short-barreled rifle do not include:

(i) Antique firearms as defined in §36F(c) of this article;

(ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(b) Possession of short-barreled rifle or short-barreled shotgun prohibited. — Except as provided in subsection (c), a person may not possess a short-barreled rifle or short-barreled shotgun.

(c) Exceptions; registration. — The provisions of subsection (b) of this section do not apply to the following individuals, while on official business:

(i) Law enforcement personnel of the United States or of this State, or of any political subdivision of this State;

(ii) A member of the armed forces of the United States or the national guard while on duty or travelling to or from duty;

(iii) Law enforcement personnel of another state or of a political subdivision of another state, while temporarily in this State;

(iv) A jailer, prison guard, warden, or guard or keeper of any penal, correctional, or detention institution in this State; and

(v) A sheriff, and a temporary or full-time deputy sheriff.

(2) A person may possess a short-barreled shotgun or short-barreled rifle which has been registered with the United States government in accordance with United States statutes. In any prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

(d) Penalty. — Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding five years, or both.

Annapolis

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.

Baltimore County

18-9. Firearms — Purchase, sale, etc., in connection with minors.

(a) It shall be unlawful for any person under the age of twenty-one (21) years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first [filed a statement endorsed by his/her parents or guardians with the police department attesting to their knowledge of any of the foregoing.] Such endorsement executed by the parents or guardians also shall provide clearly and with no exceptions or qualifications that any negligence of such person under twenty-one (21) years of age in the use or possession of any firearm shall be imputed to the parents or guardians, and that, the parents or guardians shall be jointly and severally liable with such person under twenty-one (21) years of age for any civil damages caused by such negligence. All statements as required and provided for under this section shall be signed and sworn to before a person authorized to administer oaths. Nothing in this section shall be construed as requiring the registration or listing of firearms by serial number, or otherwise except as firearms.

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any person under the age of twenty-one (21) years, any firearm unless the statements * * * have been filed with the police department, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Cumberland

19-11. Firearms — Pistols, revolvers, etc — Permit required for sale

(a) No person shall sell, give or lend to any person within the city a revolver, pistol or other small firearm, unless such person has a permit from the chief of police authorizing the possession of such revolver, pistol or other small firearm.

(b) This section shall apply to all persons within the city, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not.

For charter provisions as to authority to prevent and regulate the use and sale of firearms, see Char., §73.

19-12. Same — Same — Permit required for possession.

Upon application by any person to the chief of police for a permit to possess a revolver, pistol or other small firearm, it shall be within the discretion of the chief of police to refuse to grant such permit if the chief of police believes that an improper use is to be made of such revolver, pistol or other small firearm, and in no event shall the chief of police be compelled to issue such permit until two days after the filing of such application.

No person shall have possession of a revolver, pistol or other small firearm without such permit.

Prince George's County

14-141. Transfer of weapon to minor prohibited; exceptions.

(a) No person shall give, sell, rent, lend or otherwise transfer any gun or weapon * * * designed to use explosive ammunition or any projectile therefor, within the County to a minor under the age of seventeen (17) years, except where the relationship of parent and child, guardian and ward or adult instructor

and pupil exists between such person and the minor.

(b) This Section shall not apply to any pistols or revolvers regulated by Sections 441 to 448, Article 27, Annotated Code of Maryland, 1957.

MASSACHUSETTS

State Law

Ann. Laws of MA

COMPILER'S NOTE:

The District Attorney for Middlesex County has furnished a summary of some of the firearms laws of this State. Extracts are included as a supplement immediately following the Annotated Laws of Massachusetts.

CHAPTER 140. LICENSES

121. Definitions; application for license or identification card; exceptions. In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean 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 barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "Sawed-off shotgun" shall mean any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than eighteen inches in length or as modified has an overall length of less than twenty-six inches. An "imitation firearm" shall mean any weapon which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder 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. The words "purchase" and "sale" include exchange; 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, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer

having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but not such authority exists, any resident or applicant may apply for such license of firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle, or shotgun described in clause (A) 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 which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

121A. Certificate of identification of firearm as prima facie evidence, etc. A certificate by a ballistics expert of the firearms identification section of the department of public safety of the result of an examination made by him of an item furnished him by any police officer, signed and sworn by such expert, shall be prima facie evidence of his findings as to whether or not the items furnished is a firearm, as defined by section one hundred and twenty-one, provided that in order to qualify as an expert under this section he shall have previously qualified as an expert in a court proceeding.

122. Licenses * * * The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony 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 shall specify the street and number, if any, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made * * * [contact your local authority for details]

122B. License to sell ammunition.

No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may grant a license to any person, except an alien, a minor 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 ammunition. * * * [contact your local authority for details]

Any lawfully incorporated sporting or shooting club shall, upon application, be licensed to sell or supply ammunition for regulated shooting on their premises, as for skeet, target or trap shooting, provided, however, that such club 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 commissioner of public safety may establish such rules and regulations as he may deem necessary to carry out the provisions of this section. * * *

Whoever not 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 granted under Sec. 122. A license granted under section one hundred and twenty-two * * * 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, That every licensee shall, before delivery of a firearm, rifle or shotgun, make * * * entry in a sales record book to be furnished by the commissioner of public safety * * * specifying the complete description of the firearm, rifle or shotgun; * * * whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit or purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun; the sex, residence and occupation of the purchaser; renter or lessee; and shall before delivery * * * require the purchaser, renter or lessee personally to write in said sales record book his full name * * *

Third, That the license or a copy thereof, certified by the official issuing the same, shall

be displayed on the premises in a position where it can easily be read.

Fourth, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside.

Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the commissioner of public safety.

Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered.

Seventh, That no delivery of a firearm shall be made to any person not having a license to carry firearms * * * nor shall any delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having a license to carry firearms * * * or a firearm identification card * * * provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm * * * and valid firearm identification card * * * may be made by the licensee to the purchaser's residence or place of business.

Eighth, That no firearms shall be sold, rented or released to a minor or a person who has not a permit then in force to purchase, rent or lease the same * * * and a firearm identification card, * * * or unless such person has a license to carry firearms * * * nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card, * * * or has a license to carry firearms * * * and that no machine gun shall be sold, rented or leased to any person who has not license to possess the same * * *

Ninth, That upon the sale, rental or lease of a firearm, subject to a permit to purchase * * * the licensee * * * shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the commissioner of public safety; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within seven days transmit a notice thereof to said commissioner. In case of a sale * * * the licensee * * * shall write in the sales record book the number of the license to carry firearms * * * or the number of the firearm identification card * * * whichever is applicable under the provisions of condition Eighth of this section.

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 * * *

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. * * *

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. * * *

Code of Massachusetts Regulations — Sale of ammunition, and the sale, rental or lease, and the possession and carrying of firearms, shotguns, rifles and machine guns: 520 CMR 7.01 et seq.

125. Suspension or revocation of licenses. 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 condition thereof or has violated any provision of this chapter, or has been convicted or a felony. The pendency of proceedings before a court shall not suspend or interfere with the power to declare a forfeiture. If the license is declared forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited. The commissioner or public safety shall be notified in writing of any forfeiture under this section.

126. Signs, etc., evidence that firearms are kept for sale. If there is exposed from, maintained in or permitted to remain on any vehicle or premises any placard, sign or advertisement purporting or designed to announce that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises or that an occupant of any vehicle or premises is a gunsmith, it shall be prima facie evidence that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

127. Transfer of licensees. 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 public safety shall be notified in writing of any transfers made under this section.

128. Penalty for violation of license or selling, etc., without license Any licensee * * * and any employee or agent of such licensee, who violates any provision of * * * the second, fourth, sixth, seventh, eighth or ninth condition of said license, and (except as provided in section one hundred and twenty-eight A) any person who, without being licensed * * * sells, rents or leases a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by fine * * * and for any subsequent offense by imprisonment in the state prison * * * Evidence that a person sold or attempted to sell a machine gun without being licensed * * * shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

128A. Sales, etc., by certain unlicensed residents who sell, etc., not more than four firearms, etc., within calendar year, etc.

The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells or transfers firearms, rifles or shotguns to a person licensed under 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 to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells 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, that the

seller has a firearm identification card of a license to carry firearms, is an exempt person under the conditions of clauses(n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, 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 has been issued a license to carry firearms under the provisions of section one hundred and thirty, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number of firearm identification card number or said document identify number, in the case of a rifle or shotgun.

128B. Reports by residents and nonresidents purchasing or obtaining firearms, etc. Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of public safety the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machine gun, including the calibre, make and serial number. Whoever violates any provision of this section shall for the first offense be punished. * * *

129. Penalty for giving false name, information, etc. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, 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, occupation, or criminal record, shall * * * be punished. * * *

129B. Firearm identification card; disqualification of applicants; time for denial, etc. of application; suspension or revocation; form; renewal; reports, etc., on applicant. Any person residing or having a place of business within the jurisdiction of the licensing authority; (or any person residing in

an area of exclusive federal jurisdiction located within a city or town) may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant

(a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or

(b) has been confined to any hospital or institution for mental illness (except where the applicant shall submit with the application an affidavit of a registered physician * * * that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun), or

(c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness (except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician * * * that in his opinion the applicant is deemed cured), or

(d) is at the time of the application under the age of fifteen, or

(e) is at the time of the application fifteen years of age or over but under the age of eighteen (except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card), or

(f) is an alien.

Said card shall * * * contain an identification number, the name and address of the holder, his place and date of birth, his height, weight, and hair and eye color, and his signature and shall be captioned "Firearm Identification Card". * * *

Said card shall be valid until revoked or suspended. * * * The card holder shall notify, in writing, both the issuing authority and the commissioner of public safety of any change in his address * * * within ten days of its occurrence. * * *

129C. Firearm identification card; restrictions on possession, transfer, etc., of firearms, etc.; reports; persons and uses exempted from provisions of sections; purchases by certain exempt persons.

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 * * *

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 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 * * * report all such transfers to the commissioner of public safety * * * and in the case of loss, theft or recovery of any firearm, rifle, shotgun or machine gun, a similar report shall be made forthwith to both the commissioner and the licensing authority in the city or town where the owner resides.

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 them or by licensed dealers, or 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 commissioner or his designee if prior written notice has been given by said person to the licensing authority or the commissioner, 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 seasons;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range;

(h) Possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(i) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club association;

(j) Any new resident moving into the commonwealth, 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 ammunition therefor then in his possession, for sixty days after such release or after the time he moves 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 this 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 a lawful purpose;

(n) The transfer of a firearm, rifle or shotgun upon the death of an 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;

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers 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 * * * 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) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions;

(s) Possession by federal, state and 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.

Any person, exempted by clauses (o), (p) and (q) purchasing a rifle or shotgun or ammunition thereof 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 minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

The possession of a firearms identification card issued under section one hundred and twenty-nine B shall not entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine.

129D. Surrender of firearms, etc., upon revocation, suspension or denial of application for license or firearm identification card; rights of owners, etc.; disposition; regulations, etc.

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 firearms identification card is not then in force, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority where he resides, all firearms, rifles and shotguns 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 and shotguns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of such firearms, rifles and shotguns 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 and shotguns 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 or shotgun and ammunition.

130. Penalty for selling, etc., firearms, etc., to a minor or alien. Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or a license to carry firearms issued under section one hundred and thirty-one F, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred nor more than one thousand dollars. 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 supervised use 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 or ammunition therefor, provided said child or ward, being fifteen years of age or older, has a valid firearm identification card, issued to him, nor shall it be construed as prohibiting an instructor from furnishing rifles or shotguns or ammunition therefor to pupils, provided said instructor has the consent of the parent or guardian of the minor. * * *

131A. Permits to purchase, rent, or lease firearm; penalty. A licensing authority * * * 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 * * * and may revoke such permit at will. * * *

131B. Penalty for loan of money on pistol, etc. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, or shotgun or machine gun shall be punished * * *

131E. Purchase by licensed resident; purchase for use of another, etc., prohibited; penalty. Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer * * * or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee * * * upon presentation of a valid license to carry firearms * * * or a permit to purchase * * * together with a firearm identification card * * * or said permit to purchase together with proof of exempt status * * * in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished * * *

131F½. Temporary license to carry firearms during certain television, movie, or stage productions. 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 television, movie, stage or other similar 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. Certain nonresidents authorized to carry firearms in or through the commonwealth. 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 in a pistol or revolver competition or attending any meeting or exhibition of any 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, further, 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 sporting license

issued by the commonwealth or by the state of his destination. Police officers and other peace officers of any state, territory or jurisdiction within the United States duly authorized to possess firearms by the laws thereof shall, for the purposes of this section, be deemed to have a permit or license to carry firearms as described in this section.

131H. Permit to possess, etc., firearms by aliens

No alien shall own or have in his possession or under his control firearm * * * or a rifle or shotgun except as provided. The commissioner of public safety 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 commissioner may deem proper. * * *

131I. Penalty for possession of altered, etc., license to carry a firearm, or altered, etc., firearm identification card. Whoever falsely makes, alters, forges or counterfeits or procures or assists another to falsely make, alter, forge or counterfeit a license to carry a firearm or a firearm identification card, or whoever forges 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 anyway 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.

CHAPTER 148. FIRE PREVENTION

35. Possession of bombs and explosives; penalty. No person shall have in his possession or under his control any bomb or other high explosives, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

CHAPTER 266. CRIMES AGAINST PROPERTY

102A. Possession of infernal machine; 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 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. * * *

102B. Possession, etc., of Molotov cocktail or similar device; exceptions; penalties.

Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not 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 the section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

CHAPTER 269. CRIMES AGAINST PUBLIC PEACE

* * * *

10A. Sale, etc., of silencers for firearms.

Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, 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 shall be punished by imprisonment, for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commissioner of public safety, who shall destroy said article. * * *

TAMPERING WITH IDENTIFYING NUMBERS OF CERTAIN FIREARMS

11A. Definitions. For the purposes of this section and sections eleven B and eleven C 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.

11C. Removing, defacing, etc., serial number of firearm.

Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number of a firearm, or in any way participates therein, and whoever receives a firearm with knowledge that its serial 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 of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such person number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. * * *

11E. Firearms sold, etc., by manufacturers and dealers to have serial identification numbers; penalty.

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 firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth 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.

OFFICE OF THE DISTRICT ATTORNEY FOR MIDDLESEX COUNTY

A Summary of the Laws of the Commonwealth Relating to Firearms

A. DEFINITIONS

1. "Firearm" is defined as 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 sixteen inches, or eighteen inches in the case of a shotgun. [Chapter 140, §121.] If a gun is not capable of discharging a bullet, it will still be considered a firearm if it is capable of functioning with a relatively slight adjustment, minor repair or simple replacement. Excluded from this definition are those guns manufactured before 1899.

2. "Sawed-off shotgun" is defined as any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than eighteen inches in length or as modified has an overall length of less than twenty-six inches. [Chapter 140, §121.]

3. "Machine Gun" is a weapon from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger. [Chapter 140, §121.]

4. "Ammunition" is defined as cartridges or cartridge cases, primers (ignitor), bullets or propellant powder designed for use in a firearm, rifle or shotgun. The definition includes 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. [Chapter 140, §121.]

5. "Licensing Authority" is the Chief of Police or the board of officers having control of the police in a city or town or their designees. [Chapter 140, §131.]

B. FIREARM IDENTIFICATION CARDS

A person seeking a firearm identification card (FID) may apply to the licensing authority where the applicant resides or has a place of business. One who has an FID card may legally purchase guns and may possess them

in his home or business. The FID card does not allow a person to carry a firearm on his person or under his control in a vehicle. The card holder must give written notice to the licensing authority and the Commissioner of Public Safety within ten days of a change of his address. [Chapter 140, §129B.]

If the FID card is suspended or revoked by the licensing authority, the cardholder must deliver the card and all guns and ammunition that he possesses to the licensing authority. A failure to do so, unless an appeal is pending, is punishable by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars. [Chapter 140, §129D.]

If a gun is surrendered to the licensing authority, the Owner is entitled, within one year, to transfer the gun to a licensed dealer or other person legally permitted to possess such weapon. [Chapter 140, §129D.]

C. FIREARMS LICENSES

A person who gives a false name or address or knowingly gives false information concerning his date or place of birth, citizen status, occupation, or criminal record while applying for a license or in purchasing, renting or hiring a firearm, rifle or shotgun may, for a first offense, be punished by a fine of not less than \$500 nor more than \$1,000 or imprisonment for not more than one year or both. [Chapter 140, §129.]

D. OBTAINING GUNS OR AMMUNITION UNLAWFULLY

Whoever purchases or obtains a firearm, rifle, shotgun, or machine gun from a person not licensed or authorized to sell guns and who does not notify the Commissioner of Public Safety in writing of the names and addresses of the seller or donor and the buyer or donee, together with a complete description of the gun, shall be punished, for a first offense, by a fine of not more than \$100. [Chapter 140, §128B.]

If a license holder uses his license or FID card to purchase a firearm for the unlawful use of another, or for resale to, or giving to, an unlicensed person, he may 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 in a jail or house of correction, or both. In addition, the person's license shall be revoked and no new license or FID card may be issued to him for two years. [Chapter 140, §131E.] * * *

F. DEFACING SERIAL NUMBERS

Whoever removes, defaces, alters, obliterates or mutilates in any manner, the serial number or identification number of a firearm or whoever receives a firearm with the knowledge that its serial number has been defaced may be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one month. [Chapter 269, §11C.] * * *

J. POSSESSION OF SILENCERS

Whoever sells, possesses, or uses any instrument or attachment for causing the firing of any gun to be silent or intended to lessen or muffle the noise of the firing of any gun shall be punished by imprisonment for not more than five years in the State prison or for not more than two and one-half years in a jail or house of correction. [Chapter 269, §10A.]

L. LOANING MONEY ON GUNS

Whoever loans money secured by a mortgage, deposit, or pledge of a gun shall be

punished by a fine of not more than five hundred dollars or by imprisonment for not

more than one year, or both. [Chapter 140, §131B.]

Michigan

State Law

MI Stat. Ann.

Michigan Department of State Police

COMPILER'S NOTE:

The following was received from the Michigan Department of State Police, and contains general information, updated State legislative action, and Opinions of the Michigan Attorney General. Materials have been rearranged by the ATF Compiler and some items addressing non-firearms weapons have been omitted.

CONCEALED WEAPONS AND FIREARMS LAWS GENERAL INFORMATION PERTAINING TO FIREARMS IN MICHIGAN

INTRODUCTION

The information contained herein is provided for the convenience of firearms dealers or those persons interested in and concerned with the possession, sale, transportation, and use of firearms under the Concealed Weapons Act in the State of Michigan. The booklet, "Concealed Weapons and Firearms Laws (revised 1984)," printed by the Michigan State Police is a guide for all law enforcement agencies and dealers.

FEDERAL FIREARMS LICENSE

In order to legally buy and sell firearms and transport them in interstate commerce one must be in possession of a Federal firearms license, application for which is obtained from the U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, Room 515, 231 W. Lafayette Blvd., Detroit, Michigan 48226. No immunity to state law or other law is granted by virtue of the possession of a Federal firearms license.

PISTOL DEFINED

Under the Michigan Concealed Weapons Act a pistol is defined as "any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm." The latter portion, "construction and appearance," refers to those weapons designed to appear as a camera, cigarette lighter, pen or pencil, etc.

MICHIGAN LICENSE TO PURCHASE

The Michigan License to Purchase must be executed for each and every pistol or revolver purchased from an individual or another dealer. There are three copies to this permit which is to be obtained from the local police agency. Each copy is to be notarized, completed with the description of the weapon, and signed by the seller. One copy is to be retained by the seller, and the remaining two copies are to be returned to the local police agency, who in turn forwards one copy to the Department of State Police.

Whenever a weapon is sold, the purchaser is required to obtain the License to Purchase from his local police agency. The seller should complete it with the description of the gun and sign each copy as the seller. The seller should keep one copy and the purchaser is required to return to his local police

agency with the remaining two copies and have the gun registered in his name.

EXCEPTIONS

The above is the procedure required for purchasing and selling firearms in this state. Below you will find the exceptions to the statute, particularly those pertaining to the handling of antique weapons.

Mich. Stat. Ann. 28.92 Pistol, License to Purchase. Section 2, which requires a License to Purchase, has the following exceptions: "This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated."

Mich. Stat. Ann. 28.97 Pistol, Safety Inspection. Section 9, which requires the safety inspection of pistols, has the following exceptions: "The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, curios or antiques, not made for modern ammunition or permanently deactivated."

We have emphasized the wording of the preceding exceptions which pertain to the weapons in question, relics and antiques. From this wording we are of the opinion that a Safety Inspection Certificate is required on relics and antiques unless they are purchased and kept solely for the purpose of display as relics, curios, or antiques, or are permanently deactivated. In the absence of a dealers license requirement in Michigan, with the two exceptions above, the gun dealer reverts under the Concealed Weapons Act to the same as "any person."

Michigan Statutes prohibit the sale of rifles and shotguns to persons under 18 years of age. There are no further restrictions under Michigan statutes pertaining to the sale of rifles and shotguns, except fully automatic weapons which are prohibited. The only restrictions pertaining to the use and possession of rifles and shotguns in Michigan are found under the conservation laws and those statutes pertaining to the improper use of dangerous weapons. For information pertaining to the conservation laws, may we suggest you contact the Michigan State Department of Natural Resources.

PELLET GUNS

"Pellet guns" are classed as "firearms" under Michigan statutes. This includes the Marksman which fires the B-B, the dart, and the pellet. The B-B gun is not classed as a firearm. Also, no person under the age of 18 shall use or possess a B-B handgun unless accompanied by a person over 18 years of age. Although blank cartridge pistols are not considered firearms, they are controlled under the Fireworks Act. Blank cartridge pistols may be possessed and used only for theatric

cal purposes, training or exhibiting dogs, athletic events, railroad signal purposes, the militia, or any veterans organization.

In the preceding paragraphs an attempt has been made to clarify the handling of firearms as to purchase and possession of same in the State of Michigan.

* * * *

2.212(20) Firearm definition. 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.

POLICE NOTES

1. The above definition causes pellet pistols to come within the statutory definition of firearms and it is therefore necessary that a person must obtain a permit to purchase and present them to proper authorities for safety inspection certificates. A permit must also be obtained from a concealed weapons licensing board to carry such pistols concealed on the person or in a vehicle.

2. In the event any of these pistols fail to have a serial number stamped on them it will be necessary that the owner or seller submit the pistol to their local law enforcement agency who will contact the Michigan State Police Firearms Records Section to have a serial number stamped on the gun, at no cost to the owner.

Title 28. Crimes.

FIREARMS

ACT 372, 1927, AS AMENDED.

28.91 Terms defined. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.92 Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols.

(1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into

this state. The * * * [chief law enforcement officer] may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned.

No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

(2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority.

Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. * * *

This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

COMPILER'S NOTES:

1. A 12-gauge flare launcher is a "firearm" under Michigan law and, as a pistol, is subject to purchase inspection and carrying restrictions applicable thereto. Op Atty Gen, August 14, 1981, No. 5958.

2. The State Legislature has specifically exempted police officers from the purchase permit and inspection requirements for those pistols used for purposes of or incidental to the police organization by which the officers are employed. Any police officer wishing to buy a handgun for his own personal use, however, is not exempted from the statutory requirements and must obtain a purchase permit and submit the weapon for safety inspection. A police officer who sells a pistol, even if it is one he used in the course of his employment, must comply with the requirements imposed on a seller by [28.92(2)] unless the buyer is another police officer who uses the handgun in the course of his employment. Letter Op Atty Gen, February 22, 1982.

3. A firearm with a contracting/folding stock which, when contracted/folded measures 30 inches or less in overall length and is fully operable in that mode is

a pistol requiring licensure for purchase, carrying or transport, and is subject to safety inspection. [§§28.92; 28.97] Op Atty Gen, March 20, 1985, No. 6280.

28.97 Pistol; safety inspection; certificate, inapplicability of section. Any person within the state who owns or comes into possession of a pistol as defined in this act, shall, if he resides in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person resides in a part of the county not included within the corporate limits of such city or village he shall present such pistol for safety inspection to the sheriff of such county. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of the Michigan state police, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed within 48 hours to the commissioner of the Michigan state police and filed and indexed by him and kept as a permanent official record, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, curios or antiques, not made for modern ammunition or permanently deactivated.

28.98 Inapplicability of certain sections. Sections [28.92 and .97] do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms. * * *

28.98(2) Inapplicability of certain sections. Sections [28.92 and .97] do not apply to a signaling device which is approved by the United States coast guard pursuant to regulations issued under section 4488 of the Revised Statutes of the United States, 46 U.S.C. 481, or under section 5 of the federal boat safety act of 1971, Public Law 92 — 75, 46 U.S.C. 1454. * * *

EXPLOSIVES

28.408(1) Explosive or incendiary devices; unlawful construction or possession; evidence. Any person who shall make, construct or have in his possession any device which is designed to explode or which will explode upon impact or with the application of heat or a flame, or which device is highly incendiary, with intent to use the device unlawfully against the person or property of another is guilty of a felony. For the purposes of prosecution under this section, possession of such a device is prima facie evidence of

the possessor's intent to use the device unlawfully against the person or property of another.

PENAL CODE

ACT 328, 1931, AS AMENDED

CHAPTER XXXVII

FIREARMS [AND WEAPONS]

28.419 Definitions. As used in this chapter:

(a) "**Pistol**" means a firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "**Purchaser**" means a person who receives a pistol from another by purchase, gift, or loan.

(c) "**Seller**" means a person who sells, furnishes, loans, or gives a pistol to another.

(d) "**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.

(e) "**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.

(f) "**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.

(g) "**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.

(h) "**Barrel length**" of a firearm shall be measured internally, from the face of the closed breach of an unloaded firearm, to the forward face of the end of the barrel.

28.420 Selling pistols and firearms. (1) Any person who sells a pistol without complying with section [28.92] shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

28.421 Selling, etc., machine guns, silencers, * * * etc.; exceptions. (1) A person shall not manufacture, sell, offer for sale, or possess a machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger; a muffler, silencer, or device for deadening or muffling the sound of a discharged firearm; a bomb or bombshell. * * * A person who violates this section 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.

(2) Subsection (1) does not apply to a * * * person manufacturing firearms, explosives, or munitions of war by virtue of a contract with a department of the government of the United States; or to a person licensed by the secretary of the treasury of the United States or the secretary's delegate to manufacture, sell, or possess a machine gun, or the type of device, weapon, cartridge, con-

tainer, or contrivance mentioned in subsection (1).

COMPILER'S NOTES:

1. There is no provision in Michigan law for the acquisition and possession of an automatic weapon by a private citizen, nor is there any provision for the issuance of permits for acquisition or possession of a machine gun or a weapon equipped with a silencer by a private individual. [§28.421] Op Atty Gen, August 10, 1977, No. 5210.

2. A peace officer may acquire and possess, without a license, an automatic weapon provided that the employer of the peace officer does not adopt a rule or policy prohibiting the acquisition or possession of such automatic weapons. [§28.421] Op Atty Gen, November 30, 1981, No. 6015.

28.421(1) Sale or possession of portable electrical device or weapon, prohibition.

(1) A person shall not sell, offer for sale, or possess 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.

Exceptions. (2) This section shall not prohibit delivery to or possession by the department of state police or any agency or laboratory with prior written approval of, and on conditions established by, the director of the department of state police for the purpose of testing such a device or weapon.

Violation, felony. (3) A person who violates this section is guilty of a felony.

28.421(2) Short-barreled shotgun or rifle, manufacture, sale, etc., prohibitions; violation, penalty; inapplicability of section. (1) A person shall not manufacture, sell, offer for sale, or possess a short-barreled shotgun or a short-barreled rifle.

(2) A person who violates this section 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.

(3) The provision of this section shall not apply to the sale, offering for sale or possession of a short-barreled rifle or a short-barreled shotgun which the secretary of the treasury of the United States of America, or his delegate, pursuant to USC title 26, sections 5801 through 5872, or USC title 18, sections 921 through 928, has found to be a curio, relic, antique, museum piece or collector's item not likely to be used as a weapon, but only if the person selling, offering for sale or possessing the firearm has also fully complied with the provisions of sections [28.92 and .97].

COMPILER'S NOTE:

Rifles and shotguns whose barrels are 16 and 18 inches or more in length, respectively, with contracting/folding stocks, which are fully operable with stocks folded or contracted, and whose overall length are LESS than 26 inches with stocks contracted/folded, fall within the definition of "short-barreled rifle" and "short-barreled shotgun" and their sale or possession is prohibited by §28.421(2). . . . The Uzi, a semi-automatic carbine (barrel length 16.1 inches; length with stock contracted 24.4 inches; length with stock extended 31.5 inches) is a short-barreled rifle and their sale and possession is

prohibited. Op Atty Gen, March 20, 1985, No. 6280.

28.422 Possession, etc., of printed matter offering to sell or deliver pistols, etc., from without the state. Any person who shall sell or deliver within this state, or offer or expose for sale, or have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in the next preceding section of this chapter, shall be guilty of a misdemeanor. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols wholesale or retail * * *

28.424(4) Same: possession or transportation on self-propelled land vehicle. (1) Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel a firearm, other than a pistol, unless the firearm is unloaded and is 1 or more of the following:

- (a) Taken down.
- (b) Enclosed in a case.
- (c) Carried in the trunk of the vehicle.
- (d) Inaccessible from the interior of the vehicle.

Violations; misdemeanors, punishment.

(2) 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.

28.425 Safety inspection of pistols. Any person who shall fail to comply with the provision of section [28.97], pertaining to the safety inspection of pistols, shall be guilty of a misdemeanor.

28.426 Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in [19.711] who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

28.427 Alteration of pistols, penalty; possession, presumptive evidence of alteration, exception. A 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 upon which the number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section [28.428(1)(2)(a) or (b)], shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

28.428 Carrying concealed weapons, pistols, persons excepted from provisions. Sections [28.421 * * * and .424(4)] do not apply to any peace officer of a duly authorized police agency of the United States, of this state, or of any political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state; or to any person regularly employed by the state department of corrections, and authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties; or to any member of the army,

air force, navy, or marine corps of the United States when carrying weapons in line of or incidental to duty; or to organizations authorized by law to purchase or receive weapons from the United States or from this state; or to members of the national guard, armed forces reserves, or other duly authorized military organizations when on duty or drill, or in going to or returning from their places of assembly or practice by a direct route or otherwise, while carrying weapons used for purposes of the national guard, armed forces reserves, or other duly authorized military organizations.

28.428(1) Excepted persons and transactions. (1)

* * * [Exceptions from § 28.424. Contact the Michigan State Police if details needed.]

Antique firearms. (2) As used in this section, "antique firearm" means either of the following:

(a) A firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898.

(b) 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.

28.428(2) Police and other officers: military servicemen; transportation of pistols as merchandise.

* * * [Exceptions from §§ 28.420, .425. Contact the Michigan State Police if details needed.]

28.428(3) Definitions. (1) As used in this section: * * *

(b) "Approved signaling device" means a pistol which is a signaling device approved by the United States coast guard pursuant to regulations issued under section 4488 of the Revised Statutes of the United States, 46 U.S.C. 481, or under section 5 of the federal boat safety act of 1971, Public Law 92-75, 46 U.S.C. 1454.

(c) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Inapplicability to other sections. (2)

Sections [28.420, * * * .425, * * * and .434] shall not apply to an approved signaling device * * * [Contact State Police if details needed.] * * *

28.429 Registration of purchasers of pistols, etc. Any person engaged in any way or to any extent in the business of selling at retail, guns, pistols, other firearms or silencers for firearms who shall fail or neglect to keep a register in which shall be entered the name, age, occupation and residence (if residing in the city with the street number of such residence) of each and every purchaser of such guns, pistols, other firearms or silencers for firearms together with the number or other mark of identification, if any, on such gun, pistol, other firearms or silencer for firearms, which said register shall be open to the inspection of all peace officers at all times, shall be guilty of a misdemeanor. * * *

28.433 Setting spring guns, etc.; killing by such device, manslaughter. 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 be left, except in the immediate presence of some competent person, shall be guilty of a

misdeemeanor, punishable by imprisonment in the county jail not more than one [1] year, or by a fine of not more than five hundred [500] dollars, and the killing of any person by the firing of a gun or device so set shall be manslaughter.

28.434 Possession or use of firearm by person under influence of liquor or drug. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any firearm within this state, shall be guilty of a misdemeanor.

28.436(11) "Firearm" defined. For the purposes of this act the word "firearm" shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas or by means of springs, levers or other mechanical device.

POLICE NOTES:

BLANK CARTRIDGE PISTOLS

1. Section 28.440 prohibits the possession, transportation or sale or use of a blank cartridge pistol except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for the use by the militia or any organization of war veterans.

2. Blank cartridge pistols not capable of propelling projectiles are not considered firearms.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Dearborn
Garden City
Gibraltar*
Grand Rapids* (Also must have good vision)

Livonia
Woodhaven*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

[Fully automatic weapons are prohibited by State law]

Belding (d),(e)
Buchanan (d),(e)
Center Line (d),(e)
Escanaba (d),(e)
Fenton (d),(e)
Flushing*(a)
Grand Haven (d),(e)
Hazel Park (d),(e)
Madison Heights (d),(e)
Mount Clemens (d),(e)

Mount Pleasant (d),(e)
Redford (d),(e)
Riverview (d),(e)
St. Clair Shores (d),(e)
Southfield (d),(e)
Southgate (d),(e)
Trenton (d),(e)
Warren (d),(e)
Wyandotte (d),(e)

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

isk (*) next to a name indicates another listing]

Grand Rapids* (Must have passed an exam on the use and handling of firearms)

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Detroit*

Highland Park

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Allen Park
Dearborn Heights
Detroit*
Ecorse
Gibraltar
Grand Rapids*
Lincoln Park
Marshall

Niles
Novi
Oak Park
Royal Oak
Troy
Waterford
Woodhaven*

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Grand Rapids* (a),(b),(c) = Must also have injury and property damage insurance in effect (Contact city License Officer)

Minnesota

State Law

MN Stat. Ann.

CHAPTER 471. LOCAL GOVERNMENT

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.

Local regulation inconsistent with this section is void.

CHAPTER 609. CRIMINAL CODE OF 1963

609.66 Dangerous weapons.

Subdivision 1. Acts prohibited. Whoever does any of the following is guilty of a misdemeanor;

(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 *

(6) sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits the child 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; or

(8) in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department of the municipality.

Subd. 2. Exceptions. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

COMPILER'S NOTE:

§100.29, Subdivision 4, states: "It shall be unlawful to use, own or possess any type of silencer for a firearm, or to possess any firearm equipped to have a silencer attached." This does not conflict with the exceptions seen in Subdivision 2 of §609.66, as the former (§100.29, Subd. 4) relates to hunters in the act of hunting, and the latter (§609.66, Subd. 2) clearly does not. MN State Advisory, 10-22-86.

609.67 Machine guns and short-barreled shotguns.

Subdivision 1. Definitions.

(a) "Machine gun" means any firearm designed to discharge, or capable of dis-

charging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses 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) "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 such weapon as modified has an overall length less than 26 inches.

Subd. 2. Acts prohibited. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun or a short-barreled shotgun 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.

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) Chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns or short-barrelled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons;

(4) manufacturers of ammunition who possess and use machine guns for the sole purpose of testing ammunition manufactured for sale to law enforcement agencies and correctional facilities; and

(5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machine guns or short-barrelled shotguns and who either use the machine guns or short-barrelled shotguns in peace officer training under courses approved by the board of peace officer standards and training, or are engaged in the sale of machine guns or short-barrelled shotguns to Minnesota law enforcement agencies and will use the machine gun or short-barrelled shotgun for law enforcement sales demonstrations.

Subd. 4. Report required.

(a) A person owning or possessing a machine gun or short-barrelled shotgun as authorized by subdivision 3, clause (1), (2), (3), or (4) shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing the person's name and address; the person's official title and position, if any; a description of the machine gun or short-barrelled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

(b) A dealer or manufacturer owning or having a machine gun or short-barrelled shotgun as authorized by subdivision 3, clause (5) shall, by the tenth day of each month, file a written report with the bureau of criminal apprehension showing the name and address of the dealer or manufacturer and the serial number of each machine gun or short-barrelled shotgun acquired or manufactured during the previous month.

Subd. 5. Exceptions. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

Subd. 6. Preemption. Laws 1977, Chapter 255 [Section 609.67] supersedes all local ordinances, rules and regulations.

* * * *

MINN. RULES §§7500.5100 - 7500.5600

DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL APPREHENSION EXPLOSIVES AND BLASTING AGENTS

MACHINE GUNS AND SHORT-BARRELLED SHOTGUNS

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-barrelled shotgun. "Approved machine gun or short-barrelled shotgun" means a machine gun or short-barrelled shotgun that, although designed as a weapon, has been determined by the superintendent as not likely to be used as a weapon and that 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. 3. Bureau. "Bureau" means the Minnesota Bureau of Criminal Apprehension.

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 his delegate.

7500.5200 STATUTORY AUTHORITY. Parts 7500.5100 to 7500.5600 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minnesota Statutes, sections 299C.03, and 609.67.

7500.5300 REPORTING PROCEDURES; FEE.

Subpart 1. Requirements. If a person owns or possesses an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

Subp. 2. Report. Within ten days after a person takes possession or ownership of an approved machine gun or short-barrelled shotgun, the person shall send a report form to the superintendent.

Subp. 3. Fee. The reporting person shall send a \$15 nonrefundable fee with each report form.

7500.5400 FILING NOT ACCEPTED.

Subpart 1. Grounds for nonacceptance. The superintendent shall not accept a report form for filing if:

A. the reporting person misrepresents, falsifies, or fails to complete any information on the report form; or

B. the superintendent determines that the firearm is not an approved machine gun or short-barrelled shotgun.

Subp. 2. Resubmission. If the superintendent refuses to accept the report form on the grounds of Subpart 1, item A or B, the report required by Minnesota Statutes, section 609.67, shall be deemed not to have been made. If the report can be corrected or completed properly, the reporting person shall submit a new report form within ten days after receipt of the superintendent's notice of nonacceptance. A new fee need not accompany a report form resubmitted under this subpart.

7500.5500 RIGHT TO CONTEST DECISION. If the superintendent does not accept the report form, the superintendent shall notify the reporting person in writing, specifying the reasons for nonacceptance. That person may contest the decision of the superintendent in proceedings conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69, and rules of the Office of Administrative Hearings, parts 1400.0200 to 1400.8500.

7500.5600 LIMITED PROTECTION OF REPORTING INFORMATION. All persons possessing or owning an approved machine gun or a short-barrelled shotgun prior to the effective date of parts 7500.5100 to 7500.5600 shall have 90 days after August 22, 1983, to file a report form with the superintendent.

* * * *

CHAPTER 624. CRIMES, OTHER PROVISIONS

MINNESOTA HANDGUN REGULATION ACT

624.711. Declaration of policy

It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as pistols, or to place costs of administration upon those citizens who wish to possess or carry pistols lawfully, or to confiscate or otherwise restrict the use of pistols by law-abiding citizens.

624.712. Definitions. Subdivision 1. As used in section 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "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" 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 redesigned, 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" 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 breechblock:

(a) of any material having a melting point (liquidus) 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" includes murder in the first, second, and third degrees, manslaughter in the first and second degrees, aiding suicide, aiding attempted suicide, felony violations of assault in the first, second, third, and fourth degrees, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first, second, third, and fourth degrees, felonious theft, arson in the first and second degrees, riot, burglary in the first, second, third, and fourth degrees, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. "Crime of violence" also includes felony violations of chapter 152.

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another,

whether or not for consideration, of a pistol or the frame or receiver of a pistol.

624.713 Certain persons not to have pistols; penalty.

Subdivision 1. Ineligible persons. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol

(i) in the actual presence or under the direct supervision of his 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 and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other 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;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years;

(e) A person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless he or she has completed treatment. Property rights may not be abated but access may be restricted by the courts; or

(f) A peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless he possesses a certificate from the head of the treatment facility that he has been discharged or provisionally discharged from the treatment facility. Property rights may not be abated but access may be restricted by the courts.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Subd. 2. A person named in subdivision 1, clause (b) who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 who possesses a pistol is guilty of a gross misdemeanor.

624.7131 Transferee permit; penalty.

Subdivision 1. Information. Any person may apply for a pistol 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 he 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 of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol.

The statement shall be signed 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.

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.

Subd. 3. Forms. Chiefs of police and sheriffs shall make transferee permit application forms 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 or 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 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 or deny 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. Permits valid statewide; renewal. Transferee permit 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. Permits issued pursuant to this section are not transferable. 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 under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 8. Hearing upon denial. Any person aggrieved by denial of a transferee permit may appeal the denial to the county court or county municipal court having jurisdiction

over the county or municipality in which the denial occurred.

Subd. 9. Permit to carry. A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. Transfer report not required. A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Subd. 11. Penalty. A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a gross misdemeanor.

Subd. 12. Local regulation [superseded]. 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 shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made 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 of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

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.

Subd. 3. Notification. The chief of police or sheriff shall notify the transferor 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. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 13.

Subd. 4. Delivery. No person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report 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.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to

transfer, the pistol 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 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, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. Immediate transfers. The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. Report not required.

(1) If the proposed transferee presents a valid transferee permit issued under section [624.7131] or a valid permit to carry issued under section 624.7131, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 9. Number of pistols. Any number of pistols 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 a person may acquire.

Subd. 10. Restriction on records. If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the chief of police or sheriff 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 make transfer report forms 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 pistol transfer.

Subd. 12. Exclusions. 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 by 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 to a person for the purpose of repair, reconditioning or remodeling;

(d) A loan by a teacher to 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 between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his 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 person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county 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 by section 624.713.

Subd. 14. Transfer to unknown party.

(a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 15. Penalties. A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 13;

(b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 16. Local regulation. This section shall be construed to supersede municipal or county regulation of the transfer of pistols.

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 significance or value.

624.716 Saturday night specials prohibited; penalty. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

624.717 Local regulation [superseded]. 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 Pistol.

624.719 Possession of firearm by non-resident alien. A nonresident alien may 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.

624.731. * * * Electronic incapacitation devices.

Subdivision 1. Definitions. For the purposes of this section: * * *

(b) "electronic incapacitation device" means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current. "Electronic incapacitation device" does not include cattle prods, electric fences, or other electric devices which are used in agricultural, animal husbandry, or food production activities.

Subd. 2. Authorized possession; use. * * *

(b) A person may possess and use an electronic incapacitation device in the exercise of reasonable force in defense of the person or his property only if the electronic incapacitation device is labelled with or accompanied by clearly written instructions as to its use and the dangers involved in its use.

Subd. 3. Prohibited possession; use.

(a) No person under * * * the age of 18 may possess or use an electronic incapacitation device.

(b) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clause (b), may possess or use * * * an electronic incapacitation device.

(c) No person prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (c) to (e), may possess or use an * * * an electronic incapacitation device, except that the certificate or other proof required for possession of a handgun shall not apply. * * *

Subd. 4. Prohibited use.

(a) No person shall knowingly, or with reason to know, use * * * an electronic incapacitation device on or against a peace officer who is in the performance of his duties.

(b) No person shall use * * * an electronic incapacitation device except as authorized in subdivision 2 or 6.

(c) * * * An electronic incapacitation device shall legally constitute a weapon when it is used in the commission of a crime.

Subd. 5. Prohibited sale. Except as permitted by subdivision 6, no person shall knowingly furnish or sell * * * an electronic incapacitation device to a person prohibited from possessing it by subdivision 3. No person shall knowingly furnish or sell an * * * electronic incapacitation device which fails to meet the requirements of subdivision 2. No * * * electronic incapacitation device shall be sold or furnished on premises where non-intoxicating malt liquor as defined in section 340.001, subdivision 2, is sold on an on-sale basis or where intoxicating liquor as defined in section 340.07, subdivision 2, is sold on an on-sale or off-sale basis. No person shall sell * * * an electronic incapacitation device in violation of local licensing requirements.

Subd. 6. Exceptions. Nothing in this section shall prohibit the possession or use of by, or the sale or furnishing of, * * * an electronic incapacitation device to a law enforcement agency, peace officer, the national guard or reserves, or a member of the national guard or reserves for use in their official duties, except that counties and municipalities may impose licensing requirements on sellers pursuant to subdivision 9. * * *

Subd. 9. Local licensing.

(a) For purposes of this section, "municipality" means a statutory or home rule charter city or town.

(b) There is hereby conferred upon the governing body of each county, statutory or home rule charter city and town in the state the authority to license the business of vendors of * * * electronic incapacitation devices within their respective jurisdictions, to impose a license fee therefor, to impose qualifications for obtaining a license, the duration of licenses and to restrict the number of licenses the governing body will issue.

(c) Every person desiring a license from a local governing body shall file with the clerk of the municipality or the county board in the case of application to a county, a verified written application in the form to be prescribed by the local governing body.

(d) The local governing body may establish the grounds, notice and hearing procedures for revocation of licenses issued pursuant to this section. The local governing body may also establish penalties for sale of * * * electronic incapacitation devices in violation of its licensing requirements.

Subd. 10. Local regulation. This section shall be the exclusive regulation of the possession, use, and furnishing of * * * electronic incapacitation devices in Minnesota. This section shall supersede and preempt all regulation of the possession, use, and furnishing of * * * electronic incapacitation devices by political subdivisions.

624.74. 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 9mm, .25, .32, .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 a 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 imprisonment for not more than three 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.

Mississippi

State Law

MS Code

TITLE 45. PUBLIC SAFETY AND GOOD ORDER

Chapter 9. Weapons.

45-9-1. Weapons to be registered; exceptions.

(1) Every person in this state who now owns or has in his possession, or who shall hereafter acquire any pistol or revolver, or any machine guns, sub-machine guns, and/or similar firearms or any other high power rifle with a velocity of more than two thousand (2,000) feet per second at the muzzle, shall be required to register such weapon in the manner and within the time, hereinafter specified; **provided, however**, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and **provided, further**, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

(2) Sections 45-9-1 to 45-9-17 shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

45-9-3. Time and place of registration. All registrations of weapons under the provisions of sections 45-9-1 to 45-9-17 shall be made with the sheriff of the county in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days

after the effective date hereof shall be registered with such sheriff within ninety (90) days after the effective date of sections 45-9-1 to 45-9-17, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff within ten (10) days after the acquisition thereof by such person.

45-9-5. Registration, procedure for.

All registrations of such weapons shall be made in duplicate, on forms to be provided by the board of supervisors of each county, which forms shall require the following information:

(1) The name and address of the owner or person possessing such weapon;

(2) The age, race, and sex of such person;

(3) A fully detailed description of such weapon, giving the make, model and serial number;

(4) The name and address of the person from whom such weapon was acquired or purchased; and

(5) Where such weapon is usually kept. Such form shall be fully filled out by the person owning or possessing such weapon, and the completed form shall be filed, in duplicate, with the sheriff of the proper county. Both the original and duplicate of such forms shall be signed by the registrant and his signature shall be witnessed by two (2) responsible persons, whose addresses shall be shown upon the registration form.

45-9-7. Registration forms; how filed.

The original registration form so filed shall be retained by the sheriff in a safe and convenient file to be furnished him by the board of supervisors for that purpose. All such registrations shall be filed and arranged in alphabetical order and shall be open to the inspection of any person at any time during the regular hours of business.

45-9-9. Dealer to keep records; sale of firearms.

Any person, firm or corporation dealing in firearms shall keep a description thereof in his place of business, showing the kind of weapon as used in sections 45-9-1 to 45-9-17, the name of the manufacturer and the

serial number and from whom purchased, and upon the sale of such pistol or gun, a record of to whom sold;

The records so made by said dealer shall be kept by him for a period of three (3) years and shall be subject to inspection by any police officer or sheriff of the state.

45-9-13. Penalty for violation. Any person who shall fail or refuse to register any weapon as required by section 45-9-3 hereof shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

45-9-15. Transient nonresidents exempt. The provisions of sections 45-9-1 to 45-9-17 shall not apply to a transient nonresident of this state bringing a weapon with him in the course of travel into or through this state, where such weapon does not remain herein for more than thirty (30) days.

45-9-17. Transfer of firearms. It will be necessary to register firearms under sections 45-9-1 to 45-9-17 only one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

TITLE 97. CRIMES

Chapter 37. Weapons and Explosives.

97-37-1. Deadly weapons — carrying deadly weapon and use of imitation firearm prohibited — penalties.

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 muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use

against another person any imitation firearm, shall upon conviction be punished * * *

97-37-11. Deadly weapons — dealers to keep record of cartridges and weapons sold. Every merchant or dealer or pawnbroker that sells * * * pistols, * * * or pistol or rifle cartridges, shall keep a record of all sales of such weapons and cartridges sold, showing the description of the weapons and kind and caliber of cartridges so sold, the name of the purchaser, and the description of weapons and the quantity of cartridges and date of sale. This record to be opened to public inspection at any time to persons desiring to see it. The dealer who violates this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

97-37-13. Deadly weapons — weapons and cartridges not to be given to minor or intoxicated person. It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding three months, or both.

97-37-31. Silencers on firearms — manufacture, sale, possession or use unlawful. It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for

sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. Any person, corporation or manufacturing establishment violating this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than sixty days, or both.

Missouri

State Law

Ann. MO Stat. (Vernon's)

CHAPTER 571. WEAPONS OFFENSES

571.010. Definitions. As used in this chapter: * * *

(2) **"Concealable firearm"** means any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech;

(3) **"Deface"** means to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(4) **"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;

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

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

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

(11) **"Machine gun"** means any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger;

(13) **"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;

(14) **"Short barrel"** means a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches;

(15) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

(16) **"Spring gun"** means any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion

for the purpose of inflicting serious physical injury or death

571.020. Possession — manufacture — transport — repair — sale of certain weapons a crime — exceptions — penalties.

1. 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; * * *

(7) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or * * *

2. A person does not commit a crime under this section if his conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in subdivision (1), (3) or (5) 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, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, 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 subsection 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 584(a).

3. A crime under subdivision (1), (2), (3), (4) or (5) of subsection 1 of this section is a class C felony; a crime under subdivision (6), (7) or (8) of subsection 1 of this section is class A misdemeanor.

COMPILER'S NOTES

1. So long as a dealer is regularly engaged in business with appropriate agencies, possession of an inventory would be "incident to" business dealings even when there is no outstanding purchase order (§ 571.020.2(2)). MO advisory, 8-19-81

2. Missouri law prohibits the possession of a firearm silencer by a properly licensed dealer unless that dealer seeks to possess the device to demonstrate it to a legal purchaser who has made a bona fide request to see the device.... The law clearly prohibits possession of a silencer unless it is incident to a commercial or business transaction with an organization.... The dealer should not keep the suppressor [silencer] if no sale is made (§571.020.2(2)). MO advisory, 1-25-84

3. Functioning machine guns, short-barreled shotguns and short-barreled rifles which have not been classified as curios or relics may not be transferred in the State of Missouri to residents who have not been licensed by the Secretary of the Treasury pursuant to the 1968 Gun Control Act (§ 571.020.2(5)). MO advisory, 12-17-82

571.045. Defacing 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.

571.050. Possession of defaced firearm, penalty.

1. A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which is defaced.

2. Possession of a defaced firearm is a class B 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;

(2) Knowingly * * * 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; or

(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.

1. A person commits the crime of unlawful possession of a concealable firearm if he has any concealable firearm in his possession and:

(1) He has plead guilty to or has been convicted of a dangerous felony, as defined in section 556.061, RSMo, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a concealable firearm is a class C felony.

571.080 Transfer of concealable firearms without permit unlawful — exceptions — antique firearm defined — permit valid for thirty days — violation, penalty.

1. A person commits the crime of transfer of a concealable firearm without a permit if:

(1) He buys, leases, borrows, exchanges or otherwise receives any concealable firearm, unless he first obtains and delivers to the person delivering the firearm a valid permit authorizing the acquisition of the firearm; or

(2) He sells, leases, loans, exchanges, gives away or otherwise delivers any concealable firearm, unless he first demands and receives from the person receiving the firearm a valid permit authorizing such acquisition of the firearm.

2. A permit to acquire a concealable firearm shall only be valid for thirty days after the issuance thereof.

3. Subsection 1 of this section shall not apply to the acquisition by or transfer of concealable firearms among manufacturers, wholesalers or retailers of firearms for purposes of commerce; nor shall it apply to antique firearms or replicas thereof. The term "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 channels of commercial trade.

4. Transfer of concealable firearms without a permit is a class A misdemeanor.

571.090. Permit to acquire concealable weapon — requirements — contents — sheriff to issue, when — denial of permit, content — appeal procedure — form — violation, penalty.

1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides, if all of the statements in the application are true, and the applicant:

(1) Is at least twenty-one years of age, a citizen of the United States and has resided in this state for at least six months;

(2) Has not plead guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Is not a fugitive from justice or currently charged in an information or indictment with the commission or a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been discharged under dishonorable conditions from the United States armed forces;

(5) Is not habitually in an intoxicated or drugged condition; and

(6) Is not currently adjudged mentally incompetent and has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state.

2. Applications shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed and verified by the applicant, and shall state the name, occupation, age, height, color of eyes and hair, residence and business addresses of the applicant, the reason for desiring the permit, and whether the applicant complies with each of the requirements specified in subsection 1 of this section.

3. Before a permit is issued, the sheriff shall make such inquiry as he deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri operator's license or other suitable identification. The sheriff shall issue the permit within a period not to exceed seven days after submission of the properly completed application, excluding Saturdays, Sundays or legal holidays. The sheriff may refuse to issue the permit if he determines that any of the requirements specified in subsection 1 of this section have not been met. If the application is approved, the sheriff shall issue a permit and a copy thereof to the applicant.

4. The permit shall recite the date of issuance, that it is invalid after thirty days, the name and address of the person to whom granted, the nature of the transaction, and a physical description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

5. If the permit is used, the person who receives the permit from the applicant shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of disposition of the

firearm and a description of the firearm, including the make, model and serial number. The sheriff shall keep a record of all applications for permits, his action thereon, and shall preserve all returned permits.

6. No person shall in any manner transfer, alter or change a permit, or make a false notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a permit issued to another.

7. For the issuance of the permit, the sheriff in each county and the city of St. Louis shall charge a fee of two dollars and fifty cents which shall be paid into the treasury of the county or city to the credit of the general revenue fund.

8. In any case when the sheriff refuses to issue a permit, such refusal shall be in writing setting forth the reasons for said refusal. Such written refusal shall explain the denied applicant's right to appeal and, with a copy of the completed application, shall be given to the denied applicant within a period not to exceed seven days after submission of the properly completed application, excluding Saturdays, Sundays or legal holidays. The denied applicant shall have the right to appeal the denial within ten days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, RSMo, and the provisions of sections 482.300, 482.310 and 482.335 RSMo, shall apply to such appeals.

9. A denial of permit appeal may be commenced by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person.

* * * * *

[MISSOURI STATE LAW, §571.090.9]

SMALL CLAIMS COURT

In the Circuit Court of Missouri
Case Number

..... Denied Applicant

vs.

..... Sheriff

Return Date

DENIAL OF PERMIT APPEAL

The denied applicant states that his properly completed application for a permit to acquire a firearm with a barrel of sixteen inches was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

.....
Denied Applicant

* * * * *

10. The notice of appeal in a denial of permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

11. If at the hearing the person shows he is entitled to the requested permit, the court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed against the sheriff in any case.

12. Any person aggrieved by any final judgment rendered by a small claims court in a denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320, RSMo.

13. Violation of any provision of this section is a class A misdemeanor. * * *

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Belton*
Nevada*

St. Louis*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-

barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Kansas City*(a),(b)
St. Joseph*(b)

St. Louis*(a),(c),(d),(e)

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Aurora
Belton*
Boonville
Bridgeton
Cape Girardeau
Caruthersville
Charleston

Kannett
Ladue
Lee's Summit
Malden
Maplewood
Marshall
Maryville

Clayton
Crestwood
Dellwood
Excelsior Springs
Florissant
Fulton
Independence
Jennings
Joplin
Kansas City*

Monett
Neosho
Nevada*
St. Charles
St. Louis*
Shrewsbury
Sikeston
Springfield
Warrensburg
Webb

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

St. Louis*(a)

Montana

State Law

MT Code Annotated

TITLE 45. CRIMES

CHAPTER 6. OFFENSES AGAINST PROPERTY

45-6-326. Obscuring the identity of a machine.

(1) A person commits the offense of obscuring the identity of a machine if he:

(a) removes, defaces, covers, alters, destroys, or otherwise obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any firearm with the purpose to conceal, misrepresent, or transfer any such * * * firearm; or

(b) possesses with the purpose to conceal, misrepresent, or transfer any * * * 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 * * * firearm 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. Section 45-8-302 through 45-8-309 shall be so interpreted and constructed as to effectuate their general purpose to make uniform the law of those states which enact them.

45-8-302. Definitions. In 45-8-303 through 45-8-309 the following definitions apply:

(1) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, automatically, or semiautomatically discharged from a magazine by a single function of the firing device.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: any forcible felony, robbery, burglary, and criminal trespass.

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

45-8-305. Presumption of offensive or aggressive purpose. Possession or use of a machine gun shall be presumed to be for 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, in the United States of America or its territories or insular possessions;

(3) when the machine gun is of the kind described in 45-8-309 and has not been registered as required in that section; or

(4) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

45-8-306. Presence of gun as evidence of possession or use. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

45-8-307. Exceptions. Nothing contained in 45-8-301 through 45-8-309 shall 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 thereof 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 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

45-8-308. Manufacturer's register of machine guns.

(1) Every manufacturer shall keep a register of all machine guns manufactured or handled by him.

(2) This register shall show, for every machine gun:

(a) the model and serial number;

(b) the date of manufacture, sale, loan, gift, delivery, or receipt;

(c) 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

(d) 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.

(3) Upon demand every manufacturer shall permit any marshal, sheriff, or police officer to inspect his entire stock of machine guns, parts, and supplies therefor and shall produce the register herein required for inspection.

(4) A violation of any provision of this section shall be punishable by a fine of not less than \$100.

45-8-309. Registration of machine guns — presumption from failure to register.

(1) Every machine gun now is this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered with the department of justice annually on February 20. If acquired hereafter it shall be registered within 24 hours after its acquisition.

(2) Blanks for registration shall be prepared by the department and furnished upon application.

(3) To comply with this section the application as filed must 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.

(4) The registration data shall not be subject to inspection by the public.

(5) Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

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 therefor, 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 flash point 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.

45-8-334. Possession of a destructive device.

(1) A person who, with the purpose to commit a felony, has in his possession any destructive device [in any] 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 * * * or be fined * * *

45-8-336. Possession of a silencer.

(1) A person commits the offense of possession of a silencer if he 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 * * *

COMPILER'S NOTE:

A Montana resident may not make, obtain or possess a silencer. MT State advisory, 11-08-84

45-8-337. Possession prima facie evidence of unlawful purpose. Possession of a silencer or of a bomb or similar device charged or filed with one or more explosives is prima facie evidence of a purpose to use the same to commit an offense.

45-8-344. Use of firearms by children under fourteen prohibited. 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 of any description loaded with powder and lead, except when the child is accompanied by a person having charge or custody of the child or under the supervision of a qualified firearms safety instructor 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 purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any rifle, shotgun, or handgun.

(2)(a) 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 weapons, the carrying of 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.

* * * * *

87-3-123. Use of silencers or mufflers on firearms forbidden. No person may take into a field or forest or have in his possession while out hunting any device or mechanism devised to silence, muffle, or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Nebraska

State Law

Rev. Stat. of NE

Chapter 28. Crimes and Punishments

Article 12. Offenses Against Public Health and Safety

28-1201. Terms, defined. As used in sections 28-1201 to 28-1212, unless the context otherwise requires:

(1) **Fugitive from justice** shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony; * * *

(4) **Machine gun** shall mean 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;

(5) **Short rifle** shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(6) **Short shotgun** shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

28-1203. Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception.

(1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or members of the National Guard of

this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

COMPILER'S NOTE:

The Attorney General of Nebraska has issued an opinion that 28-1203 does not prohibit a person who qualifies pursuant to Federal law (26 USC 5801, et seq.) from possession and transfer of a machine gun.

28-1204. Unlawful possession of a revolver; exceptions; penalty.

(1) Any person under the age of eighteen years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. * * *

28-1206. Possession of firearms by a felon or a fugitive from justice; penalty.

(1) Any person who possesses any firearm with a barrel less than eighteen inches in length * * * and who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of firearms by a felon or a fugitive from justice.

(2) Such felony conviction may have been had in any court in the United States, the several states, territories or possessions, or the District of Columbia. * * *

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. * * *

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. * * *

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. * * *

28-1210. Failure to notify the sheriff of the sale of tranquilizer guns; penalty; record.

(1) Any person, partnership or corporation selling any gun or other device as described in section 28-1209 who fails to immediately notify the sheriff of the county of the sale and giving the name and address of the purchaser thereof and the make and number of the gun or device, commits the offense of failure to notify the sheriff of the sale of tranquilizer guns.

(2) The sheriff shall keep a record of such sale with the information furnished him. * * *

28-1212. Presence of firearm in motor vehicle; prima facie evidence. The presence in a motor vehicle other than a public vehicle of any firearm or instrument referred to in section 28-1203, 28-1206, or 28-1207 shall be prima facie evidence that it is in the possession of, and is carried by, all persons occupying such motor vehicle at the time such firearm or instrument is found, except this section shall not be applicable if such firearm or instrument is found upon the person of one of the occupants therein.

28-1213. Explosives, destructive devices, other terms; defined. As used in sections 28-1213 to 28-1239, unless the context otherwise requires: * * *

(7) Destructive devices shall mean:

(a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, (vii) Molotov cocktail, or (viii) 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

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7)(a) of this section from which a destructive device may be readily assembled.

The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against person or property, 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 Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the State Fire Marshal finds is not likely to be used as a weapon, or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property * * *

28-1220. Possession of a destructive device; penalty; permit or license for explosive materials; no defense.

(1) Any person who has in his 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 federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section. * * *

28-1243. Unlawful sale of toy revolvers and blank cartridges; penalty; exceptions.

(1) Any person, except as provided for in subsection (2) of this section, who shall use, sell, offer for sale, or keep for sale in this state any toy revolvers for shooting blank cartridges or blank cartridges for toy revolvers, commits the offense of unlawful sale of toy revolvers and blank cartridges.

(2) Caps containing dynamite may be used, kept for sale, or sold when needed for mining purposes, or for danger signals or for other necessary uses, and blank cartridges may be sold or used for ceremonial purposes, athletic or sporting events. * * *

CIVIL DISORDERS INVOLVING EXPLOSIVES OR FIREARMS

28-1480. Terms, defined. As used in sections 28-1480 to 28-1482, unless the context otherwise requires:

(1) Civil disorder shall mean any public disturbance involving acts of violence which causes an immediate danger of or results in damage or injury to persons or property;

(2) Explosive or incendiary device shall mean

(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 firebomb, or similar device, including any device which

(i) 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

(ii) can be carried or thrown by one individual acting alone; and

(3) 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.

28-1481. Acts prohibited. It shall be unlawful within the boundaries of this state:

(1) For any person to teach or demonstrate to any other person the use, application, or making of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person knows or has reason to know or intends that such information or ability will be unlawfully employed for use in or in furtherance of a civil disorder; or

(2) For any person to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm or explosive or incendiary device capable of causing injury or death to persons when such person intends to unlawfully employ such training, practice, or instruction for use in or in furtherance of a civil disorder. * * *

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Hastings*

Omaha*

2. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Omaha*

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Hastings*

Kearney

Lincoln

Omaha*

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Hastings*(b)

Nevada

State Law

NV Rev. Stat.

means any weapon with a caliber of .177 inches or greater from which a projectile may be propelled by means of [an] explosive * * *

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:

**TITLE 16. CRIMES;
PUNISHMENTS;
CORRECTIONAL INSTITUTIONS**

**CHAPTER 202. CRIMES AGAINST HEALTH,
SAFETY**

DANGEROUS WEAPONS AND FIREARMS

202.253 "Firearm" defined. As used in NRS 202.255 to 202.360, inclusive, "firearm"

(a) Reduces the normal expansion of the bullet upon impact; and

(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 Unlawful possession, manufacture, disposition of short-barreled rifle, short-barreled shotgun: Penalty; exceptions.

1. Any person who unlawfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun shall be punished * * *

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; or

(b) The possession of any short-barreled rifle or short-barreled shotgun by any person who is licensed as a firearms importer, manufacturer or dealer by the United States Department of the Treasury.

202.277 Changing, altering, removing, obliterating serial number of firearm unlawful.

1. It is unlawful for any person to change, alter, remove or obliterate the serial number upon any firearm. Possession of any firearm

upon which the serial number has been changed, altered, removed or obliterated is prima facie evidence that the possessor has changed, altered, removed or obliterated the serial number. * * *

202.300 Use of firearms by minor under 14 years.

1. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.

2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

202.310 Sale of certain firearms to minors unlawful.

1. Any person in this state who sells or barter to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length. * * *

202.360 Ex-felon not to possess firearm capable of being concealed on person; penalty.

1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. No person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, may own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

3. Any person who violates the provisions of this section shall be punished * * *

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Clark County*

Las Vegas*

2. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers [An asterisk (*) next to a name indicates another listing]

Clark County*(72 hrs)

Las Vegas* (72 hrs)

3. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Clark County*
[Registration]

Henderson [Registration]
Las Vegas* [Registration]

4. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Clark County*

Las Vegas*

5. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Clark County*(a)

Las Vegas*(a)

New Hampshire

State Law

NH Rev. Stat. Ann.

Title XII. Public Safety and Welfare

CHAPTER 159. PISTOLS AND REVOLVERS

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pinfire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3 Convicted felons. No person who has been convicted in this or any other state of a felony against the person or property of another, or who has been convicted of a felony under RSA 318-B, shall own or have in his possession or under his control a pistol, revolver, or any other firearm, or * * * pistol pistol cane, * * * or any other dangerous weapon. Whoever violates the provisions of

this section shall be guilty of a class B felony; and, upon his conviction, his weapon shall be confiscated to the use of the state.

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 secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license 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 has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such

summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:9 Record of sale. A true record shall be made of every pistol or revolver sold, in a book kept for the purpose, in the form prescribed by the secretary of state, shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model and manufacturer's number of the weapon, and the name, address and nationality of the purchaser. The record shall be preserved for one year, and a copy thereof shall, within 7 days, be forwarded to the selectmen of the town or the chief of police of the city.

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. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13 Changing marks. No person shall change, alter, remove or obliterate the name of the marker, model, manufacturer's number or other mark of identification on 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 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. * * * *

159:16 Carrying or selling weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any * * * pistol cane * * * shall be guilty of a misdemeanor; and such weapon or article so carried by him shall be confiscated to the use of the state.

159:17 — Exception. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

159:18 Felonious use of teflon-coated, armor-piercing and exploding bullets and cartridges.

I. A person is guilty of a class B felony if he uses or attempts to use any teflon-coated or armor-piercing bullet or cartridge, or any bullet or cartridge which contains any explosive substance in the projectile and is designed to explode upon impact, in the course of committing any misdemeanor or felony.

II. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.

New Jersey

State Law

NJ Stat. Ann.

Title 2C. New Jersey Code of Criminal Justice

CHAPTER 1. PRELIMINARY

2C:1-5. * * * Limitation of local government laws. * * *

d. Notwithstanding any other provision of law, the local governmental units of this State may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this code or with any policy of this State expressed by this code, whether that policy be expressed by inclusion of a provision in the code or by exclusion of that subject from the code.

CHAPTER 39. FIREARMS, OTHER DANGEROUS WEAPONS, AND INSTRUMENTS OF CRIME

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any firearm and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section if the firearm or destructive device as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including

(1) any explosive or incendiary bomb, mine or grenade;

(2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce;

(3) any weapon capable of firing a projectile of a caliber greater than .60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes;

(4) any Molotov cocktail or other device consisting of a breakable container containing 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, linethrowing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, self, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects 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 semi-automatic rifle, or any gun, device or instru-

ment in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, 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 sufficient 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. * * *

i. "Machine gun" means any 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.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes 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 repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manu-

factured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale 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 reselling or reassigning to persons who are reasonably understood to be the ultimate consumers and includes any person who is engaged in the business of repairing firearms or who sells any firearm 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 ammunition.

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 muzzle, 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 otherwise, if such firearm as modified has an overall length of less than 26 inches. * * *

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal 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 immediately operable;

(2) components which can be readily assembled to a weapon; * * *

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms. * * *

2C:39-2. Presumptions * * *

b. Licenses and permits. 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.

2C:39-3. Prohibited weapons and devices

a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm, is guilty of a crime of the fourth degree. * * *

f. Dum-dum or body armor penetrating bullets.

(1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to 2C:39-6f., who knowingly has in his possession any hollow nose or dum-dum bullet, or

(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, if the jacket is thicker than .025 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. Hardness Scale, and

(c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree.

For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions.

(1) Nothing in subsection a., b., c., d., e., or f. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided by any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearm dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

(3) Nothing in paragraph (2) of subsection f. shall be construed to prevent any licensed retail or wholesale firearm dealer from possessing that ammunition at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of N.J.S. 2C:39-6.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

2C:39-4. Possession of weapons for unlawful purposes

a. Firearms. 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.

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 second degree.

2C:39-5. Unlawful possession of weapons

a. 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 section 2C:58-5, is guilty of a crime of the third degree.

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 section 2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns.

(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 section 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. * * *

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 to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other Federal officers and employees

required to carry firearms in the performance of their official duties;

(3) Members of the State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or state investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspectors of the Alcoholic Beverage Control Enforcement Bureau of the Division of the State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess such a weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey, or any special policeman authorized to carry a revolver or other similar weapons while off duty within the municipality where he is employed, as provided in N.J.S. 40A:14-146, or a special policeman or airport security officer appointed by the governing body of any county or municipality, except as provided in this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to [NJS 40A:14-71] 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 [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.

b. Subsections a., b. and c. of section 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 of 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 any such 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 while 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 fulltime employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) A full-time member of the marine patrol force or a special marine patrolman authorized to carry the weapon by the Commissioner of Environmental Protection, while in the actual performance of his official duties;

(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 while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill exercise or parade;

(7) An officer of the 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 transportation of explosives; or

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police 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; or

(10) A campus police officer appointed under [18A:6-4.2, et seq.], while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. 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 [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 for the purposes of exhibition or demonstration at an authorized target range or 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 capable of being fired but that is unloaded and immobile, provided that the antique 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 may promulgate, between its permanent location and place of purchase or repair.

(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 or 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 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 section 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 firearms are repaired, for the purpose of repair. For the purpose of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of section 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the 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 superin-

tendent and provided 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 or fishing purposes 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 such person has in his possession a valid hunting or fishing license; or

(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 such 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; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying of the firearms to the public or to the members of such organization or club, provided, however, that not less than 30 days prior to such exhibition or display, notice of such 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 signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraphs (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 the course of travel shall include only such deviations as are reasonably necessary under the circumstances. * * *

j. 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 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 [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 paragraph.

2C:39-7. Certain persons not to have weapons 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, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in section 2C:39-1 r., or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in [24:21-3, et seq.], who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated above, then that person shall be subject to the provisions of this section.

2C:39-9. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.

a. **Machine guns.** Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. **Sawed-off shotguns.** Any person who manufactures, causes to be manufactured, transports, ships, sell or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. **Firearm silencers.** Any person who manufactures causes to be manufactured transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. **Weapons.** Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of * * * firearms, if he is not licensed or registered to do so as provided in chapter 58, 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. Any person who knowingly buys, receives, disposes or conceals a defaced firearm, except an antique firearm, is guilty of a crime of the fourth degree.

f. **Making armour penetrating bullets available.**

(1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any bullet, which is primarily designed for use in a handgun, and which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 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. Hardness Scale, and is therefore capable of breaching or penetrating body armor and 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.

(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in N.J.S. 2C:39-3 f.(2) from transporting the bullets defined in paragraph (1) of this subsection from

(a) any licensed retail or wholesale firearm dealer's place of business to the collector's dwelling, premises, or other land owned or possessed by him, or

(b) to or from the collector's dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or

(c) to or from the collector's dwelling, premises or other land owned or possessed by him to any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice

provided that the club has filed a copy of its charter with the Superintendent of the State Police and annually submits a list of its members to the superintendent, and

provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gunbox, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

2C:39-10. Violation of the regulatory provisions relating to firearms; false representation in applications.

a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

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 or a permit to purchase or a permit to carry a handgun, or a permit to possess a machine gun, 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 any other firearm, is guilty of a crime of the third degree.

2C:39-11. Pawnbrokers; loaning on firearms

a. Any pawnbroker who sells, offers to sell or to lend or to 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. * * *

2C:39-15. Advertising sale of machine gun or semi-automatic rifle. Any person who offers to sell a machine gun or semi-automatic rifle by means of an advertisement published in a newspaper circulating within this State, which advertisement does not specify that the purchaser shall hold a valid

license to purchase and possess a machine gun or a valid firearms identification card to purchase and possess an automatic or semi-automatic rifle, is a disorderly person.

CHAPTER 58. LICENSING AND OTHER PROVISIONS RELATING TO FIREARMS.

2C:58-1. Registration of manufacturers and wholesale dealers of firearms.

a. **Registration.** Every manufacturer and wholesale dealer of firearms shall register with the superintendent as provided in this section. No person shall engage in the business of, or act as a manufacturer or wholesale dealer of firearms, or manufacture or sell at wholesale any firearm, until he has so registered.

Applications for registration shall be made on such forms as shall be prescribed by the superintendent, and the applicant shall furnish such information and other particulars as may be prescribed by law or by any rules or regulations promulgated by the superintendent. Each application for registration or renewal shall be accompanied by a fee of \$150.00.

The superintendent shall prescribe standards and qualifications for the registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare. He shall refuse to register any applicant for registration unless he is satisfied that the applicant can be permitted to engage in business as a manufacturer or wholesale dealer of firearms 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. **Wholesale dealer's agent.** Every registered wholesale dealer of firearms shall cause each of his agents or employees actively engaged in the purchase or sale of firearms to be licensed with the superintendent as a wholesale dealer's agent. Applications for agents' licenses shall be submitted on such forms as shall be prescribed by the superintendent, and shall be signed by the registered wholesale dealer and by the agent. Each application shall be accompanied by a fee of \$5.00, and each license shall be valid for so long as the agent or employee remains in the employ of the wholesale dealer and the wholesale dealer remains validly registered under this section. The superintendent shall prescribe standards and qualifications for licensed wholesale dealers' agents, for the protection of the public safety, health and welfare.

c. **Revocation of certificate of registration or license.** The superintendent may, after reasonable notice to all affected parties and a hearing if requested, revoke any certificate of registration or agent's license if he finds that the registered or licensed person is no longer engaged in the business of manufacturing or wholesaling firearms in this State or that he can no longer be permitted to carry on such business without endangering the public safety, health or welfare. A certificate or license may be canceled at any time at the request of the registered or licensed person.

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:58-2. Retailing of firearms.

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 \$50.00 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 established 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 and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of \$5.00 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 employ of said retail dealer.

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 conspicuous place on 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 7 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; and

(c) The handgun is unloaded and securely wrapped.

(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.

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 and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. This 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. * * *

2C:58-3. Purchase of firearms.

a. **Permit to purchase a handgun.** No person shall sell, give, transfer, assign or otherwise dispose of, nor 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 nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, 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 and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, 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 a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in [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;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years; or

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing * * *

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent * * *

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2.00, or the application for the firearms purchaser identification card together with a fee of \$5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, where upon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. * * *

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person 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 this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a 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 shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Visual distress signalling device. Nothing in this section and in N.J.S. 2C:58-2 shall apply to the sale or purchase of a visual distress signalling 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 under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years such a visual distress signalling device. * * *

2C:58-6.1 Possession of firearms by minors; exceptions.

a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. Notwithstanding any other provisions of law, any person under the age of 18 years who violates any provision of this section shall be adjudged delinquent. * * *

New Mexico

State Law

NM Stat. Ann.

CHAPTER 30. CRIMINAL OFFENSES

30-7-16. Firearms; receipt, transportation or possession by a felon; penalty.

A. It is unlawful for a felon to receive, transport or possess any firearm in this state.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act [31-18-12 to 31-18-21 NMSA 1978].

C. As used in this section:

(1) "**felon**" means a person who has been convicted in the preceding ten years by a

court of the United States or of any state or political subdivision thereof, to a sentence of death or one or more years imprisonment and has not been pardoned of the conviction by the appropriate authority; and

(2) "**firearm**" means any weapon which 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.

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

2. The following jurisdictions restrict the age at which it is lawful for a person to

New York

State Law

NY Consol. Laws (McKinney's)

Book 39. 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. "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 continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms 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 any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm. * * *

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm or machine-gun.

9. "Dealer in firearms" means 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.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance. * * *

11. "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.

12. "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. * * *

14. "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.

15. "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.

15-a. "Electronic dart gun" means any device designed primarily as a weapon, 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.

16. "Certified not suitable to possess 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 rifle or shotgun. * * *

17. "Serious offense" means
(a) any of the following offenses defined in the former penal law * * * prior to September 1, 1967: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; * * * disorderly conduct; * * * sodomy or rape designated a misdemeanor; * * * violation of any provision * * * relating to narcotic drugs [and] * * * relating to depressant and stimulant drugs * * * defined as a misdemeanor * * * by such former penal law.

(b) 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; * * * loitering * * * endangering the welfare of a child; * * * issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree * * *

§265.01 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 possesses any firearm, electronic dart gun * * *

(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 sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. * * *

(7) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

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) He 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) He 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

(3) He knowingly has in his possession a machine-gun or firearm 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 or firearm; or * * *

(5)(i) He possesses twenty or more firearms; or

(ii) he possesses a firearm and has been previously convicted of a felony or a class A misdemeanor defined in this chapter within the five years immediately preceding the commission of the offense and such possession did not take place in the person's home or place of business.

Criminal possession of a weapon in the third 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, 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 provided that the possession of a rifle or shotgun ammunition therefor by the holder of a hunting license or permit * * * and is 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. * * *

§265.10 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.

1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. * * *

2. Any person who transports or ships any machine-gun or firearm silencer is guilty of a class D felony. Any person who transports or ships as merchandise any firearm * * * is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm 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 or firearm is guilty of a class D felony.

4. 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.

5. 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 wilfully defaces any machine-gun 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 and 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 second degree. A person is guilty of criminal sale of a firearm in the second degree when he is not authorized pursuant to law to possess a firearm and he unlawfully either:

- (1) sells, exchanges, gives or disposes of a firearm to another person not authorized pursuant to law to possess a firearm; or
- (2) possesses a firearm with the intent to sell it.

Criminal sale of a firearm in the second degree is a class E felony.

§265.12 Criminal sale of a firearm in the first degree. A person is guilty of criminal sale of a firearm in the first degree when he unlawfully sells, exchanges, gives or disposes of to another twenty or more firearms.

Criminal sale of a firearm in the first degree is a class D felony. * * *

§265.20 Exemptions.

a. Sections 265.01, 265.02, * * * 265.05, 265.10, 265.11, 265.12, 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, * * * 265.05 and 270.05 by the following:

(a) 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.

(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. * * *

2. Possession of a machine-gun, firearm, * * * by a warden, superintendent, head-keeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of a 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 person to whom a license therefor has been issued as provided under section 400.00; * * *

4. Possession of a rifle, shotgun * * * for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to [Correction Law, §703-a]. * * *

8. The manufacturer of machine-guns * * * 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 criminal cases, or to the military service of this state or of the United States.

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 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 to the consignee for such reasonable period of time designated in writing by such 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. 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 licensed to carry a pistol or revolver and who 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 this subdivision, places 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 of 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 pistols or revolvers, the number, make and model number of the firearms to be transported and the place where the manufacturer regularly conducts business within the city of New York and such other information as the 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.

COMPILER'S NOTES:

1. A "dealer in firearms" is not authorized to buy, sell, or possess, machine-guns.

2. A "gunsmith" may possess a machinegun for the purpose of cleaning or repair, but such possession does not include transport or possession off of the licensed premises.

3. Neither a gunsmith nor a dealer in firearms is eligible to possess a firearms silencer. New York State Advisory, 09-04-86.

ARTICLE 270 — OTHER OFFENSES RELATING TO PUBLIC SAFETY

§270.00 Unlawfully dealing * * *

* * * *

4. **Sales of ammunition not prohibited.** Nothing contained in this section shall be construed to prevent, or interfere in any way with, the sale of ammunition for revolvers or pistols of any kind, or for rifles, shotguns, or other arms, belonging or which may belong to any persons whether as sporting or hunting weapons or for the purpose of protection to them in their homes, or, as they may go abroad; and manufacturers are authorized to continue to manufacture, and wholesalers and dealers to continue to deal in and freely to sell ammunition to all such persons for such purposes.

5. Notwithstanding the provisions of subdivision four of this section, it shall be unlawful for any dealer in firearms to sell any ammunition designed exclusively for use in a pistol or revolver to any person, not authorized to possess a pistol or revolver. The violation of this section shall constitute a class B misdemeanor.

ARTICLE 400. LICENSING AND OTHER PROVISIONS RELATING TO FIREARMS.

§400.00 Licenses to carry, possess, repair and dispose of firearms.

1. **Eligibility.** No license 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) of good moral character;
- (b) who has not been convicted anywhere of a felony or a serious offense;
- (c) 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; and
- (d) concerning whom no good cause exists for the denial of 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. A license for a pistol or revolver shall be issued to

(a) have and possess in his dwelling by a householder;

(b) have and possess in his place of business by a merchant or storekeeper;

(c) have and carry concealed while so employed by a messenger employed by a banking institution or express company;

(d) have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York city civil court or the New York city criminal court;

(e) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, **provided** that application is made therefor by such commissioner, warden, superintendent or head keeper;

(f) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof; and

(g) have, possess, collect and carry antique pistols which are defined as follows:

(i) any single shot, muzzle loading pistol with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, which is not designed for using rimfire or conventional centerfire fixed ammunition, and

(ii) any replica of any pistol described in clause (i) hereof if such replica—

(1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(2) 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. Applications. 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 application shall, except in the city of New York, be approved as to form by the superintendent of state police. * * * [contact the licensing officer of your city or county for details regarding requirements]

4-a. Processing of license applications. Applications for licenses shall be accepted for processing by the licensing officer at the time of presentment. Except upon written notice to the applicant specifically stating the 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 presentment 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 deny the application for reasons specifically and concisely stated in writing or grant the application and issue the license applied for.

5. Filing of approved applications. The application for any license, if granted, shall be a public record.

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 out of said city forthwith and immediately from said dealer by the licensee in a locked container during a continuous and uninterrupted trip; or **provided** that

(b) the firearms covered by such license are being transported by the licensee in a locked container and the trip through the city of New York is continuous and uninterrupted.

A license as gunsmith or dealer in firearms shall not 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. * * *

8. License: exhibition and display. * * *

A license as gunsmith or dealer in firearms shall be prominently displayed on the licensed premises. Failure of any licensee to so exhibit or display his license, as the case may be, shall be presumptive evidence that he is not duly licensed. * * *

11. License: revocation. The conviction of a licensee anywhere of a felony or serious offense shall operate as a revocation of the 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 record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial num-

ber, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. In addition, before delivering a firearm to a peace officer, the licensee shall verify that person's status as a peace officer with the division of state police. After completing the foregoing, the licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. * * *

16. Unlawful disposal. No person shall except as otherwise authorized pursuant to law dispose of any firearm unless he is licensed as gunsmith or dealer in firearms.

COMPILER'S NOTES:

1. A digest of New York City's firearms laws fails to reflect the nuances and intricacies of one of the toughest firearms laws in the United States. Therefore, much of the New York City Administrative Code applicable to firearms remains herein. Firearms dealers both in and out of New York City and State who wish to sell to New York residents should review the material. If there are any questions, contact the New York City Police Department.

2. Digest of published, local ordinances received by the Bureau of Alcohol, Tobacco and Firearms from jurisdictions in New York State:

a. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

New York City*

b. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Mount Vernon (a)

c. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Babylon*

New York City*

Rochester*

d. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Babylon*(16)

New York City*(18)=rifles

& shotguns

North Tonawanda (16)

Rochester*(18)

e. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or

(b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Albany (reporting theft) Suffolk County*
New York City*(a),(b) (a),(b)=Manufacturing

New York City

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

CROSS INDEX

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10-131 Firearms.

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 after 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 one hundred dollars for each original or renewal application for a two year license period or part thereof and a fee of ten dollars for each replacement application of a lost license. If a license or renewal is issued for a term of more than two years there shall be an additional prorated fee for the period in excess of two years.

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 thirty dollars, for each renewal a fee of twenty dollars, and for each replacement of a lost permit a fee of ten dollars.

4. Fees paid as 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 prison, penitentiary, workhouse or other institution for the detention of persons convicted or accused of crime or offense, or held as witnesses in criminal cases in the city. * * *

d. Sale of toy-pistols. It shall be unlawful for any person to sell or dispose of to a minor any toy-pistol or pistol that can be loaded with powder and ball or blank cartridge to be exploded by means of metal caps; but nothing herein contained shall apply to the sale or disposal of what are known as firecracker pistols, torpedo pistols or such pistols as are used for the explosion of paper caps. * * *

g. It shall be unlawful for any person to sell or offer for sale, possess or use or attempt to use or give away, any toy or imitation pistol or revolver which substantially duplicates an

actual pistol or revolver, unless said imitation or toy pistol or revolver shall be colored in colors other than black, blue, silver or aluminum, and further provided that the barrel of said toy or imitation pistol or revolver shall be closed with the same material of which the toy or imitation pistol or revolver is made for a distance of not less than one-half inch from the front end of said barrel. However, the possession or display of such instrument by a manufacturer or dealer, shall not be a violation of this section if sale is accompanied by delivery to a point without the city, and possession for such purpose by a manufacturer or dealer shall not be unlawful. Every such toy or imitation pistol or revolver hereinafter manufactured, distributed, transported or sold shall have legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified.

However, possession or use of any toy or imitation pistol or revolver shall not be a violation of this section, where such possession or use is for or in the production of television programs or theatrical or motion picture presentations. * * *

h. Rifles and shotguns; carrying or possessing.

1. It shall be unlawful for any person to carry or possess a loaded rifle or shotgun in public within the city limits. Any person who shall violate this subdivision shall be guilty of a misdemeanor * * *

2. It shall be unlawful for any person to carry or possess an unloaded rifle or shotgun in public within the city limits unless such rifle or shotgun is completely enclosed, or contained, in a nontransparent carrying case. Any person who shall violate this subdivision shall be guilty of an offense punishable * * *

3. 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 same, police officers and peace officers as defined in the criminal procedure law, or to participants in special events when authorized by the police commissioner. * * *

10-301 Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns.

Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

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. "Gunsmith." 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 or machine gun.

5. "Dealer in firearms." 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.

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 rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shotgun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, 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.

11. "Permit." The permit for purchase and possession of rifles and shotguns issued by the commissioner.

12. "Certificate." The certificate of registration for possession of rifles and shotguns.

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.

10-302 Licensing of gunsmiths, of wholesale manufacturers of firearms, of assemblers of firearms, dealers in firearms, and dealers in rifles and shotguns.

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, or dealer in rifles and shotguns, 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 unless he or she has been issued a permit for the possession of shotguns and rifles pursuant to the provisions of this chapter.

b. No license shall be issued or renewed 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. * * * [Contact the NYC Police Department for details] * * *

c. 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. * * *

d. An application for a license or renewal thereof shall be made to the police commissioner. An application shall include * * * [Contact the NYC Police Department for details] * * *

f. Applications shall indicate and licenses shall be issued for a gunsmith, a wholesale manufacturer of firearms, an assembler of firearms, or a dealer in firearms, or a dealer in rifles and shotguns.

g. The application for any license, if granted, shall be a public record. Such 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 duly licensed.

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. No license shall be 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, machine gun, rifle or shotgun. 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 at all times by members of the 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, or discontinuance of business by a licensee, such record shall be immediately surrendered to the police commissioner.

o. Rules and regulations.

(1) The police commissioner may make and promulgate such rules and regulations regarding the issuance and renewal 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, 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 * * *

p. The annual license fee for a license issued pursuant to this section shall be twenty-five dollars for gunsmiths, wholesale manufacturers and assemblers of firearms, fifty dollars for dealers in firearms, and one hundred fifty dollars for dealers in rifles and shotguns.

q. Failure to obtain a license, by any person, firm, partnership, corporation or com-

pany, as required by the provisions of this section shall be punishable * * *

r. No dealer in rifles and shotguns may dispose of a rifle or shotgun to any person unless such person produces a valid rifle and shotgun permit, or proof of lawful authority as a police or peace officer, or is an exempt person as provided in this chapter. * * *

10-303 Permits for possession and purchase of rifles and shotguns. It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; 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 permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements. No person shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant * * * [Contact the NYC Police Department for details] * * *

d. Fees. The fee for an application for a rifle and shotgun permit or renewal thereof shall be twenty-five dollars (\$25).

e. Issuance.

(1) Upon completion of the investigation, and in no event later than thirty days from the submission of the application, unless the police commissioner determines more time is needed for an investigation and then it shall not exceed sixty days, the commissioner shall issue the permit or shall notify the applicant of the denial of the application and the reason or reasons therefor.

(2) Any person holding a valid license to carry a concealed weapon in accordance with the provisions of the penal law, shall be issued such permit upon filing an application and upon paying the established fee therefor, without the necessity of any further investigation, affidavits or fingerprinting, unless the police commissioner 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 person carrying a rifle or shotgun shall have on his or her person a permit which shall be exhibited for inspection to any police officer upon demand. * * *

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. * * *

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.

10-304 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, of each rifle and shotgun possessed by the declarant. Upon receipt of acknowledgement of said declaration by the police commissioner, the declarant may lawfully sell, transfer, or otherwise dispose of such rifles or shotguns to a licensed dealer or any other person legally permitted to purchase or take possession of such rifles or shotguns.

Any willful or material omission or false statement shall be a violation of this section.

c. Exhibition of certificate. Every person carrying a rifle or shotgun shall have on his or her person a certificate of registration valid for such weapon. * * *

d. Revocation. The revocation of a rifle or shotgun permit shall automatically be deemed to be a revocation of all certificates of registration for rifles and shotguns held by the person whose permit has been revoked.

e. Disposition of rifles and shotguns. No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, an exempt person as enumerated in this chapter, or a non-resident of the city of New York not subject to the permit requirements of this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the commissioner setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, 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 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 person who shall so receive or acquire said rifle or shotgun shall 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 Exemptions. The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen 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 approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, provided that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

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 commercial manufacture commenced prior to eighteen hundred ninety-four 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.

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, and other 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 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.

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. During the month of June only, each year, to a person voluntarily surrendering a rifle or shotgun to the police commissioner or the commissioner's designee, 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 the place where such surrender shall take place.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he or she knows or has reasonable means of ascertaining what such person 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 rifles and shotguns.

h. Possession by retail customers for the purpose of firing at duly licensed rifle target concessions at amusement parks, piers, and similar locations provided that the rifles to be so used be firmly chained or affixed to the counter and that the individual rifles are registered by the proprietor and that the proprietor is in possession of a rifle and shotgun permit.

i. (1) Non-residents in transit. Any other provision of this chapter to the contrary notwithstanding, a non-resident of 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 shall have a period of seventy-two hours subsequent to such entering to be exempt from penalty under this chapter for the unlawful possession of a rifle or shotgun, provided that such rifle or shotgun 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 nonresident of the city of New York may purchase 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 is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship. If the rifle or shotgun is personally delivered to the non-resident purchaser within the city of New York, the purchaser shall have the rifle or shotgun removed from the city no later than twenty-four hours after the time of purchase.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent 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 in the pursuance of his or her profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued pursuant to regulations established by the commissioner.

l. Persons in possession of, using or transporting rifles which have been issued by the director of civilian marksmanship of the department of the army, pursuant to the provisions of ten U.S.C.A., section 4307-4309, unto a civilian rifle club, or unto a rifle team representing an educational institution, provided that such persons are members in

good standing of an accredited civilian rifle club, or are connected as students or coaches with such educational institution, shall not be required to obtain a certificate of registration for such rifle.

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.

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 participating in going to or returning from, special events authorized by the commissioner. Said rifles or shotguns, to be carried, must be the property of the unit of the war veterans organization, must be registered with the police commissioner pursuant to section 10-304 of this chapter and must be kept at the unit's headquarters or some central place as registered.

o. Nothing herein, shall exempt a member of a unit of a war veterans organization from possessing a permit issued pursuant to section 10-303 of this chapter, 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 of this chapter, which said member may personally own, possess or purchase.

10-306 Sale and purchase of ammunition. No ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of the purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the number of the permit and certificate exhibited as required by this section.

Notwithstanding any other provision of this section, ammunition may be disposed of in the same manner and pursuant to the same requirements, regulations and exemptions as disposal or other transfer of rifles or shotguns under this chapter.

10-307 Supply of forms. 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; possession therein. The presence of a rifle, or shotgun, or rifle or shotgun ammunition, in a vehicle, without a rifle and shotgun permit therefor and a certi-

cate of registration therefor, shall be presumptive evidence of possession thereof by all persons occupying the vehicle at the time.

10-309 Identifying marks.

a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or

defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun 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 num-

ber, 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.

North Carolina

State Law

Gen. Stat. of NC

Chapter 14. Criminal Law

14-160.1. Alteration, destruction or removal of permanent identification marks from personal property.

(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 item of personal property with the intent thereby to conceal or misrepresent the identity of said item.

(b) 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 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.

(c) A violation of any of the provisions of this section shall be a misdemeanor, punishable on conviction thereof by imprisonment not to exceed two years or by a fine not to exceed one thousand dollars (\$1,000) or both, in the discretion of the court.

(d) This section shall not in any way affect the provisions of G.S. 20-108, 20-109(a) or 20-109(b).

§14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, 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 manufacture, 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 §14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, 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 contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consis-

tent 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, incendiary, poison gas or radioactive material:

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 particularly 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 muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder.

(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;

(5) Radioactive material, which means any solid, liquid or gas which emits or may emit ionizing radiation spontaneously or which becomes capable of producing radiation or nuclear particles when controls or triggering mechanisms of any associated device are operable.

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 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 section 4684(2), 4685, or 4686 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, in an antique, or is a rifle which the owner intends to use solely for sporting purposes, 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 1 felony.

14-315. Selling or giving weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge * * * he shall be guilty of a misdemeanor.

14-316. Permitting young children to use dangerous firearms.

(a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of 12 years to have the possession, custody or use in any manner whatever, any gun, pistol or other 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 person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.

(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.

14-402. Sale of certain weapons without permit forbidden. It shall be 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 unless a license or permit therefor has first been obtained by the purchaser or receiver from the sheriff of the county in which that purchaser or receiver resides.

It shall be 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 without having in his or their possession and without exhibiting at the time of the delivery of the same and 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 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned not less than 30 days nor more than six months, or both, in the discretion of the court.

"Antique firearms" as defined by G.S. 14-409.11, and **"historic edge weapon"** as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

14-403. Permit issued by sheriff; form of permit. The sheriffs of any and all counties of this State are hereby authorized and directed

to issue to any person, firm, or corporation in any such county a 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 same, which said license or permit shall be in the following form, to wit:

North Carolina,

..... County

I,, Sheriff of said County do hereby certify that whose place of residence is in (or) in Township, County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, a license or permit is therefore hereby given said to purchase one pistol from any person, firm or corporation authorized to dispose of the same.

This day of, 19

.....

Sheriff.

14-404. Issuance or refusal of permit; appeal from refusal; grounds for refusal; * * *

Upon application, the sheriff shall issue such 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 shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for:

(i) the protection of the home, business, person, family, or property,

(ii) target shooting,

(iii) collecting, or

(iv) hunting.

If said sheriff shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such 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 of the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal, and shall be final. A permit may not be issued to the following persons:

(i) one who is under an 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), except that if a person has been convicted and later pardoned or is not prohibited from purchasing a firearm under the Felony Firearms Act (Article 54A of this Chapter), he may obtain a permit;

(ii) one who is a fugitive from justice;

(iii) 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); [or]

(iv) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution.

Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such 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 law officers' official duties.

The sheriff shall charge for his services upon issuing such license or permit a fee of five dollars (\$5.00). Each applicant for any such license or permit shall be informed by said sheriff within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant.

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, place of residence, age, former place of residence, etc., of each such person, firm, or corporation to whom or which a license or permit is issued.

14-406. Dealer to keep record of sales. Every dealer in pistols, pistol cartridges and other weapons mentioned in this Article 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. Weapons to be listed for taxes. During the period of listing taxes in each year the owner or person in possession or having the custody or care of any weapon mentioned in this article is required to list the same specifically, as is now required for listing personal property for taxes. Any person listing any such weapon for taxes shall be required to designate his place of residence, including local street address.

14-407.1. Sale of blank cartridge pistols. The provisions of G.S. 14-402 and 14-405 to 14-407 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks 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 or permit to purchase 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:

North Carolina

..... County

I,, Clerk of the Superior Court of said county, do hereby certify that whose place of residence is Street in (or) in Township in County, North Carolina, having this day satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only for lawful purposes, a permit is therefore given said to purchase said pistol from any person, firm or corporation authorized to dispose of the same, this day of, 19

.....
Clerk of Superior Court

The clerk shall charge for his services, upon issuing such permit, a fee of fifty cents (50¢). * * *

14-409. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: **Provided, however,** that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respec-

tive 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 and the State guard 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 located.

Provided, further, that automatic shot-guns and pistols or other automatic weapons that shoot less than 31 shots shall not be construed to be or mean a machine gun or submachine gun under this section; and 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.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or imprisoned for not less than six months, or both, in the discretion of the court.

COMPILER'S NOTE:

The language seen in the sections listed on the left is identical to that in the sections listed on the right, except the clerk of the superior court is, in most instances, the law enforcement official named. Therefore, the text of the sections in the right hand column has been omitted.

SECTION	CATCHLINE	SECTION (text omitted)
14-402	Sale of certain weapons without permit forbidden.....	14-409.1
14-403	Permit issued * * *; form of permit * * *	14-409.2
14-404	Issuance/refusal of permit * * *; grounds for refusal * * *	14-409.3
14-405	Record of permits * * *	14-409.4
14-406	Dealer to keep record of sales ..	14-409.5
14-407	Weapons to be listed for taxes...	14-409.6
14-407.1	Sale of blank cartridge pistols....	14-409.7
14-409	Machine guns and other like weapons.....	14-409.9

14-409.11. "Antique firearm" defined. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early 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 channels of commercial trade.

14-409.12. "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.

14-415.1. Possession of firearms, etc., by felon prohibited.

(a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction whichever is later.

Every person violating the provisions of this section shall be punished as a Class I felon.

Nothing in this subsection would prohibit the right of any person to have possession of a firearm within his own home or on his lawful place of business.

(b) Prior convictions which cause disenfranchisement under this section shall only include:

(1) Felonious violations of Articles 3, 4, 6, [7A] 8, 10, 13, 14, 15, 17, 30, 33, 36, 36A, 52A, or 53 of Chapter 14 of the General Statutes, or of Article 5 of Chapter 90 of the General Statutes.

(2) Common law robbery and common law maim; and

(3) Violations of criminal laws of other states or of the United States substantially similar to the crimes covered in subdivisions (1) and (2) which are punishable where committed by imprisonment for a term exceeding two years.

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" is defined as a final judgment in any case in which felony punishment, or imprisonment for a term exceeding two years, as the case may be, is permissible, without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and 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 and the verdict and judgment rendered therein.

Chapter 105. Taxation

105-80. Firearms dealers and dealers in other weapons.

(a) **Firearms.** — Every person, firm, or corporation who is engaged in the business of selling or offering for sale firearms, other than antique firearms or firearms that are weapons of mass death and destruction, shall obtain a license from the Secretary of Revenue for the privilege of engaging in business and shall pay a tax of fifty dollars (\$50.00) for the

license. As used in this subsection, the terms "antique firearm" and "weapons of mass death and destruction" have the same meanings as in G.S. 14-409.11 and G.S. 14-288.8, respectively. As used in this subsection, the term "engaged in the business of" shall mean devoting time, attention, and labor to selling or offering for sale firearms as a regular course of trade or business with the principal objective of profit through the repetitive purchase and sale, or the manufacture for sale, of firearms. Such term shall not include the making of occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection, or the sale of all or part of a personal collection of firearms.

A license issued under this subsection authorizes the licensee to engage in business at the location for which the license is issued and at a gun show held in the State. A "gun show" is an event sponsored either by an organization devoted to the collection, competitive use, or other sporting use of firearms or by an organization that sponsors events devoted to the collection, competitive use, or other sporting use of firearms in the community.

(b) **Other Weapons.** — Every person, firm, or corporation who is engaged in the business of selling or offering for sale bowie knives, dirks, daggers, leaded canes, iron or metallic knuckles, or similar weapons shall obtain a statewide license from the Secretary of Revenue for the privilege of engaging in business and shall pay a tax of two hundred dollars (\$200.00) for the license.

(c) **Local Licenses.** — Counties and cities may levy a license tax on a business taxed under this section at an amount that does not exceed the State tax.

105-102.4. Optional license tax on persons engaged in retail variety sales business.

(a) Any person, firm or corporation required to procure a license imposed under one or more of the statutes listed in subsection (b) for the same location may, upon application to the Secretary of Revenue and payment of a tax of one hundred dollars (\$100.00), obtain a "retail variety store privilege license" for the privilege of engaging, at that location, in one or more of the businesses taxed in the listed sections.

(b) A retail variety store privilege license replaces the licenses imposed in the following sections and relieves the licensee of liability for the taxes imposed in these sections: G.S. 105-49, 105-51, 105-65.2, 105-80(b), 105-82 and 105-89(a).

(c) Counties, cities and towns may not levy a license tax under this section. This section shall not affect the authority of cities and towns to levy taxes under G.S. 160A-211 or the authority of counties, cities and towns to levy taxes under G.S. 105-49, 105-51, 105-65.2, 105-80(b), 105-82 and 105-89(a) if the indicated statute authorizes these entities to do so.

COMPILER'S NOTE

The following provisions, or minor variations thereto, regarding firebombs and Molotov cocktails have been enacted by the North Carolina municipalities appearing in the list below.

(a) **Definitions.** For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) **Firebomb.** Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov Cocktail.** Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) **Prohibited acts.** It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) **Possession of materials restricted.** It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs other than on his or their premises.

Chapel Hill
Lenoir
New Bern

Raleigh
Southern Pines
Williamston

Durham County

[H.B.566] CHAPTER 157, 1935 SESSION LAWS

AN ACT TO PROVIDE FOR REGISTRATION OF
PISTOLS AND SIMILAR FIREARMS BY OWNERS
THEREOF IN DURHAM COUNTY

The General Assembly of North Carolina do enact:

[PROVISION FOR REGISTERING FIREARMS WITH CLERK OF
THE SUPERIOR COURT IN DURHAM COUNTY; REPORTING
TRANSFERS]

SECTION 1. That any person owning or possessing a pistol, revolver or short-arm machine gun or sub-machine gun under his control or custody or upon his premises, shall within sixty days of the ratification [March 15, 1935] of this Act, come to the office of the Clerk of the Superior Court of the County, and register the same in the manner hereinafter provided. Where ownership or possession of a pistol, revolver or short-arm is acquired subsequent to the passage of this Act, the person so acquiring ownership or possession shall, within ten days after the purchase or transfer thereof, register the same in the manner hereinafter provided. Upon a subsequent sale or transfer of any registered pistol, revolver, short-arm machine gun or sub-machine gun the purchaser thereof shall within five days, report the same to the office of the Clerk of the Superior Court and cause such pistol, revolver or short-arm machine gun or sub-machine gun to be registered in the name of the new owner. The Clerk of the Superior Court may in his discretion require that the pistol, revolver, short-arm machine gun or sub-machine gun be presented to him for registration, such request to be made in written form.

[RECORD BOOK; CONTENTS]

Sec. 2. (a) That the Clerk of the Superior Court shall keep a book to be provided by the Board of County Commissioners, in which he is to keep a record of all registrations of pistols, revolvers or short-arm machine guns or sub-machine guns made under this Act. The record in such books shall include the name of the owner, place of residence, age, date of registration, date and place of purchase, and description of the pistol, revolver, short-arm machine gun or sub-machine gun including the name of the make, model, manufacturer's number or other mark of identification.

[CERTIFICATE OF REGISTRATION; FORM OF CERTIFICATE; NO
CHARGE MADE]

(b) That the Clerk of the Superior Court shall issue to each owner so registering a pistol, revolver or short-arm machine gun or sub-machine gun a certificate of registration in the following form:

North Carolina
..... County

I,, Clerk of the Superior Court of said County, do hereby certify that, whose place of residence is Street in or in township, County, North Carolina, has registered the following described pistol, revolver, short-arm machine gun or sub-machine gun

This the day of, 19

Clerk Superior Court

The Clerk of the Superior Court shall make no charge for such registration and issuance of such certificate.

[FAILURE TO REGISTER MADE MISDEMEANOR]

SEC. 3. (a) Failure to register any pistol, revolver, short-arm machine gun or sub-machine gun in accordance with the provisions of this Act is hereby declared to be a misdemeanor and the owner thereof upon conviction shall be punished by fine or imprisonment at the discretion of the court.

[FAILURE TO REPORT MORTGAGE OF FIREARMS MADE MISDEMEANOR]

(b) Failure to report or make new registration of any pistol, revolver, short-arm machine gun or sub-machine gun pledged, deposited or mortgaged for the purpose of securing a loan or any gift of a pistol, revolver, short-arm machine gun or sub-machine gun within five days after making such mortgage, deposit, pledge, or gift shall be a misdemeanor.

[CONFISCATION UPON FAILURE TO REGISTER; RECLAIMING BY OWNER; DESTRUCTION OF FIREARMS UNCLAIMED]

SEC. 4. That all pistols, revolvers, short-arm machine guns or sub-machine guns not registered in the manner provided by this Act are subject to confiscation, and when such pistol, revolver, short-arm machine gun or sub-machine gun is found by any peace officer he shall impound it and hold the same for a period of ten days. If the owner shall appear and show a proper registration for said pistol, revolver, short-arm machine gun or sub-machine gun within the said ten days, such shall be returned to the owner. Otherwise, the Sheriff of the County shall destroy the same within the year.

[CONFISCATION UPON TRIAL FOR FELONY; DESTRUCTION]

SEC. 5. That upon arraignment for trial of any person for committing or attempting to commit a felony, any pistol, revolver, short-

arm machine gun or sub-machine gun found in his possession, custody or control shall be impounded by the peace officer and upon conviction, the pistol, revolver, short-arm machine gun or sub-machine gun so impounded, whether registered or unregistered, shall upon order of the court be confiscated and destroyed and the Sheriff of the County shall destroy the same within the year.

[MISDEMEANOR FOR ALTERING IDENTIFICATION MARKS]

SEC. 6. (a) That it shall be a misdemeanor for any person to change, alter or obliterate the name of the make, model, manufacturer's number or any other mark of identification on any pistol, revolver, short-arm machine gun or sub-machine gun and upon conviction may be punished by fine or imprisonment at the discretion of the court.

[CONFISCATION OF SUCH ARMS]

(b) That any pistol revolver, short-arm machine gun or sub-machine gun found to have been so changed or altered shall be subject to confiscation, and shall be destroyed as heretofore provided.

[ANTIQUES EXCEPTED]

SEC. 7. That this Act shall not apply to antique firearms unsuitable for use and possessed solely as curiosities or ornaments.

["PERSON" DEFINED; VALID PARTS OF ACT UPHOLD]

SEC. 8. That the word "person" as used in this Act, includes firm, partnership, association or corporation, and the masculine shall include the feminine and the neuter. If any part of this Act is for any reason declared void such invalidity shall not affect the remaining portions of the Act.

[AS TO DURHAM COUNTY ONLY]

SEC. 9. That the provisions of this Act shall apply only to the County of Durham.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, A.D. 1935.

Elizabeth

6-3.1. Public safety. It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business. All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed

merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Greensboro

11-64. Dealers in pistols, etc.

Every person who is engaged in the business of keeping in stock, selling, or offering for sale any of the articles or commodities enumerated in this section shall pay a license tax of:

For pistols\$50.00

For blank cartridge pistols ..\$50.00

If such person deals only in metallic cartridges the tax shall be five dollars (\$5.00).

High Point

(131) Weapons, dealer is. (Every person who is engaged in the business of keeping in stock, selling, and/or offering for sale any pistols, blank cartridge pistols, or metallic cartridges, must apply for and obtain from the city collector a license and pay the required tax)

Ocean Isle Beach

Now, therefore, be it further resolved that the following gun control law be adopted by the Town Council of the Town of Ocean Isle Beach.

(a) No person with the exception of a law enforcement officer shall have in his possession either concealed or otherwise, a firearm, by way of illustration and not by way of limitation specifically including shotgun, rifle, handgun, sawed-off shotgun, or any other like firearm in any public place within the Town limits of the Town of Ocean Isle Beach.

Winston-Salem

Sec. 12-15. Regulations governing the sale and use of * * * guns * * * . (d) Any person selling a rifle or shotgun, or ammunition therefor, to a minor or to an adult for use by a minor shall register the name and address of the purchaser in a book kept for that purpose. In addition, before the sale is made, the seller shall obtain and file a certificate signed by a parent, the legal guardian or other adult person having custody of the minor purchaser or, if the purchase is being made by an adult person, then by the purchaser, giving the name and address and social security or driver's license number of the person signing * * *

North Dakota

State Law

ND Century Code

Title 62.1 Weapons

CHAPTER 62.1-01. DEFINITIONS — GENERAL PROVISIONS

62.1-01-01. General definitions. As used in this title, unless the context otherwise requires: * * *

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 is 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 gaming 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 having a barrel less than sixteen inches [40.64 centimeters] long that is not designed to be fired from the shoulder.

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 violations of law.

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 gunrack as long as the handgun is not covered or is 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 inoperative 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 [66.04 centimeters].

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 [66.04 centimeters].

14. "Shotgun" means a 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 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.

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. * * *

62.1-01-03. Limitation on authority of political subdivision regarding firearm. 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. Who not to possess firearms — Penalty.

1. A person who has been convicted anywhere for a felony involving violence or intimidation,

as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control for a period of ten years from the date of conviction or release from incarceration or probation, whichever is the latter.

2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control for a period of five years from the date of conviction or release from incarceration or probation, whichever is the latter.

3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in North Dakota or elsewhere by a court of competent jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a mentally deficient person as defined in section 25-01-01, is prohibited from purchasing a firearm or having one in possession or under control. This limitation does not apply to a person who has not suffered from the disability for the previous three years.

4. A person under the age of eighteen years may not possess a handgun except that such a person may, while under the direct supervision of an adult, 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 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended or deferred imposition of sentence in accordance with sections 12-53-13 through 12-53-19 or placed the defendant on probation, granted a conditional discharge in accordance with section 19-03.1-30, or the defendant's conviction has been reduced in accordance with subsection 9 of section 12.1-32-02.

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. Any person who violates this section is guilty of a class A misdemeanor.

62.1-02-03. Possession or sale 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. This section does not apply to a law enforcement 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 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 or uses a short-barreled rifle or 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]. * * *

62.1-02-08. Illegal firearms, ammunition, or explosive materials business.

1. A person is guilty of an offense if the person supplies a firearm, ammunition, or explosive material to, or procures or receives

a firearm, ammunition, or explosive material for, a person prohibited by this title from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited by section 62.1-02-01 from receiving or possessing it.

2. The offense is a class C felony if the actor:

a. Was not licensed or otherwise authorized by law to handle, transfer, or engage in transactions with respect to the firearm, destructive device, or explosive material; or

b. Engaged in the forbidden transaction under circumstances manifesting the actor's readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a class A misdemeanor. * * *

CHAPTER 62.1-03, HANDGUNS

62.1-03-02. Selling handgun to minors prohibited — Penalty.

Any person who sells, barter, hires, lends, or gives any handgun to any minor is guilty of a class A misdemeanor. This section does not prohibit a person from lending or giving a handgun to a minor if the minor will be using the handgun under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.

62.1-03-03. Copy of federal license submitted to law enforcement officials.

A retail dealer licensed to sell handguns by the federal government shall send a copy of the license, within seven days after receiving it, to the chief of police of the city and the sheriff of the county in which the dealer is licensed to sell handguns.

62.1-03-04. 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.

62.1-03-05. Prohibited alterations in handgun.

No person may change, alter, remove, or obliterate any mark of identification on a handgun, such as the name of the maker, model, or manufacturer's number or knowingly possess a handgun on which such alterations have been made. Possession of any handgun upon which any such identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations. * * *

CHAPTER 62.1-04. CONCEALED WEAPONS

62.1-04-01. Definition of concealed.

A firearm or dangerous weapon is concealed if it is carried in such a manner as to not be discernible by the ordinary observation of a passerby. There is no requirement that there be absolute invisibility of the firearm or dangerous weapon, merely that it not be ordinarily discernible. A firearm or dangerous weapon is considered concealed if it is not secured, and is worn under clothing or carried in a bundle that is held or carried by the individual, or transported in a vehicle under the individual's control or direction and available to the individual, including beneath the seat or in a glove compartment. A firearm or dangerous weapon is not considered concealed if it is:

1. Carried in a belt holster which is wholly or substantially visible or carried in a case designed for carrying a firearm or dangerous weapon and which is wholly or substantially visible;

2. Locked in a closed trunk or luggage compartment of a motor vehicle;

3. Carried in the field while lawfully engaged in hunting, trapping, or target shooting, whether visible or not; or

4. Carried by any person permitted by law to possess a handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair, or back from those locations.

5. A bow and arrow, an unloaded rifle or shotgun, or an unloaded 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 commonly referred to as a BB gun, air rifle, or CO₂U gun, while carried in a motor vehicle. * * *

CHAPTER 62.1-05. MACHINE GUNS, AUTOMATIC RIFLES, SILENCERS, BOMBS

62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs — Penalty. 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 federally 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 a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases or any other federally licensed firearm or dangerous weapon 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. * * *

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.

Fargo

ARTICLE 25-27: SALE OF PISTOLS

25-2701. "Pistol" defined. — The term "pistol" as used in this article means any

firearm having a barrel less than twelve inches long.

25-2702. License to sell pistols required — Expiration of license. — No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2703. Who may obtain license. — No one may obtain a license to sell pistols within the city without first being licensed by the government of the United States to sell pistols, said federal license to be exhibited to the city auditor of the city, and unless applicant is a resident of Fargo and has been such resident for at least one year last past.

25-2704. Conditions on which license shall be issued — Forfeiture. — A license to sell pistols shall be issued subject to the following conditions, for the breach of any of which the license shall be forfeited:

A. The business shall be carried on in the building designated in the license only.

B. The license, or a copy thereof certified by the city auditor, shall be displayed on the premises where it can easily be read.

C. No pistol shall be delivered

(1) on the day of the application for the purchase;

(2) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; or

(3) unless the purchaser shall exhibit a license to carry a pistol.

D. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purposes. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and the name, address, and occupation of the purchaser. One copy of said record, within seven days, shall be forwarded by registered mail to the secretary of state and one copy thereof shall be forwarded to the chief of police of the city of Fargo, or the sheriff of Cass County, North Dakota, and the other copy shall be retained for six years; and

E. No pistol, or imitation thereof, or placard advertising the sale or other transfer thereof shall be displayed in any part of said premises where it can readily be seen from the outside.

25-2705. Regulation of sales of pistols by dealer or individuals. — No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

A. Exhibit a license to carry a pistol; or

B. Be one of the persons exempted under the provisions of [former] section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol and the caliber, make, model, and manufacturer's number of the pistol. The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the secretary of state, the duplicate to the chief of police of the city or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years.

25-2706. Application for license. — Any person, firm, or corporation desiring a license to sell pistols shall make and file a verified written application to the city auditor of the city of Fargo, stating his name, residence, citizenship, and if a naturalized United States citizen, the date he acquired citizenship, location and place of business, length of time in business in Fargo, whether operating as an individual, partnership, or corporation, and if a partnership, the names of all the partners, and if a corporation, the names and addresses of the officers of the corporation. The applicant shall also state in such application that he has read and understands all the provisions of this article and of chapter 62-01* of the North Dakota Century Code, and that he will follow all the provisions of this article and the state law relative to the possession and sale of pistols.

*[Check with city authorities for current chapter.]

25-2707. License fee. — The license fee for the license herein required shall be as established by resolution of the board of city commissioners and shall be payable in cash to the city auditor at the time of the filing of the application for license and shall be returned to the applicant in the event said application is not granted.

25-2708. Penalty. — Any person, firm, or corporation guilty of violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not to exceed \$100, or imprisonment not to exceed ninety days, or both such fine and imprisonment in the discretion of the court; the court to have the power to suspend said sentence and to revoke the suspension thereof.

Northern Marianas

Territorial Law

Trust Territory Code

Title 63. Public Health, Safety and Welfare

Chapter 8. Weapons

COMPILER'S NOTE:

In a plebiscite held on June 17, 1975, the people of the Northern Mariana Islands approved a covenant to establish a "Commonwealth of the Northern Mariana Islands in Political Union with the United States." On March 24, 1976, the laws of the United States were made applicable to the Northern Mariana Islands by the United States Congress. The firearms laws of the Trust Territory of the Pacific Islands (set out below) remain in force and effect until altered or repealed by the Northern Mariana Islands Legislature.

551. Short title. This chapter is known and may be cited as the "Trust Territory Weapons Control Act."

552. Manufacture, sale or possession of firearms and dangerous devices. No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided.

553. Exemptions from provisions of chapter. This chapter shall not apply to:

(1) Law enforcement officers while engaged on official duty except to the extent that particular provisions of this chapter are expressly made applicable to them.

(2) Firearms which are in unserviceable condition and which are incapable of being fired or discharged and which are kept as curios, ornaments or for their historical significance or value.

(3) Weapons or other dangerous devices which are not firearms and which are kept as ornaments, curios, or objects of historical or archeological interest; **provided**, that the article or articles referred to herein are kept or displayed only in private homes, museums, or in connection with public exhibitions.

(4) Persons in the armed forces of the United States, whenever such persons are engaged on official duty except to the extent that particular provisions of this chapter are expressly made applicable to them.

(5) Persons designated by the Attorney General as crocodile hunters; **Provided, however**, that not more than one person shall be so designated at any one time; **And provided further** that the Attorney General shall by regulation limit the size and type of weapons which may be used by such crocodile hunter.

554. Definitions.

(1) "**Firearm**" means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, linethrowing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air.

(2) "**Dangerous device**" means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, or any instru-

ment designed or redesigned for use as a weapon.

(3) "**Handgun**" means a pistol or revolver with an overall length of less than twenty-six inches.

(4) "**Long gun**" means a rifle with one or more barrels more than eighteen inches in length.

(5) "**Gun**" means a handgun or long gun.

(6) "**Transfer**" means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

(7) "**Carry**" means having on one's person or in a motor vehicle or other conveyance.

(8) "**Automatic Weapon**" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle, by one continued movement of the trigger or firing mechanism.

(9) "**Semi-automatic Weapon**" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.

(10) "**Person**" means any natural person, corporation, partnership, or other business entity.

555. Identification cards.

(1) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition. * * *

556. Identification card prerequisite to purchase, possession and use * * * No person shall purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this chapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least twenty-one years of age. * * *

558. New residents, temporary residents and visitors of the Trust Territory. Visitors, new residents, and temporary residents in the Trust Territory shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Trust Territory without an identification card issued pursuant to this chapter. Any person who possesses any firearms, dangerous device, or ammunition shall, before or immediately upon his entrance into the Trust Territory, turn it in to the Attorney General's office or the chief of police of any district of the Trust Territory. Such firearm, dangerous device or ammunition shall be returned to such person upon his being issued an identification card pursuant to

the provisions of this chapter or upon his departure from the Trust Territory.

559. Law enforcement officers.

(1) Possession, use and carriage of firearms, ammunition and dangerous devices by law enforcement officers derives from the laws governing the powers, functions and organization of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this chapter or in regulations pursuant thereto.

(2) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in subsection (1) of this section, be subject to the provisions of this chapter and regulations made pursuant thereto.

(3) The head of a law enforcement agency of the Trust Territory or any subdivision thereof shall furnish to the office of the Attorney General the names, addresses, ranks and badge numbers or similar identification of each person on his force who is authorized to possess, use and carry firearms in the course of his official duty. Upon the occurrence of any changes in personnel to whom this subsection applies, the head of the law enforcement agency shall inform the office of the Attorney General promptly of the change.

(4) Whenever a law enforcement officer is not engaged on official duties, this chapter shall be applicable to him in the same manner and to the same extent as to any other person.

560. Licenses for transfer; required.

(1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this section.

(2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the office of the Attorney General * * *

563. Records and reports by dealers.

(1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with 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 such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the office of the Attorney General and his duly designated representatives. Such records shall be retained at least 5 years.

(2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within twenty-four hours of the transfer, sup-

ply the following information to the office of the Attorney General on a form approved by it.

(a) The name, address and license number of the dealer.

(b) The manufacturer, type and serial number of firearm or dangerous device transferred. No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(c) The name, address and identification card number of the transferee.

564. Repair of firearms.

(1) No person, other than a dealer or manufacturer licensed pursuant to this act, shall repair firearms or accept the same for repair.

(2) No person shall accept any firearms for repair, unless he 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 such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to section 563 of this title, and shall maintain such record for at least 1 year.

(3) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof.

565. Transfer or sale of ammunition.

(1) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer, licensed pursuant to this chapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor 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 transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the transferee's identification card.

(2) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this chapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this section for ammunition sold by him.

566. Private sales or transfers. No person other than a manufacturer, wholesaler or dealer licensed pursuant to this chapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this chapter. Prior to any such transfer, the transferor shall furnish to the office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

567. Receipt or use as security.

(1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.

(2) A dealer receiving a firearm as a pledge, pawn, or otherwise as security, shall record promptly the date of receipt; the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any; the name and address of the person making the pledge, pawn, or other deposit as security; and the number of said person's identification card. No dealer shall

accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.

(3) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved.

568. Manufacturers and wholesalers.

(1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:

(a) He is the holder of a dealer's license issued pursuant to section 561 of this title; or

(b) He is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, and not the holder of a dealer's license, shall make application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license, and any additional information required by the Attorney General as may be appropriate to administer this chapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Trust Territory except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Trust Territory or, subject to applicable laws of the Trust Territory, for export.

(3) The office of the Attorney General shall issue, renew, cancel, deny, suspend and revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(4) Every manufacturer shall assign a unique serial number to each firearm manufactured by him and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration. The office of the Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription.

569. Registry of firearms and ammunition.

(1) The office of the Attorney General 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.

(2) Records kept in the registry shall include all records required to be filed with the office of the Attorney General pursuant to this chapter, copies of all records filed with an agency or officer of local government pursuant to this chapter, and any records deposited with the office of the Attorney General pursuant to subsection (3) of this Section.

(3) Any dealer, manufacturer or wholesaler licensed pursuant to this chapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this chapter to the office of the Attorney General. * * *

570. Cancellation, denial, suspension and revocation of licenses.

(1) Any license issued pursuant to this chapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisi-

tion for sale or repair of firearms and the sale of ammunition.

(2) The issuing officer or agency may deny, suspend or revoke an 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 chapter or regulations in force pursuant thereto. * * *

571. Shipment and delivery of firearms, dangerous devices and ammunition.

(1) No person shall 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.

(2) Any person who ships, transports or delivers firearms, dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such 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.

(3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition to each type in the shipment.

(4) If shipment is by common carrier, a copy of the invoice required by Subsections (2) and (3) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the district chief of police who will verify the accuracy of the shipment, and compliance with this chapter, 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 of delivery.

(5) 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 of delivery.

(6) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition.

572. Loss, destruction or theft of firearms or dangerous devices. Whoever owns or possesses a firearm or dangerous device shall within twenty-four hours of discovery, notify the office of the Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.

573. Prohibited acts. No person shall:

(1) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.

(2) Knowingly deface, alter or destroy an identification card.

(3) Acquire, possess or use any firearm silencer or muffler.

(4) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.

(5) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge, or any other firearm.

(6) Board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device, or ammunition, and the type and quantity turned in. Upon completion of such person's travel, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the police chief

of the district in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon either

(a) Presentation of a valid identification card or license for such article or articles to the police officer having custody thereof, or (b) departure from the district. * * *

576. Registration of weapons possessed on effective date of chapter.

(1) Any person having in his possession a firearm or dangerous device on the effective date of this chapter shall, within 90 days of such effective date, furnish on a form approved by the office of the Attorney General to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this chapter, equivalent information concerning any firearm or dangerous device in his possession. * * *

578. Local laws. Nothing in this chapter shall be deemed to prevent any district or municipality 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 chapter. * * *

580. Fees. The fees for issuance and renewal of licenses and identification cards as required by this chapter shall as follows:

(1) for a identification card, \$20;

(2) for a dealer's license, \$150;

(3) for a manufacturer's license, \$500;

(4) for a wholesaler's license, \$500;

(5) for replacement of lost, destroyed, or defaced identification card, \$5. * * *

581. Penalties. * * * The holder of any dealer's license or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

Ohio

State Law

OH Revised Code

Title 29. Crimes — Procedure

Chapter 2923. 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 specifically 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 while being held in one hand.

(D) "**Semi-automatic firearm**" means any firearm designed or specifically 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. "**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 long-rifle cartridges.

(F) "**Sawed-off firearms**" 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, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling 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.

(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 blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "**Incendiary device**" means any fire-bomb, 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 ordnance**" means any of the following, except as provided in division (K) 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, tritonal, tetrytol, pentolite, pectretol, cyclitol, 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 brisance 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 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.

(K) "**Dangerous ordnance**" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, 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 division (K)(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 reenact-

ments thereof, and regulations issued thereunder.

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 or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(C) 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 his 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. * * * [Contact county authorities for application information] * * *

2923.17 Unlawful possession of dangerous ordnance.

(A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) 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, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and

any amendments or additions thereto or reenactments thereof, and regulations issued thereunder. [;]

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a felony of the fourth degree.

2923.18 License or permit to possess dangerous ordnance.

(A) Upon application 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, and upon payment 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, 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 issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper 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 description 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.

* * * * *

APPLICATION TO ACQUIRE, POSSESS, CARRY OR USE DANGEROUS ORDNANCE Ohio Revised Code, §2923.18

NAME: Last . . . First . . . Middle . . . DOB: . . .
ADDRESS: Number & Street . . . City . . .
County . . . State . . . ZIP . . . OCCUPATION: . . .
D.B.A. (Doing Business As): . . .

DESCRIPTION OF DANGEROUS ORDNANCE: . . .
PLACE/PLACES TO BE KEPT OR CARRIED: . . .
PLACE/PLACES ORDNANCE TO BE USED: . . .
PURPOSES FOR USE OF DANGEROUS ORDNANCE: . . .
COMPETENCE OF PERSON USING ORDNANCE: . . .

This is a TEMPORARY PERMIT
Expiring . . ., 19 . . .; Fee Paid: \$5.00
[OR]

This is a LICENSE
Expiring . . ., 19 . . .; Fee Paid: \$50.00
I certify that I am not a fugitive from justice, am not under indictment or have not been convicted of any felony of violence or for any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, nor am I a drug dependent person, chronic alcoholic, in danger of being drug dependent, or under adjudication of mental incompetence.

DATE: . . ., 19 . . .
SIGNATURE OF APPLICANT: . . .
Sworn to Before Me, a Notary Public,
This . . . Day of . . ., 19 . . .
SIGNATURE OF NOTARY PUBLIC: . . .
My Commission Expires on . . ., 19 . . .
APPROVED

For Acquiring, Possessing, Carrying, or Using the Listed Dangerous Ordinance:
COUNTY . . . SHERIFF . . .

* * * * *

(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 authority as required by divisions (A)(4) and (5) of section 2923.20 of the Revised Code.

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.

2923.20 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; * * *

(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 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;

(5) 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 division (A)(1) or (2) of this section is a felony of the third degree. Violation of division (A)(3) or (4) of this section is a misdemeanor of the second degree. Violation of division (A)(5) of this section is a misdemeanor of the fourth degree.

2923.21 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.

THE CITIES LISTED BELOW HAVE ENACTED EXTRACTS OF OHIO STATE LAW.

"(R)" means repealed, "*" means an additional listing.

Ohio Code §2923	AKRON* §137	ASHLAND §549	AVON LAKE §672	BAY VILLAGE §549	BEACH- WOOD §672	BELLE- FONTAIN §549	BROOK PARK §549	BUCYRUS §549	CANTON §549	CINCI- NATTI* §549
.11	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
.17	—	(R)	—	.05	(R)	(R)	(R)	(R)	(R)	(R)
.18	.06	—	.05	—	.07	—	—	—	—	—
.20	—	.06	.07	.07	.09	.07	.07	.07	.07	.07
.21	—	.07	.08	.08	.10	.08	.08	.08	.08	.08
Ohio Code §2923	COLUMBUS* §2323	DAYTON* §138	DELAWARE §549	FAIR- FIELD §549	GREEN- VILLE §672	KENT* §549	KETTER- ING §672	LYND HURST §672	MAYFIELD HEIGHTS* §549	MANS- FIELD §549
.11	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
.17	.05	—	—	—	(R)	.05	.05	(R)	.05	—
.18	—	—	—	—	.07	—	.07	.07	—	—
.20	—	.06	.06	.06	.09	.07	.09	.09	.07	.06
.21	—	.07	.07	.07	.10	.08	.10	.10	.08	.07
Ohio Code §2923	MASSILLON §549	MIAMIS- BURG §549	NORTH CANTON §549	N. RIDGE- VILLE §513	PARMA HEIGHTS §672	PIQUA §134	RAVENNA §549	REYNOLDS- BURG §549	SEVEN HILLS §549	SHAKER HEIGHTS* §749
.11	.01	.01	.01	.01	.01	.01	—	.01	.01	.01
.17	—	(R)	—	—	—	.06	—	—	(R)	(R)
.18	—	—	—	—	.07	—	—	—	—	—
.20	.06	.07	.06	.06	—	.08	.07	.06	.07	.07
.21	.07	.08	.07	.07	—	.09	.08	.07	.08	.08
Ohio Code §2923	SOUTH EUCLED* §672	STOW §137	SYLVANIA §549	TOLEDO* §549	WARREN* §549	WASH- INGTON §549	WHITE- HALL* §549	WESTER- VILLE §523	WORTHING- TON §549	ZANES- VILLE §549
.11	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
.17	(R)	.16	—	—	(R)	(R)	.05	(R)	—	(R)
.18	.07	.06	—	—	—	—	—	—	—	—
.20	.09	.08	.06	.06	.07	.07	.07	.08	.06	.07
.21	.10	.09	.07	.07	.08	.08	.08	.09	.07	.08

COMPILER'S NOTES:

1. The following jurisdictions 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) [An asterisk (*) next to a name indicates another listing]

Cincinnati*	Montgomery*
Cleveland*	South Euclid*
Columbus*	Toledo*
Dayton*	University Heights*
East Cleveland*	Youngstown*
Kent*	

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Akron*(f)=Handgun retailing for less than \$50 and melts/deforms at less than 800° F.
 Kent*(f)=Handgun having barrel 3 in. or less or retalling for less than \$80 or melts/deforms at less than 800° F. or [* * * contact city].

3. The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers. Contact the city of interest to determine the time period involved [An asterisk (*) next to a name indicates another listing]

— HANDGUN (or, RESTRICTED WEAPONS) OWNER'S IDENTIFICATION CARD —

Cleveland*	Toledo*
Dayton*	University Heights*

4. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Cleveland*	Shaker Heights*
Columbus*	South Euclid*
Dayton*	Toledo*
East Cleveland*	University Heights*
Kent*	Whitehall*
Mayfield Heights*	

5. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Cincinnati*	Toledo*
Cleveland*	University Heights*
Columbus*	Youngstown*
South Euclid*	

6. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Cincinnati*(a),(b)	Shaker Heights*(a)
Cleveland*(a),(b)	South Euclid*(a)
Columbus*(a),(b)	Toledo*(a),(b)
East Cleveland*(a)	Whitehall*(a)
Kent*(a)	Youngstown*(a)
Mayfield Heights*(a)	

7. It is unlawful to sell or possess or receive weapons without a serial number or with the serial number obliterated in the following jurisdictions [An asterisk (*) next to a name indicates another listing]

Cincinnati*	Montgomery*
Cleveland*	Shaker Heights*

Oklahoma

State Law

OK Stat. Ann.

Title 21. Crimes and Punishments

(Chapter 53) Manufacturing, Selling and Wearing Weapons

1273. Selling weapons to minors.

It shall be unlawful for any person within this state, to sell or give to any minor any * * * pistol, revolver * * * or any other offensive weapon. * * *

1283. Persons convicted of a felony prohibited from carrying firearms. It shall be unlawful for any person having previously been convicted of any felony in any court of a state or the United States to have in his possession or under his immediate control, or in any vehicle which he is operating, or in which he is riding as a passenger, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile. For the purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length. * * *

1289.1 Oklahoma Firearms Act of 1971. This act may be known and cited as the "Oklahoma Firearms Act of 1971."

1289.3 "Pistols" defined. "Pistols" as used herein 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 flare guns, underwater fishing guns or blank pistols.

1289.4 "Rifles" defined. "Rifles" as used herein 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 "Shotguns" defined. "Shotguns" as used herein shall mean any firearms 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 multiple projectiles such as "shot" will be regarded as a "shotgun".

1289.10. Furnishing firearms to mentally incompetent or insane persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotguns, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane. * * *

1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs — Displaying notice. 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, nor shall it be lawful 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 sale, trade or transfer. * * *

1289.18. Sawed-off shotgun and sawed-off rifle defined — Violations — Penalties.

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, and using either gunpowder, gas or any means of rocket propulsion.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels 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 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

authorized the making or transfer of the particular firearm to the defendant, which indicates the registration of the firearm to said defendant pursuant to the National Firearms Act, is introduced.

1289.19 Restricted bullet and body armor defined.

As used in this act:

1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluoro-carbon 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) plies or more 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, importation or advertisement for sale of restricted bullets — Penalty.

A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state

any restricted bullet as defined in [§1289.19]. * * *

1289.21 Use of attempted use of restricted bullet — Penalty.

A. It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in [§ 1289.19]. * * *

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. The State Legislature hereby occupies and preempts 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. Any existing or future orders, ordinances, or regulations in this field except as provided for in subsection C of this section are null and void. **Provided**

however, a municipality may adopt any ordinance relating to the discharge of firearms within the jurisdiction of the municipality.

B. No 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.

C. 1. Nothing contained in this section shall prohibit any ordinance of any municipality which conforms exactly, except for penalty provisions, with any of the provisions of Sections 1272 through 1289.23 of Title 21 of the Oklahoma Statutes.

2. Nothing contained in this section shall 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. * * *

Oregon

State Law

OR Rev. Stat.

TITLE 16. CRIMES AND PUNISHMENTS

CHAPTER 166. OFFENSES AGAINST PUBLIC ORDER; FIREARMS AND OTHER WEAPONS

POSSESSION AND USE OF FIREARMS

166.210 Definitions for ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470. As used in ORS 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470:

(1) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

(2) "Pistol," "revolver" and "firearm capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(3) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250 Unlawful possession of firearms.

(1) Except as otherwise provided in this section, ORS 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm if the person knowingly:

(a) Possesses or has in possession any machine gun not registered as required under federal law; * * *

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so sum-

moned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organization.

(7) 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.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

(9) 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.

166.270 Certain exconvicts forbidden to possess arms.

(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 that is a shotgun having a barrel less than 18 inches in length, any other firearm having a barrel less than 16 inches in length, any firearm having a total length of less than 26 inches, any

firearm designed to be fired other than from the shoulder or any machine gun, commits the crime of exconvict in possession of a firearm. * * *

(3) For the purposes of this section, a person "has been convicted of a felony" if, at the time of conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:

(a) At the time of conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or

(b) The offense was for possession of marijuana.

(4) Subsection (1) of this section shall not apply to any person who has been 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 the possession or use of a firearm or switchblade knife, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section. * * *

SALE OR TRANSFER OF FIREARMS

166.410 Manufacture, importation, sale, gift, loan or possession of firearms. Any person who manufactures or causes to be manufactured within this state, or who imports into this state, or keeps, offers, exposes for sale, gives, lends or possesses a pistol, revolver or machine gun, otherwise than in accordance with ORS 166.250 to 166.270, 166.280, 166.290 and 166.420 to 166.470, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained.

(1) Except as provided in subsection (5) of this section every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether he is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered the time, date and place of sale, the name of the salesman making the sale, the make, model, manufacturer's number, caliber or other marks of identification on the pistol, revolver or other firearm. The register shall be prepared by and obtained from the State Printer in the form provided in subsection (6) of this section, and shall be furnished by the State Printer to the dealer on application at a cost of \$3 per 100 leaves, in duplicate.

(2) The purchaser of any firearm capable of being concealed upon the person 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 signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. * * *

(5) This section does not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, county, town or municipal corporation wherein they are situated.

(6) The register provided for in this section shall be substantially in the following form:

* * * * *

[ORS §166.420(6)]

Series No. . . .
Sheet No. . . .

ORIGINAL
(DEALERS' RECORD OF SALE OF REVOLVER
OR PISTOL)
State of Oregon

Notice to Dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

SOLD BY: SALESMAN
CITY, TOWN OR TOWNSHIP:
DESCRIPTION (state whether revolver or pistol):
MAKER NUMBER CALIBER
NAME OF PURCHASER: AGE: years
PERMANENT ADDRESS (state name of city, town or township, street and number of dwelling)
HEIGHT: Feet Inches OCCUPATION:
COLOR: Skin Eyes Hair
IF TRAVELING, OR IN LOCALITY TEMPORARILY, GIVE LOCAL ADDRESS
SIGNATURE OF PURCHASER:

(Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)

WITNESS: SALESMAN
(To be signed in duplicate)

Series No. . . .
Sheet No. . . .

DUPLICATE
(DEALERS' RECORD OF SALE OF REVOLVER
OR PISTOL)
State of Oregon

Notice to Dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

SOLD BY: SALESMAN
CITY, TOWN OR TOWNSHIP:
DESCRIPTION (state whether revolver or pistol):
MAKER NUMBER CALIBER
NAME OF PURCHASER: AGE: years
PERMANENT ADDRESS (state name of city, town or township, street and number of dwelling)
HEIGHT: Feet Inches OCCUPATION:
COLOR: Skin Eyes Hair
IF TRAVELING, OR IN LOCALITY TEMPORARILY, GIVE LOCAL ADDRESS
SIGNATURE OF PURCHASER:
(Signing a fictitious name or address is a misdemeanor. To be signed in duplicate.)
WITNESS: SALESMAN
(To be signed in duplicate)

* * * * *

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within 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 licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(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 where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents 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 or on any part of the premises where it can readily be seen from outside the premises.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.450 Obliteration or change of identification marks on firearms. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same as

been changed, altered, removed or obliterated, is presumptive evidence that the possessor or has changed, altered, removed or obliterated the same.

166.460 Antique firearms excepted. ORS 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barter or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barter or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barter 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. * * *

TITLE 38. PROTECTION FROM FIRE

CHAPTER 480. EXPLOSIVES; FLAMMABLE MATERIALS * * *

480.070 Fire bombs prohibited; exceptions.

(1) No person shall possess a fire bomb. For the purpose of this section, 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 authorized 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.

Klamath Falls

5.200 Definitions. * * * **Sawed-off firearm.** Any shotgun having a barrel or barrels of less than 18 inches in length, measured from the breach to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length, measured from the breach to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration or otherwise, if such firearm as modified has an overall length of less than 26 inches.

5.226 Sawed-off firearms. No person shall knowingly possess a sawed-off firearm.

5.228 Exceptions. (1) Section * * * 5.226 shall not apply to sheriffs, deputies, constables, marshals, police officers, or any other duly appointed peace officers, or to any person summoned by such officer to assist in making an arrest or in preserving the peace, while such person is engaged in assisting such officers. * * *

Pendleton

ORDINANCE NO. 3232

411. License required. No person in the business of selling at retail shall sell at retail within the City pistols, revolvers and other firearms capable of being concealed upon the person without first obtaining a license from the City Recorder in a form prescribed by the Oregon Attorney General, subject to the conditions of Sections 412 and 413 of this Ordinance and applicable to State law.

412 A-E same as 166.430(1)-(5)

Portland

14.32.040 Explosives and fire bombs.

(a) As used in this section:

(1) **"Explosives"** means any substance or material that on ignition by heat, impact, friction or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

(2) **"Fire bomb"** means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Fahrenheit or less, that is capable of being ignited by an integral wick or similar device or that is capable of being ignited if the container is broken by impact, but no device commercially manufactured primarily for the purpose of illumination shall be deemed a fire bomb.

(b) For the purpose of this Section, the tests for flammable or combustible liquid or jelly or other mixture or substance shall be as follows:

When a strip of incombustible asbestos paper, approximately 1 inch in width, is dipped in or otherwise saturated with a flammable or combustible liquid or jelly or other mixture of substance, and is held approximately 1/2 inch above the top of a flame of a single ordinary paper book match and, as a result of the heat of the paper match flame, the combustible material on the incombustible asbestos paper strip ignites and burns within 15 seconds of exposure to the paper match flame.

(c) It is unlawful for any person, other than a peace officer or a member of the armed forces of this state or of the United States, to

use, possess or have under his control an explosive or fire bomb.

(d) This section does not apply to the possession of explosives of fire bombs otherwise authorized by this code or Oregon law.

Springfield

ARTICLE 20. WEAPONS DEALERS

8-20-1 Definition. A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character.

Any person selling or offering for sale a firearm bought for lawful personal use or purchasing a firearm for lawful personal use, and engaging in not more than two sales transactions per year shall not be subject to the provisions of this article nor considered to be a weapons dealer.

8-20-2 Licenses. It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the City recorder to do so.

8-20-3 License Fee. Any person applying for a license under this section shall pay the finance director an application fee of \$12.00 for the first year to include the cost of investigation of the applicant and shall pay a permit fee of \$50.00 per annum for the year of application and for each year thereafter.

8-20-4 License Application.

(1) Every person desiring to engage in a business as a weapons dealer before engaging in such business shall file his application with the city recorder. Applicant shall state his name, residence address and address of location of his business and the name or names of the owner or owners thereof.

(2) Such application shall be referred to the chief of police, who shall cause an investigation to be made as to the reputation of the applicant as a law-abiding citizen and shall ascertain from the applicant the character of the place which he intends to operate. The chief of police shall approve or disapprove the application and return it to the city recorder.

(3) In case of disapproval, the applicant may then appeal to the city council the refusal to grant the license. The council shall thereupon hold a hearing of all matters pertinent thereto and notify the applicant to attend and present his case. The council shall then determine whether the findings of the chief of police are correct, in which case they shall sustain such findings, and if incorrect, shall reverse them and direct a license to be issued.

8-20-5 Condition of License. Every license issued to a business dealing in weap-

ons is issued upon the following terms and conditions:

(a) The licensee shall observe all city, state and federal laws relating to the business of dealing in deadly weapons or firearms.

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxicated or under any obvious abnormal mental condition.

(d) The business shall be carried on only in the building designated in the license.

(e) The license, or a copy thereof, certified by the finance officer, shall be displayed on the premises where it can easily be read.

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and, when delivered, shall be unloaded and securely wrapped.

(g) No dealer in weapons shall sell or dispose of any weapon, without keeping a record which shall be available to any City police officer. Such record shall give a complete description of the weapon, showing caliber, serial number, name of manufacturer, name, age, height, weight, color of hair and eyes, visible marks or scars and address of person to whom sold, and date of sale.

(h) The City recorder is hereby authorized and directed to prepare blanks in tabulated form, to be filled out in ink by the licensed merchants necessary for the ready identification of goods purchased by them or consigned to them. Weapons purchased or acquired from a factory or distributor are exempt from the provisions of this section. Each such merchant shall make up a record of all purchases of weapons or weapons taken upon consignment as determined necessary by the Police Department at the time purchased, or time of taking weapons upon consignment, upon the forms provided by the City Recorder and keep them in an orderly manner for delivery to the Police Department or its authorized representative upon request. Such merchant shall require the seller or consignor to sign the form reporting the purchase or consignment of the merchandise and to affix his/her post office address to the form.

Pennsylvania

State Law

PA Stat. Ann. (Purdon's)

Title 18. Crimes and Offenses

CHAPTER 9. INCHOATE CRIMES

907. Possessing instruments of crime.

(a) **Criminal instruments generally.**— A person commits a misdemeanor of the first degree if he possesses any instrument of crime with intent to employ it criminally.

(b) **Possession of weapon.**— A person commits a misdemeanor of the first degree if he possesses a firearm or other weapon

concealed upon his person with intent to employ it criminally.

(c) **Definitions — RMAs used in this section the following words and phrases shall have the meanings given to them in this subsection:**

"Instrument of crime."

(1) Anything specially made or specially adapted for criminal use; or

(2) anything commonly used for criminal purposes and possessed by the actor under circumstances not manifestly appropriate for lawful uses it may have.

"Weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a clip or

other component to render it immediately operable, and components which can readily be assembled into a weapon.

908. Prohibited offensive weapons.

(a) **Offense defined.** — A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exceptions.

(1) It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that, with the exception of a bomb, grenade or incendiary device, he complied with the National Firearms Act (26 U.S.C. §5801 et seq.), or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(2) This section does not apply to police forensic firearms experts, or police forensic firearms laboratories. Also exempt from this section are forensic firearms experts or forensic firearms laboratories operating in the ordinary course of business and engaged in lawful operation who notify in writing, on an annual basis, the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county in which they are located, of the possession, type and use of offensive weapons.

(c) **Definition.** — As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge * * * or other implement for the infliction of serious bodily injury which serves no common lawful purpose. * * *

CHAPTER 61. FIREARMS AND OTHER DANGEROUS ARTICLES

6101. Short title or subchapter. This subchapter shall be known, and may be cited as, the "Pennsylvania Uniform Firearms Act."

6102. Definitions. Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in the subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"**Firearm.**" Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"**Crime of violence.**" Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

6105. Former convict not to own a firearm, etc. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

6110. Persons to whom delivery shall not be made. No person shall deliver a firearm to any person under the age of 18 years, or to one 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.

6111. Sale of firearms.

(a) **Time and manner of delivery.** — No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) **Statement to be signed by purchaser.** — At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence * * *

(c) **Exemption.** — This section shall not apply to sales at wholesale.

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 without being licensed as provided in this subchapter.

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 not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale 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 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 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 his 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 person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

(6) No firearm or imitation thereof, or placard advertising the sale thereof, 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 shall find a clear and present danger to public safety within the commonwealth or any area thereof firearms, rifles and shotguns shall be stored by licensee during the hours when licensee is closed for business safeguarded pursuant to regulations to be established by the Pennsylvania State Police. * * *

6115. Loans on, or lending or giving firearms prohibited. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

6116. False evidence of identity.

No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

6117. Altering or obliterating marks of identification.

(a) **Offense defined.** — No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) **Presumption.** — 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 changed, altered, removed, or obliterated the same.

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 fire arms not to be carried without a license), nor shall it apply to the provisions of section 6105 (relating to former convict to own a firearm, etc.) if such antique firearms, reproductions or replicas of firearms are suitable for use.

(c) **Definition.** — For the purpose of this section "antique firearm" means:

(1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured on or before 1898; and

(2) Any replica of any firearm described in paragraph (1) if such replica:

(i) Is not designed or redesigned for using rim fire or conventional center fire fixed ammunition; or

(ii) 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. * * *

6120. Limitation on municipal regulation of firearms.

(a) **General rule.** — No county, municipality or township may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(b) **Definition.** — For the purposes of this section, the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

COMPILER'S NOTES:

1. Statute which provides, in pertinent part, that no county, municipality or township may in any manner regulate the lawful ownership, possession or transportation of firearms preempts local governments from such regulation. Therefore, city ordinance which regulated the acquisition and transfer of firearms in the city was invalid and unenforceable. Schneck v. City of Philadelphia, Pa. Cmwlth, 383 A.2d 227 (1978)

2. Opinion of the Pennsylvania Attorney General:

While Schneck, supra., appears to clearly establish state preemption in the field of firearms regulation, it must be remembered that Section 6120(a) merely prohibits local regulation of "ownership, possession or transportation" of firearms which is otherwise inconsistent with state law. Thus, not all local ordinances may be invalid. For example, a local ordinance

which prohibits the ownership of firearms by a person under the age of 18 would be consistent with the provisions of the Pennsylvania Uniform Firearms Act. See Pa.C.S.A. § 6110. Thus, the validity of each local or municipal ordinance must be determined on a case by case basis....Our research has shown that Schneck v. the City of Philadelphia, supra., appears to be the only Pennsylvania appellate court decision in this area. Thus, until any particular ordinance is judicially tested, no definitive answer as to its validity can be provided. However, it is our opinion that if a local or municipal ordinance creates additional requirements with respect to one's ability to possess, own or transport firearms, or is in any other way inconsistent with the provisions of the Pennsylvania Uniform Firearms Act, 18 Pa.C.S.A. § 6101 et seq., then there is a strong possibility of that ordinance being declared invalid. (3-11-83)

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). * * *

(d) **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 NI-LECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978. * * *

CHAPTER 63. MINORS

6302. Sale or lease of weapons and explosives.

(a) **Offense defined.** — A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases 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) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. Sale of starter pistols.

(a) **Offense defined.** — A person is 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 a "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.

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.

(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.

Harrisburg

771.01 Possession of Firearms by Minors. No minor under the age of eighteen years shall have in his possession, except in his place of residence, any firearm, flobert rifle, * * * or any implement which impels with force a metal pellet of any kind, unless such minor is accompanied by an adult.

McKeesport

1. * * * it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *

2. It shall be unlawful for any person or persons, firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from the Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Mt. Lebanon

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township. * * *

Philadelphia

10-816. Incendiary Devices.

(1) **Definition. Incendiary Device.** Any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

(2) **Prohibited Conduct.** No person or groups of persons shall own, manufacture, sell, transfer, use or possess any incendiary device or similar device or parts thereof including, but not limited to, a "Molotov cocktail."

(3) **Exception.** This ordinance shall not apply to authorized personnel of the United States government or of the Commonwealth of Pennsylvania who use incendiary devices as part of their duties.

(4) **Penalties.** The penalty for violation of this section shall be a fine of not less than one hundred (100) dollars and not more than three hundred (300) dollars, together with imprisonment of not less than thirty days and not more than ninety days.

10-821. Contraband Weapons.

(1) **Definition. Contraband Weapons.** Any bazooka, recoilless rifle, grenade, rifle grenade, rifle grenade launcher, anti-tank gun, flame-thrower, rocket, mortar, bomb, mine, booby trap or other device designed or intended to cause injury or death to persons or damage to property, or any other military style weapon from which a projectile, harmful fluid or gas may be propelled.

(2) **Prohibited Conduct.** No person shall own, use, possess or transfer any contraband weapon.

(3) **Exemption.** This ordinance shall not apply to any weapon controlled by any governmental body while in the care of authorized government personnel.

(4) **Penalty.** Any person violating any provision of this section shall be subject to a fine of not more than three hundred (300) dollars and to imprisonment for not more than ninety (90) days, or both.

Ross

Section 3. Every person, firm or corporation engaged in selling or offering for sale, within the limits of the Township of Ross, any firearm * * * shall accompany each such sale with a copy of * * * Ordinance No. 937.

Scott

ORDINANCE NO. 316

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shotgun, revolver, pistol, flobert rifle * * * unless they, or it, shall have first received a written license so to do, signed by the Secretary of said Township, or his authorized agent, * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Springfield

Sec. 48-5. Sales to minors. It shall be unlawful to knowingly and willingly sell or cause to be sold, or supply or furnish to any minor person any rifle * * * or ammunition or pellets for the same * * * or shotguns, guns or any firearm or weapon from which a shot or other object is discharged, in the Township of Springfield.

Swissvale

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. Every prospective purchaser of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as the Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

39.2 Whoever knowingly and willfully sells or causes to be sold or supplies or furnished to any person under eighteen years of age, any gun, rifle, * * * or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred (\$100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period of not exceeding thirty (30) days.

Puerto Rico
Commonwealth Law
Laws of PR Ann.

**TITLE 24. HEALTH AND
SANITATION**

**CHAPTER 111. CONTROLLED SUBSTANCES
ACT OF PUERTO RICO**

2516. * * * carrying firearms. No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marijuana, depressant or stimulant substances as well as of any foreign country and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to * * * hold, possess or carry firearms for a term if five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority. * * *

TITLE 25. INTERNAL SECURITY

CHAPTER 51. WEAPONS

411. Regulations of weapons — Short title. This chapter shall be known as the "Weapons Law of Puerto Rico".

412. Manufacture and distribution of ammunition and weapons. No ammunition shall be manufactured, caused to be manufactured, or imported, offered, lent or transferred unless a license is held therefor under sections 411 — 454 of this title; likewise no gun, revolver, pistol or any firearm * * * shall be manufactured or caused to be manufactured, imported, offered, sold, hired, lent or transferred, unless a license under sections 411 — 454 of this title is held therefor. * * *

413. Commerce in automatic firearms. Any person who sells or keeps for sale, or offers, gives, leases or loans, or otherwise disposes of or transports any firearm or instrument that may be fired automatically, regardless of whether it is called a machine gun or something else, shall be guilty of a felony. This type of crime shall not apply to the manufacture, sale or delivery of machine guns or any other firearm that may be fired automatically, to be used by the police and other peace officers or employees of Government of Puerto Rico or the United States, in prisons, penitentiaries, state or municipal jails or by the Armed Forces of the Government of the United States or Puerto Rico.

415. Possession or illegal use of automatic firearms. Any person who possesses or uses a machine gun, carbine, rifle or sawed-off shotgun or any other modification of these, or any other firearm that may be fired automatically and cause grave bodily harm, without legal authority shall be guilty of a felony. This type of crime shall not be applicable to the possession or use of these weapons in the discharge of their official duties by members of the Police, the warden, the superintendent or any of their deputies in any prison, penitentiary, district or municipal

jail, or any other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases, including marshals and assistant marshals or any other public peace officers; nor shall it apply to the possession or use of these weapons by any person when on duty in the service of the Armed Forces of the United States in Puerto Rico, or in the postal, customs and immigration service of the United States, or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons mentioned above. * * *

416. Possession of pistol or firearm without license. Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any such offenses, shall be guilty of a felony. * * *

420. Possession or sale of silencer. Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

421. Serial number or name of owner on firearm — Removal or defacement. Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

422. — Possession as prima facie evidence of defacement. The possession by any person other than a public peace officer of any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed, shall be considered prima facie evidence that such person removed, defaced, covered, altered or destroyed the same.

423. Presence of machine gun or other weapon — Prima facie evidence of illegal possession. The presence of a machine gun or any other firearm that fires automatically, in any room, dwelling, residence, establishment, office, structure, or vehicle shall constitute prima facie evidence of the unlawful possession thereof by the owner or possessor of such vehicle, and by all persons occupying the room, dwelling, building, or structure where such machine gun or any other firearm that fires automatically is found.

The presence of any weapon, instrument or accessory of the kind specified in sections 414, 415, 416, 419 and 420 of this title in any stolen or purloined vehicle shall constitute prima facie evidence of the unlawful possession thereof by all the persons traveling in such vehicle at the time such weapon, instrument, or accessory is found.

424. — Presumption as covering passengers in vehicle. The presence in a vehicle other than a public service vehicle at the time transporting passengers for pay, of any of the weapons, instruments or appliances of the kind specified in sections 414, 415, 416, 419, and 420 of this title, shall be prima facie evidence of their unlawful possession by all the persons occupying said vehicle at the time such weapons, instruments or appliances are found. Where one of the persons found in such vehicle is the one carrying on his person such weapon, instrument or appliance, and said person possesses with him a valid license to carry the weapon, instrument or appliance so found, and he is not there under duress, said presumption of unlawful possession shall not attach to the other persons found in such vehicle. Nothing in this section contained shall apply to public officers, police, soldiers or persons authorized by this chapter to carry weapons by reason of their office.

425. License to possess firearms; weapons for farmers. The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry

such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun). * * *

430. Persons who may lawfully carry weapons.

(a) The following may lawfully have, possess, carry, transport and convey weapons:

1. The members of the Armed Forces of the United States and the members, officials and employees of the Military Forces of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The Superintendent and the members of the Police of Puerto Rico, under the provisions of the regulations of the said Organization.

3. The Director of the Program of Penal Institutions and the heads of correctional institutions, under the regulations that the Correctional Administrator may provide.

4. Custody officers, under the regulations that the Correctional Administrator may provide.

5. United States Customs and Immigration officials, while in the discharge of their duties as such.

(b) The following may lawfully have, possess, carry, transport and convey a revolver or pistol:

1. Judges, prosecuting attorneys, clerks, marshals and deputy marshals of the Courts of Justice of the Commonwealth of Puerto Rico, as well as judges, prosecuting attorneys, deputy prosecuting attorneys, marshals and deputy marshals and the clerks of the Courts of Justice of the United States, who are discharging their duties in Puerto Rico.

COMPILER'S NOTE:

As honorary magistrates have functions similar to justices of the Courts of First Instance and are governed by the same standards and regulation, and have identical powers and prerogatives, they are legally authorized, as soon as they are designated as such, to legally have, possess, carry and convey a revolver or pistol for their personal protection. 1976 Op. Sec. Jus. No. 17.

2. The members of the Legislature, and any official of the Government of the Commonwealth of Puerto Rico when in the judgment of the Superintendent of Police of Puerto Rico, by reason of the duties of the such official's office, a license should be issued to him to carry a weapon and said license is issued by the Superintendent of Police of Puerto Rico.

3. Mail carriers, during the discharge of their duties as such.

4. Carriers and custodians of public funds, while such funds are in their custody.

5. Carriers of private funds and custodians of private funds in banking institutions, while such funds are in their custody, upon previous issuance of a license by the Superior Court before which the carrier or custodian of such funds, or his employers, shall justify the necessity of such license.

6. Internal-revenue collectors and agents, provided they have been authorized by the

Superintendent of Police of Puerto Rico, at the request of the Secretary of the Treasury of Puerto Rico, to carry a revolver or pistol.

7. Persons rendering security services to public or private enterprises, while rendering such services, upon previous issuance of a license by the Superior Court, before which said person, or his employer, shall justify the necessity of such license.

(c) No person shall be authorized to carry firearms under subdivision (b) of this section if such person is not authorized to own and possess firearms under sections 425, 426, 427, 428, and 429 of this title.

(d) The provisions of this section shall not be interpreted as authorizing the use of firearms in violation of the law.

432. License to sell or deal in firearms and ammunition; report of transactions.

(a) No person shall engage in the business of gunsmith or dealer in firearms and ammunition without holding a license therefor issued by the Secretary of the Treasury upon favorable report of the Superintendent of Police of Puerto Rico. Such licenses shall expire one year after the date of issuance and shall be newly subject to the formalities and requirements of application of section 433 of this title and the licenses of dealers and gunsmiths who have not deposited all the firearms and ammunition they have for sale in the Deposit of Firearms and Ammunition created under section 440 of this title shall be subject to the approval and certification of the Police, upon inspection, of the security measures required for the building where the establishment is located, pursuant to section 4045 of Title 13. The application for renewal of a license shall be filed thirty (30) days prior to the expiration date.

(b) The provisions of the preceding subsection (a) shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(c) Each transaction regarding the introduction, or the sale of firearms and ammunition between dealers, shall be reported to the Secretary of Justice and to the Superintendent of Police of Puerto Rico on forms which the latter shall provide, and the name, domicile, place of business, and the particulars of the license, both of the vendor and vendee, as well as the quantity and description, including serial number, of the weapons or ammunition the object of each transaction, shall be set forth therein, as may be required by the Superintendent of Police of Puerto Rico. When the firearms to be sold are deposited in the Firearms and Ammunition Deposit, said form shall be accompanied by an authorization signed and sealed by the dealer-vendor for the delivery and registration of such weapons and ammunition in the name of the dealer-vendee.

(d) A dealer in firearms and ammunition who possesses a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Registry under the provisions of subsections (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subsection, both the vendor and the vendee shall give notice thereof in writing to the Superintendent of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subsection shall not prevent the vendor from obtaining a new license to

have and possess a firearm in accordance with this chapter.

433. Application for dealer's license; fee, manner and content. Any person wishing to obtain or transfer from its premises a license as gunsmith or dealer in firearms and ammunition shall file with the Secretary of the Treasury a sworn application accompanied by an internal revenue voucher for two hundred (200) dollars, in the manner provided by the Secretary of Justice * * *

434. Qualifications of dealer applicant. No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States. * * *

436. Conditions for dealers' operations; records of transactions. Any person, partnership or corporation, to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

1. The business shall be operated only on the premises specified in the license. Dealers in firearms who have not received certification from the Police of their compliance with the security measures in section 422 of this title and in section 4045 of Title 13 may not keep any weapon in said store except those that the dealer or his employees are authorized to possess or to carry, according to the provisions of this chapter. In said cases, weapons sales shall be made exclusively by catalogue or by displaying models made of plastic, plaster or any other material, as long as these models are not transformable into firearms, as the term "firearm" is defined in section 454 of this title, while they are displayed, or afterwards. Likewise, said dealers shall be obliged to deposit in the General Headquarters of the Puerto Rico Police any weapon coming into their hands on the same day such thing occurs. An infraction of this subsection on the part of a dealer shall constitute a felony which shall be punished by imprisonment for a fixed term of two (2) years. Should there be aggravating circumstances, the established fixed penalty may be increased to a maximum of three (3) years; should there be extenuating circumstances, it may be reduced to a minimum of one (1) year.

2. No gunsmith shall receive any weapon for repair, modification, cleaning, engraving, polishing, or for doing any mechanical work on it without first being shown the license to carry or possess such weapon. Violation of this subsection on the part of the gunsmith shall constitute a misdemeanor punishable by imprisonment in jail up to a maximum of six (6) months or a fine up to five hundred (500) dollars, or both, in the discretion of the court.

3. 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.

4. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

5. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, in books devoted to this purpose which shall be printed in the manner that may be prescribed by the Superintendent of Police of Puerto Rico 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 date, day and time of the sale, caliber,

make, model and factory number of the weapon, caliber, brand and quantity of ammunition, the name, birthplace, address, occupation and civil status of the buyer. Said record shall also state whether the buyer is personally known to the vendor, and in case he is not, the manner in which the buyer accredited his identity. The vendor shall transmit a copy of such record by registered mail, within five days following the sale, to the chief of police of the municipality where he has his business establishment; he shall send the duplicate within seven days following the purchase to the Superintendent of Police of Puerto Rico, and shall keep the triplicate for six years.

The requirements imposed in the preceding paragraph shall not apply to gunsmith businesses with regard to firearms and ammunition manufactured in, and shipped outside of, Puerto Rico.

Such gunsmith businesses shall comply, as to the manufacture of firearms and ammunition for such export, with the following requirements:

Shall keep complete and appropriate records showing the production or receipt (whether through import, acquisition or otherwise) and disposal, at wholesale or retail, of all firearms and ammunition (including firearms not assembled as well as miscellaneous parts therefor) received or sold in the course of their business. As soon as each transaction is completed or not later than at the closing of business operations the day following such transaction, the same shall be entered upon the records of the gunsmith business. The records prescribed in this paragraph shall be permanent and shall be held in the main establishment in Puerto Rico of the gunsmith business for a period of not less than ten (10) years reckoning from the date the transaction took place or until the gunsmith business is discontinued. Such records shall be available for inspection, in case they are required to be seen by the Secretary of the Treasury, the Secretary of Justice or the Superintendent of Police of Puerto Rico. When the gunsmith business discontinues operation, if same is transferred to another gunsmith business, said records shall reflect such fact and shall be delivered to the successor business. In case the gunsmith business is definitively discontinued and there is no successor business, then the records of the gunsmith business shall show such fact and shall be delivered to the Secretary of the Treasury so he may dispose thereof. The records of a gunsmith business shall show and include:

(a) A full description of each firearm, including (1) the manufacturer of same; (2) the serial number of the manufacturer engraved thereon; (3) caliber of the firearm; and (4) the model and type of the firearm. In case of wholesale of firearms of the same caliber, model and type, the gunsmith business may include said sales in its record if they are made on the same day and to one sole purchaser.

(b) The name and address of each person from whom the firearm was received (in case the firearm is not the own product of the gunsmith) together with the date of acquisition.

(c) The disposition made of each firearm, including the name and address of the person, natural or artificial, to whom sold and the date it was so disposed of.

6. No firearms or ammunition or imitations, drawings or photographs thereof shall be displayed in any place of a business establishment devoted to the sale of firearms,

where they may be seen from outside the business.

The Secretary of the Treasury may, after a hearing and an opportunity for defense, cancel any license he may have issued to any gunsmith or dealer in weapons and ammunition. Provided, that in cases of noncompliance with the security measures on the part of the dealers who have not stored all the weapons and ammunition they have for sale in the Deposit of Firearms and Ammunition of the Police, the Secretary of the Treasury may, after oral or written notice, immediately suspend said license, such determination being subject to the final revocation of the license in a subsequent administrative hearing, which shall be held within 15 days following the notice of suspension.

7. Nothing provided in this chapter shall affect the provisions of the "Internal Revenue Act" as to the payment of the fees prescribed by said act for issuing licenses to dealers in firearms and ammunition.

8. Any dealer in firearms or ammunition to whom a license has been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where the presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, he shall be guilty of a felony. The documents and books shall be kept in the business establishment indicated and described in the license and shall be available during regular working hours for inspection by any fiscal officer or peace officer. Where the license has been cancelled or revoked as prescribed in subsection 6 of this section, or the business discontinued, such books and records shall be immediately turned over to the Superintendent of Police of Puerto Rico.

437. Acquisition of weapons by persons authorized in section 430. The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

438. Sales of weapons and ammunition without licenses prohibited; delivery permit. No dealer in firearms or ammunition shall deliver a firearm or issue the corresponding delivery permit to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, or a hunter's, shooter's or other kind of license authorizing him, pursuant to law, to possess a firearm, and unless said license contains an authorization for the purchase of said weapon, and said dealer shall not sell to such purchaser any weapon other than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales permit and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales permit has been removed. When the purchaser of a weapon is an authorized hunter or shooter or a person authorized by another law to possess a firearm, the sale and delivery of the weapon shall be made in the same manner provided in subsection (b) of section 429 of this title.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have or possess a firearm. Whenever a sale of ammunition stored in the Deposit of Firearms and Ammunition of the Police is made, the dealer shall hand to the purchaser a signed and sealed authorization addressed to the person in charge of the Deposit for the latter to deliver to the purchaser the ammunition described in the authorization and which is stored in such Deposit of Firearms and Ammunition. Said authorization shall contain a description of the ammunition and of the amount to be delivered. Likewise, it shall contain the name of the purchaser and the number of his license to possess or carry a weapon. Upon delivery of such ammunition to the purchaser the latter shall be required to sign a receipt of delivery which shall be kept in the Deposit of Firearms together with the authorization of delivery.

438a. Report by carrier, warehouseman or depositary; delivery to consignee. Every water, air or overland carrier, and every warehouseman or depositary who receives firearms or munitions for delivery in Puerto Rico shall notify such fact and the name and address of the consignee to the Superintendent of Police as soon as possible, and shall not deliver said merchandise to that consignee until he is authorized to do so by the Superintendent. * * *

445. Hunting and target shooting arms excepted. The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

446. Collections of antique weapons; certificates of uselessness. No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor that collections of weapons be kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Superintendent of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Superintendent of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof. * * *

454. Definitions. For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "**Machine gun**" is a weapon of any description, regardless of size, by whatever name it is designated or known, loaded or unloaded, from which a number of bullets contained in a magazine, ribbon or other removable receptacle may be repeatedly or automatically discharged by one single pull of the trigger. The term machine gun also includes submachine guns, 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, or any combination of the parts of a firearm destined to and with the intention of converting, modifying or altering said weapon to make it a machine gun.

(b) "**Firearm**" means any weapon by whatever name it is known, capable of dis-

charging ammunition through the expanding action of gases.

(c) **"Ammunition"** means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged. * * *

(f) **"Gunsmith"** means any person, firm, partnership or corporation engaged in the manufacture, repair, alteration, assembly, cleaning, polishing, engraving or trueing, or performing any mechanical operation for another on any pistol, revolver or other firearm.

(g) **"Dealer in firearms or ammunition"** shall mean any person, firm, partnership or corporation that, per se, or through its agents, servants or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or any other place, whether it is also used as a residence or not or for any other purpose, any pistol, revolver, firearm or ammunition.

(h) **"Merchant"** means any person, firm, corporation or partnership that engages, in a premise open to the public which is not the residence of anyone, in the sale of merchandise and articles which are object of lawful commerce between men.

(i) **"Head of Family"** means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one head of household in any permanent home, domicile or residence.

(j) **"Dwelling"** and **"Building"** means the entire part of a structure used or occupied by a single person or a single family.

(k) **"Vehicle"** means any device that serves for the transportation of persons or things by land, sea, or air.

(l) **"Person", "Merchant" and "Farmer"** for the purposes of sections 425, 426, 427, 428 and 429 of this title shall include a partnership or corporation, but any license requested for the benefit of such artificial persons under the provisions of the sections mentioned may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this act.

(m) **"Police"** means the Police Force of Puerto Rico.

(n) **"Superintendent"** means the Superintendent of Police of Puerto Rico.

(o) **"Rifle"** means a firearm designed to be fired from the shoulder, that fires one or more projectiles. It may be fed by hand or automatically by a magazine or removable receptacle, and fired manually or semiautomatically. The word rifle also includes the word carbine.

(p) **"Shotgun"** — A long barreled firearm with one (1) or more smoothbore barrels, designed to be fired from the shoulder, that may discharge cartridges of one (1) or more shots. It may be fed by hand or by a removable magazine receptacle, and fired manually, automatically or semiautomatically.

CHAPTER 57. REVOLVERS, PISTOLS OR INSTRUMENTS WHICH FIRE BLANK CARTRIDGES

541. Prohibited weapons and instruments. It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. Exceptions. Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

Rhode Island

State Law

Gen. Laws of RI

Title 11. Criminal Offenses

Chapter 47. Weapons

11-47-2. Definition of terms. When used in this chapter the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"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 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 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.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, **"blank gun,"** **"BB gun,"** so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board 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 shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, 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.

"Fugitive from justice" shall mean 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.

"Sell" shall include let or hire, give, lend and transfer, and the word **"purchase"** shall include hire, accept and borrow, and the

expression **"purchasing"** shall be construed accordingly.

"Sawed-off-shotgun" shall mean any shotgun with overall length of less than twenty-six (26) inches and/or barrel length of less than eighteen (18) inches.

"Sawed-off-rifle" shall mean any rifle with overall length of less than twenty-six (26) inches and/or barrel length of less than sixteen (16) inches.

"Antique firearm" shall be defined as that term is defined under the provisions of Title 18, United States Code, Subsection 921, entitled Definitions. * * *

11-47-5. Criminals and fugitives prohibited from possession. — 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 possession or under his control any firearm. 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 shall not be afforded the benefit of suspension or deferment of sentence nor of probation.

11-47-5.1. Larceny of a firearm. — 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."** * * *

11-47-6. Mental incompetents, drug addicts, drunkards prohibited from possession. — No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his 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 is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s). Any person affected by the provisions of this section, in making application for the purchase of said firearms and in executing said application, thereby voluntarily waives his right to refuse or refrain 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 said firearms and in executing said application, further agrees to allow the proper authorities to investigate any and all medical records of said applicant pertinent to a determination by said authorities regarding the approval or disapproval of this application. In the event that said application is approved and if said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. Possession of pistol or revolver by alien. — No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver except if such person shall have been issued a license or permit * * *

11-47-8. * * * Possession of machine gun. —

(a) * * * No person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than five (5) years and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor a probation.

(b) No person shall have in his possession or under his control any sawed-off shotgun or sawed-off rifle as defined in §11-47-2. 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, and for any subsequent conviction.

11-47-9. Persons exempt from restrictions. The provisions of §11-47-8 shall not apply to * * * [contact State authorities]

11-47-14. Licenses and permits to banks and carriers. — The attorney general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities or other valuables, to possess and use machine guns

under such regulations as the attorney general may prescribe.

11-47-15. Proof of ability required for license or permit. — No person shall be issued a license or permit to carry a pistol or revolver concealed upon his person until he has presented certification as prescribed in §11-47-16 that he has qualified with a pistol or revolver of a caliber equal to or larger than the one he intends to carry, said qualification to consist of firing a score of 195 or better out of a possible score of 300 with thirty (30) consecutive rounds at a distance of twenty-five (25) yards on the army "L" target, firing "slow" fire. The "slow" fire course shall allow ten (10) minutes for the firing of each of three (3) ten (10) shot strings. * * *

COMPILER'S NOTE:

Sections 11-47-15.1 through 11-47-17.1 sets out specific firing qualifications (and related matters) which must be met by law enforcement officers in the State of Rhode Island and its political subdivisions.

11-47-19. Machine gun 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 or all machine gun parts under such regulations as the attorney general may prescribe.

11-47-20. Sale or possession of silencers. — It shall be unlawful within this state to manufacture, sell, 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 (1) year and one (1) day.

11-47-20.1. Armor-piercing bullets. — It shall be unlawful within this state for any person to import, 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 said 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.

11-47-23. False information in securing pistol or license. — No person shall in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a license to carry the same, give false information or offer false evidence of his 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, 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 changed, altered, removed or obliterated the same. 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 such firearms. * * *

11-47-30. Sale of firearms to minors. — It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-31. Sale of ammunition to minors. — It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-32. Possession of ammunition by minor. — Except as provided in §11-47-33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm.

11-47-33. Possession of firearms by minors. — It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in §11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. Firearms permits to minors. — The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp of rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. Sale of concealable weapons — Safety courses and tests — Review board — Issuance of permits to certain government officers. —

(a) No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be enclosed within said wrapper with said pistol or revolver. Any citizen of this state twenty-one (21) years of age or older, and any nonresident member of the armed forces of the United States who is stationed in this state and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver.

At the time of applying for the purchase of a concealable firearm the purchaser shall:—

(1) complete and sign in triplicate and deliver to the seller the application form described below and in no case shall it contain the serial number of the pistol or revolver, and

(2) shall present to the seller a pistol/revolver safety certificate issued by the Department of Environmental management. Said certificate shall be retained in the possession of the buyer. Said pistol/revolver safety certificate shall certify that the purchaser has completed a basic pistol/revolver safety course as shall be administered by the Department of Environmental Management.

* * * * *

[Rhode Island Statute §11-47-35(a)(2)]
(Face of Application Form)

Application to Purchase Pistol or Revolver

Date Hour A.M. P.M.
Name
Address
(Street and number) (City or town) (State)
Date of Birth Place of birth
Height Weight Color hair
Color eyes Race
Scars Tattoos
Other identifying marks
Are you a citizen of the United States
Are you a citizen of Rhode Island
How long
Where stationed (Armed Forces only)
Have you ever been convicted of a crime of violence
(See §11-47-2)
Have you ever been adjudicated or under confinement
as addicted to a controlled substance
Have you ever been adjudicated or under confinement
for alcoholism
Have you ever been confined or treated for mental
illness
From whom is pistol or revolver being purchased
Seller's address
Seller's signature
Applicant's signature
(See §11-47-23 for penalty for false
information on this application)
(Reverse Side of Application Form)

AFFIDAVIT:

I certify that I have read and am familiar with the provisions of §§11-47-1 to 11-47-55, inclusive, and that I am aware of the penalties for violation of the provisions of the cited sections. I further certify that I have completed the required basic pistol/revolver safety course.

Signed
[over]

County of
State of Rhode Island

Subscribed and sworn before me this . . . day
of, A.D. 19

Notary Public

* * * * *

The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of said application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business shall mark or stamp the original copy of the application from with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate

copy duly signed by the seller shall within seven (7) days be sent by him by registered mail to the attorney general. The seller shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to make a background check of the applicant to ascertain whether he 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 noon of the day following application, no disqualifying information has been received from the investigating police authority by the seller, he will deliver the firearm applied for to the applicant. Upon the finding of no disqualifying information under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of §11-47-39.

(b) The department of environmental management shall establish the basic pistol/revolver safety course required * * *

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 or Rhode Island unless he has duly executed the application form prescribed in §§11-47-35, said application form to be obtained by the purchaser from the city or town clerk of the city or town in which he resides or has his place of business. The original and duplicate copies of said 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 said application by registered mail to the attorney-general within twenty-four (24) hours of the time of filing with the appropriate police authority cited above. It shall be the duty of the police authority to whom the original and duplicate copies of said application are delivered to check the applicant's record to ascertain whether he falls under the provisions of §§11-47-5, 11-47-6, or 11-47-23. If after the lapse of seventy-two (72) hours from twelve (12) o'clock noon of the day following the date of application, no disqualifying record has been found by the investigating police authority, the original and duplicate copies of said 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 said application shall be sent by the purchaser to the out of state dealer as proof of lawful purchase and the original thereof 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 said 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 such 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 one who he has reasonable cause to believe falls under the provisions of §§11-47-5, 11-47-6, 11-47-7, or 11-47-23.

sions of §§11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. Dealers 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 otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

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 (1) year from date of issue, permitting the licensee to sell pistols and revolvers at retail within this state subject to the following conditions in addition to those specified in §§11-47-35 and 11-47-36 hereof, for breach of any of which the license shall be forfeited and the licensee 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 easily be read.

(3) No pistol or revolver shall be sold in violation of any provision of this chapter, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. The fee for issuing said license shall be five dollars (\$5.00). The fee charged for the issuing of such license shall be applied for the use and benefit of the city or town.

11-47-40. Register of sales of firearms—Display of firearms.— Every person, firm or corporation selling a pistol, revolver or other firearm whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, and residence of every purchaser of such a pistol, revolver or other firearm, together with the caliber, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Every person, firm or corporation who shall fail to keep a register and to enter therein the acts required by this section, shall upon conviction be punished as provided in this chapter. Such register shall be open at all reasonable hours for the mandatory monthly inspection of licensed firearm dealers to be conducted by state and/or local police officials.

This section shall not apply to wholesale dealers' bona fide sales at wholesale to duly licensed retail dealers. It shall be unlawful for any person, firm or corporation dealing in firearms to display any pistol, revolver, or imitation thereof, or any firearm of a size which may be concealed upon the person, or placard advertising the sale thereof, in any part of the premises of said person, firm or corporation where it can be readily seen from the outside. Firearm as utilized in this section only shall not apply to an air rifle, air pistol, "blank gun," or "BB gun."

11-47-41. Government firearm registration prohibited.— No government agency of this state or its political subdivisions shall keep or cause to be kept any list or register of privately owned firearms or any list or register of the owners thereof; provided, however, that the provisions of this section shall not apply to firearms which have been used in committing any crime of violence nor to any person who has been convicted of a crime of violence.

11-47-42. Weapons other than firearms prohibited.— (A) No person shall carry or possess or attempt to use against another, any instrument or weapon of the kind commonly known as a * * * stun gun * * *. Any person violating the provisions of this subsection, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or by

both such fine and imprisonment, and the weapon so found shall be confiscated.

11-47-47. Display of weapons.— No person, firm or corporation shall display in a place of business by means of a window display any pistol, revolver, or other firearm, as defined in §11-47-2 * * *; provided, however, that dealers in sporting goods may include in a window display pistols or revolv-

ers upon a permit issued by the chief of police or town sergeant of any city or town. * * *

11-47-58. Firearms—State pre-emption.— The control of firearms, ammunition or their component 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.

South Carolina

State Law

Code of Laws of SC

HB 2826, SIGNED JUNE 18, 1986

§2. No governing body of any county, municipality, or other political subdivision in this State may enact or promulgate any regulation or ordinance which regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things. Any regulation or ordinance enacted or promulgated by the governing body of any county, municipality, or other political subdivision which regulates or attempts to regulate the subject or subjects covered by this act is null and void.

§3. This act does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge of firearms, nor does it prevent the regulation of the use, sale, transportation, or public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters.

TITLE 16. CRIMES AND OFFENSES

CHAPTER 23. OFFENSES INVOLVING WEAPONS

ARTICLE 1. PISTOLS

16-23-10. 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, mayhem, 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 of the purposes of which, is the establishment, con-

trol, conduct, seizure or 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 "**person**" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company. * * *

COMPILER'S NOTE:

There is no State law prohibiting a person who has been convicted of a crime of violence from possessing a rifle or shotgun; however, such person may not possess a pistol. 1974-75 Op Att'y Gen, No 3926, p 12.

16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any 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.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, 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 any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

ARTICLE 3. MACHINE GUNS, SAWED-OFF SHOTGUNS AND RIFLES

16-23-210. Definitions. When used in this article:

(a) The words "**machine gun**" apply to and include 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 or 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) "**Sawed-off shotgun**" means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) "**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 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.

(d) "**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.

(e) "**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 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.

(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 channels of commercial trade.

16-23-220. Unlawful transportation of machine gun or sawed-off shotgun or rifle within State. It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Secs. 16-23-250 and 23-31-330, any machine gun or firearm commonly known as a machine gun, sawed-off shotgun or sawed-off rifle.

16-23-230. Unlawful storing, keeping or possessing machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in Secs. 16-23-250 and 23-31-330.

16-23-240. Unlawful selling, renting or giving away of machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to sell, rent, give away or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle.

16-23-250. 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, 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, 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 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 do not apply to any manufacturer or dealer of machine guns licensed pursuant to the provisions of 18 U.S.C. Section 921 et. seq., nor to any common or contract carrier transporting or shipping any machine gun to or from the

licensed manufacturer or dealer if the transportation or shipment is not prohibited by federal law.

16-23-260. Penalties. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not more than ten thousand dollars or be 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 manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally manufactured, transported, possessed and sold within the State by the manufacturer thereof.

ARTICLE 5

MISCELLANEOUS OFFENSES

16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. No person shall 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, and further, no person shall possess any object or article when such object or article is possessed solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation or other means. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined or imprisoned at hard labor or both, in the discretion of the court. * * *

16-23-520. Use, transportation, manufacture, possession, purchase, or sale of teflon-coated ammunition. It shall be unlawful for any person to use, transport, manufacture, possess, distribute, sell, or buy any ammunition or shells that are coated with polytetrafluoroethylene (teflon). Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than five years or fined not more than five thousand dollars or both.

TITLE 23. LAW ENFORCEMENT AND PUBLIC SAFETY

CHAPTER 31. FIREARMS

ARTICLE 3. REGULATION OF PISTOLS

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.

COMPILER'S NOTE:

Wholesaler not required to be licensed.—There is no provision in the [South Carolina] Firearms Law requiring a wholesaler to be licensed for dealing in the wholesale distribution of firearms governed therein. 1964-65 Ops. Att'y Gen., No. 1924, p. 219.

23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the

presence of the dealer. The application to be furnished by the Division shall contain the applicant's

- (1) name;
- (2) residence and business address;
- (3) date and place of birth;
- (4) social security number;
- (5) South Carolina driver's license number or South Carolina Highway Department Identification Card Number;
- (6) physical description;
- (7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5);

(8) a signed sworn statement by the applicant that he is not within any classification set forth in items (a), (b), (c) or (d) of §16-23-30, and that he has not purchased a pistol within the previous thirty days;

(9) the signatures of applicant and the dealer;

(10) and such other personal identifying information as may be required by the Division.

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; provided, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police or his designated agent of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality to the sheriff or his designated agent of the county in which the applicant resides citing these facts and reasons why he cannot wait for a thirty-day period to purchase a pistol. The special permit shall contain such information as required by the Division and shall be on a form furnished by the Division. The issuing officer shall retain a copy of the permit and forward a copy to the Division.

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Upon proper completion of the application the dealer shall submit the original application to the Division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the Division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer.

23-31-150. Issuance, duration * * * 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 at retail as dealers within this 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 shall knowingly be sold in violation of any provision of this article nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale each in the presence of the other and shall contain such information as may be required by the Division. A separate firearm transaction form shall be completed for each pistol sold, a copy of which must be submitted to the Division as provided in §23-31-140. * * *

COMPILER'S NOTE:

Dealer's license issued under authority of the South Carolina Pistol Act are not transferrable. 1975-76 Op Atty Gen, No 4267, p 83

23-31-170. Mortgage, deposit or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge 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 and destruction of such. No licensed retail dealer shall possess in his place of business or sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit. * * *

ARTICLE 5. USE AND POSSESSION OF MACHINE GUNS, SAWED-OFF SHOT-GUNS AND RIFLES

23-31-310. Definitions.

[The definitions in this Article are identical to those in Section 16-23-210 above.]

23-31-320. Exceptions to application of article.

[The exceptions in the section are identical to those contained in Section 16-23-250, above.]

23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun or rifle. Every person permitted by Sec. 23-31-320 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the Division on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall 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 so charged, and when the same 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. Thereupon, the State Law Enforcement Division shall file such application in its office, registering such applicant together 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 applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the State Law Enforcement Division and

shall expire on December thirty-first of the year in which the license is issued.

23-31-340. Penalties. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not more than ten thousand dollars or be imprisoned not more than ten years, or both.

23-31-350. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

23-31-360. Unregistered possession of machine guns by licensed manufacturer. Notwithstanding the provisions of this article, machine guns manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally possessed by the manufacturer thereof without being registered with the State Law Enforcement Division; provided, however, that any such firm shall furnish to the Division the serial numbers of all machine guns manufactured by it within thirty days of such manufacture and shall be subject to the penalties provided in §23-31-340 for non-compliance.

Georgetown

16-219. Sawed-off shotguns and rifles. It shall be unlawful for any person to carry about the person, other than a peace officer in the performance of duty, whether concealed or not, any sawed-off shotgun or rifle, both of which shall have the same meaning, in regard to barrel length, as "sawed-off shotgun" as defined in South Carolina Code 1976, section 23-31-310, and it shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into this city any such shotgun or rifle.

South Dakota

State Law

SD Codified Laws

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. Firearms regulation ordinances 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 22-1. DEFINITIONS AND GENERAL PROVISIONS

22-1-2. Definition of terms. Terms used in this title, and in other statutes which prescribe a penalty for a public offense, unless the context otherwise plainly requires, mean: * * *

(4A) "Antique firearm," any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any firearm described in this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if it 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.

(5A) "Concealed," any firearm that is totally hidden from view. If any part of the

firearm is capable of being seen, it is not concealed.

(7) "Controlled weapon" includes a firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (16), (21) and (43) of this section;

(8) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary, arson, kidnapping and 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;

(9) "Dangerous weapon" or "deadly weapon," any firearm, 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; * * *

(12) "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.

The term does not include "permissible fireworks" defined by Sec. 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 section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes; * * *

(15) "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;

(16) "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; * * *

(21) "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; * * *

(30) "Pistol," any firearm with a barrel less than sixteen (16) inches in length, designed to expel a projectile or projectiles by the action of an explosive; * * *

(41A) "Seller," any person or employee engaged in the business of selling pistols at retail.

(42) "Short rifle," a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(43) "Short shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

(46A) "Stun gun," any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person.

CHAPTER 22-14. UNLAWFUL USE OF WEAPONS

22-14-5. Possession of firearm with altered serial number as felony — Exception. Any 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.

This section does not apply to persons who have applied for a new serial number pursuant to §23-7-43.

22-14-6. Possession of controlled weapon — Exceptions. Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. Provided that, this section shall not apply to a person who:

(1) Is a law enforcement officer or member of the armed forces of the United States or South Dakota national guard acting in the lawful discharge of his duties;

(2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state of federal authority pursuant to law;

(3) Possesses a controlled weapon briefly after having found it or taken it from an aggressor; or

(4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully. * * *

22-14-15. Possession of firearm by one with prior violent crime conviction as felony — Fifteen-year period. Any person who has been convicted in this state or elsewhere of a crime of violence, who has in his possession or under his control, a firearm, is guilty of a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation or parole, for a crime of violence more than fifteen years prior to the commission of the principal offense.

22-14-16. Providing firearm to person with known prior violent crime conviction as felony. Any person who knows that another person is prohibited by §22-14-15 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

22-14-17. Antique firearms and firearms incapable of discharge exempt. This chapter does not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged. * * *

CHAPTER 22-14A. EXPLOSIVES AND DESTRUCTIVE DEVICES

22-14A-4. Sale, transportation, or possession of destructive device as felony — Increased penalty for prior violent crime conviction. 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, he is guilty of a Class 3 felony. * * *

22-14A-15. Unauthorized possession of substances with intent to make destructive device a 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, law enforcement agencies, and licensed sellers or users of explosives and destructive devices exempt. This chapter shall 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 23-7. FIREARMS CONTROL

23-7-1. Definitions applicable to chapter. Terms used in this chapter, unless the context otherwise requires, mean:

(1) "Pistol," a firearm as defined in subdivision (30) of § 22-1-2;

(2) "Crime of violence," an action as defined in subdivision (8) of § 22-1-2;

(3) "Antique firearm," a firearm as defined in subdivision (4A) of § 22-1-2;

(4) "Seller," a person as defined in subdivision (41A) of § 22-1-2;

(5) "Concealed," a firearm as defined in subdivision (5A) of § 22-1-2.

23-7-1.1. Antique or nondischargeable firearms excepted. This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged. * * *

23-7-9. Delivery of pistol to purchaser — Waiting period — Wrapped and unloaded — Violation as misdemeanor. No seller may deliver a pistol to a person who has purchased a pistol until forty-eight hours have elapsed from the time of the sale of the pistol. A person who has in his possession a valid permit to carry a concealed pistol shall be exempt from the forty-eight hour waiting period. 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.

23-7-10. Application for purchase of pistol — Form and contents — Distribution of copies. At the time of purchase of a pistol a person who does not have in his possession a valid permit to carry a concealed pistol shall complete an application to purchase a pistol. The form of the application to purchase a pistol shall be prescribed by the secretary of state. The application shall require the applicant's complete name, address, occupation, place and date of birth, physical description, the date and hour of application, a statement that the applicant has never pled guilty to, nolo contendere to, or been convicted of a crime of violence, a statement that the information on the application is true and correct, and his signature. * * *

23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-7 to 23-7-12, inclusive, do not apply to sales at wholesale. * * *

23-7-18. Sale of pistol by retail dealer — Restrictions — Misdemeanor. No pistol shall be sold in violation of any provisions of this chapter, 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 violation of this section is a Class 1 misdemeanor. * * *

23-7-43. New serial number engraved or stamped on firearm. Upon application by an owner 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 serial number has been changed, altered, removed or obliterated.

Tennessee

State Law

TN Code Ann.

Title 39. Criminal Offenses

Chapter 6. Offenses Against Public Health, Safety, or Welfare

Part 17. Weapons

39-6-1704. Sales of dangerous weapons — Certification of purchaser — Licensing of dealers. —

(a) It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon mentioned in § 39-6-1701; and the person guilty thereof, for each * * * prohibited weapon shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and be imprisoned in the county jail not less than one month nor more than six (6) months, such jail sentence to be in the discretion of the trial judge.

(b) Any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. **Provided, however,** the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

(d)(1) The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of subsection (b) and certify prior to the transaction the legal and licensed status of both parties. The burden

shall fall upon the transferor to determine the legality of the transaction in progress.

(2) The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under § 39-6-1702. However, all other provisions and requirements of subsection (c) must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business. * * *

(g)(1) Before any person, firm or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun, such person, firm or corporation shall obtain from the commissioner of revenue a permit to engage in such business in the state of Tennessee. The fee for the issuance of such a permit shall be ten dollars (\$10.00) per year, and said permit when issued shall expire by its own terms on the 31st day of December of each year.

(2) Prior to the issuance of such permit by the commissioner of revenue, the applicant shall furnish the commissioner of revenue a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises shall be located. In the event the licensed premises are located in the corporate limits of a municipality, said certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of said business are of good moral character and are personally known to the official signing the certificate, and if the applicant be a corporation, that the executive officers of those in control are of good moral character and personally known to the official signing said certificate. * * *

39-6-1705. Selling or giving weapons to minor. — Any person who sells, loans, or gives to any minor a pistol * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars (\$100) and be imprisoned in the county jail, in the discretion of the court. * * *

39-6-1712. Prohibited firearms — Definitions. — For the purposes of this section and §§ 39-6-1713 — 39-6-1715 the following terms shall have the meanings ascribed in this section:

(1) **"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 channels of commercial trade;

(2) **"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 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;

(3) **"Manufactures any weapon"** means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun;

(4) **"Person"** includes a corporation, firm, company, partnership or association;

(5) **"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 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;

(6) **"Sawed-off rifle"** means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length;

(7) **"Sawed-off shotgun"** means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length;

(8) **"Sells or disposes of"** means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of;

(9) **"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 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; and

(10) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

39-6-1713. Manufacture, possession or sale of sawed-off shotgun or rifle or machine gun. —

Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one year, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and jail or workhouse sentence in the discretion of the court.

39-6-1714. Exceptions to firearms restrictions. — The provisions of § 39-6-1713 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(1) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(2) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this state or any political subdivision or governmental entity thereof as set forth in the preceding subdivision (1);

(3) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(4) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subdivision (1) above;

(5) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subdivision shall retain proof of registration;

(6) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm. * * *

39-6-1719. Manufacture, sale, or use of explosive bullets. —

(a) It shall be unlawful 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, however,** the provisions of this section shall not apply to any state or federal military unit

or personnel for use in the performance of their duties. * * *

Chattanooga

25-10. Dangerous weapons — Sale. It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, * * * provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. Sale of firearms. Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale. The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Knoxville

28-413. Sale of dangerous weapons.

(b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

Lawrenceburg

Section 1 — Definitions * * *

(3) "Explosive weapon" means any explosive, incendiary, or poison gas: (A) bomb; (B) grenade; (C) rocket; (D) mine; (E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches 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 (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, 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.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. * * *

Section III — Prohibited Weapons.

(a) An individual, corporation, or association commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive or an explosive weapon;

(2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;

(3) a machine gun;

(4) a short-barrel rifle or shotgun;

(5) a firearm silencer;

(b) It is a defense to prosecution under this section that the actor's conduct:

(1) was incident to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution; or

(2) was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (1); or

(3) was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research; or

(5) was incident to displaying the weapon in a public museum or exhibition.

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1) — (a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a) (1) — (a) (5) is a felony. * * *

Section IV — Unlawful Sale of Firearm.

(a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated;

(3) he intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of Section V of this Ordinance.

(b) It is a defense to subsection (a) (1) that:

(1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and

(2) the actor is not required to obtain a license under Section V of this Ordinance.

(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 misdemeanor.

Section V — Lawful Sale of Firearms.

(a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to persons desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons

who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceburg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Nashville — Davidson, Metro

Sec. 41-2-1. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; house-breaking; 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.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. 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 of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

Sec. 41-2-2. Persons to whom firearms not to be sold, loaned or otherwise transferred. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

Sec. 41-2-3. Persons forbidden to possess firearms. It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

Sec. 41-2-4. Stolen firearms. It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

Sec. 41-2-5. Obliteration, removal or alteration of manufacturer's identification mark or number. It shall be unlawful for any person to obliterate, remove change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or destroyed at the time of purchase.

Sec. 41-2-6. Firearms manufacturer's or dealer's license. (a) Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him.

Sec. 41-2-9. Sale, lease or transfer to persons under twenty-one. No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

Texas

State Law

TX Codes Ann. (Vernon's)

TITLE 10, CHAPTER 46.

TEXAS PENAL CODE - WEAPONS

46.01. Chapter 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 antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "**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. * * *

46.05. Unlawful possession of firearm by felon.

(a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives. * * *

46.06. 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; * * * or
- (7) armor-piercing ammunition.

(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 penal institution.

(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. [26 U.S.C. § 5801, et seq.]

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

(1) was incidental to dealing with a * * * 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) of this section. * * *

46.07. Unlawful transfer of certain weapons.

(a) A person commits an offense if he:

(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; * * *; or

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "**Intoxicated**" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) of this section that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent. * * *

TITLE 28.

CITIES, TOWNS AND VILLAGES

Art. 1015p. Prohibition of municipal regulation of firearms.

SEC. 1. [Prohibition].

Except as provided by §2 of this Act, a city or town may not adopt regulations relating to the transfer, private ownership, keeping, transportation, license, or registration of firearms, ammunition, or firearm supplies.

SEC. 2 [Exceptions].

(a) This Act does not affect the authority that a city or town may have under another law:

(1) to require citizens or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) to regulate the discharge of firearms within the limits of the city or town;

(3) to regulate the use of property or location of businesses or uses therein pursuant to the city's fire code, zoning ordinance, or land use regulations so long as such codes, ordinances, and regulations are not used to circumvent the intent of §1 or Subdivision (5) or §2 of this Act;

(4) to regulate the use of firearms in cases of insurrections, riots, and natural disasters in which the city finds such regulations necessary to protect the health and safety of the public;

(5) to regulate the storage or transportation of explosives in order to protect the health and safety of the public with the exception of black powder which is exempt up to 25

pounds per private residence and 50 pounds per retail dealer; or

(6) to regulate the carrying of a firearm at:

(A) a public park or at a public meeting of a city, county, or other governmental body;

(B) a political rally, parade, or official political meeting; or

(C) a nonfirearms related school, college, or professional athletic event.

(b) The exception provided by Subdivision (6) of Subsection (a) of this section does not apply if the firearm was in or carried to and from an area designated for use in a hunting, fishing, or other sporting event and the firearm is of the type commonly used in the activity.

SEC. 3 [Punishment of prior violations].

This Act does not affect a violation occurring before the effective date of this Act [June 15, 1985] of a regulation invalidated by this Act. A proceeding to punish the violation may be instituted and liability or a penalty may be imposed as if this Act were not in force. The regulation is continued in effect for this purpose.

* * * * *

STATE OF TEXAS

DEPARTMENT OF PUBLIC SAFETY

AUSTIN, TEXAS

INFORMATION CONCERNING THE CARRYING AND POSSESSION OF WEAPONS

Carrying weapons prohibited

There is no statewide permit that can be issued by any state, local or county agency of the State of Texas that will authorize a private citizen to carry a handgun, illegal knife or club in Texas. Peace officers are authorized to carry a handgun. Members of the armed forces or national guard or guards employed by a penal institution in the actual discharge of their official duties are authorized to carry a handgun. Some security guards can carry handguns under the condition set out below.

Handguns are defined as firearms designed, made or adapted to be fired with one hand.

Permitted use of certain weapons

While a person not authorized may not carry on or about his person a handgun, he may have the weapon on his own premises or premises under his control, while traveling or while engaging in lawful sporting activity. It should be noted here that when and if a person is permitted to carry or possess a weapon, he can do it openly, loaded, unloaded or in any manner. Texas law is not a concealed weapon statute.

Generally, security guards are not peace officers and are therefore prohibited from carrying handguns off the premises of the owner of the property they are hired to protect. However, the law provides that the Texas Board of Private Investigators and Private Security Agencies may commission security officers who may carry weapons in plain view if he is in a distinctive uniform and engaged in or traveling to or from security-type employment. Also, bank, financial institution and armored car guards and messengers

can carry weapons if in distinctive uniform and the weapon is in plain view.

Meaning of traveling

Carrying "on or about his person" covers carrying the weapon in a basket, purse, or automobile — including a locked glove compartment. While the new Penal Code establishes the Texas law on weapons, guidance to the meaning of the language can be found in cases decided under the old law. Thus the cases help us in understanding the term "traveler." Case law tells us that the exemption covers the "traveler" only while actually traveling. Any unnecessary or extended stop-over enroute invalidates the "traveler" privilege granted in the law. Once the trip has ended the exemption ceases. The term is not so broad as to include all movement from one place to another as such a definition would tend to defeat the purpose of the statute. Whether a person is a traveler is a fact question which must be passed on finally by the jury at the trial of the case. Also, the cases have held that a businessman may not make a practice of carrying a handgun as protection on short trips to the bank to

deposit money or for his protection while transporting valuables.

Rifles and shotguns

There is no limitation in state law on the carrying or transporting of long guns — shotguns or rifles — except that a person may not go on school premises (unless written authorization has been obtained from the school), premises of a polling place on the day of an election or during absentee voting, or in any government court or offices utilized by the court (unless written authorization has been obtained from the court). No state registration for their ownership or use is required. This does not apply to the "sawed off" variety covered below.

Prohibited weapons

Some weapons cannot be possessed at any time or any place in the State of Texas. These are explosive weapons, machine guns, short-barrel firearms, firearm silencers, armor-piercing ammunition.

Possession of weapons pursuant to the National Firearm Act, as amended, is a de-

fense if the person should be prosecuted for possessing them.

An explosive weapon is a bomb, grenade, rocket or mine designed 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 noise as to cause undue public alarm or terror.

A machine gun is a firearm capable of shooting more than two shots automatically without manual reloading and by a single function of the trigger.

A short-barrel firearm is a rifle with a barrel less than 16 inches long or a shotgun with a barrel less than 18 inches long or any weapon made from a shotgun or rifle with an overall length of less than 26 inches.

A silencer is a device designed or made to muffle the report of a firearm.

Armor-piercing ammunition is handgun ammunition designed primarily to penetrate metal or body armor and to be used mainly in pistols and revolvers.

* * * * *

Utah

State Law

UT Code Ann.

Title 76. Criminal Code

Chapter 10. Offenses Against Public Welfare

PART 3. EXPLOSIVES

76-10-306. "Infernal machine" defined.

An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76-10-307. Infernal machine — Delivery to common carrier, mailing, or placement on premises. — Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty of a felony of the second degree.

76-10-308. Infernal machine — Construction or possession. Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76-10-309. Infernal machine — Venue of prosecution for shipping. — Any person knowingly delivering any infernal machine to any railway, express or stage company, or to any person or company whatever, for transmission to any person in another county may

be prosecuted in the county in which he delivers it or in the county to which it is transmitted.

PART 5. WEAPONS

76-10-501. Uniform law — Definitions.

* * *

PREEMPTION

(1)(b) The provisions of this part are uniformly applicable throughout this state and in all its political subdivisions and municipalities. No local authority may enact or enforce any rule in conflict with the provisions of this part.

(2) For the purpose of this part:

(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. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used are determinative.

(b) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, or any device that could be used as a weapon from which is expelled a projectile by any force.

(c) "Sawed-off shotgun" 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 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.

(d) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(e) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of these offenses.

(f) "Bureau" means the Utah State Bureau of Criminal Identification. * * *

76-10-503. Possession of dangerous weapon — Persons not permitted to have — Provisions for aliens — Penalties.

(1)(a) Any person who is not either a citizen of the United States or a lawfully admitted alien whose business, occupation, or duties require the use of a dangerous weapon; or a lawfully admitted alien who has obtained a special hunting permit from the Department of Public Safety; or any person who has been convicted of any crime of violence under the laws of the United States, the state, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent may not own or have in his possession, or under his custody or control any dangerous weapon as defined in this part. The Department of Public Safety shall adopt rules governing the issuance and use of special hunting permits for lawfully admitted aliens.

(b) Any person who violates this section is guilty of a class A misdemeanor, and if the dangerous weapon is a firearm or sawed-off shotgun, he is guilty of a third degree felony.

(2)(a) Any person who is on parole for a felony or is incarcerated at the Utah state prison or other like facility may not have in his possession or under his custody or control

any dangerous weapon as defined in this part.

(b) Any person who violates this section is guilty of a third degree felony, and if the dangerous weapon is a firearm, explosive or infernal machine, he is guilty of a second degree felony. * * *

76-10-509. Possession of dangerous weapon by minor. — A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

76-10-510. Possession of weapon authorized — Permit or license not required. — Nothing in this part shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this state and who is not within the excepted classes as prescribed by section 76-10-503 from owning, possessing, or keeping within his place of residence or place of business or any vehicle under his control any pistol, revolver, or other firearm or dangerous weapon capable of being concealed upon the person, and no permit or

license to purchase, own, possess, or to keep any such firearm or weapon at his place of residence, or place of business, or any vehicle under his control, shall be required of him.

76-10-520. Number or mark assigned to pistol or revolver by bureau. — The bureau 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 bureau has been destroyed or obliterated.

76-10-521. Unlawful marking of pistol or revolver. — Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a class A misdemeanor. 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 the restoration is authorized by the bureau, 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 bureau, on any pistol or revolver, without first having secured written permission from the bureau to make the change, alteration, or removal, shall be guilty of a class A misdemeanor.

76-10-523. Persons exempt from weapons laws. — The provisions of this part shall not apply to any of the following:

(1) United States marshals while engaged in the performance of their official duties.

(2) Federal officials required to carry firearms while engaged in the performance of their official duties.

(3) Law enforcement officials of this or any other jurisdiction while engaged in the performance of their official duties.

(4) Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.

(5) Nonresidents traveling in or through the state, provided that any firearm is unloaded and enclosed in a case, gun box, or securely tied package or held securely in a gun rack or locked in the trunk of an automobile in which the nonresident is transporting the firearm.

Vermont

State Law

VT Stat. Ann.

Title 13. Crimes and Criminal Procedure

CHAPTER 37. EXPLOSIVES

1603. Definitions.

For the purposes of this chapter:

(1) "Destructive device" means any:

(A) explosive, incendiary or poison gas bomb; or

(B) explosive, incendiary or poison gas grenade; or

(C) explosive, incendiary or poison gas rocket having a propellant charge of more than four ounces; or

(D) explosive, incendiary or poison gas missile having an explosive or incendiary charge of more than one-quarter ounce; or

(E) explosive, incendiary or poison gas mine; or

(F) device 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 the flammable liquid or compound, and can be carried or thrown by one individual acting alone; or

(G) device similar to those devices enumerated in paragraphs (1), (A)-(E) of this section. A destructive device does not include a firearm or ammunition therefor.

(2) "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 gunpowder.

1604. Possession of destructive devices. A person who manufactures, posses-

ses, stores or transports a destructive device or a hoax device shall be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both.

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 departments of this state, or to the state 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.

CHAPTER 85. WEAPONS

4006. 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 secondhand 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

preserve such record book for six years after 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.

4007. Furnishing firearms to children. A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than \$50.00 nor less than \$10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

4008. Possession of firearms by children. A child under the age of sixteen years shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

4010. 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 for military purposes when so used or possessed under proper military authority and restriction.

4013. Zip guns; * * * A person who possesses, sells or offers for sale a weapon commonly known as a "zip gun", * * * shall be imprisoned not more than ninety days or fined not more than \$100.00.

Virginia

State Law

Code of VA

TITLE 15.1. COUNTIES, CITIES, AND TOWNS.

15.1-29.15. Control of firearms. — From and after January 1, 1987, no county, city or town shall adopt any ordinance to govern the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute.

15.1-523. Pistols and revolvers: license tax on dealers. — The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-524. Same; reports of sales. — The governing body of any county may 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 calibre of the weapon sold. The clerk shall keep a record of the reports.

15.1-525. Same; in certain counties. — Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

TITLE 18.2 CRIMES AND OFFENSES GENERALLY.

18.2-85. Manufacture, possession, use, etc., of fire bombs or explosive materials or devices. —

(a)(i) For the purpose of this section, "fire bomb" means a container containing gasoline, kerosene, fuel oil, derivative thereof, or other flammable material, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or other flammable material; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(ii) For the purpose of this section, "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 combustible 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, gunpowder, powders for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents and smokeless powder.

(iii) For the purpose of this section, "device" means any instrument, apparatus or contrivance, including its component parts, that is capable of producing an explosion.

(b) It shall be unlawful for any person to possess 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.

(c) It shall be unlawful to manufacture, transport, distribute, possess or use a fire bomb or explosive materials or devices.

(d) Violators of this section shall be guilty of a Class 5 felony.

(e) 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; nor shall it 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.

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 means of powder or other explosive, 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.

18.2-288. Definitions. When used in this article: [Article 5]

(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) "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, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, house-breaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

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.

18.2-291. 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 or use 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 required for that purpose; and

(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 not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(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 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. 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 therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable as a Class 3 misdemeanor.

18.2-295. Registration of machine guns. Every machine gun in this state shall be registered with the Department of State Police within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized 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. 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 retained by 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 constitute 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.

18.2-298. Short title of article. — This article [Article 5] may be cited as the "Uniform Machine Gun Act."

18.2-299. Definitions. When used in this article: [Article 6]

(1) "Sawed-off shotgun" applies to any weapon, loaded or unloaded, originally designed as 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 eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "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, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, house-breaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.2-300. Possession or use of "sawed-off" shotgun. —

A. Possession or use of a "sawed-off" shotgun 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 for any other purpose, except as permitted by Sec. 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 to the armed forces or law-enforcement officers of the United States or of any state of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns 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.

18.2-303.1 What article does not prohibit. Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

18.2-304. Manufacturer's and dealer's register; inspection of stock. — Every manufacturer or dealer shall keep a register of all "sawed-off" shotguns manufactured or handled by him. This register shall show the model and serial number, date of manufac-

ture, sale, loan, gift, delivery or receipt of every "sawed-off" shotgun, the name, address, and occupation of the person to whom the "sawed-off" shotgun 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 "sawed-off" shotguns, and "sawed-off" shotgun barrels, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable as a Class 3 misdemeanor. * * *

18.2-307. Short title of article. — This article [Article 6] may be cited as the "Sawed-Off Shotgun Act." * * *

18.2-308.2. Possession or transportation of handguns or concealed weapons by certain convicted felons; penalties; petition for permit; when issued. —

A. It shall be unlawful for any person who has been convicted of a Class 1, 2 or 3 felony, rape, robbery, or a felony involving the use of a firearm under the laws of this Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any pistol, revolver or other handgun, or to knowingly and intentionally carry about his person, hid from common observation, any weapon described in § 18.2-308 A. A violation of this section shall be punishable as a Class 6 felony. Any pistol, revolver or other handgun or any concealed weapon possessed, transported or carried in violation of this section shall be forfeited to the Commonwealth.

B. The provisions of this section shall not apply to any person who possesses a firearm 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 or to any law-enforcement officer in the performance of his duties; nor shall it apply to any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia.

C. Any person convicted of a Class 1, 2 or 3 felony or rape, robbery or a felony involving the use of a firearm under the laws of this Commonwealth or any other state, the District of Columbia, the United States or any territory thereof, may petition the circuit court of the jurisdiction in which he resides for a permit to possess or carry a handgun or other weapon. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section shall not apply to any person who has been granted a permit pursuant to this paragraph.

18.2-308.3. Use or attempted use of restricted ammunition in commission or attempted commission of certain crimes of violence prohibited; penalty. —

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, polytetrafluorethylene or similar product,

(ii) commonly known as "KTW" bullets or "French Arcanes," 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 shotgun shells or solid plastic bullets.

"Crimes of violence" applies to and includes murder, voluntary manslaughter, rape,

robbery, burglary, malicious wounding as defined in § 18.2-51, or abduction.

B. It shall be unlawful for any person to use or attempt to use restricted firearm ammunition while committing or attempting to commit a crime of violence. 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.

18.2-309. Furnishing certain weapons to minors. — If any person [shall] sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor. * * *

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.

Alexandria

13-2-23. Procedure for sale of pistols or revolvers; sale to certain persons prohibited. Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, [contact local authorities for required contents] * * * . No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

13-2-24. Record of pistols or revolvers sold or disposed of. Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. * * *

13-2-41. Required. Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the chief of police to permit to deal in such weapons. This permit shall be in

addition to the revenue license require by section 58-394, of the Code of Virginia, and of any city revenue license.

Bristol

9-8. Definition. "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. Permit for manufacture, etc. No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

9-10. Permit for sale, etc. No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

Brunswick County

Sellers to obtain identity of purchaser;

* * * In obtaining the name and address of the purchaser, * * * if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment * * *

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

17-35 extracted from 18.2-309

17-36. (Firearms) — Sales of firearms. Permit required. No person shall sell firearms, * * * without having first procured an annual permit from the city manager to engage in such business.

Chesapeake

17-60. [Weapons] — Permit generally. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * or any weapon of any like kind, unless and until a permit, granted by the chief of police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Fairfax

25-4. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Applicant: Any person, firm or corporation applying to the chief of police for a certificate of registration to sell firearms.

Chief of police: The chief of the city police department or his designated agent.

Crime of violence: Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem and assault.

Fixed ammunition: Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Habitual drunkard: Any person who has been convicted of being drunk in public three (3) or more times within a period of one year.

Licensed dealer: Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the city, who is either licensed or required to be licensed as such under state or federal law.

Person: Individual, firm association or corporation.

Pistol: Any firearm with a barrel less than sixteen (16) inches in length that uses fixed ammunition.

Registrant: Any person registering with the chief of police to purchase a pistol.

25-5. Dealer's registration — Required. It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration approved by the chief of police as hereinafter provided.

25-6. Same — Application; fee. Any person, before engaging in the business of selling at retail or renting pistols in the city, shall be required to register with the chief of police on application forms furnished by the chief of police. The application form shall contain the following information:

(a) Name and business address.
(b) Residence address.
(c) Federal firearms license number.
(d) If the dealer is a state corporation, the name and addresses of the officers and directors of such corporations.

(e) If the dealer is a foreign corporation, the name and addresses of the officers and directors of such corporation and the name and address of the registered agent for the purpose of service of process in the state.

(f) A statement that the applicant or all members of a firm or corporation applying for a license is over the age of twenty-one (21) years, has not been committed to an institution for treatment of a mental illness or drug addiction in the past ten (10) years preceding the date of such application, has not been convicted of a felony within the past ten (10) years, has not been convicted of a crime of violence, is not an habitual drunkard and has not been denied the privilege of selling firearms in any other jurisdiction.

The application shall be sworn to before a notary public, by the applicant if he be an individual, if a firm by one of the members, and if a corporation by the president. Every application shall be accompanied by a fee of twenty-five dollars (\$25.00) payable to the city, which shall not be refundable in any case.

25-7. Same — Issuance or denial. The chief of police shall conduct an investigation of each application, shall approve the same within ten (10) days, exclusive of Saturdays, Sundays and holidays, from the date of the filing of the same, and shall issue an appropriate certificate of registration to the applicant, unless he shall refuse and reject the application for any of the following reasons:

(a) The applicant is under the age of twenty-one (21) years.

(b) The applicant has been committed to an institution for the treatment of mental illness or drug addiction within ten (10) years prior to the date of application.

(c) The applicant has been convicted of a crime of violence.

(d) The applicant has been convicted of a felony within the past ten (10) years.

(e) The applicant is an habitual drunkard.

(f) The applicant has been denied the privilege of selling firearms in any other jurisdiction.

(g) That any statement contained in the application is untrue.

(h) The applicant is not licensed by state or federal law or does not intend to engage in the retail sale or rental of pistols in the city.

The chief of police shall inform the applicant of the reasons for the rejection. Such information shall not be privileged and the applicant, upon the filing of the application, shall be deemed to have waived any privilege for the nondisclosure thereof. * * *

25-10. Same — Sales to be conducted on designated premises. A licensed dealer shall conduct the sale or rental of pistols only on the premises designated in the certificate.

25-11. Sales to certain persons prohibited.

(a) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer, or cause to be sold, bartered, given, furnished, lent, rented or otherwise transferred to any person under twenty-one (21) years of age, a pistol, having good cause to believe him to be a person under twenty-one (21) years of age.

(b) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer or cause to be sold, bartered, given, furnished, lent, rented, or otherwise transferred any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past ten (10) years, or is a drug addict, or is an habitual drunkard, or is a fugitive from justice or is of unsound mind.

(c) No licensed dealer or other person shall sell, barter, give, furnish, lend, rent or otherwise transfer or cause to be sold, bartered, given, furnished, lent, rented or otherwise transferred any pistol to any person whose record of registration to purchase, borrow, receive, rent or otherwise acquire a pistol has been rejected by the chief of police under the provisions of this article, nor to any person who fails to present a valid record of his registration with the chief of police to purchase a pistol.

25-12. Registration to purchase, etc., pistol — Contents.

(a) Any person desiring to purchase, borrow, receive, rent or otherwise acquire a pistol from a licensed dealer or other person shall register under oath on forms provided by the chief of police which shall be signed, in duplicate, by such person stating his full name, address, occupation, place and date of birth, the date and hour of registration, the length of time he has resided in the state prior to the registration, all previous places of residence outside of the state for the past ten (10) years, and a statement that he has never been convicted in this state or elsewhere of a crime of violence or a felony within the past ten (10) years, that he is not an habitual drunkard or a drug addict, that he is not a fugitive from justice, that he has not been denied the right to purchase a pistol in any other jurisdiction, and that he has never been committed to an institution for treatment of mental illness from which he has not been discharged for a period of ten (10) years or more prior to the date of his registration to purchase a pistol.

(b) The licensed dealer or other person who proposes to sell, barter, give, furnish, lend, rent or otherwise transfer a pistol shall sign and attach his address to the record of registration and mail or deliver the same to the chief of police. The chief of police shall mark the date and hour of the receipt of the

record of registration in his office. The original record of registration shall remain the property of the police department. A duplicate copy of the record of registration shall be retained by the dealer for six (6) years.

25-13. Same — Waiting period for validity.

(a) Except as hereinafter provided, the chief of police shall review the registration of a purchaser of a pistol within seventy-two (72) hours of the delivery of the same to the chief of police, excluding Saturdays, Sundays and holidays, and if he finds one or more of the enumerated statements on the registration to be untrue, such registration shall be rejected.

(b) Where the registrant is a nonresident of the city, but has been a resident of the state for more than three (3) years immediately preceding the date of registration, the time shall be extended to five (5) days.

(c) Where the registrant is a nonresident or has not resided in the state for a period of three (3) years immediately preceding the date of registration, the time shall be extended to thirty (30) days.

25-14. Same — Denial. If, within the prescribed period, the chief of police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the registration was rejected for one or more of the following reasons: The registrant;

(1) Is under the age of twenty-one (21) years, or

(2) Has been committed to an institution for treatment of mental illness or drug addiction, and has not been discharged therefrom for a period of ten (10) years or more preceding the date of such registration, or

(3) Has been convicted of a crime of violence, or

(4) Has been convicted of a felony within the past ten (10) years, or

(5) Is an habitual drunkard, or

(6) Is a fugitive from justice, or

(7) Has made a statement on the registration that is untrue, it shall be unlawful for the licensed dealer or other person to deliver the pistol to the registrant.

25-16. Exemptions from article. This article shall not apply to:

(a) Purchases by any licensed dealer registered in accordance with the provisions of this article,

(b) Rental of pistols by persons eighteen (18) years of age or over while used upon a supervised rifle or pistol range,

(c) The delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs, or

(d) A wholesale purchase from a licensed dealer by any person engaged in the business of manufacturing, repairing or selling pistols at retail.

25-17. Penalty for violations.

(a) Any person who violates any provision of this article or who willfully furnishes false information in any application or registration required herein shall be guilty of a class 1 misdemeanor and upon conviction thereof shall be punished as provided by law.

(b) Any weapon sold, rented or transferred in violation of this article shall be forfeited by the owner thereof, and shall become the property of the police department of the city.

Fairfax County

6-1-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning: * * *

(2) **Firearm** shall mean any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

(3) **Gun** shall mean and includes rifles, shotguns, pistols or other firearms, and also includes any air gun, air rifle or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air. * * *

(5) **Pistol** shall mean a gun having a barrel of less than sixteen (16) inches in length. * * *

(7) **Rifle** shall mean a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

(8) **Shotgun** shall mean a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through smooth bore one or a number of ball shot for each pull of the trigger.

(9) **Starting pistols** shall mean any device which is designed or functions to [simulate] the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm as defined in this Section.

6-1-5. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or starting pistol as defined by section 6-1-1, or any projectile therefor within the county to a minor under the age of eighteen (18) years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

6-3-1. Definitions. The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

(1) **Chief of Police.** The chief of the county police department or his designated agent.

(2) **Crime of violence.** * * *

(3) **Habitual drunkard.** * * *

(4) **Fixed ammunition.** * * *

(5) **Licensed dealer.** * * *

(6) **Pistol.** * * *

(Note: Each of the above is the same as seen in Fairfax City.)

6-3-2. Registration of dealers — Required; application; * * * (a) Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police. * * *

6-3-3. Dealer's registration certificate required; * * * (a) It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided. * * *

6-3-5. Sale of pistols to minors, drug addicts, habitual drunkards, and others prohibited. (a) No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, having good cause to believe him to be a minor under eighteen (18) years of age, nor

shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

6-3-6. Application for acquisition of pistol Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, which shall be signed in duplicate by such person [contact local authorities for required contents] * * *.

6-3-7. Waiting period prior to delivery of pistol to purchaser — Required. No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

6-3-8. Same — Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is

(1) under the age of eighteen years,

(2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application,

(3) has been convicted of a crime of violence or

(4) is an habitual drunkard,

it shall be unlawful for the dealer to deliver the pistol to the applicant.

Falls Church

24-46 extracted from 18.2-309

40-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder, manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

40-3. Unlawful possession of pistol.

(a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

- (1) He is a drug addict.
- (2) He has been convicted in the city or elsewhere of a felony.
- (3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.
- (4) He is not licensed under section 40-10 to sell weapons, and he has been convicted of violating section 40-2.
- (5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

40-7. Sales of pistols to certain persons prohibited. No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

40-8. Transfers of firearms regulated. No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. * * * The seller shall, within six hours after such application, or not later than 10:00 A.M. on the succeeding day, sign and attach his address and deliver one copy to such person as the chief of police of the city may designate, and shall retain the other copy for six years. The chief of police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by section 40-3 or 40-7 from purchasing a pistol. No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40-14 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 city. This section shall not apply to sales at wholesale to licensed dealers.

40-9. Weapon dealer's license — Required. No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40-10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

40-10. Same — Issuance; conditions; records. The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40-9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code:

(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.

(3) 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 section 40-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40-14 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 city.

(4) A true record shall be made in a book kept for the purpose [contact local authorities for required contents] * * *

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun and blackjack sold, such record to be made in a book kept for the purpose [contact local authorities for required contents] * * *

(6) No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of the premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

40-11. False information forbidden in sale of weapons. No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

40-12. Alteration of identifying marks of weapons. No person shall within the city, change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol, machine gun or sawed-off shotgun. Possession of any pistol, machine gun or sawed-off shotgun upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same within the city; provided, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the city engaged in experimental work. * * *

40-14. Possession of certain dangerous weapons prohibited. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy 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, 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, wholesale dealers and retail dealers licensed under section 40-10.

Greensville County

* * * it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. * * * it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

18-84. Pistol Dealers. Every person engaged in the business of selling pistols shall pay an annual license tax * * *

41-1 extracted from 18.2-309

Henrico County

12-3. Permits — Certain permits required from chief of police as prerequisite. Every person desiring a license under the provisions of this chapter for furnishing medicine vendor or desiring to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police for a permit and shall produce to the chief of police, evidence of the good character of the individual, the members of the firm or the chief officers of the corporation, as the case may be. It shall thereupon be the duty of the chief of police to make a reasonable investigation of the character of the individual, or of each member of the firm, or of each chief officer of the corporation as the case may be, and if he be satisfied that the individual, the members of the firm, or the principal officers of the corporation, as the case may be, be of good moral character and fit to engage in the proposed business, or to buy, sell or otherwise acquire a pistol or revolver, he shall issue the permit. The form of the application for the permit and the form of the permit itself shall be prepared and furnished by the chief of police.

Herndon

27-4. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any dealer to give, sell, rent, lend or otherwise transfer any gun or any projectile therefor within the town to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

27-8. Permit — Required. It shall be unlawful for any dealer, except a dealer holding a permit under this article, to sell, lend or otherwise transfer any gun or projectile therefor. It shall be unlawful for any dealer to rent any gun or projectile therefor to another person.

27-13. Registration of dealers — Required; application. (a) Any person, before engaging in the business of selling at retail or renting pistols in the town, shall register with the town sergeant on application forms furnished by the town sergeant. * * *

27-17. Same — Engaging in business while unregistered prohibited. It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration state-

ment endorsed by the town sergeant as provided in this article.

27-18. Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited. No dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any dealer sell, lend, rent or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the town sergeant under the provisions of this article.

27-19. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer shall make application on forms provided by the town sergeant, [contact local authorities for required contents] * * * Within eight hours after receipt of such application, the dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the town sergeant. A duplicate of the application shall be retained by the dealer for six years.

27-20. Waiting period prior to delivery of pistol to purchaser — Required. No dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays, and holidays, shall have elapsed from the time the application has been received by the town sergeant. The town sergeant shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

27-21. Same — Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the town sergeant shall inform, in writing, which shall not be privileged, the dealer who proposes to sell the pistol that the applicant to purchase such pistol is [not eligible] * * * it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the town sergeant shall be furnished the applicant by the dealer.

Newport News

42-22. Statement of purchases, etc., — Generally. It shall be unlawful for any dealer to sell or otherwise transfer any pistol without first having obtained a signed statement from the purchaser of such pistol or from the transferee thereof [contact local authorities for required statement] * * *

43-4 extracted from 18.2-309

Norfolk

47-4. Sale or deliver of weapons to minors. If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished, to any minor a pistol * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Petersburg

48-8. Permits to buy, etc., pistol, dirk, etc. No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol * * * unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such

person permission to make such purchase or to procure such weapon; and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give, or deliver to any person within the city any pistol, * * * unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low powered rifles or rifle ammunition thereof of twenty-two calibre and under, commonly used for target practice purposes.

48-11 extracted from 18.2-309

Portsmouth

21-39 same as 18.2-309

21-42. Permit required to obtain weapon from dealer. Before any person purchases or otherwise acquires from a dealer any pistol, * * * or any weapon of a like kind, he shall obtain a permit therefor from the chief of police.

Prince Edward County

No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, * * * or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, * * * or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Richmond

22-38 Weapons — Definitions. When used in section 22-38 to 22-48 the following words shall have the meanings ascribed to them as follows:

Ammunition. An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm. A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

Minor. A person under the age of twenty-one years. A person of the age of eighteen years or older may purchase weapons and ammunition other than hand guns or hand gun ammunition.

22-41. Same — Sale or exchange. No person shall sell or exchange within the city limits any pistol, * * * or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such weapon is sold or exchanged * * *

22-42. Same — Purchase. No person shall purchase, or otherwise procure as his own

property or for temporary use any pistol, * * * or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; **provided**, that in this section [nothing] shall apply to the sale or exchange of low-power rifles rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

22-48 same as 18.2-309

29-126. Permits from director of public safety required for certain licenses. (a) Every person desiring * * * to sell or offer to sell at retail pistols or revolvers or to buy at retail or otherwise acquire a pistol or revolver under the provisions of section 29-238 of this Code, * * * shall first apply to the director of public safety for a permit (contact local authorities for requirements).

Roanoke

21-84 extracted from 18.2-309

Salem

31-6 extracted from 18.2-309

Southampton County

18-1. Pistol permit. No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser. In order to obtain such a permit, the applicant shall be eighteen years of age or older, a resident of the county and shall not be a known felon or a former inmate of a mental institution. All nonresidents of the county shall present a letter to the sheriff of the county from the chief of police or sheriff of his city, town or county, stating that such applicant can qualify for a permit under this section and is a resident of that city, town or county, prior to obtaining a permit under this section.

18-6 extracted from 18.2-309

Staunton

18-17. Sale of certain weapons to pupils of Virginia School for Deaf and blind. It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold bartered, given or furnished, to any pupil of the Virginia School for the Deaf and Blind situated in the city, a pistol, gun, rifle * * *

Suffolk

1: Offense. No person shall sell, lease, rent, give, or otherwise furnish within the City of Suffolk any pistol, revolver, or similar type of handgun unless and until the person who is to acquire such shall present to the proposed seller, lessor or give a permit issued by the Chief of Police of the City * * * authorizing the holder of such permit to acquire such weapon, * * *

2: Persons to whom such permits shall not be issued. No permit required by Section 1 herein shall be issued to any person under the age of eighteen (18) years, to any convicted felon, to any person who at the time of application is charged with a crime involving violence, to any person acquitted of a felony on the basis of insanity, or to any person on furlough therefrom.

Virginia Beach

38-6. Permit prerequisite to purchase of certain weapons.

(a) No licensed importer, licensed manufacturer or licensed dealer shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, revolver or similar type of handgun unless a permit granted by the chief of police, or such other officer of the police department as may be designated in writing by the chief of police, is presented authorizing the holder of such permit to acquire such weapon.

This section shall not apply to the rental of pistols, revolvers or other handguns by licensed importers, licensed manufacturers or licensed dealers that are to be used solely on the premises of said importers, manufacturers or dealers. This section shall not apply to transactions between licensed importers, licensed manufacturers or licensed dealers. This section shall not apply to sales or trade-ins of pistols, revolvers or other handguns from individuals to licensed importers, licensed manufacturers or licensed dealers, or to sales, trades or any transfers of pistols, revolvers or other handguns between individuals.

Such permit shall be surrendered to the licensed importer, licensed manufacturer or

licensed dealer furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

(1) The term "licensed importer" shall mean any person engaged in the business of importing or bringing firearms into the United States for the purpose of sale or distribution who is licensed under either the provisions of title 18 USC section 921 et seq., or the provisions of this Code.

(2) The term "licensed manufacturer" shall mean any person engaged in the manufacturing of firearms for purposes of sale or distribution who is licensed under either the provisions of title 18 USC section 921 et seq., or the provisions of this Code.

(3) The term "licensed dealer" shall mean:

a. Any person engaged in the business of selling firearms at wholesale or retail,

b. Any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or

c. Any person who is a pawnbroker, and who is licensed under either the provisions of title 18 USC section 921 et seq., or the provisions of this Code.

(4) The term "pawnbroker" shall mean 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.

(b) No permit required by subsection (a) above shall be issued to:

(1) Any person under the age of twenty-one (21) years;

(2) Any convicted felon;

(3) Any person under indictment or information for a felony;

(4) Any person who at the time of application is charged with a crime involving violence;

(5) Any person who has been found not guilty of a felony on the basis of insanity;

(6) Any person who is a fugitive from justice;

(7) Any person who presently is an unlawful user of, or addicted to, marijuana, a depressant, stimulant or narcotic drug; and

(8) Any person who has been committed to a mental institution.

(c) Every applicant for a permit required by this section shall pay to the city treasurer an application fee of five dollars (\$5.00). This fee shall not be charged to sworn police officers of the city.

(d) A violation of this section shall constitute a Class 1 misdemeanor.

York County

16-11 extracted from 18.2-309

Virgin Islands

Territorial Law

VI Code

Title 23. Internal Security and Public Order.

§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 Commissioner or Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(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 "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery burglary, housebreaking, breaking and entering and 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, blueing or performing any mechanical operation on any firearm on an individual order basis. * * *

§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 contracts with 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 establishes 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 for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish all information as may be required of him by the Commissioner. * * *

§458. Grounds for refusing to issue license. The Commissioner shall not issue a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any violation of a narcotic or "harmful drug" law; nor to any person who is mentally incompetent, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions of this chapter; nor to any person who for justifiable reasons is deemed to be an improper person by the Commissioner. * * *

§461. License to sell firearms and/or ammunition; 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 Finance upon favorable report of the Commissioner of Public Safety. * * *

(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 by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

§462. Application for dealer's or gunsmith's license; form and content; term; fee; renewals.

(a) Any person wishing to obtain a license to engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, or both, shall file with the Commissioner of Finance a sworn application in the manner provided by the said Commissioner of Finance in consultation with the Commissioner of Public Safety which application shall contain all the information necessary so that the license may be issued in accordance with the provisions of this chapter. Such application shall be transmitted to the Commissioner of Public Safety. * * *

§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. * * *

§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 circumstance shall a weapon or shall ammunition be sold unless the vendor is 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 and the buyer. Said record shall also contain a thumb-print of the buyer and shall also set forth whether the buyer is personally known to the vendor, and in case he should not be the manner in which the buyer established his identity. * * *

(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 a name and address of the customers, a description of the firearm, including the serial number which accounting shall be available as required by the Commissioner.

§466. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license. * * *

§470. Report of firearms purchased outside or brought into the Virgin Islands; fees; penalty.

(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 within 24 hours after receipt of the firearm or ammunition, furnishing a complete description of the firearms 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 Islands bringing with him any firearm or ammunition shall report in writing or in person to the Commissioner within 24 hours of his arrival, furnishing a complete description of the firearm or ammunition brought into the Virgin Islands. He shall also furnish his own

name, address, date of birth and occupation. * * *

§471. Report of loss of firearm. Every person 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 his discovery of such loss or disappearance, and in the event of his failing to do so, such person shall be fined not more than \$100. * * *

§474. Death of licensee. Upon the death of a person leaving in his estate a firearm it shall be the duty of his administrator, executor or any other person legally authorized to represent the estate to report to the Commissioner the brand, caliber and serial number if any, of the firearm in question. Upon such report, or upon information otherwise verified, the Commissioner shall make the necessary provisions for the custody of said firearm by any interested party or by its deposit with the Department, pending the settlement of the estate. If the firearm is assigned to an heir or distributee who is eligible to obtain a license for a firearm, and such license is issued, said firearm shall be delivered to such heir or distributee. If the heir or distributee is not eligible for a firearms license, then the firearm shall be disposed of as part of the estate through public or private sale as the District Court of the Virgin Islands may direct; provided that the firearm may be acquired only by a duly licensed dealer, a person eligible for a license to possess or carry firearms in the Virgin Islands, or a nonresident of the Virgin Islands in compliance with the laws of the buyer's state.

§476. Collections of antique firearms; certificates of uselessness. No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms unless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

§480. False information forbidden in sale of weapons. No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of his identity.

§481. Alteration of identifying marks of weapons prohibited. No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: **Provided, however,** that nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.

§482. Illegal use of license; penalty. Whoever knowingly allows the use of his

license, issued under this chapter or any prior law of the Virgin Islands, by another person

for the purpose of obtaining or transporting firearms shall be punished * * *

Washington

State Law

WA Rev. Code Ann.

TITLE 9. CRIMES AND PUNISHMENTS

CHAPTER 9.40. FIRE, CRIMES RELATING TO

9.40.110 "Incendiary devices" — Definitions. For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) **"Disposes of"** means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) **"Incendiary device"** means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120 "Incendiary devices" — Penalty. Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130 "Incendiary devices" — Exceptions. RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

CHAPTER 9.41. FIREARMS AND DANGEROUS WEAPONS

9.41.010 Terms defined.

(1) **"Short firearm" or "pistol"** as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) **"Crime of violence"** as used in this chapter 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, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which

is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2)(a) or (b) of this section.

(3) **"Firearm"** as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) **"Commercial seller"** as used in this chapter means a person who has a federal firearms license. * * *

9.41.040 Certain persons forbidden to possess arms.

(1) A person is guilty of the crime of unlawful possession of a short firearm or pistol, if, having previously been convicted in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed, the person owns or has in his possession any short firearm or pistol.

(2) Unlawful possession of a short firearm or pistol shall be punished as a class C felony under chapter 9A.20 RCW.

(3) As used in this section, a person has been **"convicted"** at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, post-trial motions, and appeals. A person shall not be precluded from possession if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocent.

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a short firearm or pistol if, after having been convicted of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, or after any period of confinement under RCW 71.05.320 or an equivalent statute of another jurisdiction, or following a record of commitment pursuant to chapter 10.77 RCW or equivalent statutes of another jurisdiction, he owns or has in his possession or under his control any short firearm or pistol.

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction. * * *

9.41.080. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to

one who 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.

9.41.090. Commercial sales regulated — Requirements for delivery — Hold on delivery.

(1) In addition to the other requirements of this chapter, no commercial seller shall deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in duplicate and processed as provided in subsection (4) of this section; or

(b) The seller is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(c) Five consecutive days including Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case whether the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances:

(a) Open criminal charges,
(b) pending criminal proceedings,
(c) pending commitment proceedings,
(d) an outstanding warrant for a crime of violence, or

(e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to conform existing records in this state or elsewhere. After thirty

days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller an application containing his or her full name, address, place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to own 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 game 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 seller shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following the period of time specified in this section unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser fails to meet the requirements specified in RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093 Exemptions. The following shall be exempt from the provisions of RCW 9.41.090 as now or hereinafter amended: Sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended. * * *

9.41.100 Dealers 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 otherwise transfer, any pistol without being licensed as hereinafter provided.

9.41.110. Dealer's licenses, by whom granted and conditions thereof — Wholesale sales excepted — Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell pistols 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 9.41.160.

(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 easily be read.

(3) No pistol shall be sold

(a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor

(b) 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.

(4) 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, each 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 birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. * * *

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale. * * *

9.41.120. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

9.41.130. False information forbidden. 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 offer false evidence of his identity.

9.41.140. Alteration of identifying marks — Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items. * * *

9.41.170. Alien's license to carry firearms — Exception. It shall be unlawful for any person who is not a citizen of the United

States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licensing and such license is not to be issued by the director of licensing except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: **Provided**, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons 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. * * *

9.41.190 Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: **Provided, however**, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington: **Provided further**, That this section does not apply to a person, including an employee of such person, who or which is exempt from or licensed under the National Firearms Act (26 U.S.C. section 5801 et seq.), and engaged in the production, manufacture, or testing of weapons or equipment to be used or purchased by the armed forces of the United States, and having a United States government industrial security clearance.

9.41.200. Machine gun defined. For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, 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 such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.210 Penalty. Any person violating any of the provisions of RCW 9.41.190 through 9.41.220 shall be guilty of a felony.

9.41.220 Machine guns and parts contraband. All machine guns, or parts thereof, illegally held or 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, or parts thereof, wherever and whenever found. * * *

9.41.240. Use of firearms by minor. No minor under the age of fourteen years shall 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 other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a

certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. * * *

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 reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Such local ordinances shall have the same or lesser 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 * * * Local laws and ordinances — Exceptions * * *

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their 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 firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms. * * *

TITLE 26. DOMESTIC RELATIONS.

CHAPTER 26.28. INFANTS

26.28.010. Age of majority. Except as otherwise specifically provided by law, all persons shall be deemed and taken to be of full age for all purposes at the age of eighteen years.

26.28.020. Married persons — When deemed of full age. All minor persons married to a person of full age shall be deemed and taken to be of full age.

26.28.080. Certain acts prohibited — Belief minor in representative capacity, no defense — Penalty. Every person who:

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

COMPILER'S NOTES:

1. The State of Washington preempts the entire field of firearms regulation within the boundaries of that State: §9.41.290.

2. The State of Washington has also enacted legislation which provides exceptions to the preemption: §9.41.300(2)(a),(b).

3. It is inappropriate for this Agency to attempt to determine the validity of local Washington State ordinances, as this is not a national (Federal) issue, and the "police power" [to protect the citizens' health, safety, and welfare] rests primarily with the States and their jurisdictions.

4. Inquiries with respect to any firearms-related activities should be directed to the Office of the City Attorney. Certain cities that provided ATF with local ordinances are listed below, along with the ZIP Codes of their City Attorneys:

Auburn	98001	Pasco	99301
Bellevue	98004	Port Angeles	98362
Bremerton	98310	Seattle	98104
Kennewick	99336	Spokane	99201
Mount Vernon	98273	Tukwila	98121

West Virginia

State Law

WV Code

CHAPTER 8. MUNICIPAL CORPORATIONS

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 therein by ordinance or resolution, as the case may require, and by appropriate action based thereon: * * *

(16) To arrest, convict and punish any individual for carrying about his person any revolver or other pistol, * * * or any other dangerous or other deadly weapon of like kind or character * * *

8-12-5a. Limitations upon municipalities' power to restrict ownership of certain weapons and ammunition. The provisions of section five of this article notwithstanding, neither a municipality nor the governing body of any municipality shall have the power to limit the right of any person to own 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 such 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] of this article or from enforcing any such ordinance or resolution.

CHAPTER 61. CRIMES AND PUNISHMENT

61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits, unnaturalized persons may not possess firearms; exception. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of revolvers and pistols, and all such licenses, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety: **Provided**, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice,

and **Provided, however**, that notwithstanding any other provision of this article or any other provisions of this Code, any resident, nonresident and unnaturalized person may lawfully possess, transport, carry and use any firearm he is permitted to use for hunting under any valid license he has been issued by the department of natural resources and which he holds in his possession. At all time such person shall comply with all of the requirements of law set forth in this Code and the rules and regulations promulgated thereunder pertaining to possessing, transporting, carrying and using firearms for hunting.

No such permit shall be granted by the superintendent except in cases of riot, public danger and emergency until such applicant shall have filed his written application with the superintendent in accordance with the rules and regulations that may be from time to time prescribed by the department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [§61-7-2] of this article by applicants for a state license to carry a weapon, and shall be duly verified by such applicant and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any machine gun, submachine gun, high-

powered rifle, or gun of similar kind and character, held by reason of such permit, and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, submachine gun, high-powered rifle, or any gun of similar kind and character, and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No unnaturalized person may own, keep, possess, transport, carry or use any firearm of any kind or character, except for hunting as provided in sections three and eight [§§ 61-7-3 and 61-7-8] of this article and article two [§20-2-1, et seq.], chapter twenty of this Code.

COMPILER'S NOTES

1. An individual in West Virginia must obtain a State permit or State license in order to transport a machineguns [§61-7-8]. WV State advisory 11-19-79.

2. A federally licensed dealer, importer or manufacturer of machineguns must obtain a State permit or State license for a machinegun he wishes to transport. The West Virginia Code (especially §61-7-8)

makes no distinction among consumers, dealers, importers or manufacturers in its requirement for State permits or State licenses. Id.

3. Section 61-7-8 makes no distinction between unserviceable and serviceable machineguns in its requirement for State permits or State licenses. Id.

4. As the statute speaks of "any machinegun" (meaning a single gun) and "a permit" (meaning a single permit), it was the legislative intent that each machinegun being transported be under a separate State permit or State license. Id.

5. Chapter 61, Article 7, Sections 2 and 8, require that any person who wants a permit must apply to the circuit court of his county or to the Department of Public Safety. If the court grants the application there would be no necessity for the Department to become involved. If the court denies the application, the applicant may apply to the Department for a decision. Issuance is not contingent upon approval of a Federal transfer application by the Bureau of Alcohol, Tobacco and Firearms. WV State advisories 3-10-83; 8-10-83.

61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized

person; penalties for violation of this section or §61-7-8. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, * * * or other dangerous weapons of like kind or character, or any machine gun, submachine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: **Provided**, that a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine [§20-2-29], article two, chapter twenty of this Code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made. * * *

Wisconsin

State Law

WI Stat. Ann.

CHAPTER 175. MISCELLANEOUS POLICE PROVISIONS

175.35 Waiting period for purchase of handguns.

(1) In this section, "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.

(2)(a) No firearms dealer licensed by the U.S. department of the treasury may transfer possession of any handgun to any person for 48 hours following purchase of such handgun.

(b) This section shall not apply to the transfer of any handgun classed as antique by regulations of the treasury department or to transfers between licensed firearms dealers or between wholesalers and dealers.

CHAPTER 939. CRIMES — GENERAL PROVISIONS

939.22 Words and phrases defined. In chs. 939 to 948, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction: * * *

(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; * * *, 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 941. CRIMES AGAINST PUBLIC HEALTH AND SAFETY

941.22 Possession of pistol by minor.

(1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor is guilty of a Class A misdemeanor. * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

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 received. Upon demand every manufacturer shall permit any marshal, sheriff or 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) No person may sell, possess, use or transport any machine gun or other full automatic firearm. No person may sell, possess, use or transport any bomb, hand grenade, projectile, shell or 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.

(2) Any person violating any of the provisions of this section is guilty of a Class E felony.

(3) the provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any armed forces or national guard personnel in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers. The restriction on transportation contained in this section shall not apply to common carriers.

941.27 Machine guns.

(1) Definition. In §§941.25 and 941.26, "machine gun" includes a weapon of any description by whatever name known which was manufactured to discharge more than 2 shots or bullets by a single function of the firing device.

(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 metallic

cartridge 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 16 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) No person may sell or offer to sell, transport, purchase, possess or go armed with a short-barreled shotgun or short-barreled rifle.

(3) Any person violating this section is guilty of a Class E felony.

(4) This section does not apply to the sale, purchase, possession, use or transportation of a short-barreled shotgun or short-barreled rifle to or by any armed forces or national guard personnel in line of duty, any peace officer of the United States or of any political subdivision of the United States or any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872. This section does not apply to the manufacture of short-barreled shotguns or short-barreled rifles for any person or group authorized to possess these weapons. The restriction on transportation contained in this section does not apply to common carriers. This section shall not apply to any firearm that may be lawfully possessed under federal law, or any firearm that could have been lawfully registered at the time of the enactment of the national firearms act of 1968.

(5) Any firearm seized under this section is * * * presumed to be contraband.

941.29. Possession of a firearm.

(1) A person is subject to the requirements and penalties of this section if he or she has been:

(a) Convicted of a felony in this state.

(b) Convicted of a crime elsewhere that would be a felony if committed in this state.

(c) Found not guilty of a felony in this state by reason of mental disease or defect.

(d) Found not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental disease, defect or illness.

(2) Any person specified in sub. (1) who, subsequent to the conviction for the felony or other crime, as specified in sub. (1), or subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness, possesses a firearm is guilty of a Class E felony.

(3) Any firearm involved in an offense under sub. (2) is subject to s. 968.20(3).

(4) A person is concerned with the commission of a crime, as specified in s. 939.05(2)(b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub. (2).

(5) This section does not apply to any person specified in sub. (1) who:

(a) Has received a pardon with respect to the crime or felony specified in sub. (1) and has been expressly authorized to possess a firearm under 18 USC app. 1203; or

(b) Has obtained relief from disabilities under 18 USC 925 (c).

(6) 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.

Initial applicability. This section applies to persons regardless of the date the crime specified under 941.29(1) is committed. * * *

CHAPTER 943. CRIMES AGAINST PROPERTY

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 E 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 firemen or law enforcement officers.

Appleton

8.01 Offenses endangering public safety. * * * (4) Sale of dangerous weapons to minors prohibited.

No person shall buy for, sell or give away to any minor any dangerous weapon * * * without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: * * * pistol, revolver, * * * any weapon in which loaded or blank cartridges are used. * * *

Beloit

15.01 Offenses against state laws subject to forfeiture. The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the municipality, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture.

15.07 Firearms and weapons, use of. * * * (3) Sale of firearms and weapons to minors forbidden. No person shall sell any firearm, * * * or loan such items to any minor within the City.

Cudahy

9.02 Firearms and weapons. (1) Sale of.

(a) **To minors prohibited.** No person shall sell to a minor under 18 years of age, and no such minor shall purchase, any * * * hand gun.

(b) **To felons prohibited.** No person shall sell a firearm or other dangerous weapon to a

person who has been convicted of a felony unless such person has been pardoned.

(c) **Record of sales.** Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, which records shall have the purchaser's name, address and date of birth, the identification number of the weapon or gun and a signed statement by the purchaser that he is the individual making the purchase and that the information contained in the statement is true and correct. * * *

Glendale

14.141. Sale of Guns. (1) License required. No person, firm or corporation shall engage in the business of selling guns within the city without having obtained a license to do so as provided * * * in a form provided for such purpose by the city clerk.

24.20. Making, possession, transfer or use of fire bombs and other similar devices. (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Jamesville

9.84.20 Selling prohibited when. No person shall sell any firearm * * * to any minor in the city. * * *

Kenosha

11.02-R. Possession or use of fire bombs and other similar devices.

(1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. Dangerous weapons. B. Sales Forbidden. No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Madison

25.01 Sale of firearms.

(1) **Definitions:** For the purpose of this section:

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Rifle. The term "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 a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "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 a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within twenty-four (24) hours, excluding those hours falling on any Saturday, Sunday or holiday, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his designee, giving a complete description of the firearm so sold, given, traded or transferred including the caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark and the name, age, address and occupation of the recipient of said firearm.

(3) The Chief of Police shall provide suitable forms upon which such reports may be made which shall be furnished upon request to persons, firms, associations or corporations who may sell, give, trade, or otherwise transfer a firearm in the City of Madison.

(4) No person under eighteen (18) years of age shall go armed with a pistol or revolver and no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. This subsection does not apply to a person, under eighteen (18) years of age who is armed with a pistol or revolver when such pistol or revolver is used in target practice under supervision of an adult nor does it apply to an adult who transfers a pistol or revolver to a person under eighteen (18) years of age for use only in target practice under his direct supervision.

(5) No person under the age of eighteen (18) shall go armed with a firearm of any type nor a pneumatic pellet gun and no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

(7) Any person who violates any provision of this section shall be subject to a forfeiture of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

(8) **Separability.** It is hereby declared to be the intention of the Common Council of the

City of Madison that the several provisions of this ordinance are separable and if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

(9) This ordinance shall be in effect from and after February 1, 1969.

(10) **Sale of handguns and handgun ammunition unlawful.**

(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.

(e) **Effective Date.** This ordinance shall take effect and be in full force on January 1, 1975.

Manitowoc

14.24 Control of weapons. Possession * * * of firearms. * * * No minor or any person under the influence of intoxicants or a controlled substance shall go armed with any firearm in the City of Manitowoc, whether carried in compliance with this section or not, and no dealer or other person shall sell, loan or give any firearm to any such person.

Menomonee Falls

10.01. Offenses endangering public safety. (1) Use of weapons.

(a) **Weapons defined.** Weapons are herein defined to mean and include all instruments and devices used for the purpose of propelling bullets, shot * * *, either by explosion, * * * or any other means, and shall include without limitation for lack of specific enumeration all forms of guns, rifles, * * * revolvers, * * * and other similar type of equipment or device capable of propelling such bullets, shot * * * through the air by reason of discharge therefrom. * * *

(d) **Sale or transfer to minors prohibited.** No person shall sell, give, loan or transfer any weapon as defined in Section 10.01 (1) (a) or ammunition therefor, to a minor, except when such weapon is being used in target practice on a supervised range * * *

Middleton

16.01-(b) Possession of ammunition and sale to minors. No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, * * * No person shall intentionally sell or give away any firearm, rifle * * * or ammunition therefor, to any person under the age of 18 years.

Milwaukee

105-34(2) same as 939.22(10)

105-34.4(1) extracted from 943.06

105-43. Sale of dangerous weapons.

(1) **License required.** It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous * * * without securing a license so to do as provided in subsections (1) and (3) of this section and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

(2) **Unlawful to sell weapons to minors.** It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of eighteen (18), any weapon listed or defined as dangerous * * * or to any person under the age of twenty-one (21) in the case of handguns.

(3) **Application for license.** (a) Any person, firm or corporation desiring a license * * * shall make application to the Milwaukee common council in writing, setting out in such application the full name and residence of the applicant if an individual; and if a firm or corporation, the name and residence of each of its members or officers. Such applicant shall also set out the location at which it is intended or desired to conduct such business.

(4) **Daily report on sales required.** Every person, firm or corporation who is licensed to deal in the sale of dangerous weapons pursuant to the requirements of subsections (1) and (3) above, shall make out and deliver to the chief of police of the city of Milwaukee every day before the hour of 12 o'clock noon a legible and correct report of every sale or gift made under authority of said license during the preceding twenty-four (24) hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee, with his or her address and age, the number, the kind, description and price of such weapon, the number of the purchaser's permit and the purpose for the purchase of such weapon; **provided, however,** that it shall not be necessary for any person, firm, or corporation engaged in the buying and selling of such dangerous weapons, in wholesale or job-lots, to make the above mentioned report, but it shall be the duty of such person, firm or corporation to permit the chief of police to examine the books of such person, firm or corporation at any and all times he may deem it advisable. Said report shall not be required on the sale of the following: rifles or shotguns used for hunting purposes; air rifles, weapons used for target practice purposes; * * *

(5) Permit required to purchase.

(a) From chief of police. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes. * * * Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name and address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

(b) Permit to be filed. Such application shall also contain a recommendation from two (2) persons who shall appear to be taxpayers residing within the city, that the permit should be issued. No such permit shall be granted to persons having been convicted of crime or to minors under the age of eighteen (18). Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within three (3) months from the date of the issuance of the same. No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than eighteen (18) inches nor shall anyone remove the serial number from any weapon. * * *

105-43.2 extracted from 175.35(2)

Neenah

941.22 Possession of pistol by minor.

(1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor is guilty of a Class A misdemeanor. * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

Oshkosh

18-24. Furnishing firearms to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Shorewood

13-601 Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used * * *

13-603 Permit required for purchase of dangerous weapons. A. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * *

13-604 License for sale of weapons. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any

person, or to buy or receive of any person, within the Village, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-603.

13-605 Unlawful to sell to minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601 * * *

13-609 Possession of pistol by minor.

A. It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, loan or give a pistol to a minor. * * *

D. In this section, "pistol" means any firearm having a barrel less than 12 inches long.

13-610 Use of fire bombs prohibited. No person shall make, carry, possess, sell, give or use any type of "moleotov cocktail," which is defined to mean a flammable liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material, or which can cause damage by explosion.

13-612 Fireworks prohibited.

A. No person, firm, partnership, or corporation shall sell, offer for sale, expose for sale, or possess or use or explode any blank cartridges, toy pistols or cannons, toy canes or toy cannons in which explosives are used * * *

B. Nothing herein contained shall prohibit * * * the use or sale of blank cartridges for theatrical purposes, or for signal purposes in athletic contests, sport events or by railroads for signal purposes, or for the use by militia, police, or military organizations.

Stevens Point

24.13 Firearms to minors. * * * any person who intentionally sells, loans or gives a gun or other type of firearm * * * or ammunition for same, to a minor may suffer a forfeiture of not more than \$200 and in lieu of such payment assessed, imprisonment for not more than sixty (60) days in the county jail.

Superior

23-49. Furnishing firearms to minors. No person shall sell, give away or furnish to any person under twenty-one (21) years of age any revolver, pistol, shotgun, rifle or other firearm, intended for and capable of shooting powder, balls or cartridges, without the consent in person or writing, of the parent or guardian of the minor.

Wauwatosa

6.84.010 Definitions. In this chapter, unless the context otherwise requires:

1. "Dangerous gun" means any revolver, pistol, * * * rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used. * * *

3. "Person" means any person, firm or corporation.

6.84.020 Sale or giving away — License required — Exceptions. A. No person shall engage in the business of selling or giving

away any dangerous * * * gun without obtaining a license * * *, and no person having such license shall sell or give away any such dangerous * * * gun who has not secured a permit from the chief of police to obtain such dangerous * * * gun * * *

6.84.030 License — Application — Fee.

Any person desiring a license authorizing the sale of any dangerous weapon or gun shall make application to the city clerk, in writing * * *

6.84.040 * * * Handguns of any caliber shall not be sold to persons convicted of a felony or to minors.

6.84.050 Purchase — Permit required — Exceptions.

No person shall purchase any dangerous * * * gun without securing a permit therefor from the chief of police. * * * This section shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport * * * except as to persons convicted of crime or to minors.

West Bend

14.08 Possession of pistol by minor.

(1) * * * Any person who intentionally sells, loans or gives a pistol to a minor shall forfeit not more than \$200.00.

(2) This section does not apply to * * * an adult who transfers a pistol to a minor for use only in target practice under his supervision. * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

Whitefish Bay

15.12 Weapon dealers.

(1) Sale and display prohibited. No person shall engage in the business of selling, sell or give away any * * * revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, * * * except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) Dealer's licenses. Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *

(3) Purchase of. No person shall purchase or receive any of the weapons mentioned in subsection (1) who is a convicted felon or a minor.

(4) Rifles and shot guns for hunting purposes excepted. The provisions of subsections (1) to (3) both inclusive, shall not apply to rifles or shot guns over twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Whitewater

7.72.010 Sale of loaded firearms prohibited. No person, firm, partnership, association, or corporation shall display for sale, offer for sale, or sell any loaded pistol, gun, shot gun, * * * or other firearms within the city limits.

Wyoming

State Law

WY Stat.

Title 6. Crimes and Offenses

CHAPTER 8. WEAPONS

ARTICLE 1. WEAPONS OFFENSES

6-8-102. Use or possession of firearm by person convicted of violent felony; penalties. Any person who has previously pleaded guilty or been convicted of a violent felony or an attempt to commit a violent felony 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.

ARTICLE 2. FIREARMS REGULATION

6-8-201. Firearms register; required to be kept; information to be shown. All wholesalers, retailers, dealers and pawnbrokers shall keep a record of all firearms which come into their possession, whether new or secondhand. The record shall be known as the firearms register. The register shall contain:

- (i) The name of the person from whom the firearm was obtained;
- (ii) The date of its acquisition;
- (iii) Its manufacturer's number;
- (iv) Its color;
- (v) Its caliber;
- (vi) Whether new or secondhand;
- (vii) Whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun;
- (viii) The name of the party to whom the firearm is sold in the purchaser's handwriting; and
- (ix) The date of sale.

6-8-202. Same; to be signed by purchasers.

Every person who purchases any firearm from any retailer, pawnbroker or dealer shall sign his name or, if he cannot write, make his mark properly witnessed on the firearms register at the time of the delivery to him of the firearm.

6-8-203. Same; to be kept in place of business; inspection by peace officer. The firearms register 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.

Cheyenne

30-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribe to them by this section:

Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security loans.

Firearms: Any weapon which is designed to expel a projectile by the action of expanding gases.

30-52. Exceptions. This article shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

30-56. Possession of firearms — Criminals, drug addicts, etc. No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is a drug addict or an habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

Arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violations of this section by police officers, as in the case of a felony, upon probable cause that the person arrested is carrying a pistol in violation of this section at the time of arrest.

30-57. Same-Minors. No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

30-58. Sale, possession, etc., of firearms without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

30-65. License — Required. No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

30-66. Same — Application and Issuance. Application for a firearm dealer's license shall be made to the city clerk on forms prescribed and furnished by the city clerk. The application shall indicate the business name of the applicant, the business address, the name and home address of the proprietors (if a partnership) or of the president and secretary (if a corporation) and such other pertinent information as may be required by the city clerk. The application shall be accompanied by the license fee set forth in section 26-20. The city clerk shall, within ten (10) days of the date of receipt of the application, issue the license required; **provided**, that the applicant has conformed with regulations required by federal law for a firearm dealer.

30-68. Records to be kept. A true record shall be made by each licensed manufacturer or dealer of each firearm sold, pledged as security for a loan, transferred or otherwise disposed of at wholesale or retail. This record shall contain the information and be used as required by sections 6-243 through 6-245, Wyoming Statutes, 1957. (See, now, 6-8-201 through 203)

30-69. Pistols — Sale and delivery. When any sale of a pistol, the overall length of which is less than six (6) inches, is made under this article, forty-eight (48) hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

30-71. Sales, etc., to criminal, dope addicts, etc. No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

30-72. Sales, etc., to minors. No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in section 30-57.

Sheridan

Sec. 19-44. Same — Sale, etc., to minors. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol * * * or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

* * * *

COMPILER'S NOTE:

The following American territories come under the provisions of Title I of the Gun Control Act of 1968 (18 USC 921-928). Those followed by an asterisk (*) are listed within this publication.

American Samoa*
Baker
Guam*
Howland
Jarvis
Johnstone
Kingman Reef
Midway
Northern Mariana Islands*
Palmyra
Virgin Islands*
Wake