

# TITLE 150: DEPARTMENT OF PUBLIC SAFETY

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## CHAPTER 150-70 FIREARMS, DANGEROUS DEVICE AND AMMUNITION LICENSE AND IDENTIFICATION CARD REGULATIONS

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Chapter Authority: 1 CMC § 2507; 6 CMC § 2228.

Chapter History: Amdts Adopted 14 Com. Reg. 9182 (Apr. 15, 1992); Amdts Proposed 14 Com. Reg. 8751 (Feb. 15, 1992); Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

The Commonwealth Weapons Control Act is codified at 6 CMC §§ 2201-2230. 6 CMC § 2204 prohibits any person from acquiring or possessing a firearm, dangerous device, or ammunition without an identification card issued by DPS. 6 CMC § 2228 authorizes DPS to issue regulations implementing the act.

6 CMC § 2204(k) requires applicants for a weapons identification card for the use of .223 caliber rifles to meet special conditions promulgated by DPS. See part 700 of this chapter.

### **Part 001 - General Provisions**

**Subpart A - General**

**§ 150-70-001 Purposes**

(a) Interpretation. The regulations in this chapter shall be construed and applied to promote their underlying purposes and policies and supplement the language and requirements of the Commonwealth Weapons Control Act found at 6 CMC §§ 2201, et seq., as amended by Public Law 6-38.

(b) Purposes and Policies. The underlying purposes and policies of the regulations in this chapter are:

(1) There has been a serious and alarming increase in the number of crimes committed with firearms and steps must be taken to prevent improper access to firearms by unauthorized persons.

(2) Accidents associated with the mishandling of firearms and dangerous devices have injured and killed both adults and juveniles in the Commonwealth.

(3) The use of firearms and dangerous devices if not carefully regulated is dangerous to public health and safety.

(4) Limitations on access to firearms and dangerous devices must be enforced to protect the residents of the Commonwealth from accidental or intentional injury from the use of firearms or dangerous devices.

(5) These regulations are necessary in order to adequately inform the general public of the requirements of the law.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**§ 150-70-005 Authority**

6 CMC § 2228 authorizes the Department of Public Safety to promulgate regulations for the issuance of licenses and identification cards for the sale or possession of firearms, ammunition, and dangerous devices. The regulations in this chapter are based on 6 CMC §§ 2201, et seq., as amended by Public Law 6-38.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “ammunition” pursuant to 1 CMC § 3806(g).

**§ 150-70-010 Requirement of Good Faith**

The regulations in this chapter require all parties, including government employees, to act in good faith regarding the issuance of licenses and identification cards and enforcement of these regulations.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**§ 150-70-015 Severability**

If any provision of the regulations in this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are declared to be severable.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Subpart B - Definitions**

**§ 150-70-020 Definitions**

As used in the regulations in this chapter, unless the context otherwise requires, the following meanings apply:

(a) “Dangerous device” means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark’s tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.

(b) “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 and automatic and semi-automatic weapons, except a device designed or redesigned for use solely as a signaling, line-throwing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air. Bang-sticks are firearms, provided that bang-sticks used for scientific purposes are not firearms if their temporary use is approved by the Governor.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Subpart C - Public Access**

**§ 150-70-025 Public Access to Information**

Applications and information contained therein shall be a matter of public record and shall be available for public inspection.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Part 100 - Application Procedure**

**§ 150-70-101 Application Form**

Applications for firearms, ammunition and dangerous device identification cards and licenses will be accepted only upon an approved form to be provided by the Department of Public Safety.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “ammunition” pursuant to 1 CMC § 3806(g).

**§ 150-70-105 Application Submittal**

All applications for firearms, ammunition and dangerous device identification cards and licenses shall be submitted to the Department of Public Safety at Susupe, Saipan.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “ammunition” pursuant to 1 CMC § 3806(g).

**§ 150-70-110 Requirements**

(a) Licenses will be issued by the Department of Public Safety to applicants who have properly completed the application form and who have proven that they qualify under the requirements set by law and by the regulations in this chapter.

(b) An applicant must meet the following criteria to qualify for a license:

- (1) Provide proof of U.S. citizenship or U.S. National status.
- (2) Pay the appropriate fee (§ 150-70-120).
- (3) Be at least twenty-one years of age.
- (4) Be fingerprinted by the Department of Public Safety.
- (5) Provide photographs as required in the written application form.
- (6) Provide a police record from each and every place he or she has resided for the past ten years.
- (7) Any other requirements established by law.

Modified, 1 CMC § 3806(c), (d), (e).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

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### § 150-70-115 Exclusions

(a) No person may be issued an identification card or license in violation of the prohibitions set forth in, and as limited by, 6 CMC § 2204.

(b) Aliens are not eligible to receive identification cards or licenses, provided, that those identification cards or licenses currently in the possession of aliens, remain valid until the cards or licenses have expired.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

### § 150-70-120 Fees

The fees for identification cards and licenses shall be as follows:

(a) Identification card	\$25 for each firearm
(b) Dealer's license	\$300
(c) Manufacturer's license	\$1,000
(d) Wholesaler's license	\$1,000
(e) Replacement of lost, destroyed or defaced identification card	\$10

Modified, 1 CMC § 3806(f).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: Section 8(a)(4) and 8(a)(5) of Public Law 16-2 (effective May 3, 2008) increased firearm license fees and registration fees by 100%. To the extent that this section conflicts with PL 16-2, it is superseded.

### § 150-70-125 Application Review

The review of an application for a firearm, dangerous device or ammunition identification card or license must be completed in order to issue the card or license no later than 60 days from the date of application.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word "device" pursuant to 1 CMC § 3806(g).

### § 150-70-130 Issuance of Identification Cards

- (a) No identification card may be issued until
- (1) Fifteen days after application is made and
  - (2) Only if the Department of Public Safety is satisfied that the applicant may lawfully possess and use or carry the firearm, dangerous device or ammunition stated on the identification

card.

(b) Unless the application for use and possession is denied, the identification card shall be issued to the applicant no later than 60 days from the date of application.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “device” in subsection (a)(2) pursuant to 1 CMC § 3806(g).

## **Part 200 - Surrender of Firearms**

### **§ 150-70-201 Identification Cards Remain Valid Until Expiration Date**

Those people legally possessing firearms under the Commonwealth Weapon Control Act prior to its amendment by Public Law 6-38 may continue to possess, carry, and use such firearms until their current identification cards expire.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “carry” pursuant to 1 CMC § 3806(g).

### **§ 150-70-205 Surrender of Firearms**

(a) Aliens who have current valid identification cards but who are ineligible for identification cards under Public Law 6-38 must dispose of any firearms in their possession to a person authorized to possess firearms or must surrender all firearms in their possession to the Department of Public Safety when their current identification cards expire.

(b) Anyone who has an identification card but fails to renew the identification card must sell or otherwise dispose of the firearms, for which the expired card was issued, to a person authorized to possess firearms or must surrender the firearms to the Department of Public Safety.

(c) Anyone who possesses a firearm, but ceases to be eligible to possess the firearm for any reason other than subsections (a) or (b) above must sell or otherwise dispose of the firearm to a person authorized to possess it or must surrender the firearm to the Department of Public Safety.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

### **§ 150-70-210 Compensation**

The Department of Public Safety shall pay fair compensation for all firearms surrendered pursuant to § 150-70-205.

Modified, 1 CMC § 3806(c).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**§ 150-70-215 Custody of Forfeited, Seized, or Surrendered Firearms**

All firearms forfeited, seized, or surrendered pursuant to statute and the regulations in this chapter shall be kept in the custody of the Department of Public Safety until such time as they can be sold or disposed of legally or utilized for law enforcement purposes.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “seized” pursuant to 1 CMC § 3806(g).

**Part 300 - Firearms Allowed by Law**

**§ 150-70-301 Firearms Restrictions**

No identification cards or licenses will be issued for the importation, sale, transfer, purchase, possession, or use of any handgun, automatic weapon, rifle with bore exceeding .22 caliber, shotgun larger than .410 or any other weapon.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**§ 150-70-305 Law Enforcement Exception**

(a) Law enforcement officers are exempt from the restriction in § 150-70-301 except to the extent that particular restrictions are made applicable to law enforcement officers by statute.

(b) Importers are permitted under 6 CMC § 2301(a)(3) to import weapons prohibited by § 150-70-301 for law enforcement purposes if authorized by the Director of the Department of Public Safety.

Modified, 1 CMC § 3806(c).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Part 400 - Ammunition**

**§ 150-70-401 Ammunition Restrictions**

No identification cards or licenses will be issued for the importation, sale, transfer, purchase, possession, or use of any ammunition or other explosive projectile other than regular long rifle .22 caliber rimfire cartridges and .410 shotgun shells.

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “possession” pursuant to 1 CMC § 3806(g).

**§ 150-70-405 Law Enforcement Exception**

(a) Law enforcement officers are exempt from the restrictions in § 150-70-401 except to the extent that particular restrictions are made applicable to law enforcement officers by statute.

(b) Importers are permitted under 6 CMC § 2301(a)(4) to import ammunition prohibited by § 150-70-401 for law enforcement purposes if authorized by the Director of the Department of Public Safety.

Modified, 1 CMC § 3806(c).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Part 500 - Applicable Laws**

**§ 150-70-501 Other Laws Applicable**

The regulations in this chapter are not to be considered comprehensive on the subject of identification cards and licenses. All other provisions of Commonwealth law that apply to firearms, dangerous devices, and ammunition have full force and effect as well as any other statutes dealing with identification cards and licenses for firearms, dangerous devices, and ammunition.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

Commission Comment: The Commission inserted a comma after the word “devices” pursuant to 1 CMC § 3806(g).

**§ 150-70-505 Force and Effect of Regulations**

To the extent that anything in the regulations in this chapter conflicts with any existing or future statute, the provisions in the statute will control.

Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

**Part 600 - Penalties**

**§ 150-70-601 Penalties**

Any person who violates the regulations in this chapter shall be subject to the penalties set forth at 6 CMC § 2230 or as otherwise provided by law.



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Modified, 1 CMC § 3806(d).

History: Adopted 12 Com. Reg. 6887 (Apr. 15, 1990); Proposed 12 Com. Reg. 6802 (Feb. 15, 1990).

### **Part 700 - Special Conditions Required for Persons to Possess and Use .223 Caliber Rifles and Ammunition in the CNMI**

#### **§ 150-70-701 Introduction**

In addition to the existing firearms identification card application requirements and procedures set forth in Public Law 6-38 (codified in 6 CMC § 2204), additional “special conditions” are required of all applicants for firearms identification cards to possess and use .223 caliber rifles and ammunition, pursuant to Public Law 7-38 (amending 6 CMC, § 2204(k)), as follows in this part.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 14 Com. Reg. 9182 (Apr. 15, 1992); Amdts Proposed 14 Com. Reg. 8751 (Feb. 15, 1992).

Commission Comment: The provisions in this part were promulgated as separate regulations implementing PL 7-38, codified at 6 CMC § 2204(k). The Commission codified the special conditions for .223 caliber rifle identification cards at part 700 of the original weapons identification card regulations. The Commission created the section titles in part 700.

#### **§ 150-70-705 .223 Caliber Firearms Identification Cards**

(a) With each such application, the applicant must submit to the Department of Public Safety written proof that there is no criminal charges(s) currently pending against the applicant. Records must be submitted from both the federal (U.S. District) and the local (CNMI Superior) courts. In addition, if the applicant has resided in the Commonwealth for less than two years, he or she must also submit, with his or her application, written proof that no criminal charge(s) are pending against him or her from the courts of all jurisdictions in which he or she has previously resided.

(b) At the time he or she obtains a .223 caliber firearm identification card, the applicant must present to the Department of Public Safety for inspection the rifle for which the ID card is being issued along with a trigger safety lock properly secured to the trigger. (At all times any such rifle is not in lawful use, a trigger safety lock must be secured to the trigger mechanism.)

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 14 Com. Reg. 9182 (Apr. 15, 1992); Amdts Proposed 14 Com. Reg. 8751 (Feb. 15, 1992).