



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

01 DEC 2016

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 19-181, SS1**, entitled, "To provide for the possession and management of firearms in the commonwealth," which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-73**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres".

RALPH DLG. TORRES

cc: Lt. Governor; Attorney General's Office; Department of Public Safety; CNMI Superior Court; CNMI Supreme Court; Board of Parole; Homeland Security & Emergency Management Office; Office of Adult Probation; Department of Finance; Department of Fish & Wildlife; Commonwealth Ports Authority; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

19th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

November 15, 2016

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-181, SS1**, entitled: **“To provide for the possession and management of firearms in the commonwealth.”**, which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Fifth Special Session

July 14, 2016

Representative Glenn L. Maratita, of Rota, Precinct 7 (*for himself*;) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 19-181, SS1

AN ACT

**TO PROVIDE FOR THE POSSESSION AND MANAGEMENT OF
FIREARMS IN THE COMMONWEALTH.**

The Bill was referred to the House Committee on Judiciary, Government and Law, which submitted Standing Committee Report 19-140; adopted 9/15/16.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, SEPTEMBER 15, 2016;**
without amendments and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 19, 2016;
with amendments in the form of H. B. 19-181, SS1 *and was returned to*
THE HOUSE OF REPRESENTATIVES.

The House of Representatives accepted the Senate amendments and passed H. B. 181, SS1 during its Eighth Day, Fourth Regular Session on November 10, 2016.

THE BILL WAS FINALLY PASSED ON NOVEMBER 10, 2016.



Linda B. Muña, House Clerk



Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

Eighth Day, Fourth Regular Session

November 10, 2016

H. B. No. 19-181, SS1

AN ACT

**TO PROVIDE FOR THE POSSESSION AND MANAGEMENT OF
FIREARMS IN THE COMMONWEALTH.**

**Be it enacted by the Nineteenth Northern Marianas Commonwealth
Legislature:**

1 **Section 1. Short Title.** This Act may be cited as the “Second Special Act for
2 Firearms Enforcement (“SAFE II”).”

3 **Section 2. Findings and Purpose.** On March 28, 2015, the United States District
4 Court for the District of the Northern Mariana Islands held that the Second Amendment
5 applies to the Commonwealth. The Legislature strongly disagrees with the current
6 interpretation of the Second Amendment, and strongly believes that handguns are neither
7 necessary nor desirable in our peaceful community. However, the members of the
8 Legislature took a solemn oath to uphold the Constitution and Laws of the Commonwealth,
9 the Covenant, and the applicable provisions of the Laws and Constitution of the United
10 States, and will adhere to that oath. On April 6, 2016, Senate Bill 19-94, SD1 HD10, the
11 Special Act for Firearms Enforcement (“SAFE I”) was passed by the Legislature. It was
12 transmitted and signed into law by the Governor on April 11, 2016. SAFE I enacted special
13 provisions to regulate the use of firearms within the bounds of the Second Amendment,
14 carefully borrowing legislation that has survived Second Amendment scrutiny from other

HOUSE BILL 19-181, SS1

1 jurisdictions. SAFE also created Gun Free Zones and codified new crimes relating to
2 firearms.

3 While the current registration provisions of the Weapons Control Act remain in
4 effect, the Legislature finds there is a pressing need to enact new provisions for the
5 registration of firearm owners and individual firearms in order to keep firearms out of the
6 hands of individuals such as felons, drug addicts, sexual predators, and perpetrators of
7 domestic violence. The Legislature further finds that the introduction of handguns to the
8 Commonwealth creates a pressing need to join the National Instant Criminal Background
9 Check System (NICBCS) and to coordinate with other U.S. jurisdictions in order to provide
10 effective background checks on individuals wishing to be permitted to own firearms. The
11 safety and welfare of the people of the Commonwealth is paramount, and must be protected.

12 In drafting this legislation, the Legislature relied on statutory schemes from Illinois
13 and Washington, D.C., specifically the Illinois Firearm Owners Identification Card Act, 430
14 Ill. Comp. Stat. Ann. 65/0.01 to 65/16-3, and the Washington, D.C. Firearms Registration
15 Amendment Act of 2008, D.C. Code Ann. §§ 7-2502.01 to 7-2502.14, Firearm Vendor
16 Licensing Act, D.C. Code Ann. §§ 7-2504.01 to 7-2504.10, Sale and Transfer of Firearms,
17 Destructive Devices, and Ammunition Act, D.C. Code Ann. §§ 7-2505.01 to 7-2505.04. The
18 Legislature also relied on the interpretation of the Washington, D.C. legislation in *Heller v.*
19 *District of Columbia (Heller II)*, 670 F.3d 1244 (D.C. Cir. 2011) and *Heller v. District of*
20 *Columbia (Heller III)*, 801 F.3d 264, 269 (D.C. Cir. 2015). In particular, the Legislature finds
21 that it is necessary for individuals who wish to purchase a firearm to take a course on firearm
22 safety and the Commonwealth's laws relating to purchasing, selling, storing, transporting,
23 and legally discharging firearms. This test will advance the Commonwealth's compelling
24 interest in public safety by ensuring that individuals have learned firearm safety and how they
25 can conform their conduct to the laws of the Commonwealth. The Legislature's express goal
26 is to protect the lives, safety, and welfare of the People of the Commonwealth by creating a
27 strict registration schemes, which comply with the Second Amendment, for the licensing of
28 firearm owners, licensing and regulation of firearm vendors, and the registration of individual
29 firearms in the Commonwealth.

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1 **Section 3. Repealer.** 6 CMC §§ 2201 through 2230, and 2303(b), of the
2 Commonwealth Code are hereby repealed.

3 **Section 4. Amendment.** Subject to codification by the Law Revision Commission,
4 Title 6, Division 10 is amended by adding Chapter 6, which shall read as follows:

5 “Chapter 6. Firearms Owners Identification Card Act.

6 §601. Firearm Owner's Identification Card Requirement and Exceptions.

7 (a) No person may acquire or possess any firearm within the Commonwealth
8 without having in his or her possession a current Firearm Owner's Identification Card
9 previously issued in his or her name by the Department of Public Safety under the
10 provisions of this Division.

11 (b) No person may acquire or possess firearm ammunition within the
12 Commonwealth without having in his or her possession a current Firearm Owner's
13 Identification Card previously issued in his or her name by the Department of Public
14 Safety under the provisions of this Division.

15 (c) The provisions of this Division regarding the possession of firearms and
16 firearm ammunition shall not apply to:

17 (1) Any duly sworn law enforcement officer of the United States,
18 while engaged in the operation of their official duties;

19 (2) Members of the Armed Forces of the United States or the National
20 Guard, while engaged in the operation of their official duties;

21 (3) A common carrier, warehouseman, or other person engaged in the
22 business of transporting or storing goods, to the extent that the possession or
23 receipt of any firearm is in the ordinary course of business and not for the
24 personal use of any such person;

25 (4) A person being loaned a firearm solely for the purpose of shooting
26 at targets, if the loan occurs on the premises of a properly licensed target
27 facility, and the firearm is at all times kept within the premises of the target
28 range;

29 (5) A person who has acquired a firearm by operation of law upon the
30 death of the former owner of the firearm within the preceding 60 days;

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1 (6) A person lawfully transporting a firearm through the
2 Commonwealth in accordance with 18 U.S.C. § 926A; or

3 (7) Federal officials required to carry firearms, while engaged in the
4 operation of their official duties;

5 (8) Members of bona fide veterans' organizations which receive
6 firearms directly from the armed forces of the United States, while using the
7 firearms for ceremonial purposes with blank ammunition;

8 (9) Color guards of bona fide veterans' organizations or members of
9 bona fide American Legion bands while using firearms for ceremonial
10 purposes with blank ammunition;

11 (10) Any person who temporarily possesses a firearm while
12 participating in a firearms training and safety class conducted by a firearms
13 instructor.

14 (d) Each applicant for a Firearm Owner's Identification Card must:

15 (1) Make application on blank forms prepared and furnished by the
16 Department of Public Safety, or by electronic means, if and when made
17 available by the Department of Public Safety; and

18 (2) Be accompanied by a nonrefundable fee to be established by the
19 Department of Public Safety; provided, that such fee shall, in the judgment of
20 the Department of Public Safety, reimburse the Department for the cost of
21 services provided under this Division;

22 (3) Submit evidence to the Department of Public Safety that:

23 (A) The applicant is 21 years of age or over, unless

24 (i) the applicant is serving in the Armed Forces of the
25 United States or was honorably discharged therefrom; or

26 (ii) the applicant is defined as law enforcement under
27 Chapter 1 of this Division;

28 (B) The applicant has not been convicted of, and is not charged
29 with, a crime punishable by imprisonment for more than one year
30 under the laws of this or any other jurisdiction;

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(C) The applicant is not addicted to a controlled substance;

(D) The applicant has not been a patient in a mental health facility within the past 5 years or, if the applicant has been a patient in a mental health facility more than 5 years ago, submit the certification required under § 610(b) of this Division;

(E) The applicant is not intellectually disabled as defined in § 101(u) of Public Law 19-42;

(F) The applicant is not an alien who is unlawfully present in the United States under the laws of the United States;

(G) The applicant is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(26));

(H) The applicant is not subject to an existing order of protection in this or any other jurisdiction;

(I) He or she has not been convicted of violating an order of protection or a substantially similar offense in this or another jurisdiction;

(J) The applicant has not been convicted of, and is not currently facing charges for, for an act of violence or an act involving a firearm under the laws of this or any other jurisdiction;

(K) The applicant has not been convicted within 10 years prior to the application of any:

(i) Violation in any jurisdiction of any law restricting the use, possession, or sale of any controlled substance, or dangerous drug;

(ii) Two or more violations of 9 CMC § 7105, or, in this or any other jurisdiction, any law restricting the operation of a motor vehicle or vessel under the influence of alcohol or drugs;

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(L) The applicant has not been convicted of battery, assault, or a substantially similar offense in this or another jurisdiction, in which a firearm was used or possessed;

(M) The applicant is not currently charged with and has not been convicted of an act involving domestic violence as defined by Commonwealth law, or a substantially similar offense in another jurisdiction, or an offense involving domestic violence in another jurisdiction;

(N) The applicant is not currently charged with and has not been convicted of stalking as defined by Commonwealth law, or a substantially similar offense in another jurisdiction, or an offense involving domestic violence in another jurisdiction;

(O) The applicant is not prohibited from acquiring or possessing firearms or firearm ammunition by federal law, including the prohibitions against persons convicted of crimes of domestic violence under 18 U.S.C. § 922;

(P) The applicant is not prohibited from acquiring or possessing firearms or firearm ammunition by court order;

(Q) The applicant is not an adult who had been adjudicated in accordance with the Juvenile Justice Act for the commission of an offense that if committed by an adult would be a felony;

(R) The applicant is a resident of the Commonwealth;

(S) The applicant has not been adjudicated as a mentally disabled person;

(T) The applicant has not been involuntarily admitted into a mental health facility within the past five years; and

(U) The applicant is not developmentally disabled as defined by § 101(o) of Public Law 19-42; and

(V) The applicant has not been discharged from the Armed Forces under dishonorable conditions;

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(W) Upon request by the Department of Public Safety, sign a release on a form prescribed by the Department of Public Safety waiving any right to confidentiality and requesting the disclosure to the Department of Public Safety of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(X) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of Public Safety either a Commonwealth driver's license number or Commonwealth Identification Card number, except as provided in subsection (d)(3)(Y) of this section.

(Y) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer or by the United States Military permanently assigned in the Commonwealth and who is not a Commonwealth resident, shall furnish to the Department of Public Safety a driver's license number or state identification card number from the applicant's state of residence.

(Z) The applicant is a citizen of the United States, a United States National, or a Lawful Permanent Resident of the United States.

(e) If an applicant for a Firearm Owner's Identification Card moves from the residence address named in the application, the applicant shall immediately notify in a form and manner prescribed by the Department of Public Safety of that change of address.

(f) Each applicant shall be fingerprinted in order to conduct an efficient and adequate investigation into the application and to effectuate the purposes of this

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1 Division. The Department of Public Safety shall maintain a record of the fingerprints
2 of sufficient quality to enable periodic investigation to ensure compliance with this
3 Division.

4 (g) The Department of Public Safety shall take a digitalized, full-face
5 photograph of each applicant, other than an organization, to be included as part of a
6 person's application. The photo shall be taken simultaneously with the filing of the
7 application.

8 (h) Each application form shall include the following statement printed in bold
9 type: "Warning: Entering false information on an application for a Firearm Owner's
10 Identification Card is punishable as a felony in accordance with §607 of SAFE II."

11 (i) Each applicant (the president or chief executive in the case of an
12 organization) shall sign an oath or affirmation attesting to the truth of all the
13 information required by this Chapter. Any declaration, certificate, verification, or
14 statement made for purposes of this Chapter shall be made under penalty of perjury.

15 § 602. Safety Training Requirement.

16 (a) An applicant for a Firearm Owners Identification Card must, as a condition
17 for issuance of a license, provide proof of completion of a firearms safety training
18 course that fulfills the following requirements:

19 (1) The firearms safety training course must be approved by the
20 Department of Public Safety, any State or Territory of the United States, or the
21 federal government; or

22 (2) Offered by the Department of Public Safety.

23 (b) The firearms safety training course must require instruction on:

24 (1) The safe use of firearms, including proper loading, unloading, and
25 firing, and the proper engaging and disengaging of common firearm safety
26 mechanisms;

27 (2) Methods for safely storing and securing firearms and ammunition
28 and preventing child access to firearms and ammunition;

29 (3) Proper firearm care and cleaning;

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1 (4) If offered within the Commonwealth, applicable federal and
2 Commonwealth laws relating to the purchase, sale, possession, transportation,
3 carrying, and storage of firearms;

4 (5) If offered within the Commonwealth, Commonwealth laws
5 pertaining to the use of deadly force for self-defense.

6 (c) A law enforcement agency or firearms instructor conducting a firearm
7 safety training course in the Commonwealth intending to fulfill the requirements of
8 this section shall:

9 (1) Make the course records for each applicant available to law
10 enforcement upon request;

11 (2) Maintain all course records on students for a period of no less than
12 six years from course completion date.

13 (d) A law enforcement agency or firearms instructor conducting a firearm
14 safety training course in the Commonwealth shall not give a grade of passing to an
15 applicant who:

16 (1) Refuses to follow the instructions of the firearms instructor or
17 agency representative; or

18 (2) Despite appropriate instruction, handles a firearm in a manner that,
19 in the judgment of the firearms instructor or agency representative, poses a
20 danger to the applicant or to others.

21 §603. Written Safety Test. Before a Firearm Owner's Identification Card will
22 be issued, each applicant must successfully complete a written test, created and
23 administered by the Department of Public Safety, demonstrating knowledge regarding
24 the topics listed in § 602 of this Chapter.

25 §604. Exemption to Safety Training Requirement and Written Exam.

26 The following individuals are exempt from the safety training class and
27 written exam required by this Division.

28 (a) Current federal, state, or Commonwealth law enforcement officers who are
29 required to own or possess a firearm while engaged in the operation of their official
30 duties are exempt from § 602 and § 603 of this Chapter. Provided, that each law

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1 enforcement officer must submit an affidavit attesting to and describing their firearms
2 training. The Department of Public Safety may require any current law enforcement
3 officer to participate in the training required by § 602 of this Chapter.

4 (b) Retired federal, state or Commonwealth law enforcement officers or
5 retired corrections officers who were required to own or possess a firearm while
6 engaged in the operation of their official duties prior to retirement are exempt from
7 § 602 and § 603 of this Chapter.

8 (c) Any person currently serving or who has previously served in any branch
9 of the armed forces.

10 (d) Any person that possesses a firearm identification card issued pursuant to
11 the Weapons Control Act on the effective date of this Division.

12 (e) Any person that has taken a firearm safety class in the Commonwealth
13 prior to the effective date of this Division.

14 §605. Approval or Denial of Application. The Department of Public Safety
15 shall either approve or deny all applications within 60 days from the date they are
16 received, unless good cause is shown, including nonreceipt of information from
17 sources outside the Commonwealth government. The Department may hold in
18 abeyance an application where there is a revocation proceeding pending against such
19 person or organization.

20 §606. Contents of Firearm Owner's Identification Card.

21 (a) A Firearm Owner's Identification Card, issued by the Department of Public
22 Safety at such places as the Commissioner of the Department of Public Safety shall
23 specify, shall contain the applicant's name, residence, date of birth, sex, physical
24 description, recent photograph, and signature. Each Firearm Owner's Identification
25 Card must have the expiration date displayed on the face of the card.

26 (b) Each Firearm Owner's Identification Card must have printed on it the
27 following: "This card is only valid for firearm purchases through a federally licensed
28 firearms dealer when presented with photographic identification, as prescribed by
29 18 U.S.C. 922(t)(1)(C)."

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1 (c) The Department of Public Safety is authorized to include any other
2 information that it deems relevant on the Firearm Owner's Identification Card.

3 §607. Altered, Forged, Counterfeit Firearm Identification Cards and False
4 Statements.

5 (a) It shall be a felony punishable by a fine of not more than \$10,000 or
6 imprisonment for not more than 10 years, or both for:

7 (1) Any person to forge or materially alter a Firearm Owner's
8 Identification Card or to counterfeit a Firearm Owner's Identification Card.

9 (2) Any person to knowingly possess a forged or materially altered
10 Firearm Owner's Identification Card.

11 (3) Any person to knowingly possess a counterfeit Firearm Owner's
12 Identification Card.

13 (b) It shall be a felony punishable by a fine of not more than \$10,000 or
14 imprisonment for not more than 10 years, or both for any person to knowingly make a
15 false or misleading statement of a material fact or omission of a material fact in any
16 document submitted to the Department pursuant to this Division, the Firearm
17 Registration Act, the Firearm Vendor Licensing Act, or the Firearm Carry Act.

18 §608. Duration of Firearm Owner's Identification Card.

19 (a) Except as otherwise provided by law, a Firearm Owner's Identification
20 Card issued under the provisions of this Division shall be valid for the person to
21 whom it is issued for a period of three years from the date of issuance.

22 (b) A member of law enforcement must apply for a new Firearm Owner's
23 Identification Card if the person ceases to be a member of law enforcement.

24 §609. Background Check Required.

25 (a) The Department of Public Safety must complete a background check for
26 any person who applies for a Firearm Owners Identification Card.

27 (b) National Instant Criminal Background Check System.

28 (1) The Department of Public Safety shall act as the Commonwealth
29 Point of Contact for the National Instant Criminal Background Check System.

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1 (2) The Department of Public Safety shall, in accordance with
2 Commonwealth and federal law regarding confidentiality, enter into a
3 memorandum of understanding with the Federal Bureau of Investigation,
4 Bureau of Alcohol Tobacco, Firearms & Explosives, the Federal Bureau of
5 Investigation's Criminal Justice Information Services, the National Crime
6 Information Center, the National Criminal Justice Reference Service, the
7 Brady Center to Prevent Gun Violence, Criminal Justice Information Center,
8 or other responsible federal agencies or nongovernmental organizations, for
9 the purpose of implementing the National Instant Criminal Background Check
10 System in the Commonwealth. The Department of Public Safety shall report
11 the name, date of birth, and physical description of any person prohibited from
12 possessing a firearm pursuant to the Firearm Owners Identification Card Act
13 or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background
14 Check System Index, Denied Persons Files.

15 (3) To the extent possible, all information from any Commonwealth or
16 local government agency that is necessary to complete a National Instant
17 Criminal Background Check System check shall be provided to the Criminal
18 Justice Information Center.

19 (c) The background check required by this section shall include a search of:

20 (1) The National Instant Criminal Background Check System of the
21 Federal Bureau of Investigation;

22 (2) Commonwealth criminal history files;

23 (3) Commonwealth and federal records regarding wanted persons;

24 (4) Commonwealth and federal records of domestic violence
25 restraining and protective orders;

26 (5) Commonwealth and federal records identifying persons who are
27 unlawful users of or addicted to any controlled substance; and

28 (6) Any other available files of any federal, state, and local agency and
29 other entity (private or public) in any jurisdiction likely to contain information

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1 relevant to whether the applicant is prohibited from purchasing or possessing a
2 firearm under federal, state, or local law.

3 §610. Grounds for denial and revocation.

4 (a) The Department of Public Safety has authority to deny an application for
5 or to revoke and seize a Firearm Owner's Identification Card previously issued under
6 this Division only if the Department finds that the applicant or the person to whom
7 such card was issued is or was at the time of issuance:

8 (1) A person under 21 years of age, unless

9 (i) the applicant is serving in the Armed Forces of the United
10 States or was honorably discharged therefrom; or

11 (ii) The applicant is defined as law enforcement under
12 Chapter 1 of this Division;

13 (2) Has been convicted of, or is charged with, a crime punishable by
14 imprisonment for more than one year under the laws of this or any other
15 jurisdiction;

16 (3) A person addicted to a controlled substance;

17 (4) A person who has been a patient of a mental health facility within
18 the past 5 years or a person who has been a patient in a mental health facility
19 more than 5 years ago who has not received the certification required under
20 subsection (b) of this section;

21 (5) A person whose mental condition is of such a nature that it poses a
22 clear and present danger to the applicant, any other person or persons or the
23 community;

24 (6) A person who is intellectually disabled;

25 (7) A person who intentionally makes a false statement in the Firearm
26 Owner's Identification Card application;

27 (8) An alien who is unlawfully present in the United States under the
28 laws of the United States;

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1 (9) An alien who has been admitted to the United States under a non-
2 immigrant visa (as that term is defined in Section 101(a)(26) of the
3 Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

4 (10) Was convicted within 10 years prior to the application of any:

5 (A) Violation in any jurisdiction of any law restricting the use,
6 possession, or sale of any narcotic or dangerous drug;

7 (B) Two or more violations of 9 CMC § 7105, or, in this or any
8 other jurisdiction, any law restricting the operation of a motor vehicle
9 or vessel under the influence of alcohol or drugs;

10 (11) A person who has been convicted of battery, assault, or a
11 substantially similar offense in this or another jurisdiction, in which a firearm
12 was used or possessed;

13 (12) A person who has been convicted of violating an order of
14 protection or a substantially similar offense in this or another jurisdiction;

15 (13) A person who is charged with an act of violence or an act
16 involving a firearm;

17 (14) A person who is currently charged with or has been convicted of
18 an act involving domestic violence as defined by Commonwealth law, or a
19 substantially similar offense in another jurisdiction, or an offense involving
20 domestic violence in another jurisdiction;

21 (15) A person who is currently charge with or has been convicted of
22 stalking as defined by Commonwealth law, or a substantially similar offense
23 in another jurisdiction, or an offense involving stalking in another jurisdiction;

24 (16) Any person who is prohibited from acquiring or possessing
25 firearms or firearm ammunition by federal law, including the prohibitions
26 against persons convicted of crimes of domestic violence under
27 18 U.S.C. § 922;

28 (17) A person who is or was at the time of application or issuance
29 subject to an existing order of protection;

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1 (18) A person who is prohibited from acquiring or possessing firearms
2 or firearm ammunition by court order or Commonwealth law;

3 (19) An adult who had been adjudicated in accordance with the
4 Juvenile Justice Act for the commission of an offense that if committed by an
5 adult would be a felony;

6 (20) A person who is not a resident of the Commonwealth;

7 (21) A person who has been adjudicated as a mentally disabled person;

8 (22) A person who has been found to be developmentally disabled;

9 (23) A person involuntarily admitted into a mental health facility.
10 A person who has been involuntarily committed within the past 5 years or a
11 person who was involuntarily committed more than 5 years ago who has not
12 received the certification required under subsection (b) of this section;

13 (24) A person who has been discharged from the Armed Forces under
14 dishonorable conditions; or

15 (25) A person who is not a United States Citizen, United States
16 National, or Lawful Permanent Resident of the United States.

17 (b) A person who has had his or her Firearm Owner's Identification Card
18 revoked or denied under §601 (d) (3) (D) of this Chapter because he or she was a
19 patient in a mental health facility as provided in subsection (a)(4) of this section or a
20 person who was involuntarily committed as provided in subsection (a)(23) of this
21 section, shall not be permitted to obtain a Firearm Owner's Identification Card, after
22 the five-year period has lapsed, unless he or she has received a mental health
23 evaluation by a physician, clinical psychologist, or qualified examiner, and has
24 received a certification that he or she is not a clear and present danger to himself,
25 herself, or others. The physician, clinical psychologist, or qualified examiner making
26 the certification and his or her employer shall not be held criminally, civilly, or
27 professionally liable for making or not making the certification required under this
28 subsection. This subsection does not apply to a person whose firearm possession
29 rights have been restored through administrative or judicial action pursuant to this
30 Division.

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1 (c) Upon revocation of a person's Firearm Owner's Identification Card, the
2 Department of Public Safety shall provide notice to the person and the person shall
3 comply with §614 of this Division.

4 §611. Notifications to the Department of Public Safety.

5 (a) The Commonwealth Superior Court shall, in the form and manner of its
6 choosing, notify the Department of Public Safety of all final dispositions of cases
7 which require the denial or revocation of a Firearm Owner's Identification Card.

8 (b) The Commonwealth Superior Court shall, in the form and manner of its
9 choosing, notify the Department of Public Safety of any restraining order or court
10 order requiring the denial or revocation of a Firearm Owner's Identification Card.

11 (c) If a person is involuntarily committed pursuant to the Involuntary
12 Commitment Act or determined to pose a clear and present danger to himself, herself,
13 or to others:

14 (1) by a physician, clinical psychologist, or qualified examiner, or is
15 determined to be developmentally disabled by a physician, clinical
16 psychologist, or qualified examiner, whether employed by the Commonwealth
17 or privately, then the physician, clinical psychologist, or qualified examiner
18 shall, within 24 hours of making the determination, notify the Department of
19 Public Safety that the person was involuntarily committed, poses a clear and
20 present danger, or is developmentally disabled; or

21 (2) by any other person, then the person may notify the Department of
22 Public Safety and provide information regarding the clear and present danger.

23 (d) Upon receipt of the notification, the Department of Public Safety shall
24 determine whether to revoke the person's Firearm Owner's Identification Card.
25 Notwithstanding any provision of law to the contrary, including the
26 Open Government Act, 1 CMC §§ 9901–9917, any information disclosed under this
27 section shall remain privileged and confidential, and shall not be re-disclosed, unless
28 required by court order. The method of providing this information shall guarantee
29 that the information is not released beyond what is necessary for the purpose of this
30 section. The identity of the person reporting under this section shall not be disclosed

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1 to the subject of the report. The physician, clinical psychologist, qualified examiner,
2 law enforcement official, court official, school administrator, or other person making
3 the determination and his or her employer shall not be held criminally, civilly, or
4 professionally liable for making or not making the notification required under this
5 subsection, except for willful or wanton misconduct.

6 §612. National Instant Criminal Background Check System – Notice
7 Required. Notwithstanding §611, if the Department of Public Safety determines that
8 a person or organization is prohibited from acquiring or possessing a Firearm
9 Owner's Identification Card, under this Division or federal law, then the Department
10 shall notify the National Instant Criminal Background Check System and provide the
11 appropriate information within thirty days of its determination.

12 §613. Denial of Application or Revocation or Seizure of Card – Notice
13 Required. Every person whose application for a Firearm Owner's Identification Card
14 is denied, and every holder of such a Card whose Card is revoked or seized, shall
15 receive a written notice from the Department of Public Safety stating specifically the
16 grounds upon which his application has been denied or upon which his Identification
17 Card has been revoked. The written notice shall include the requirements of § 614 of
18 this Chapter and the person's right to administrative or judicial review under this
19 Chapter.

20 §614. Revocation of Firearm Owner's Identification Card.

21 (a) A person who receives a revocation notice under §610(c) of this Chapter
22 shall, within 24 hours, upon receipt of notice:

23 (1) surrender his or her Firearm Owner's Identification Card to the
24 Department of Public Safety or firearm vendor that is duly licensed under
25 Commonwealth or federal law. The Department shall provide the person a
26 receipt for the card;

27 (2) surrender his or her firearms to the Department of Public Safety
28 until the firearms can be transferred to another person or restored to the
29 owner;

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1 (3) complete a Firearm Disposition Record on a form prescribed by the
2 Department of Public Safety and place his or her firearms in the location or
3 with the person reported in the Firearm Disposition Record. The form shall
4 require the person to disclose the make, model, and serial number of each
5 firearm owned by or under the custody and control of the revoked person;

6 (b) The Department of Public Safety shall provide a copy of the Firearm
7 Disposition Record to the person whose Firearm Owner's Identification Card has been
8 revoked.

9 (c) If the person whose Firearm Owner's Identification Card has been revoked
10 fails to comply with the requirements of this Section, then the Department of Public
11 Safety shall petition the court to issue a warrant to search for and seize the Firearm
12 Owner's Identification Card and firearms in the possession or under the custody or
13 control of the person whose Firearm Owner's Identification Card has been revoked.

14 (d) A violation of subsection (a) of §614 of this Chapter is a misdemeanor
15 punishable by a fine of not more than \$1000 or by imprisonment for not more than
16 one year, or both.

17 (e) The observation of a Firearm Owner's Identification Card or firearm in the
18 possession of a person whose Firearm Owner's Identification Card has been revoked
19 constitutes a sufficient basis for the arrest of that person for violation of this section.

20 §615. Appeal; hearing; relief from firearm prohibitions.

21 (a) Whenever an application for a Firearm Owner's Identification Card is
22 denied, whenever the Department fails to act on an application within 60 days of its
23 receipt, or whenever such a card is revoked or seized as provided by this Chapter, the
24 aggrieved party may appeal to the Department of Public Safety for a hearing upon
25 such denial, revocation, or seizure; unless the denial, revocation, or seizure was based
26 upon a court order, finding of domestic violence, possession of a controlled
27 substance, or any felony violation, the aggrieved party may petition the Superior
28 Court in writing for a hearing upon such denial, revocation, or seizure.

29 (b) At least 30 days before any hearing in the Superior Court, the petitioner
30 shall serve the Office of the Attorney General and the Department of Public Safety

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1 with a copy of the petition. The Office of the Attorney General may object to the
2 petition and present evidence. At the hearing the court shall determine whether the
3 denial, revocation, or seizure substantially complied with this Division. Should the
4 court determine that the denial, revocation, or seizure was not done in substantial
5 compliance with this Division, then court shall issue an order directing the
6 Department of Public Safety to issue a Firearm Owner's Identification Card.
7 However, the court shall not issue the order if the petitioner is otherwise prohibited
8 from obtaining, possessing, or using a firearm under court order, Commonwealth law,
9 or federal law.

10 (c) The court shall review the denial of an application or the revocation of a
11 Firearm Owner's Identification Card of a person who has been adjudicated delinquent
12 for an offense that if committed by an adult would be a felony if an application for
13 relief has been filed at least 15 years after the adjudication of delinquency and the
14 court determines that the applicant should be granted relief from disability to obtain a
15 Firearm Owner's Identification Card. The court may grant relief upon a determining
16 that clear and convincing evidence establishes that the person does not pose a threat to
17 the community. If the court grants relief, the court shall notify the Department of
18 Public Safety that the disability has been removed and that the applicant is eligible to
19 obtain a Firearm Owner's Identification Card.

20 §616. Judicial Review of Final Administrative Decisions. All final
21 administrative decisions of the Department under this Chapter to deny a person's
22 application shall be subject to judicial review under the provisions of the
23 Administrative Procedure Act and any rules and regulations adopted by the
24 Department of Public Safety pursuant thereto.

25 §617. Notice of Expiration.

26 (a) The Department of Public Safety shall, 60 days prior to the expiration of a
27 Firearm Owner's Identification Card, forward by first class mail to each person whose
28 card will expire, a notification of the expiration of the card.

29 (b) The failure of the Department of Public Safety to send the required
30 notification will not be a defense in any prosecution for the violation of this Chapter.

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1 (c) It is the obligation of the holder of a Firearm Owner's Identification Card
2 to notify the Department Public Safety of any address change since the issuance of the
3 Firearm Owner's Identification Card.

4 (d) Any person whose legal name has changed from the name on the card that
5 has been previously issued must apply for a corrected card within 30 calendar days
6 after the change. The cost for a corrected card shall be an amount to be determined by
7 regulation by the Department of Public Safety to recoup the costs associated with this
8 subsection.

9 §618. Violation of this Chapter; Penalties.

10 (a) A violation of §601(a) or §601(b) of this Chapter is a felony punishable by
11 a fine of no more than \$5,000 or a term of imprisonment for not more than five years,
12 or both, if:

13 (1) the person has never had a Firearm Owner's Identification Card
14 revoked under §610; or

15 (2) the person's Firearm Owner's Identification Card is expired but the
16 person is eligible for renewal under this Division; or

17 (3) the person does not possess a currently valid Firearm Owner's
18 Identification Card, but the person is otherwise eligible for a Firearm Owner's
19 Identification Card under this Chapter.

20 (b) Provided, however, that a violation of §601(a) or §601(b) of this Chapter,
21 when the person's Firearm Owner's Identification Card is expired, but the person is
22 not otherwise disqualified from owning, purchasing, or possessing firearms:

23 (1) is an infraction punishable by a fine of \$500 if the card was expired
24 for ninety calendar days or less from the date of expiration; or

25 (2) a misdemeanor punishable by a fine of \$500 or a term of
26 imprisonment of not more than six months, or both, if the card was expired for
27 6 months or less from the date of expiration; or

28 (3) is a misdemeanor punishable by a fine of \$1000 or a term of
29 imprisonment of not more than one year, or both, if the card was expired for
30 more than 6 months but less than 12 months from the date of expiration.

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1 (c) A violation of §601(a) or §601(b) of this Chapter is a felony punishable by
2 a fine of not more than \$25,000 or imprisonment for not more than fifteen years, or
3 both, when:

4 (1) the person's Firearm Owner's Identification Card has been revoked
5 under §610 of this Chapter; or

6 (2) the person's Firearm Owner's Identification Card is expired and is
7 not otherwise eligible for renewal under this Chapter; or

8 (3) the person does not possess a currently valid Firearm Owner's
9 Identification Card, and the person is not otherwise eligible to receive a
10 Firearm Owner's Identification Card under this Chapter.

11 (d) Except as otherwise provided by this Chapter, any other violation of this
12 Chapter is a misdemeanor punishable by a fine of not more than \$1,000 or
13 imprisonment for not more than one year, or both.

14 §619. Duties of Card Holders – Penalties.

15 (a) Each person or organization holding a Firearm Owners Identification Card
16 shall:

17 (1) Notify the Department of Public Safety in writing of the loss, theft,
18 or destruction of the Firearm Owners Identification Card, including the
19 circumstances, immediately upon discovery of such loss, theft, or destruction;
20 and

21 (2) Any change in his or her status that would affect his or her
22 eligibility to own or possess a Firearm Owners Identification Card.

23 (b) Each card holder shall have in their possession, whenever in possession of
24 a firearm, a Firearm Owner's Identification Card, and shall exhibit the same upon the
25 demand of a member of the Department of Public Safety.

26 (c) The duties set forth in this section are in addition to any other requirements
27 imposed by this Division or other applicable law.

28 (d) A person shall be subject to a civil fine of \$1000 for the first violation or
29 omission of the duties and requirements imposed by this section.

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1 (e) A person shall be subject to a civil fine of \$2500 for a second violation or
2 omission of the duties and requirements imposed by this section, if occurring within
3 twelve months of the first violation. Further, the person's Firearm Owner's
4 Identification Card shall be revoked and the person shall be prohibited from
5 possessing or registering any firearm for a period of 5 years.

6 (f) For the purposes of this section, "a violation or omission" that applies to
7 multiple firearms shall constitute a single violation or omission if the violation or
8 omission pertaining to each firearm arose from the same occurrence.

9 §620. Certified abstracts. Any certified abstract issued by the Department of
10 Public Safety or transmitted electronically by the Department of Public Safety to a
11 court or on request of a law enforcement agency for the record of a named person as
12 to the status of the person's Firearm Owner's Identification Card is prima facie
13 evidence of the facts stated in the certified abstract and if the name appearing in the
14 abstract is the same as that of a person named in an information or warrant, the
15 abstract is prima facie evidence that the person named in the information or warrant is
16 the same person as the person named in the abstract and is admissible for any
17 prosecution under this Division or any other applicable violation of law and may be
18 admitted as proof of any records, notices, or orders recorded on individual Firearm
19 Owner's Identification Card records maintained by the Department of Public Safety.

20 §621. Fee Waiver.

21 (a) The Department of Public Safety may not charge a fee under this Chapter
22 to any member of law enforcement. Provided, the Department of Public Safety may
23 take this subsection into account when determining the amount of appropriate fees for
24 administering this Chapter.

25 (b) The Department of Public Safety may not charge a fee under this Chapter
26 to any person who has acquired a firearm by operation of law upon the death of the
27 former owner of the firearm within the preceding 60 days. Provided, the Department
28 of Public Safety may take this subsection into account when determining the amount
29 of appropriate fees for administering this Chapter.

30 §622. Regulations and Fees.

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1 (a) The Department of Public Safety is authorized to issue regulations to
2 administer this Chapter.

3 (b) The Department of Public Safety may authorize, by regulation, additional
4 fees to administer this Chapter. Provided, any additional fees will be instituted to
5 offset the cost of administering this Chapter.

6 **Section 5. Amendment.** Subject to codification by the Law Revision Commission,
7 Title 6, Division 10 is amended by adding a new Chapter 7, which shall read as follows:

8 “Chapter 7. Firearm Registration.

9 §701. Firearm Registration Database.

10 (a) The Department of Public Safety shall create and maintain a digital
11 Firearm Registration Database to keep track of all firearms in the
12 Commonwealth.

13 (b) The Firearm Registration Database shall include the following
14 information on firearm:

15 (1) The owner’s name;

16 (2) The owner’s Firearm Owner’s Identification Card number
17 and expiration date;

18 (3) In the case of firearms for sale by a vendor, his vendor’s
19 license number;

20 (4) The caliber, make, model, manufacturer’s identification
21 number, serial number, and any other identifying marks on the firearm;

22 (5) The name and address of the person or organization from
23 whom the firearm was obtained;

24 (6) Whether the transaction was processed by a licensed
25 firearms vendor, and if so the vendor’s license number;

26 (7) Whether the firearm has been reported stolen or missing;

27 (8) Whether the firearm has been transferred outside of the
28 Commonwealth;

29 (9) Such other information as the Department of Public Safety
30 determines is necessary to carry out the provisions of this Division.

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1 (c) Every owner of a firearm shall, within 7 business days of taking
2 possession of a firearm, register it with the Department of Public Safety. The
3 application for registration shall be made on a prescribed form, signed by the
4 owner, and shall contain the information set forth in §701(b).

5 (1) Failure to register a firearm in accordance with this section
6 is a civil infraction punishable by a fine of five hundred dollars.

7 (2) If a person files an application to register a firearm more
8 than seven business days after taking possession of the firearm, then
9 the Department of Public Safety shall accept the late application.

10 (3) A person who files an application to register a firearm more
11 than seven business days after taking possession of the firearm may
12 not be subsequently issued a citation for violation of § 701(c).

13 (d) Registrants have a right to privacy, and the record of the Firearm
14 Registration Database shall be exempt from disclosure under the Open
15 Government Act.

16 §702. Notification Duty of Firearm Owners.

17 (a) Every person or organization has a duty to report to the Department
18 of Public Safety on a prescribed form within three business days:

19 (1) the loss, theft, or destruction of a firearm registered to him
20 or her, including the circumstances, upon discovery of such loss, theft,
21 or destruction; and

22 (2) when the firearm is transferred outside of the
23 Commonwealth.

24 (b) Failure to comply with this section is a civil infraction punishable
25 by a fine of five hundred dollars.

26 §703. Regulations.

27 The Department of Public Safety shall have the authority to promulgate rules
28 and regulations to enforce this Chapter.

29 **Section 6. Amendment.** Subject to codification by the Law Revision Commission,
30 Title 6, Division 10 is amended by adding a new Chapter 8, which shall read as follows:

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1 “Chapter 8. Firearm Vendor Licensing.

2 §801. Business of firearms, destructive devices, or ammunition - vendor's
3 license required.

4 (a) No person or organization shall engage in the business of manufacturing,
5 selling, purchasing, importing, or repairing any firearm, destructive device, parts
6 therefor, or ammunition, without first obtaining a vendor's licensee.

7 (b) No person shall import a firearm or destructive device without first
8 obtaining a vendor's license. This prohibition shall not prohibit persons or
9 organizations from importing firearms into the Commonwealth as provided by § 905
10 of this Division.

11 (c) No licensee shall engage in the business of selling, purchasing, importing,
12 or repairing of firearms which are unregistrable in the Commonwealth, except as
13 provided by law, destructive devices, or parts therefor, except pursuant to a valid
14 work or purchase order, for the Department of Public Safety, any law enforcement
15 agency, or any member of the armed forces of the United States, the National Guard
16 or organized reserves, when such officer, agent, or member is authorized to possess
17 such a firearm or device while on duty in the performance of official authorized
18 functions, or as otherwise provided by law.

19 (d) Any license issued pursuant to this Chapter shall be issued by the
20 Department of Public Safety. Provided, the license required by this Chapter, shall be
21 in addition to any other license or licensing procedure required by law.

22 (e) The following individuals, government agencies, and organizations are
23 exempt from this section:

24 (1) Members of the Armed Forces of the United States or the National
25 Guard, while engaged in the operation of their official duties;

26 (2) A common carrier, warehouseman, or other person engaged in the
27 business of transporting or storing goods, to the extent that the possession or
28 receipt of any firearm is in the ordinary course of business and not for the
29 personal use of any such person;

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(3) A person lawfully transporting a firearm through the Commonwealth in accordance with 18 U.S.C. § 926A;

(4) Federal officials required to carry firearms, while engaged in the operation of their official duties; and

(5) The Department of Public Safety.

§802. Application for Firearm Vendor License.

(a) Any person or organization who is required to obtain a Firearm Vendor License under this Chapter shall:

(1) Appear in person at a time and place designated by the Department of Public Safety;

(2) Complete and submit to the Department of Public Safety an application, in writing, signed under penalty of perjury, on a form prescribed by the Department of Public Safety;

(3) Provide all relevant information requested to demonstrate compliance with this Chapter, including:

(A) The applicant's full name and any other name by which the applicant has ever been known;

(B) The home address and telephone number of the applicant;

(C) The occupation, business address and business telephone number of the applicant;

(D) The license or permit numbers of all federal, state, territorial, or local licenses or permits held by the applicant that authorize the applicant to sell, lease, or otherwise transfer firearms or ammunition, if any;

(E) Information relating to every other license or permit to sell, lease, transfer, purchase, or possess firearms or ammunition which was sought by the applicant from the federal government or from any state or territory or subdivision of any state or territory, including, but not limited to, the type of license or permit sought, the date of each application and whether it resulted in the issuance of the license or

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1 permit, and the date and circumstances of any revocation or
2 suspension;

3 (F) The address of the proposed location for which the permit
4 is sought;

5 (G) The business name, and the name of any corporation,
6 partnership or other entity that has any ownership in, or control over,
7 the business;

8 (H) A copy of the person or organization's license to do
9 business in the Commonwealth;

10 (I) The names, dates of birth, and addresses of all persons who
11 will have access to or control of workplace firearms or ammunition,
12 including but not limited to, the applicant's employees, agents, and
13 supervisors, if any;

14 (J) A floor plan of the proposed business which illustrates the
15 applicant's compliance with security provisions required by
16 Commonwealth law, federal law, or Department of Public Safety
17 regulation;

18 (K) Such other information that the Department of Public
19 Safety may reasonably require by regulation;

20 (L) Certification of satisfaction of insurance requirements, for
21 applicants applying for a permit to sell firearms;

22 (M) The date, location, and nature of all criminal convictions of
23 the applicant, if any, in any jurisdiction in the United States.

24 (b) Each application for a vendor's license or renewal shall be accompanied by
25 a fee established by the Department of Public Safety by regulation; provided, that
26 such fee shall in the judgment of the Department, reimburse the Department for the
27 administrative costs of services provided under this Chapter.

28 §803. Renewal.

29 (a) A Firearm Vendor License expires one year after the date of issuance. A
30 permit may be renewed for additional one-year periods if the licensee submits a

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1 timely application for renewal, accompanied by a nonrefundable renewal fee
2 established by the Department of Public Safety by regulation; provided, that such fee
3 shall, in the judgment of the Department, reimburse the Department for the
4 administrative costs of services provided under this Chapter.

5 (b) Renewal of the permit is contingent upon the licensee's compliance with
6 the terms and conditions of the original application and permit, as detailed in this
7 Chapter, and any additional conditions arising from Commonwealth law including
8 regulations created by the Department. Department personnel shall inspect the
9 permitted business premises for compliance with this Chapter prior to renewal of the
10 permit. The renewal application and the renewal fee must be received by the
11 Department no later than 60 days before the expiration of the current permit.

12 (c) A decision regarding the renewal of the Firearm Vendor License may be
13 appealed in the manner provided in § 809 of this Division.

14 §804. Investigation to be conducted.

15 (a) The Department shall conduct an investigation to determine, for the
16 protection of public health and safety, whether the Firearm Vendor License may be
17 issued or renewed.

18 (b) The Department shall require:

19 (1) the applicant; and

20 (2) all persons who will have access to or control of workplace
21 firearms or ammunition, including but not limited to the applicant's
22 employees, agents and/or supervisors, if any, to:

23 (A) Acquire a Firearm Owner Identification Card, if they do
24 not already possess one. No person shall be authorized to have access
25 to or control of workplace firearms or ammunition until they have a
26 Firearm Owner Identification Card; and

27 (B) Provide any additional information which the Department
28 considers necessary to complete the investigation.

29 (c) Prior to issuance or renewal of the permit, the Department shall inspect the
30 premises of the proposed business to ensure compliance with this Chapter.

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1 (d) The Department may grant or renew a Firearm Vendor License if the
2 applicant or licensee is in compliance with this Chapter and all other applicable
3 federal and Commonwealth laws.

4 §805. Grounds for Denial of Firearm Vendor License.

5 (a) The Department shall deny the issuance or renewal of a Firearm Vendor
6 License if the operation of the business would not or does not comply with federal,
7 Commonwealth or local law, or if the applicant or licensee:

8 (1) Is a person under 21 years of age, or in the case of an organization
9 applicant, has a chief executive under 21 years of age;

10 (2) Has made a false or misleading statement of a material fact or
11 omission of a material fact in the application for a Firearm Vendor License, or
12 in any other documents submitted to the Department pursuant to this Chapter.
13 If a permit is denied on this ground, the applicant is prohibited from
14 reapplying for a permit for a period of five years;

15 (3) Has had a license or permit to sell, lease, transfer, purchase, or
16 possess firearms or ammunition from the federal government or the
17 government of any state or subdivision of any state revoked, suspended or
18 denied for good cause within the preceding five years;

19 (4) Is a person, or in the case of an organization, has a chief executive,
20 who is prohibited by any federal, state or local law from purchasing or
21 possessing firearms or ammunition, or has been convicted of:

22 (A) An offense relating to the manufacture, sale, possession or
23 use of a firearm or dangerous or deadly weapon or ammunition
24 therefor;

25 (B) An offense involving the use of force or violence upon the
26 person of another;

27 (C) An offense involving theft, fraud, dishonesty or deceit;

28 (D) Within the preceding ten years, an offense involving the
29 manufacture, sale, possession, or use of a controlled substance; or

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1 (5) Is a person, or in the case of an organization has a chief executive
2 officer, who is currently, or has been within the preceding five years, an
3 unlawful user of or addicted to a controlled substance; or

4 (6) Is not eligible, or in the case of an organization, has a chief
5 executive who is not eligible, for a Firearm Owner's Identification Card.

6 §806. Issuance of vendor's license; time period; corrections.

7 (a) Upon receipt of a properly executed application for a vendor's license, or
8 renewal thereof, the Department of Public Safety, upon determining through further
9 inquiry, investigation, or otherwise, that the applicant is entitled and qualified under
10 the provisions of this Chapter thereto, shall issue a Firearm Vendor License.

11 (b) Each vendor's license shall be in duplicate and bear a unique vendor's
12 license number, and such other information as the Department determines, by
13 regulation, is necessary to identify the applicant and premises.

14 (c) The duplicate of the vendor's license shall be delivered to the applicant and
15 the Department shall retain the original.

16 (d) The Department of Public Safety shall approve or deny an application for a
17 Firearm Vendor License within a 60-day period beginning on the date the Department
18 receives the application, unless good cause is shown, including nonreceipt of
19 information from sources outside the Commonwealth government. The Department
20 may hold in abeyance an application where there is any firearms revocation
21 proceeding pending against such person or organization.

22 (e) Upon receipt of a vendor's license, each applicant shall examine the same
23 to ensure that the information thereon is correct. If the vendor's license is incorrect in
24 any respect, the person named thereon shall return the same to the Department of
25 Public Safety with a signed statement showing the nature of the error. The
26 Department shall correct the error, if it occurred through administrative error. In the
27 event the error resulted from information contained in the application, the applicant
28 shall be required to file an amended application explaining the error in the original
29 application.

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1 (f) In the event the Department of Public Safety learns of an error in a vendor's
2 license, other than as provided in this section, the Department may require the holder
3 to return the vendor's license for correction. If the error resulted from information
4 contained in the application, the person named therein shall be required to file an
5 amended application as provided in subsection (e) of this section.

6 §807. Duties of licensed vendors; records required.

7 (a) Each person holding a vendor's license, in addition to any other
8 requirements imposed by this Chapter, Commonwealth law, federal law, or
9 Department of Public Safety Regulation, shall:

10 (1) Display the vendor's license in a conspicuous place on the
11 premises;

12 (2) Notify the Department of Public Safety in writing:

13 (A) Of the loss, theft, or destruction of the vendor's license,
14 including the circumstances, immediately upon the discovery of such
15 loss, theft, or destruction or of the loss, theft, or destruction of any
16 firearms or ammunition in the vendor's inventory;

17 (B) Of a change in any of the information appearing on the
18 Firearm Vendor License;

19 (C) Any change in status that would affect license holder's
20 eligibility to own or possess a Firearm Vendor License.

21 (3) Keep at the premises identified in the vendor's license a true and
22 current record in book form or in other form as the Department of Public
23 Safety may require by regulation, of:

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

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

28 (i) Serial number, caliber, make, model, manufacturer's
29 number (if any), vendor's identification number (if any) and
30 similar descriptive information for destructive devices;

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

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

6 (iv) Date and time received by the licensee and in the
7 case of repair, returned to the owner; and

8 (v) Nature of the repairs made.

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

11 (i) Serial number, caliber, make, model, manufacturer's
12 number or vendor's identification number;

13 (ii) Name and address of the person or organization to
14 whom transferred;

15 (iii) The consideration for transfer; and

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

18 (b) The records required by this section shall upon demand be exhibited
19 during normal business hours to the Department of Public Safety.

20 (c) Each person holding a vendor's license shall, when required by the
21 Department of Public Safety in writing, submit on a form and for the periods of time
22 specified, any record information required to be maintained by this section, and any
23 other information reasonably obtainable therefrom.

24 §808. Revocation of Firearm Vendor License.

25 (a) A Firearm Vendor License may be revoked if:

26 (1) Any of the criteria in § 807 of this Chapter are not currently met;

27 (2) There is a violation or omission of the duties, obligations, or
28 requirements imposed by § 807 of this Chapter, Commonwealth or federal
29 law, or Department of Public Safety regulation; or

30 (b) A Firearm Vendor License shall be revoked if:

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1 (1) The information furnished to the Department of Public Safety on
2 the application for a Firearm Vendor License proves to be false;

3 (2) The Firearm Vendor License holder fails to notify the Department
4 of Public Safety of a change of status that affects the license holder's
5 eligibility to own or possess a Firearm Vendor License;

6 (3) The license holder no longer qualifies for a Firearm Owners
7 Identification Card or otherwise fails to meet any of the criteria required by
8 Commonwealth, federal law, or Department of Public Safety regulation.

9 §809. Procedure for denial or revocation of vendor's license.

10 (a) If it appears to the Department of Public Safety that an application for a
11 vendor's license should be denied or that a vendor's license should be revoked, the
12 Department of Public Safety shall notify the applicant or registrant of the proposed
13 denial or revocation briefly stating the reason or reasons therefor.

14 (b) Service may be made by mailing a copy of the notice to the applicant at the
15 address identified on the application. In the case of an organization, service may be
16 made upon the president, chief executive, or other officer, managing agent or person
17 authorized by appointment or law to receive such notice as described in the preceding
18 sentence at the business address of the organization identified in the application.

19 (c) The applicant or vendor shall have 15 days from the date of service in
20 which to submit further evidence in support of the application or qualifications to
21 continue to hold a vendor's license, as the case may be; provided, that if the applicant
22 or vendor does not make such a submission within 15 days from the date of service,
23 the applicant or vendor shall be deemed to have conceded the validity of the reason or
24 reasons stated in the notice, and the denial or revocation shall become final.

25 (d) Within 10 days of the date upon which the Department of Public Safety
26 receives such a submission, the Department shall serve upon the applicant or
27 registrant in the manner provided in above, notice of the final decision.

28 (e) Within 15 days of a decision becoming effective, which is unfavorable to a
29 licensee or to an applicant for a vendor's license, the licensee or applicant shall:

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1 (1) Peaceably surrender to the Department any firearms in his
2 inventory which he does not register, and all destructive devices in his
3 inventory in the manner provided for in P.L. 19-42,
4 (in Section 6, adding 6 CMC Division 10, Chapter 2, § 209).

5 (2) Lawfully remove from the Commonwealth any firearm in his
6 inventory which he does not register and all destructive devices and
7 ammunition in his inventory for so long as he has an interest in them; or

8 (3) Otherwise lawfully dispose of any firearms in his inventory which
9 he does not register and all destructive devices and ammunition in his
10 inventory.

11 §810. Temporary suspension of vendor's license.

12 (a) If the Department of Public Safety has probable cause to believe that a
13 licensee has violated any federal, Commonwealth or local law, the Department of
14 Public Safety may immediately suspend the right of the licensee to sell, lease or
15 otherwise transfer firearms, firearm ammunition, or firearm ammunition components.

16 (b) If the Department of Public Safety has probable cause to believe that a
17 licensee has violated any federal, Commonwealth or local law relating to the sale,
18 lease, transfer, use or possession of firearms, firearm ammunition, or firearms
19 ammunition components, the Department of Public Safety shall immediately suspend
20 the right of the licensee to sell, lease or otherwise transfer firearms, firearm
21 ammunition or firearm ammunition components.

22 (c) A temporary suspension under this Section shall be for no more than three
23 days; except if the violation results in the filing of criminal charges by a federal or
24 Commonwealth prosecuting attorney, the license may be suspended until the case is
25 adjudicated in a court of law. If the Department of Public Safety suspends a license
26 pursuant to this subsection, the licensee shall be provided an opportunity to present
27 evidence to the Department that the pending charges are without legal merit. The
28 Department's decision regarding whether to suspend a license pending the outcome of
29 such charges shall be a final decision appealable to the Superior Court pursuant to the
30 Commonwealth Administrative Procedure Act.

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1 (d) Notice of suspension shall be mailed to the person(s) who applied for the
2 license and shall be delivered to the address listed on the license.

3 §811. Report of license revocation to federal and Commonwealth authorities.

4 In addition to any other penalty or remedy, the Department of Public Safety shall
5 report any person or entity whose Firearm Vendor License is revoked pursuant to this
6 Chapter to the Bureau of Alcohol, Tobacco, Firearms & Explosives within the United
7 States Department of Justice, and to any other relevant Commonwealth or federal
8 agency.

9 §812. Nonassignability. A Firearm Vendor License issued under this Chapter
10 is not assignable. Any attempt to assign a Firearm Vendor License shall result in
11 revocation of the license.

12 §813. Inspections.

13 (a) Licensees shall have their places of business open for inspection by the
14 Department of Public Safety during all hours of operation.

15 (b) The Department shall conduct an inspection of the business in connection
16 with the initial issuance of a permit, and thereafter conduct an inspection in
17 connection with each annual renewal of the permit, and unannounced inspections as
18 the Department of Public Safety requires to ensure compliance with this Chapter.
19 Licensees shall maintain all records, documents, firearms, and ammunition in a
20 manner and place accessible for inspection by federal and Commonwealth law
21 enforcement.

22 §814. On-Site Security.

23 (a) All firearms and ammunition in the inventory of a licensee must be kept at
24 the permitted business location.

25 (b) If the proposed or current business location is to be used at least in part for
26 the sale of firearms, all perimeter doorways, windows, and heating, ventilating, air-
27 conditioning, and service openings shall be secured in a manner prescribed by the
28 Department of Public Safety.

29 (1) Such securing shall, at a minimum, include:

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(A) All perimeter doorways equipped with one of the following:

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

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

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

(B) All windows covered with solid steel bars of at least one-half inch diameter.

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

(2) For the purposes of this section:

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

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

(C) All steel bars must be no further than six inches apart.

(c) Any time a licensed business location is not open to the public, every firearm shall be stored in one of the following ways:

(1) In a locked fireproof safe or vault in the licensee's business premises that meets Underwriters Laboratories Residential Security Container rating standards by a Nationally Recognized Testing Laboratory (NRTL); or

(2) Secured with a hardened steel rod or cable of at least one-fourth inch in diameter through the trigger guard of the firearm. No more than five firearms may be affixed to any one rod or cable at any time.

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1 (d) Any time a licensed business location is open to the public, all firearms
2 shall be kept unloaded and all firearms and ammunition shall be kept inaccessible to
3 the public, except in the immediate presence of and under the direct supervision of the
4 licensee or his or her employees.

5 (e) The licensed business location shall be secured by an alarm system that is
6 installed and maintained by an alarm company operator properly licensed pursuant to
7 Commonwealth law. The alarm system must be approved by the Department of
8 Public Safety.

9 (f) The licensed business location shall be equipped with a video surveillance
10 system sufficient to monitor the critical areas of the business premises, including, but
11 not limited to, all places where firearms or ammunition are stored, handled, sold,
12 transferred, or carried. The video surveillance system shall operate continuously,
13 without interruption, whenever the permitted business location is open to the public.
14 Whenever the permitted business location is not open to the public, the system shall
15 be triggered by a motion detector and begin recording immediately upon detection of
16 any motion within the monitored area. In addition, the sale or transfer of a firearm or
17 ammunition shall be recorded by the video surveillance system in such a way that the
18 facial features of the purchaser or transferee are clearly visible. The stored images
19 shall be maintained at the permitted business location for a period not less than six
20 months from the date of recordation and shall be made available for inspection by
21 federal and Commonwealth law enforcement upon request. The licensee shall post a
22 sign in a conspicuous place at each entrance to the premises that states in block letters
23 not less than one inch in height: THESE PREMISES ARE UNDER VIDEO
24 SURVEILLANCE. YOUR IMAGE MAY BE RECORDED.

25 (g) The Department of Public Safety may impose security requirements in
26 addition to those listed in this section prior to issuance of the Firearm Vendor
27 License. Failure to fully comply with the requirements of this section or additional
28 security requirements imposed by the Department shall be sufficient cause for denial
29 or revocation of the Firearm Vendor License by the Department.

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1 §815. Display of firearms or ammunition by vendors; security; employees of
2 vendors.

3 No licensed vendor shall display any firearm or ammunition in windows
4 visible or accessible from a street or sidewalk. All firearms, destructive devices, and
5 ammunition shall be kept at all times in a securely locked place affixed to the
6 premises except when being shown to a customer, being repaired, or otherwise being
7 worked on.

8 §816. Identification number on firearm required before sale.

9 No licensee shall sell or offer for sale any firearm which does not have
10 imbedded into the metal portion of such firearm a unique manufacturer's
11 identification number or serial number.

12 §817. Liability Insurance.

13 (a) If the proposed or current business location is to be used for the sale of
14 firearms, no Firearm Vendor License shall be issued or renewed unless there is in
15 effect a policy of insurance in a form approved by the Commonwealth and executed
16 by an insurance company approved by the Commonwealth, insuring the applicant
17 against liability for damage to property and for injury to, or death of, any person as a
18 result of the theft, sale, lease or transfer or offering for sale, lease or transfer of a
19 firearm or ammunition, or any other operations of the business. The limits of liability
20 shall not be less than \$300,000 for each incident of damage to property or incident of
21 injury or death to a person.

22 (b) The policy of insurance shall contain an endorsement providing that the
23 policy shall not be cancelled until written notice has been given to the Department of
24 Public Safety at least 60 days prior to the time the cancellation becomes effective.

25 (c) Upon expiration of the policy of insurance, and if no additional insurance
26 is obtained, the Firearm Vendor License is automatically revoked as a matter of law
27 without further notice.

28 §818. Location of Firearm Vendor.

29 (a) The business shall be carried on only in the building located at the street
30 address shown on the permit.

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1 (b) The business premises shall not be located in any area that is zoned for
2 residential use.

3 (c) The business shall not be operated out of a dwelling as defined in Chapter
4 1 of this Division.

5 (d) The business shall not be operated within a Gun Free Zone pursuant to
6 § 401 of Public Law 19-42; provided a firearm vendor shall not be in violation of this
7 subsection if the business falls within a gun free zone after the vendor makes
8 substantial investment in the on-site security requirements imposed by this Chapter.

9 (e) The requirements contained in this section are in addition to any other
10 zoning laws or regulations that may apply to a firearm vendor.

11 §819. Inventory Reports.

12 (a) Within the first five business days of January and July of each year, the
13 licensee shall cause a physical inventory to be taken that includes a listing of each
14 firearm held by the licensee by make, model, caliber or gauge, and serial number,
15 together with a listing of each firearm the licensee has sold since the last inventory
16 period. In addition, the inventory shall include a listing of each firearm lost or stolen
17 since the last inventory period.

18 (b) Immediately upon completion of the inventory, the licensee shall forward a
19 copy of the inventory to the address specified by the Department of Public Safety, by
20 such means as specified by the Department.

21 (c) The Department shall maintain a copy of the inventory for at least ten
22 years.

23 (d) With each copy of the inventory, the licensee shall include an affidavit
24 signed by an authorized agent or employee on behalf of the licensee under penalty of
25 perjury stating that within the first five business days of that January or July, as the
26 case may be, the signer personally confirmed the presence of the firearms reported on
27 the inventory. The licensee shall maintain a copy of the inventory on the premises for
28 which the Firearm Vendor License was issued for a period of not less than five years
29 from the date of the inventory and shall make the copy available for inspection by the
30 Department of Public Safety or federal law enforcement upon request.

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1 §820. Restricted admittance of minors and other prohibited purchasers.

2 (a) Where firearm sales activity is the primary business performed at the
3 permitted business location, no licensee or any of his or her agents, employees, or
4 other persons acting under the licensee's authority shall allow any person under the
5 age of 18 to enter into or remain on the premises unless accompanied by his or her
6 parent or legal guardian.

7 (b) Where firearm sales activity is the primary business performed at the
8 permitted business location, the licensee and any of his or her agents, employees, or
9 other persons acting under the licensee's authority shall be responsible for requiring
10 clear evidence of age and identity of persons to prevent the entry of persons not
11 permitted to enter the premises pursuant to this section by reason of age. Clear
12 evidence of age and identity is defined as current driver's license or other
13 government-issued identification card containing the bearer's signature, photograph
14 and date of birth.

15 (c) The licensee shall post the following conspicuously at each entrance to the
16 permitted business location in block letters not less than one inch in height:

17 (1) If the licensee sells, keeps or displays firearms, the sign shall state:
18 —FIREARMS ARE KEPT, DISPLAYED OR OFFERED FOR SALE ON
19 THE PREMISES, AND PERSONS UNDER THE AGE OF 21 ARE
20 EXCLUDED UNLESS ACCOMPANIED BY A PARENT OR LEGAL
21 GUARDIAN. —

22 (d) Where firearm sales activity is the primary business performed at the
23 permitted business location, no licensee or any of his or her agents, employees, or
24 other persons acting under the licensee's authority shall allow any person to enter into
25 or remain on the premises who the licensee or any of his or her agents, employees, or
26 other persons acting under the licensee's authority knows or has reason to know is
27 prohibited from possessing or purchasing firearms pursuant to federal or
28 Commonwealth law.

29 §821. Regulations and Fees.

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1 (a) The Department of Public Safety is authorized to issue regulations to
2 administer this Chapter.

3 (b) The Department of Public Safety is authorized to issue fines, to be
4 determined by regulation, for violations of this Chapter.

5 (c) The Department of Public Safety may authorize, by regulation, additional
6 fees to administer this Chapter. Provided, any additional fees will be instituted to
7 offset the cost of administering this Chapter.”

8 **Section 7. Amendment.** Subject to codification by the Law Revision Commission,
9 Title 6, Division 10 is amended by adding a new Chapter 9 which shall read as follows:

10 “Chapter 9. Sale and Transfer of Firearms and Ammunition

11 §901. Sale and transfer prohibited.

12 (a) No person or organization shall sell, transfer, or otherwise dispose of any
13 firearm, destructive device in the Commonwealth except as provided by
14 Commonwealth and federal law.

15 (b) Violation.

16 (1) The first violation of this provision within a ten-year period
17 shall be an infraction punishable by a fine of \$500.00.

18 (2) The violation of this section by an individual that has been
19 convicted of a violation of this section once within the past ten years
20 shall be a misdemeanor punishable by a fine of \$1000.00, and by
21 imprisonment for not more than one year.

22 (3) The violation of this section by an individual that has been
23 convicted of a violation of this section more than once within the past ten
24 years shall be a felony punishable by a fine of \$5,000.00 unlawfully
25 transferred and imprisonment for not more than five years.

26 §902. Permissible sales and transfers.

27 (a) Any person or organization lawfully in possession of a firearm or
28 ammunition may sell or otherwise transfer said firearm or ammunition to a licensed
29 firearms vendor.

30 (b) Any licensed vendor may sell or otherwise transfer:

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(1) Ammunition, excluding restricted pistol bullets, and any firearm or destructive device which is lawfully a part of such licensee's inventory, to any person or organization outside the Commonwealth provided that the person or organization is properly licensed under federal law and the jurisdiction where such person resides or conducts such business;

(2) Ammunition which is lawfully a part of such licensee's inventory to any resident of the Commonwealth who possesses a Firearm Owners Identification Card; and

(3) 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 vendor;

(B) Any Commonwealth law enforcement officer or law enforcement agent of the United States of America 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 vendor may sell a firearm to any person or organization possessing a Firearm Owners Identification Card; provided that the firearm will not be delivered to the person or organization until the person or organization acquires a firearm registration certificate for the firearm. If the Department denies a registration certificate, the Department shall so advise the licensed firearm vendor who shall thereupon:

(1) withhold delivery until such time as a registration certificate is issued, or,

(2) at the option of the purchaser, declare the contract null and void, in which case consideration and tax paid to the licensee shall be returned to the purchaser.

(d) Except as provided in this section, no licensed vendor shall sell or otherwise transfer ammunition unless:

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1 (1) The sale or transfer is made in person; and

2 (2) The purchaser exhibits, at the time of sale or other transfer, a
3 firearm owners' identification card; and

4 (3) The purchaser signs a receipt for the ammunition which, in addition
5 to the other records required under this Division, shall be maintained by the
6 licensed vendor for a period of 1 year from the date of sale.

7 §903. Private Transfers.

8 (a) Where neither party to a prospective firearms transaction is a licensed
9 firearms vendor under Chapter 8 of this Division, the parties to the transaction shall
10 complete the sale or other transfer through a licensed firearms vendor as follows:

11 (1) The seller or other transferor shall deliver the firearm to the
12 licensed firearms vendor, who shall retain possession of the firearm until all
13 legal requirements for the sale or other transfer have been met, including
14 compliance with any Commonwealth or federal waiting periods;

15 (2) The licensed firearms vendor shall process the sale or other transfer
16 as if he or she were the seller or other transferor. The licensed firearms
17 vendor shall comply with all requirements of Commonwealth and federal law
18 that would apply if he or she were the seller or other transferor of the firearm;

19 (3) If the licensed firearms vendor cannot legally deliver the firearm to
20 the purchaser or other transferee, the licensed firearms vendor shall require
21 proof that the seller is in possession of a valid firearm registration certificate,
22 and, if the seller has a firearm registration certificate and the return is not
23 prohibited by Commonwealth or federal law, return the firearm to that person;

24 (A) This subsection shall not prohibit a person from receiving
25 their firearm back from a firearm vendor if the person acquired their
26 firearm by operation of law upon the death of the former owner of the
27 firearm within the preceding 60 days.

28 (4) If the vendor cannot legally return the firearm to the seller or other
29 transferor, the vendor shall store the firearm until it can be transferred or
30 otherwise disposed of as provided by law; and

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1 (5) The vendor may require the purchaser or other transferee to pay a
2 fee covering the administrative costs incurred by the vendor for facilitating the
3 transfer of the firearm.

4 (b) Alternatively, where neither party to a prospective firearms transaction is a
5 licensed firearms vendor under Chapter 8 of this Division, the parties to the
6 transaction may complete the sale or other transfer at the Department of Public Safety
7 as follows:

8 (1) The parties to the transaction shall notify the Department of Public
9 Safety in a manner to be determined by regulation to schedule a time for
10 transfer. The firearm must be transported to and from the Department of
11 Public Safety in a locked container, unloaded, separate from ammunition, and
12 in open view. A person transporting a firearm to the Department of Public
13 Safety in accordance with this subsection is exempt from § 401(a) of PL 19-
14 42.

15 (2) The Department of Public Safety shall ensure that the purchaser is
16 in possession of a valid firearm owners identification card before releasing the
17 firearm to the purchaser.

18 (3) If the Department of Public Safety cannot legally deliver the
19 firearm to the purchaser or other transferee, the Department of Public Safety
20 shall require proof that the seller is in possession of a valid firearm owner's
21 identification card, and, if the seller has a valid firearm owner's identification
22 card and the return is not prohibited by Commonwealth or federal law, return
23 the firearm to that person;

24 (A) This subsection shall not prohibit a person from receiving
25 their firearm back from the Department of Public Safety if the person
26 acquired their firearm by operation of law upon the death of the former
27 owner of the firearm within the preceding 60 days.

28 (4) If Department of Public Safety cannot return the firearm to the
29 seller or other transferor, the Department of Public Safety shall store the

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1 firearm until it can be transferred or otherwise disposed of as provided by law;
2 and

3 (5) The Department of Public Safety may authorize, by regulation, a
4 fee to reimburse the Department for the administrative costs of services
5 provided under this section.

6 (6) Private transfers under this subsection shall be subject to the
7 Firearm Waiting Period contained in § 1001 as if the Department of Public
8 Safety were a licensed firearm vendor.

9 (7) If a licensed firearm vendor is available to complete the private
10 transfer of firearms on a particular island, then the Department of Public
11 Safety may, by regulation, decline to complete the private transfer of firearms
12 under § 903(b).

13 §904. Closure of Establishments During Emergencies.

14 In case of emergency concerning the public safety declared by the Governor,
15 all establishments dealing in guns, dangerous devices or ammunition may be ordered
16 closed by the official and be required to remain closed during the continuance of the
17 emergency. During any such closure, any and all guns, dangerous devices and
18 ammunition belonging to or in the keeping of a closed establishment must be secured
19 pursuant to §813 of this Division. Further, during any such closure, any and all guns,
20 dangerous devices and ammunition belonging to or in the keeping of a closed
21 establishment may be impounded by the Department of Public Safety.

22 §905. Transfer of Firearms and Ammunition into the Commonwealth.

23 (a) Any firearm, ammunition, or destructive device being transferred into the
24 Commonwealth via post or common carrier shall be addressed to and received by a
25 firearm vendor duly licensed under Commonwealth and federal law. The licensed
26 firearm vendor shall ensure that the firearm complies with Commonwealth, federal,
27 and local law. If the firearm does not comply with Commonwealth, federal, or local
28 law, the licensed firearm vendor shall immediately notify and surrender the firearm to
29 the Department of Public Safety. The licensed firearm vendor shall not release the
30 firearm to the purchaser or transferee until the transferee provides:

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1 (1) A valid and current Firearms Owner's Identification Card issued to
2 the transferee; and

3 (2) Evidence that any taxes due and owing have been paid.

4 (b) Any firearm, ammunition, or destructive device transferred into the
5 Commonwealth as baggage of a passenger of a vessel originating from outside the
6 Commonwealth shall be properly declared and surrendered to the Commonwealth
7 Division of Customs Services.

8 (c) If the passenger is in possession of a Firearm Owners Identification Card,
9 the Commonwealth Division of Customs Services shall not release the firearm to the
10 passenger until any taxes due and owing are paid.

11 (d) If the passenger is not in possession of a firearm Owners Identification
12 Card, then the passenger shall surrender the firearm to the Commonwealth Division
13 of Customs Services. The Commonwealth Division of Customs Services shall, within
14 three business days, transfer the firearm to the duly licensed firearm vendor of the
15 owner's choice. The licensed firearms vendor shall not release the firearm to the
16 passenger until the passenger provides:

17 (1) A valid and current Firearms Owner's Identification Card
18 issued to the passenger;

19 (2) Evidence that any taxes due and owing have been paid.

20 §906. Exceptions. The following individuals, government agencies, and
21 organizations are exempt from this Chapter:

22 (a) Members of the Armed Forces of the United States or the National Guard,
23 while engaged in the operation of their official duties;

24 (b) A common carrier, warehouseman, or other person engaged in the business
25 of transporting or storing goods, to the extent that the possession or receipt of any
26 firearm is in the ordinary course of business and not for the personal use of any such
27 person;

28 (c) A person lawfully transporting a firearm through the Commonwealth in
29 accordance with 18 U.S.C. § 926A;

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1 (d) Federal officials required to carry firearms, while engaged in the operation
2 of their official duties;

3 (e) Members of bona fide veterans' organizations which receive firearms
4 directly from the armed forces of the United States, while using the firearms for
5 ceremonial purposes with blank ammunition;

6 (f) The Department of Public Safety may, by regulation, determine a
7 procedure for transferring firearms between the agencies of the Commonwealth
8 government.

9 §907. Penalties.

10 Except as otherwise provided by law, any person convicted of a violation of
11 any section of this Chapter shall be fined not more than \$1,000 or imprisoned for not
12 more than 1 year, or both; except that:

13 (a) A person who knowingly or intentionally sells, transfers, or
14 distributes a firearm, destructive device, or ammunition to a person under 21
15 years of age who is not eligible for a Firearm Owner's Identification Card
16 shall be fined not more than \$5,000 or imprisoned for not more than 10 years,
17 or both.

18 (b) A person who knowingly or intentionally sells, transfers, or
19 distributes a firearm, destructive device, or ammunition to a person who does
20 not possess or is ineligible for a Firearm Owner's Identification Card shall be
21 fined not more than \$5,000 or imprisoned for not more than 10 years, or
22 both."

23 **Section 8. Amendment.** Subject to codification by the Law Revision Commission,
24 Title 6, Division 10 is amended by adding a new Chapter 10, which shall read as follows:

25 "CHAPTER 10. Firearm Waiting Period Act.

26 §1001. Waiting period prior to firearm purchase.

27 (a) No licensed firearms vendor shall deliver a firearm, and no person shall
28 take possession of a firearm from a licensed vendor, until a minimum of 48 hours
29 have elapsed from the date the person purchased the firearm.

30 §1002. Exceptions.

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1 This Chapter shall not apply to:

2 (a) Any law enforcement or corrections agency or law enforcement or
3 corrections officer acting within the course and scope of his or her
4 employment or official duties;

5 (b) A United States Marshal or member of the Armed Forces of the
6 United States or the National Guard, or a duly sworn federal official
7 transferring firearms as required in the operation of his or her official duties;

8 (c) Licensed firearms manufacturers, importers or vendors, while
9 engaged in the course and scope of their activities as licensees, provided that
10 the transfers are between licensees and all such licensees are properly licensed
11 under federal and Commonwealth law;

12 (d) A gunsmith who receives a firearm for service or repair;

13 (e) A properly licensed private security firm, or private security
14 personnel, who acquire the firearms for use in the course and scope of
15 employment; or

16 (f) A common carrier, warehouseman, or other person engaged in the
17 business of transporting or storing goods, to the extent that the possession or
18 receipt of any firearm is in the ordinary course of business, not for the
19 personal use of any such person, or having on or about the person of any
20 firearm is in the ordinary course of business and not for the personal use of
21 any such person.”

22 **Section 9. Amendment.** Subject to codification by the Law Revision Commission,
23 Title 6, Division 10, Chapter 5, is amended by adding the following provisions:

24 “§5xx. Properly Registered – Defined.

25 For purposes of this Division, a firearm is not properly registered in the
26 Commonwealth unless its owner is in possession of a current firearm identification
27 card and the firearm has been properly registered under this Division.

28 §5xx. Transition – Existing Firearm Identification Cards and Dealer Licenses.

29 (a) Any firearm identification card issued pursuant to the Commonwealth
30 Weapons Control Act shall remain valid until its expiration.

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1 (b) Any dealer's license issued pursuant to the Commonwealth Weapons
2 Control Act:

3 (1) shall remain valid until its expiration. Thereafter, the license may
4 be renewed in accordance with this Act;

5 (2) shall not be subject to §§ 814, 817, or 818 of this Act until the
6 license expires. Thereafter, the license may be renewed in accordance with
7 this Act;

8 (c) Firearm identification cards and dealer licenses shall continue to be subject
9 to any terms and conditions applicable on the effective date of this Division.

10 §5xx. Transition – Transfer of Firearms.

11 Any properly registered firearm in the Commonwealth on the effective date of
12 this Act may be transferred in accordance with the Commonwealth Weapons Control
13 Act for ninety days after this Act becomes law.

14 §5xx. Transition – Firearms Legally Present in the Commonwealth.

15 Any firearm that is properly registered in the Commonwealth on the effective
16 date of this Act may be registered under Chapter 7 of this Division.

17 §5xx. Transition – Firearms Waiting Period.

18 The Firearms Waiting Period as set forth in Chapter 10 of this Division shall
19 not apply to any firearm properly registered in the Commonwealth until ninety days
20 after this Act becomes law.

21 §5xx. Transition – Firearms and ammunition ordered prior to the effective
22 date of this Act.

23 Any firearm or ammunition purchased and in transit to the Commonwealth on
24 the effective date of this Act shall be exempt from 6 CMC § 2301(a) and 4 CMC §
25 1402 as amended by P.L. 19-42. Further, said firearms shall be considered a properly
26 registered firearm under this Act if the firearm is registered within ninety days of the
27 effective date of this Act.

28 §5xx. Transition – Regulations.

29 (a) The Department of Public Safety is authorized to issue regulations to
30 administer this Act.

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1 (b) The Department of Public Safety may authorize, by regulation, additional
2 fees to administer this Act. Provided, any additional fees will be instituted to offset
3 the cost of administering this Act.

4 (c) Any fees or fines collected pursuant to this Act shall be forwarded to the
5 Department of Public Safety to offset the cost of administering this Act, training law
6 enforcement officers, and equipping officers to safely handle armed citizens that
7 violate the law. The funds may be spent at the discretion of the Commissioner of the
8 Department of Public Safety.”

9 **Section 10. Amendment.** Subject to codification by the Law Revision Commission,
10 the following provisions enacted by the SAFE act (Public Law 19-42 which establishes
11 Title 6, Division 10, Chapter 1) are hereby amended:

12 (a) A new subsection (a) is inserted in §101 of the SAFE act to define
13 “.50 BMG rifle” as follows:

14 “(a) “.50 BMG rifle” means:

15 (1) A rifle capable of firing a center-fire cartridge in .50 BMG caliber,
16 including a 12.7 mm equivalent of .50 BMG and any other metric equivalent;
17 or

18 (2) Any rifle, regardless of caliber, if such rifle is capable of firing a
19 projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any
20 combination of bullet, propellant, case, or primer.”

21 (b) The definition in §101(d) of the SAFE act, is amended to add a new paragraph
22 (3) to read as follows:

23 “(d) “Antique firearm” means:

24 (1) any firearm (including any firearm with a matchlock, flintlock,
25 percussion cap, or similar type of ignition system) manufactured in or before
26 1898; or

27 (2) any replica of any firearm described in subparagraph (1) if such
28 replica:

29 (A) is not designed or redesigned for using rimfire or
30 conventional centerfire fixed ammunition, or

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1 (B) uses rimfire or conventional centerfire fixed ammunition
2 which is no longer manufactured in the United States and which is not
3 readily available in the ordinary channels of commercial trade; or

4 (3) any muzzle loading rifle, muzzle loading shotgun, or muzzle
5 loading pistol, which is designed to use black powder, or a black powder
6 substitute, and which cannot use rimfire or conventional centerfire fixed
7 ammunition, other than ammunition defined in §101(d)(2)(B). For purposes
8 of this subparagraph, the term “antique firearm” shall not include any weapon
9 which incorporates a firearm frame or receiver defined as a firearm under
10 Commonwealth or federal law, any firearm which is converted into a muzzle
11 loading weapon, or any muzzle loading weapon which can be readily
12 converted to fire rimfire or conventional centerfire fixed ammunition, other
13 than ammunition defined in §101(d)(2)(B), by replacing the barrel, bolt,
14 breechblock, or any combination thereof.”

15 (c) A new subsection is added to § 101 of the SAFE act defining the term “dwelling”
16 of as follows:

17 “() “Dwelling” means: any building or portion thereof which contains living
18 facilities, including provisions for sleeping, eating, cooking, and sanitation.”

19 (d) A new subsection is added to § 101 of SAFE defining the term “organization”:

20 “() “Organization” means: a sole proprietorship, partnership, joint venture,
21 corporation, or other business entity, either for-profit or not-for-profit.”

22 (e) The definition of “Addicted to a controlled substance” in § 101(a) of the SAFE act
23 is repealed and reenacted to read as follows:

24 “() “Addicted to a controlled substance” means: A person who uses a
25 controlled substance and has lost the power of self-control with reference to the use of
26 controlled substance; and any person who is a current user of a controlled substance
27 in a manner other than as prescribed by a licensed physician. Such use is not limited
28 to the use of drugs on a particular day, or within a matter of days or weeks before, but
29 rather that the unlawful use has occurred recently enough to indicate that the
30 individual is actively engaged in such conduct. A person may be an unlawful current

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1 user of a controlled substance even though the substance is not being used at the
2 precise time the person seeks to acquire a firearm or receives or possesses a firearm.
3 An inference of current use may be drawn from evidence of a recent use or possession
4 of a controlled substance or a pattern of use or possession that reasonably covers the
5 present time, e.g., a conviction for use or possession of a controlled substance within
6 the past year; multiple arrests for such offenses within the past 5 years if the most
7 recent arrest occurred within the past year; or persons found through a drug test to use
8 a controlled substance unlawfully, provided that the test was administered within the
9 past year. For a current or former member of the Armed Forces, an inference of
10 current use may be drawn from recent disciplinary or other administrative action
11 based on confirmed drug use, e.g., court-martial conviction, nonjudicial punishment,
12 or an administrative discharge based on drug use or drug rehabilitation failure.”

13 (f) The definition of “Law Enforcement” in § 101(w) of the SAFE act is amended to
14 add a new paragraph (20) that reads:

15 “(20) The following duly sworn officers of the United States Government who
16 are authorized to carry firearms while performing their duties:

- 17 (i) Federal Bureau of Investigation special agents;
18 (ii) Bureau of Alcohol, Tobacco and Firearms special agents;
19 (iii) Drug Enforcement Administration special agents;
20 (iv) United States Secret Service special agents;
21 (v) United States Department of Homeland Security special agents;
22 (vi) United States Postal Service inspectors;
23 (vii) Internal Revenue Service special agents;
24 (viii) United States Marshal’s Service marshals and deputy marshals;
25 (ix) United States Department of Agriculture Forest Service law
26 enforcement officers and special agents;
27 (x) United States Department of Interior Fish and Wildlife special
28 agents;
29 (xi) United States National Marine Fisheries special agents;
30 (xii) National Park Service Rangers.”

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1 (g) The definition in § 101(e) of the SAFE act is repealed and reenacted to read as
2 follows:

3 “(e) “Assault weapon” means:

4 (1) The following semiautomatic firearms:

5 (A) A semiautomatic rifle in a caliber greater than .223 that has
6 the capacity to accept a detachable magazine and any one of the
7 following:

8 (i) A pistol grip that protrudes conspicuously beneath
9 the action of the weapon;

10 (ii) A thumbhole stock;

11 (iii) A folding or telescoping stock;

12 (iv) A grenade launcher or flare launcher;

13 (v) A flash suppressor; or

14 (vi) A forward pistol grip;

15 (B) A semiautomatic pistol that has the capacity to accept a
16 detachable magazine and any one of the following:

17 (i) A threaded barrel, capable of accepting a flash
18 suppressor, forward handgrip, or silencer, sound suppressor or
19 sound moderator;

20 (ii) A second handgrip;

21 (iii) A shroud that is attached to, or partially or
22 completely encircles, the barrel that allows the bearer to fire the
23 weapon without burning his or her hand, except a slide that
24 encloses the barrel; or

25 (iv) The capacity to accept a detachable magazine at
26 some location outside of the pistol grip;

27 (C) Semiautomatic shotgun that has one or more of the
28 following:

29 (i) A folding or telescoping stock;

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1 (ii) A pistol grip that protrudes conspicuously beneath
2 the action of the weapon;

3 (iii) A thumbhole stock; or

4 (iv) A vertical handgrip; and

5 (D) A semiautomatic shotgun that has the ability to accept a
6 detachable magazine; and

7 (2) Any shotgun with a revolving cylinder; provided, that this subparagraph
8 shall not apply to a weapon with an attached tubular device designed to accept, and
9 capable of operating only with, .22 caliber rimfire ammunition; and

10 (3) Any firearm in a caliber greater than .223 that the Department of Public
11 Safety may designate as an assault weapon by regulation based on a determination
12 that the firearm would reasonably pose the same or similar danger to the health,
13 safety, and security of the residents of the Commonwealth as those weapons
14 enumerated in this paragraph.

15 (4) The term “assault weapon” shall not include:

16 (A) Any antique firearm; or

17 (B) Any weapon exempted by the Department of Public Safety, by
18 regulation, that would otherwise fall within the definition of “assault weapon”
19 pursuant to this section from being classified as an assault weapon.”

20 (h) The definition in §101(i) of the SAFE act is amended to read as follows:

21 “(i) “Container” means a secure container that is fully enclosed and locked by
22 a padlock, key lock, combination lock, or similar locking device. The term
23 “locked container” does not include the utility compartment, glove compartment, or
24 any other compartment accessible from within the passenger compartment of a motor
25 vehicle.”

26 (i) The definition in 101(q)(3) is amended to read as follows:

27 “(3) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a
28 single projectile not exceeding 8mm in diameter;”

29 (j) Section 202 is amended to read as follows:

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1 “(a) Unless permitted by subsection (b), any person who allows a minor,
2 defined as any person less than 21 years of age, to use or possess a firearm, shall be
3 guilty of a misdemeanor punishable by a fine of not more than one thousand dollars
4 and 180 days imprisonment, or both.

5 (b) Notwithstanding any other law to the contrary, it is lawful for a minor to
6 possess a firearm if:

7 (1) The firearm is properly registered in accordance with
8 Commonwealth law; and

9 (2) The minor is twelve years of age or older and is accompanied by a
10 parent or legal guardian, who is in the possession of a Firearm Owner’s
11 Identification Card, and the minor is actively engaged in, or is in direct transit
12 to or from, a lawful, recreational sport, including, but not limited to,
13 competitive shooting, or agricultural, ranching, or hunting activity, or a
14 motion picture, television, or video production, or entertainment or theatrical
15 event, the nature of which involves the use of a firearm; or

16 (3) The minor is twelve years of age or older, and has the prior written
17 consent of a parent or legal guardian, and is accompanied by a responsible
18 adult, who is in possession of a Firearm Owner’s Identification Card, and the
19 minor is actively engaged in, or is in direct transit to or from, a lawful,
20 recreational sport, including, but not limited to, competitive shooting, or
21 agricultural, ranching, or hunting activity, or a motion picture, television, or
22 video production, or entertainment or theatrical event, the nature of which
23 involves the use of a firearm; or

24 (4) The minor is eighteen years of age or older and is accompanied by
25 a responsible adult, who is in possession of a Firearm Owner’s Identification
26 card, and the minor is actively engaged in, or is in direct transit to or from, a
27 lawful, recreational sport, including, but not limited to, competitive shooting,
28 or agricultural, ranching, or hunting activity, or a motion picture, television, or
29 video production, or entertainment or theatrical event, the nature of which
30 involves the use of a firearm.”

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1 (j) Section 203 is amended to read as follows:

2 “§203. A person who knowingly or intentionally sells, transfers, or distributes
3 a firearm, dangerous device, destructive device, or ammunition to a person under
4 21 years of age who does not possess a valid Firearm Owner’s Identification Card
5 shall be fined not more than \$25,000 or imprisoned for not more than 10 years, or
6 both.”

7 (k) The first clause of Section 204(a) is amended to read as follows:

8 “(a) No person shall keep a firearm within a residence, a place of business, or on
9 private land unless:”

10 (l) Section 205 is amended by creating a new subsection which shall read as follows:

11 “() This section does not authorize a person to carry a firearm in a Gun Free
12 Zone, as defined by § 401 of PL 19-42.”

13 (m) Subsections (a), (a)(5), and (a)(18) of §401 are amended to read as follows:

14 “(a) No person in the Commonwealth, other than duly authorized law
15 enforcement officers in the exercise of their duties, shall knowingly possess a firearm
16 in any of the following places:

17 (5) Within five hundred feet of any daycare center or any portion of a
18 building used as a child care facility without the consent of the manager or
19 owner. Nothing in this subsection shall prevent the operator of a
20 daycare center or child care facility from owning or possessing a firearm;

21 (18) Any private property whose owner, lessee, or manager has posted
22 the premises as being off-limits to firearms by means of one or more signs
23 displayed in a conspicuous place of a minimum size of eleven inches by
24 fourteen inches with the writing thereon in letters of not less than one inch.
25 At a minimum, the sign must convey that the property is a Gun Free Zone and
26 that it is a felony to possess a firearm on the property. The owner, business or
27 commercial lessee, manager of a private business enterprise, or any other
28 organization, entity, or person may prohibit persons from carrying firearms on
29 the premises and may prohibit employees, not authorized by the employer,
30 from carrying firearms on the property of the employer. An employer may

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1 prohibit employees or other persons from carrying a firearm in vehicles owned
2 by the employer.”

3 (n) Section 401 is amended by adding new subsections (b) and (c) which shall read as
4 follows:

5 “(b) Where permitted by subsection (a) of this section, the head of the
6 government agency occupying a government building or government property has the
7 sole authority to grant its security personnel permission to carry firearms in the
8 Gun Free Zone.

9 (c) Where permitted by subsection (a) of this section, the chief executive
10 officer of a business has the sole authority to grant its security personnel permission
11 to carry firearms in the applicable Gun Free Zone.”

12 **Section 11. Amendment.** Subject to codification by the Law Revision Commission,
13 Title 1, Division 2, Part 1, Chapter 10, Article 1 is amended by adding a new section which
14 shall read as follows:

15 “() Enforcement of Commonwealth Law.

16 Any law enforcement officer employed by the Commonwealth government
17 may issue a citation, make a stop based on reasonable suspicion, make an arrest, and
18 exercise the full law enforcement power of the Commonwealth without regard to the
19 jurisdiction of the agency employing the law enforcement officer.”

20 **Section 12. Amendment.** Subject to codification by the Law Revision Commission,
21 1 CMC § 2505 is amended by adding a new subsection (b) to read as follows:

22 “(a) The Department of Public Safety may employ staff as required to assist it
23 in performing its duties, subject to budgetary appropriation.

24 (b) The Commissioner for the Department of Public Safety may deputize law
25 enforcement officers as required to assist the Department of Public Safety in the
26 performance of its duties.”

27 **Section 13. Severability.** If any provision of this Act or the application of any such
28 provision to any person or circumstance should be held invalid by a court of competent
29 jurisdiction, the remainder of this Act or the application of its provisions to persons or
30 circumstances other than those to which it is held invalid shall not be affected thereby.

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1 **Section 14 Savings Clause.** This Act and any repealer contained herein shall not be
2 construed as affecting any existing right acquired under contract or acquired under statutes
3 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
4 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
5 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
6 any liability, civil or criminal, which shall already be in existence on the date this Act
7 becomes effective.

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Section 15. Effective Date. This Act shall take effect upon approval by the Governor or upon becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
19th Northern Marianas Commonwealth Legislature

Approved this 1st day of December, 2016


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands