

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

§ 10615. Appeal; hearing; relief from firearm prohibitions.

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

(b) At least 30 days before any hearing in the Commonwealth Superior Court, the petitioner shall serve the Office of the Attorney General and the Department of Public Safety with a copy of the petition. The Office of the Attorney General may object to the petition and present evidence. At the hearing the court shall determine whether the denial, revocation, or seizure substantially complied with this Division. Should the court determine that the denial, revocation, or seizure was not done in substantial compliance with this Division, then the court shall issue an order directing the Department of Public Safety to issue a Firearm Owner's Identification Card. However, the court shall not issue the order if the petitioner is otherwise prohibited from obtaining, possessing, or using a firearm under court order, Commonwealth law, or federal law.

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

Source: [PL 19-73](#) § 4 (Dec. 1, 2016), modified.

Commission Comment: The Commission renumbered this section pursuant to [1 CMC § 3806](#)(a). The Commission inserted “Commonwealth” before “Superior Court” in (a)–(b) and “the” before “court” in (b) pursuant to [1 CMC § 3806](#)(g).