

this subchapter except the disability under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**6124. Administrative regulations.** The commissioner may establish form specifications and regulations, consistent with section 6109(c) (relating to licenses), with respect to uniform forms control, including the following:

1. License to carry firearms.
2. Firearm registration.
3. Dealer's license.
4. Application for purchase of a firearm.
5. Record of sale of firearms.

**6125. Distribution of uniform firearm laws and firearm safety brochures.** It shall be the duty of the Pennsylvania State Police beginning January 1, 1996, to distribute to every licensed firearm dealer in this Commonwealth firearms safety brochures at no cost to the dealer. The brochures shall be written by the Pennsylvania State Police, with the cooperation of the Pennsylvania Game Commission, and shall include a summary of the major provisions of this subchapter, including, but not limited to, the duties of the sellers and purchasers and the transferees of firearms. The brochure or a copy thereof shall be provided without charge to each purchaser.

#### Subchapter B. Firearms Generally

**6141.1. Purchase of rifles and shotguns outside this Commonwealth.** Nothing in this chapter shall be construed to prohibit a person in this Commonwealth who may lawfully purchase, use, control, sell, transfer or manufacture a firearm which exceeds the barrel and related lengths set forth in section 6102 (relating to definitions) from lawfully purchasing or otherwise obtaining such a firearm in a jurisdiction outside the Commonwealth.

#### **6142. Locking device for firearms.**

**(a) Offense defined.** It shall be unlawful for any licensee to sell, deliver or transfer any firearm as defined in section 6102 (relating to definitions), other than an antique firearm as defined

in section 6118 (relating to antique firearms), to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

**(b) Exceptions.** Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section.

**(c) Penalties.** A violation of the provisions of this section shall be a summary offense.

**(d) Good faith compliance.** A licensee who in good faith complies with this section shall not be civilly liable as a result of such compliance with this section, except for any acts or omissions intentionally designed to harm or for grossly negligent acts or omissions which result in harm.

**(e) Admissibility of evidence.** A transferee's purchase or receipt of a locking device in conjunction with the purchase of a firearm pursuant to this section shall not be admissible as evidence in any civil action brought against the transferee.

**(f) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**"Licensee."** Any licensed manufacturer, importer or dealer of firearms.

**"Locking device."** Either of the following:

1. a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or
2. a device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

#### Chapter 63. Minors

**6302. Sale or Lease of Weapons or Explosives.**

**(a) Offense defined.** A person is guilty of a misdemeanor of the first degree if he sells or

causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

**(b) Exception.** The provisions of subsection (a) shall not prohibit hunting by minors under 18 years of age permitted under Title 34 (relating to game).

#### **6303. Sale of Starter Pistols.**

**(a) Offense defined.** A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

**(b) Exception.** Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

#### Chapter 73. Trade and Commerce

#### **7306. Incendiary devices.**

**(a) Offense defined.** A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

**(b) Exception.** The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

**(c) Definition.** As used in this section the phrase "**incendiary device**" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

[Current through 2000 Pa. Laws 68 (June 22, 2000)]

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## PUERTO RICO P.R. LAWS

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#### Title 24, Chapter 111. Controlled Substances Act of Puerto Rico

**2516. Carrying firearms.** No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marihuana, depressant or stimulant substances, as well as of any foreign country, and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority nor to possess or carry firearms for a term of five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance of said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority.

#### Title 25. Internal Security

#### Chapter 51. Weapons

**411. Regulation of weapons - Short title.** This chapter shall be known as the "Weapons Law of Puerto Rico".

**412. Manufacture and distribution of weapons and ammunition.** Ammunition shall not be manufactured, caused to be manufactured, or imported, offered, sold, lent, or transferred unless a license is held therefor under section 411-454 of this title; neither shall any gun, revolver, pistol, or any firearm ... shall be manufactured or caused to be manufactured, imported, offered, sold, leased, lent or transfer-red, unless a license is held under section 411-454 of this title. ....

**413. Commerce in automatic firearms.** Any person who sells or keeps for sale, or offers, gives, leases or loans, or otherwise disposes of or transports any firearm or instrument that may be fired automatically, regardless of whether it is called a machinegun or something else, shall be guilty of a felony. This type of crime shall not apply to the manufacture, sale or delivery of

machineguns or any other firearm that may be fired automatically, to be used by the police and other peace officers or employees of the Government of Puerto Rico or the United States, in prisons, penitentiaries, state or municipal jails or by the Armed Forces of the Government of the United States or Puerto Rico.

**415. Possession or illegal use of automatic firearms.** Any person who possesses or uses a machinegun, carbine, rifle or sawed-off shotgun or any other modification of these, or any other firearm that may be fired automatically and cause grave bodily harm, without legal authority shall be guilty of a felony. This type of crime shall not be applicable to possession or use of these weapons in the discharge of their official duties by members of the Police, the warden, the superintendent or any of their deputies in any prison, penitentiary, district or municipal jail, or any other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases, including marshals and assistant marshals or any other public peace officers; nor shall it apply to the possession or use of these weapons by any person when on duty in the service of the Armed

Forces of the United States in Puerto Rico, or in the postal, customs, and immigration service of the United States, or in any other service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons mentioned above.

**416. Possession of pistol or firearm without license.** Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any such offenses, shall be guilty of a felony.

**419. Carrying or transporting parts of firearms; permit.** Any person bearing, carrying, or transporting the barrel of any firearm, the cylinder of any revolver, the magazine of any pistol, or the housing of any firearm, shall be guilty of a misdemeanor and shall, for the purposes of section 418 of this title, be considered as carrying a firearm of the kind forbidden by this chapter. Whenever it may be necessary to have a firearm part thereof repaired, the interested party shall provide himself with the proper permit from the local chief of the Police of Puerto Rico to carry such arm to the gunsmith shop and return to the starting point.

**420. Possession or sale of silencer.** Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed services of the United States.

**421. Serial number or name of owner on firearm - Removal or defacement.** Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trademark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel length is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under the obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Willfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries, or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sell, receives, delivers, alienates, transfers, carries, or has in

his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

**422. Possession as prima facie evidence of defacement.** The possession by any person other than a public peace officer of any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed, shall be considered prima facie evidence that such person removed, defaced, covered, altered, or destroyed the same.

**425. License to possess firearms; weapons for farmers.** The Superintendent of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon on his farm. The license provided for by this section shall not authorize the carrying of such weapon outside the residence, place of business or farm, as the case may be.

The Superintendent of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator. The provisions of this paragraph shall not be construed in the sense of authorizing the Superintendent of Police of Puerto Rico to issue licenses to have and possess on the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

**430. Persons who may lawfully carry weapons**

(a) The following may lawfully have, possess, carry, transport and convey weapons:

1. The members of the Armed Forces of the United States and the members, officials and employees of the Military Forces of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The Superintendent and the members of the Police of Puerto Rico, under the provisions of the regulations of the said Organization.

3. The Director of the Program of Penal Institutions and the heads of correctional institutions, under the regulations that the Correctional Administrators may provide.

4. Custody officers, under the regulations that the Correctional Administrator may provide.

5. United States Customs and Immigration officials, while in the discharge of their duties as such.

6. Members of the municipal guard corps created by virtue of section 1061 et seq. of Title 21, known as the Municipal Guard Act, while in the discharge of their duties or off duty, pursuant to the provisions of the regulations of said corps.

(b) The Superintendent of Police shall authorize the following persons to lawfully have, possess, bear, transport and carry a revolver or pistol, because of the nature of the office and duties they perform:

1. Judges, prosecuting attorneys, clerks, marshals and deputy marshals of the Courts of Justice of the Commonwealth of Puerto Rico, as well as judges, prosecuting attorneys, deputy prosecuting attorneys, marshals and deputy marshals and the clerks of the Courts of Justice of the United States, who are discharging their duties in Puerto Rico.

2. The members of the Legislature and any official of the Government of the Commonwealth of Puerto Rico.

3. Mail carriers, during the discharge of their duties as such.

4. Carriers and custodians of public funds, while such funds are in their custody.

5. The employees of the Government of the Commonwealth of Puerto Rico, provided that the request is authorized and justified by the head of the dependency for which the person works.

6. Internal revenue collectors and agents, at the request of the Secretary of the Treasury of Puerto Rico, and the inspectors of the Public Service Commission, at the request of the Chairman of the Public Service Commission.

7. Former governors, judges, prosecuting attorneys and legislators who have completed at least one term of their election and/or appointment, unless otherwise approved by the Superintendent of the Police pursuant to the regulations adopted to such effect.

8. Ambassadors, consuls or officials from foreign countries recognized as such by the Government of the United States.

9. Former policemen with ten (10) or more years of service and whose retirement or resignation has been honorable. In the cases of former policemen with less than ten (10) years of service, upon prior approval by the Superintendent of Police, pursuant to the regulations adopted to such effect.

10. The Federal officials whose duties justify the granting of such license.

The Superintendent of Police is hereby empowered to regulate the issuing of the licenses referred to in the preceding clauses. The regulations to be adopted shall require that the officials and employees be trained in the handling and use of the firearms.

(c) The following may lawfully have, possess, bear, transport and carry a revolver or pistol:

1. Carriers of private funds and custodians of private funds in banking institutions, while such funds are in their custody, upon prior issuance of a license by the Superior Court before which the carrier or custodian of such funds, or his employers, shall justify the need for such license.

2. Persons rendering security services to public or private enterprises, while rendering such services, upon prior issuance of a license by the Superior Court, before which said person, or his employer, shall justify the need for such license.

(d) No person shall be authorized to bear a weapon under subsections (b) and (c) of this section if such person is not authorized to own or possess a firearm under sections 425, 426, 427, 428 and 429 of this title.

**432. License to sell or deal in firearms and ammunition; report of transactions.**

(a) No person shall engage in the business of gunsmith or dealer in firearms and ammunition without holding a license therefor issued by the Secretary of the Treasury upon favorable report of the Superintendent of Police of Puerto Rico. Such licenses shall expire one year after the date of issuance and shall be newly subject to the formalities and requirements of application of section 433 of this title and the licenses of dealers and gunsmiths who have not deposited all the firearms and ammunition they have for sale in the Deposit of Firearms and Ammunition created under section 440 of this title shall be subject to the approval and certification of the Police, upon inspection, of the security measures required for the building where the establishment is located, pursuant to section 4045 of Title 13. The application for renewal of a license shall

be filed thirty (30) days prior to the expiration date.

(b) The provisions of the preceding subsection (a) shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(c) Each transaction regarding the introduction, or the sale of firearms and ammunition between dealers, shall be reported to the Secretary of Justice and to the Superintendent of Police of Puerto Rico on forms which the latter shall provide, and the name, domicile, place of business, and the particulars of the license, both of the vendor and the vendee, as well as the quantity and description, including serial number, of the weapons or ammunition the object of each transaction, shall be set forth therein, as may be required by the Superintendent of Police of Puerto Rico. When the firearms to be sold are deposited in the Firearms and Ammunition Deposit, said form shall be accompanied by an authorization signed and sealed by the dealer-vendor for the delivery and registration of such weapons and ammunition in the name of the dealer-vendee.

(d) A dealer in firearms and ammunition who possesses a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Registry under ... section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subsection, both the vendor and the vendee shall give notice thereof in writing to the Superintendent of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subsection shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

**433. Application for dealer's license; fee, manner, and content.** Any person wishing to obtain or transfer from its premises a license as gunsmith or dealer in firearms and ammunition shall file with the Secretary of the Treasury a sworn application accompanied by an internal revenue voucher for two hundred (200) dollars, in the manner provided by the Secretary of Justice....

**434. Qualifications of dealer applicant.** No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

**436. Conditions for dealers' operations; Records of transactions.** Any person, partnership, or corporation to whom a license has been issued under the foregoing section may engage in the retail sale of firearms and ammunition or in the business of gunsmithing under the following conditions:

1. The business shall be operated only on the premises specified in the license. Dealers in firearms who have not received certification from the Police of their compliance with the security measures in section 432 of this title and in section 45 of Act Jan. 20, 1956, No. 2 may not keep any weapons in said store except those that the dealer or his employees are authorized to possess or to carry, according to the provisions of this chapter. In said cases, weapons sales shall be made exclusively by catalogue or by displaying models made of plastic, plaster or any other material, as long as these models are not transformable into firearms, as the term "firearm" is defined in section 454 of this title, while they are

displayed, or afterwards. Likewise, said dealers shall be obliged to deposit in the General Headquarters of the Puerto Rico Police any weapon coming into their hands on the same day as such occurs. An infraction of this subsection on the part of a dealer shall constitute a felony which shall be punished by imprisonment for a fixed term of two (2) years. Should there be aggravating circumstances, the established fixed penalty may be increased to a maximum of three (3) years; should there be extenuating circumstances, it may be reduced to a minimum of one (1) year.

2. No gunsmith shall receive any weapon for repair, modification, cleaning, engraving, polishing, or for doing any mechanical work on it without first being shown the license to carry or possess such weapon. Violation of this subsection on the part of the gunsmith shall constitute a misdemeanor punishable by imprisonment in jail up to a maximum of six (6) months or a fine up to five hundred (500) dollars, or both, in the discretion of the court.

3. The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

4. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards to firearms and/or ammunition for export.

5. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, in books devoted to this purpose which shall be printed in the manner that may be prescribed by the Superintendent of Police of Puerto Rico and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth the date, day and time of the sale, caliber, make, model and factory number of the weapon, caliber, brand and quantity of ammunition, the name, birth-place, address, occupation and civil status of the buyer. Said record shall also state whether the buyer is personally known by the vendor, and in case he is not, the manner in which the buyer accredited his identity. The vendor shall transmit a copy of such record by registered mail, within five days following the sale, to the chief of police of the municipality where he has his business establishment; he shall send the duplicate within seven days following the purchase to the Superintendent of Police of Puerto Rico, and shall keep the triplicate for six years.

The requirement imposed in the preceding paragraph shall not apply to gunsmith businesses with regard to firearms and ammunition manufactured in, and shipped outside of, Puerto Rico.

Such gunsmith businesses shall comply, as to the manufacture of firearms and ammunition for such export, with the following requirements:

Shall keep complete and appropriate records showing the production or receipt (whether through import, acquisition, or otherwise) and disposal, at wholesale or retail, of all firearms and ammunition (including firearms not assembled as well as miscellaneous parts thereof) received or sold in the course of their business. As soon as each transaction is completed or no later than at the closing of business operations the day following such transaction, the same shall be entered upon the records of the gunsmith business. The records prescribed in this paragraph shall not be permanent and shall be held

in the main establishment in Puerto Rico of the gunsmith business for a period of not less than ten (10) years reckoning from the date the transaction took place or until the gunsmith business is discontinued. Such records shall be available for inspection, in case they are required to be seen by the Secretary of the Treasury, the Secretary of Justice or the Superintendent of Police of Puerto Rico. When the gunsmith business discontinues operation, if same is transferred to another gunsmith business, said records shall reflect such fact and shall be delivered to the successor business. In case the gunsmith business is definitively discontinued and there is not successor business, then the records of the gunsmith business shall show such fact and shall be delivered to the Secretary of the Treasury so he may dispose thereof. The records of a gunsmith business shall show and include:

(a) A full description of each firearm, including (1) the manufacturer of same; (2) the serial number of the manufacturer engraved thereon; (3) caliber of the firearm; and (4) the model and type of the firearm. In case of wholesale of firearms of the same caliber, model and type, the gunsmith business may include said sales in its record if they are made in the same day and to one sole purchaser.

(b) The name and address of each person from whom the firearm was received (in case the firearm is not the own product of the gunsmith) together with the date of acquisition.

(c) The disposition made of each firearm; including the name and address of the person, natural or artificial, to whom sold and the date it was disposed of.

6. No firearms or ammunition or imitations, drawings or photographs thereof shall be displayed in any place of a business establishment devoted to the sale of firearms, where they may be seen from outside the business.

The Secretary of the Treasury may, after a hearing and an opportunity for defense, cancel any license he may have issued to any gunsmith or dealer in weapons and ammunition. Provided, that in cases of noncompliance with the security measures on the part of the dealers who have not stored all the weapons and ammunition they have for sale in the Deposit of Firearms and Ammunition of the Police, the Secretary of the Treasury may, after oral or written notice, immediately suspend said license, such determination being subject to the final revocation of the license in a subsequent administrative hearing, which shall be held within 15 days following the notice of suspension.

7. Nothing provided in this chapter shall affect the provisions of the "Internal Revenue Act" as to the payment of the fees prescribed by said act for issuing licenses to dealers in firearms and ammunition.

8. Any dealer in firearms or ammunition to whom a license has been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, he shall be guilty of a felony. The documents and books shall be kept in the business establishment indicated and described in the license and shall be available during regular working hours for inspection by any fiscal officer or peace officer. Where the license

has been canceled or revoked as prescribed in subsection 6 of this section, or the business discontinued, such books and records shall be immediately turned over to the Superintendent of Police of Puerto Rico.

**437. Acquisition of weapons by persons authorized in section 430.** The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under [provisions of] section 430 of this title, shall obtain such weapons and ammunition therefor through the heads of their respective departments or services.

**438. Sales of weapons and ammunition without licenses prohibited; Delivery permit.** No dealer in firearms or ammunition shall deliver a firearm or issue the corresponding delivery permit to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, or a hunter's, shooter's or other kind of license authorizing him, pursuant to law, to possess a firearm, and unless said license contains an authorization for the purchase of said weapons, and said dealer shall not sell such purchaser any weapon other than the one described on said license. The dealer in firearms and ammunition shall separate from such license and keep the sales permit and shall return the license to the purchaser. No weapons shall be sold to the holder of a license from which the sales permit has been removed. When the purchaser of a weapon is an authorized hunter or shooter or a person authorized by another law to possess a firearm, the sale and delivery of the weapons shall be made in the same manner provided in subsection (b) of section 429 of this title. No dealer in firearms or ammunition shall sell any quantity of ammunition to any persons failing to present a license to carry, or a license to have or possess a firearm. Whenever a sale of ammunition stored in the Deposit of Firearms and Ammunition of the Police is made, the dealer shall hand to the purchaser a signed and sealed authorization addressed to the person in charge of the Deposit for the latter to deliver to the purchaser the ammunition described in the authorization and which is stored in the Deposit of Firearms and Ammunition. Said authorization shall contain a description of the ammunition and of the amount to be delivered. Likewise, it shall contain the name of the purchaser and the number of his license to possess or carry a weapon. Upon delivery of such ammunition to the purchaser the latter shall be required to sign a receipt of delivery which shall be kept in the Deposit of Firearms and Ammunition.

**438a. Report by carrier, warehouseman or depositary; Delivery to consignee.** Every water, air or overland carrier, and every warehouseman or depositary who receives firearms or munitions for delivery in Puerto Rico shall notify such fact and the name and address of the consignee to the Superintendent of Police as soon as possible, and shall not deliver said merchandise to that consignee until he is authorized to do so by the Superintendent. Failure to discharge any duty herein imposed shall constitute a misdemeanor punishable by imprisonment for a fixed term of six (6) months. Should there be aggravating circumstances, the established fixed penalty may be increased to a maximum of one (1) year; should there be extenuating circumstances, it may be reduced to a minimum of three (3) months.

The court may, at its discretion, impose the established fixed penalty of imprisonment, or a fine of not less than one hundred (100) dollars

nor more than two thousand (2,000) dollars, or both penalties.

**445. Hunting and target shooting arms accepted.** The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

**446. Collections of antique weapons; Certificates of uselessness.** No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor that collections of weapons be kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Superintendent of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Superintendent of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

**454. Definitions.** For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

**(a) Machinegun.** Is a weapon of any description, regardless of size, by whatever name it is designated or known, loaded or unloaded, from which a number of bullets contained in a magazine, ribbon or other removable receptacle may be repeatedly or automatically discharged by one single pull of the trigger. The term machinegun also includes submachine-guns, as well as any other firearm provided with a magazine to automatically fire all or part of the bullets or ammunition contained in the magazine, or any combination of the parts of a firearm destined to and with the intention of converting, modifying or altering said weapon to make it a machinegun.

**(b) Firearm.** Means any weapon by whatever name it is known, capable of discharging ammunition through the expanding action of gases.

**(c) Ammunition.** Means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharge. ....

**(f) Gunsmith.** Means any person, firm, partnership or corporation engaged in the manufacture, repair, alteration, assembly, cleaning, polishing, engraving or trueing, or performing any mechanical operation for another on any pistol, revolver or other firearm.

**(g) Dealer in firearms or ammunition.** Shall mean any person, firm, partnership or corporation that, per se, or through its agents, servants or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or any other place, whether it is also used as a residence or not for any other purpose, any pistol, revolver, firearm or ammunition.

**(h) Merchant.** Means any person, firm, corporation or partnership that engages, in a premise open to the public which is not the residence of anyone, in the sale of merchandise and articles which are object of lawful commerce between men.

**(i) Head of Family.** Means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one head of household in any permanent home, domicile or residence.

**(j) Dwelling and building.** Means the entire part of a structure used or occupied by a single person or a family.

**(k) Vehicle.** Means any device that serves for the transportation of persons or things by land, sea, or air.

**(l) Person, merchant and farmer.** For the purposes of §§ 425, 426, 427, 428 and 429 of this title shall include a partnership or corporation, but any license requested for the benefit of such artificial persons under the provisions of the sections mentioned may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

**(m) Police.** Means the Police Force of Puerto Rico.

**(n) Superintendent.** Means the Superintendent of the Police of Puerto Rico.

**(o) Rifle.** Means a firearm designed to be fired from the shoulder, that fires one or more projectiles. It may be fed by hand or automatically by a magazine or removable receptacle, and fired manually or semi-automatically. The word rifle also includes the word carbine.

**(p) Shotgun.** Means a long barreled firearm with one (1) or more smoothbore barrels, designed to be fired from the shoulder, that may discharge cartridges of one (1) or more shots. It may be fed by hand or by a removable magazine receptacle, and fired manually, automatically or semi-automatically. ...

**(r) Pistol.** Is any firearm that has no cylinder, which is fed manually or by a magazine, with a closed-bolt type of discharge mechanism, not designed to be fired from the shoulder, and is capable solely of being fired semi-automatically.

**(s) Revolver.** Is any firearm which has a revolving cylinder with several chambers which, by pulling the weapon's trigger or setting its hammer, are aligned with the barrel, thus placing the bullet in a position to be fired.

**(t) Committee.** Is the Interagency Committee to Fight the Illegal Trafficking in Weapons, created by § 453a of this title.

## Chapter 57. Revolvers, Pistols or Instruments Which Fire Blank Cartridges

**541. Prohibited weapons and instruments.** It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices those revolvers, pistols, instruments and devices known by the name of starter's pistols, blank cartridges pistols, blank cartridges revolvers, ... or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindrical or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

**542. Exceptions.** Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.