

Commonwealth Code of the Northern Mariana Islands

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Office of the Attorney General

Administration Building
P.O. Box 10007
Saipan MP 96950-8907
Voice: (670) 664-2341
<http://gov.mp/contact-us/>



Seattle Field Division

915 2nd Avenue, Room 790
Seattle, Washington 98174
Voice: (206) 204-3205
<https://www.atf.gov/seattle-field-division>



Table of Contents

TITLE 6, Chapter 1. Preliminary Provisions

§ 102. Definitions.

Division 2, Chapter 2, Article 1. Weapons Control Act

§ 2251. Purpose.

§ 2252. Definitions.

§ 2253. License Required.

§ 2254. Terms.

§ 2255. License Fee.

§ 2256. Restrictions on Shooting Galleries and Shooting Ranges.

§ 2257. Restrictions on Shooting Range(s).

§ 2258. Penalty.

§ 2271. Title.

§ 2272. Civil Liability.

§ 2273. Criminal Liability. [Repealed.]

§ 2301. Importation of Contraband.

§ 2302. Enforcement.

Division 10: Special Act for Firearms Enforcement (SAFE)

§ 10101. Definitions.

§ 10201. Security mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited; loan or rental of firearms, destructive devices, or ammunition prohibited.

§ 10202. Allowing an unsupervised minor to use or possess a firearm.

§ 10203. Sale of firearms, destructive devices, dangerous devices, or ammunition to persons under 21 years of age prohibited.

§ 10204. Storage of firearms; penalties.

§ 10205. Authority to carry firearms in certain places and for certain purposes.

§ 10206. Lawful transportation of firearms.

§ 10207. Persons permitted to possess ammunition

§ 10208. Prohibited firearms.

§ 10209. Voluntary surrender of firearms, destructive devices, or ammunition; immunity from prosecution; determination of evidentiary value of firearm.

§ 10210. Self-defense with deadly force.

§ 10211. Exemptions.

§ 10301. Unlawful discharge of firearm.

§ 10303. Possession of weapon while disguised.

§ 10304. Theft of a firearm.

§ 10305. Possession of stolen firearm; penalty.

§ 10306. Receiving a stolen firearm; penalty.

§ 10307. Possession of weapons during commission of a felony; penalty.

§ 10308. Use of weapons in furtherance of a crime of violence; penalty.

§ 10309. Possession of certain dangerous weapons prohibited.

§ 10310. Removal of firearm serial numbers prohibited.

§ 10311. Seizure and forfeiture of conveyances.

§ 10401. Gun free zones.

§ 10402. Gun free zones: criminal penalty.

§ 10403. Gun free zones: civil cause of action.

§ 10404. Gun free zones: exceptions.

§ 10501. Transition – Security mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited; loan or rental of firearms, destructive devices, or ammunition prohibited.

§ 10502. Transition – Illegal weapons and unregistered firearms.

§ 10601. Firearm Owner's Identification Card requirement exceptions.

- § 10602. Safety training requirement.
- § 10603. Written safety test.
- § 10604. Exemption to safety training requirement and written exam.
- § 10605. Approval or denial of application.
- § 10606. Contents of Firearm Owner's Identification Card.
- § 10607. Altered, forged, counterfeit firearm identification cards and false statements.
- § 10608. Duration of Firearm Owner's Identification Card.
- § 10609. Background check required.
- § 10610. Grounds for denial and revocation.
- § 10611. Notifications to the Department of Public Safety.
- § 10612. National instant criminal background check system – notice required.
- § 10613. Denial of application or revocation or seizure of card – notice required.
- § 10614. Revocation of Firearm Owner's Identification Card.
- § 10615. Appeal; hearing; relief from firearm prohibitions.
- § 10616. Judicial review of final administrative decisions.
- § 10617. Notice of expiration.
- § 10618. Violation of this Chapter; Penalties.
- § 10619. Duties of card holders – penalties.
- § 10620. Certified abstracts.
- § 10621. Fee waiver.
- § 10622. Regulations and fees.

TITLE 6. Crimes and Criminal Procedure
General Provisions
Chapter 1. Preliminary Provisions

§ 102. Definitions. The definitions in this and the following section apply throughout this title, unless otherwise specified or a different meaning is plainly required:

- (b) "Carry"** means having on one's person or in a motor vehicle or other conveyance.
- (c) "Commonwealth"** means the political entity established by the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union With the United States of America, the Constitution of the Commonwealth of the Northern Mariana Islands, and any agency or political subdivision thereof created by the Constitution or Commonwealth law, and any area, thing, or place subject to its jurisdiction.
- (d) "Commonwealth law"** means the Constitution of the Commonwealth of the Northern Marianas and any law enacted pursuant to legislative authority created by the Constitution, as well as rules and regulations having the force and effect of law pursuant to statute.
- (e) "Dangerous device"** means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark's tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.
- (f) "Dangerous weapon"** means any automatic weapon, dangerous device, firearm, gun, handgun, long gun, semiautomatic weapon, knife, machete, or other thing by which a fatal wound or injury may be inflicted.
- (g) "Defendant"** includes a person who is an accessory or accomplice of the defendant in a criminal case.
- (h) "Deprive"** means:
 - (1)** To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or
 - (2)** To dispose of the property so as to make it unlikely that the owner will recover it.
- (i) "Felony"** means any offense or conduct proscribed by Commonwealth law which is punishable by more than one year confinement in a jail or prison.
- (j) "Financial institution"** means a bank, insurance company, credit union, building and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective
- (n) "Intoxication"** means a diminishment or a disturbance of mental or physical capabilities resulting from the introduction of a chemical, alcoholic, organic or other substance into the body.
- (o) "Jurisdiction"** means the Commonwealth of the Northern Mariana Islands, which includes such area of the land and water and the airspace above those areas with respect to which the Commonwealth government has established its legislative and territorial jurisdiction, and includes boats, aircraft and other vessels while in those areas.
- (p) "Knowingly" and "knows"** means with knowledge, consciously, intelligently, willfully; a person acts knowingly with respect to a material element of an offense when:
 - (1)** If the element involves the nature of the person's conduct or the attendant circumstances, he or she is aware that the conduct is of that nature or that such circumstances exist; or
 - (2)** If the element involves a result of the person's conduct, he or she is aware that it is practically certain that the conduct will cause such a result; or

- (3) If the element involves the truth or falsity of a statement or representation, the person is aware of its truth or falsity.
- (r) “Minor” means a natural person who is under the age of 18 years, and includes the term “a child under the age of 18.”
- (s) “Misdemeanor” means any offense or conduct proscribed by Commonwealth law which is punishable by not more than one year confinement in a jail or prison.
- (t) “Movable property” means property, the location of which can be changed, including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location. “Immovable property” is all other property.

Division 2. Contraband Offenses
Chapter 2. Weapons Control
Article 1. Weapons Control Act

§ 2251. Purpose. The purpose of this article is to authorize the licensing of shooting galleries and shooting ranges and to place restrictions on their operation. All shooting galleries and shooting ranges must confirm to this article.

§ 2252. Definitions. As used in this article:

- (a) “Firearm” means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns and automatic and semiautomatic weapons, except a device designed or redesigned for use solely as a signaling, linethrowing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air. Bang-sticks are firearms, provided that bang-sticks used for scientific purposes are not firearms if their temporary use is approved by the Governor.
- (b) “Shooting gallery” means a licensed business place, other than a shooting range as defined in subsection (c), with a minimum capital investment of \$500,000 at which the general public may discharge firearms upon payment of a fee.
- (c) “Shooting range” means a major development, with a minimum aggregate capital investment of \$250,000 in the Commonwealth, where amenities shall include, at a minimum, restaurant, retail shop, office spaces, recreational facilities, target and range facilities for rifle and hand gun competition and other requirements consistent with hosting major international shooting competitions.
- (d) “Weapons” as it applies to shooting galleries and shooting ranges means any rifle, shotgun, archery, and ammunition approved by the Department of Public Safety for use at shooting galleries and shooting ranges. “Ammunition” means any caliber of ammunition or device to be discharged from a weapon that is approved by the Department of Public Safety for use at shooting galleries and shooting ranges.

§ 2253. License Required.

- (a) The Department of Public Safety shall be the licensing authority with respect to shooting galleries and shooting ranges.
- (b) No persons, corporation, business or entity may operate or engage in the business of a shooting gallery or shooting range, or both unless it has received a shooting gallery license or a shooting ranges license from the Department of Public Safety and a general business license from the Department of Finance. A separate shooting gallery license or shooting range license shall be required for every location on which a shooting gallery or a shooting range is operated. For purpose of this subsection, “Location” means the actual description of the lot or adjoin lots comprising the physical location of the shooting gallery or shooting range. An applicant for a shooting gallery or a shooting range may apply for more than one license on a single application, provided that all application requirements for each license are met, including the payment of fees. The Department of Public Safety shall prescribe by regulation the application form, procedures, and information reasonably necessary consistent with this Act for the Department of Public Safety to determine whether the applicant is in compliance with all licensure requirements.
- (c) No Initial license or renewal license shall be issued:
- (1) To an otherwise qualified applicant who is convicted felon or a corporation in which a convicted felon is serving on the board of directors or is an executive officer. The Department of Public Safety may require by regulation any information or conduct any investigation on the applicant to ensure compliance with this subsection.
- (2) To an otherwise qualified applicant who is a foreign corporation, unless the foreign corporation is duly registered to transact business in the Commonwealth and provides as part of its application for a license a certificate of good standing written in English from the jurisdiction where it was incorporated or has its main headquarters.
- (3) Unless the applicant demonstrates by verifiable evidence that it has the required minimum capital investment required in liquid assets for the license(s) sought; or if the application is for license renewal, the licensee must demonstrate its progress in meeting the minimum investment requirement. A licensee shall have 5 years from the date of issuance of the initial license to expend not less than the amount of the minimum investment required. Unjustified or inadequate justification to be determined by the respective senatorial legislative delegation for failure of the licensee to meet the minimum investment required shall be grounds for revocation or non-renewal of the licensee after noticed and hearing pursuant to 1 CMC § 9101 *et seq.*
- (4) Unless, in the case of an application for an initial license, all other government permits for the construction of the shooting gallery or shooting ranges have been obtained or, in the case of an application for license renewal, certification from such permitting agencies that the applicant is in compliance with laws and regulations pertaining to such permit.

(5) Or a license may be suspended if, after an administrative hearing, the applicant or licensee is found to have violated any of the provisions of this article or regulations hereunder, to which 6 CMC § 2258 applies or is found by permitting agency to have violated any environmental, building, safety or other permit required by law, or applicable federal statute or regulation.

§ 2254. Terms. Licenses issued under this article are valid for 1 year from the date executed by the licensing authority and are transferable.

§ 2255. License Fee. A shooting gallery licensee shall pay an annual license fee of \$5,000 per license, and a shooting range licensee shall pay an annual license fee of \$10,000 per license. License fees shall be deposited into the General Fund of the Commonwealth government.

§ 2256. Restrictions on Shooting Galleries and Shooting Ranges.

(a) All shooting galleries and shooting ranges shall adhere to the following restrictions:

- (1) The Department of Public Safety shall establish requirements for the secure storage of weapons that are to be kept on the premises of the shooting galleries and shooting ranges.
- (2) Shooting galleries and shooting ranges must purchase at least \$300,000 of liability insurance coverage.
- (3) Proper equipment and material and appropriate range design must be used in the construction of shooting gallery and shooting range facilities to ensure the safety of patrons and employees and to minimize the disturbance to nearby residents from noise emanating from the shooting gallery or shooting range. Shooting galleries and shooting ranges must submit such plans to the Department of Public Safety for approval before starting construction of these facilities.
- (4) All shooting gallery and shooting range licensees and their employees shall possess training in the safe handling and operation of firearms. This training shall be conducted by a certified basic firearms instructor approved by the National Rifle Association of America or the Department of Public Safety.
- (5) A range safety officer or basic firearms instructor certified by the National Rifle Association of America or the Department of Public Safety shall be employed by shooting galleries and shooting ranges to supervise day-to-day operations. This employee shall also maintain an inventory of the firearms and ammunition stored at the gallery or shooting range. This inventory shall be verified by an authorized representative of the Department of Public Safety on a weekly basis. After the inventory has been verified, a copy shall be filed immediately with the Department of Public Safety.
- (6) Only such firearms and ammunition as are approved for use at each shooting gallery and shooting range by the Department of Public Safety may be used at such shooting gallery or shooting range.
- (7) Shooting galleries and shooting ranges shall only allow persons who are 18 years of age or older to enter the gallery premises. All persons must furnish a valid driver's license or other identification attesting to their age before entering the shooting gallery or shooting range.
- (8) Shooting gallery and shooting range customers may use those firearms provided by the shooting gallery or shooting range or their own private firearms. Customers using their own private firearms must first present evidence of a current firearm license and firearm registration and may only use such firearms as are approved for use by the Department of Public Safety for use at the shooting gallery or shooting range.
- (9) Shooting range(s) and shooting galleries shall adhere to and bear the cost of all architectural, environment and safety design, planning and construction as required by law or regulation including, but not limited to, the construction and cost for staffing and operations of a 24 hour security, including hi-tech monitoring devices on the shooting range(s) premises.
- (10) Shooting galleries and shooting ranges shall operate from 11:00 AM to 11:00 PM.

§ 2257. Restrictions on Shooting Range(s).

- (a) Patron and guest at a shooting range may use a rifle, shotgun, archery, or other target range equipment or device and any caliber of ammunition approved for competitive use as specifically authorize by regulation by the Department of Public Safety in conformance to applicable Commonwealth and federal law or regulation and in accordance with the licensee's rules for on-site use; provided further that the use of any firearm, weapon, ammunition, archery, and target range equipment off the shooting range premises is strictly prohibited, except for safety purposes by order of the Commissioner of Public Safety, or as ordered by a court of competent jurisdiction in connection with a pending court case.
- (b) Except for Department of Public Safety personnel and other law enforcement officials authorized by law or Department of Public Safety regulations, a shooting range licensee shall be responsible to control or restrict the access of persons to the use of its target range facilities and areas where firearms and ammunitions are used, maintained or stored.
- (c) Within 120 days of the effective date of this Act, the Commissioner of the Department of Public Safety shall promulgate necessary rules and regulations for the use, storage and bringing in and removal of weapons and ammunition from the shooting range(s) consistent with this article; provided that weapons and ammunition may not be removed from the premises of the shooting range, except with the advance written consent of the Commissioner of Public Safety for sole purpose of their removal from the Commonwealth.
- (d) Pursuant to Department of Public Safety rules and regulations, a shooting range licensee shall implement strict internal controls for the accounting of both weapons and ammunition. Such accounting shall include, but is not limited to, a daily log which account for all ammunition used and the whereabouts and the name of any user of each weapon used by the shooting range. The Department of Public Safety authorized personnel shall be granted access at all times to ensure the shooting range licensee's compliance with this article.

(e) If the Commissioner of Public Safety has reason to believe that the shooting range licensee, including any of its agents or employees, is in violation of or is in non-compliance with any provision of this article or regulation hereunder, the Commissioner of Public Safety may issue any order deemed necessary to effectuate immediate compliance, prevent further violation, and to protect the health and safety of the shooting range employees and guests. Any aggrieved party to the order shall be afforded an administrative hearing as provided under the Commonwealth Administrative Procedure Act, 1 CMC §§ 9101 *et seq.*

§ 2258. Penalty. Any violation of this article or regulations issued pursuant hereto, including the failure of the licensee, its agent or employee, to account for any missing firearm, shall be punishable by an administrative fine of not less than \$5,000 and not more than \$10,000 for each violation depending on the guidelines set forth by the Commissioner of the Department of Public Safety or the revocation of the shooting gallery license, or both....

§ 2271. Title. This Act shall be known as “The Minor Children Firearms Control Act of 2000.”

§ 2272. Civil Liability. Any person who owns or possesses a firearm shall have a positive duty to take all reasonable precautions to keep that firearm out of the possession of minors. Any person who fails in this duty shall be civilly liable for any damages caused to any person as a result.

§ 2273. Criminal Liability. [Repealed.]

§ 2301. Importation of Contraband.

(a) It shall be unlawful for any person to knowingly enter the Commonwealth with the intent to import, or attempt to cause another to bring or import into the Commonwealth, or conceal for the purpose of importation, any of the following items:

(3) Firearms and ammunition.

(i) The terms used in this section shall have the same meaning as the terms defined in 6 CMC § 10101.

(ii) Any firearm that cannot be lawfully possessed by a private person.

(iii) Any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(iv) Any restricted pistol bullet or any restricted bullet.

(v) The following individuals, organizations, and agencies are exempt from this subsection:

(A) United States Marshals, while engaged in the operation of their official duties;

(B) members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(C) members of law enforcement, while engaged in the operation of their official duties;

(D) a gunsmith who is in possession or seeks possession of a firearm solely for the purposes of service or repair;

(E) a common carrier, warehouseman, or other person engaged in the business of transporting or storing goods, to the extent that the possession or receipt of any firearm is in the ordinary course of business, not for the personal use of any such person, and at the behest of a person, agency, or organization exempted under this subsection.

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

(G) federal officials required to carry firearms, while engaged in the operation of their official duties.

(b) Any person who violates this section may be punished by imprisonment for not more than 5 years, or by a fine of not more than \$2,000, or both; provided, however, any person who violates subsection (a)(1) of this section with respect to controlled substances shall serve at least 2 years of imprisonment not subject to probation, parole or suspension. This punishment is in addition to any penalty or fine which may otherwise be imposed.

§ 2302. Enforcement.

(a) The Customs Service, a division of the Department of Finance, shall have the primary responsibility and authority to enforce the provisions of this chapter. This authority shall be concurrent with the authority of any other law enforcement agency as provided by law.

(b) Any officer who is authorized by the Customs Service to enforce the provisions of this chapter may:

(1) Arrest any person, if there exists probable cause to believe that such person committed an act in violation of this chapter;

(2) Seize any evidence related to any violation of any provision of this chapter;

(3) Execute any warrant or other process issued by a court of competent jurisdiction.

Division 10: Special Act for Firearms Enforcement (SAFE)

§ 10101. Definitions. For purposes of this division:

(a) “.50 BMG rifle” means:

(1) A rifle capable of firing a centerfire cartridge in .50 BMG caliber, including a 12.7mm equivalent of .50 BMG and any other metric equivalent; or

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

(b) “**Addicted to a controlled substance**” means a person who uses a controlled substance and has lost the power of self-control with reference to the use of controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past 5 years if the most recent arrest occurred within the past year; or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. For a current or former member of the Armed Forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court-martial conviction, non-judicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure.

(c) “**Adjudicated as a mentally disabled person**” means the person has been the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

- (1) presents a clear and present danger to himself, herself, or to others;
- (2) lacks the mental capacity to manage his or her own affairs;
- (3) is not guilty in a criminal case by reason of insanity, mental disease or defect;
- (4) is incompetent to stand trial in a criminal case;
- (5) is not guilty by reason of lack of mental responsibility under any article of the Uniform Code of Military Justice;
- (6) is subject to involuntary commitment under the Involuntary Commitment Act.

§ 10201. Security mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited; loan or rental of firearms, destructive devices, or ammunition prohibited.

(a) No firearm, dangerous device, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn.

(b) No person or organization may loan, borrow, give, or rent to or from another person or organization, any firearm, dangerous device, destructive device, or ammunition.

(c) Any person convicted of a violation of this section shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

§ 10202. Allowing an unsupervised minor to use or possess a firearm.

(a) Any person who allows a minor, defined as any person under 21 years of age, to use or possess a firearm without adult supervision shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 and 180 days imprisonment, or both.

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

- (1) The firearm is properly registered in accordance with Commonwealth law; and
- (2) The minor is 12 years of age or older and is accompanied by a parent or legal guardian, who is in the possession of a Firearm Owner’s Identification Card, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting; or agricultural, ranching, or hunting activity; or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm; or
- (3) The minor is 12 years of age or older, and has the prior written consent of a parent or legal guardian, and is accompanied by a responsible adult, who is in possession of a Firearm Owner’s Identification Card, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting; or agricultural, ranching, or hunting activity; or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm; or
- (4) The minor is 18 years of age or older and is accompanied by a responsible adult, who is in possession of a Firearm Owner’s Identification Card, and the minor is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting; or agricultural, ranching, or hunting activity; or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

§ 10203. Sale of firearms, destructive devices, dangerous devices, or ammunition to persons under 21 years of age prohibited.

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

§ 10204. Storage of firearms; penalties.

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

- (1) the firearm is stored in a locked container or disabled with a trigger lock; or
 - (2) the firearm is carried on the person of an individual over the age of 21; or
 - (3) the firearm is under the immediate control of a person who is a law enforcement officer.
- (b) A person who violates the foregoing subsection (a) of this section is guilty of criminally negligent storage of a firearm and, except as otherwise provided in this section, shall be fined not more than \$1,000, imprisoned not more than 180 days, or both.
- (c) A person who violates subsection (a) of this section, and as a result, a minor causes injury or death to himself or another with the firearm, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both.
- (d) The provisions of this section shall not apply if the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.
- (e) For the purposes of this section, the term "minor" shall mean a person under the age of 21 years.
- (f) This section shall not apply to a properly registered firearm on the effective date of this Act until ninety days after this Act becomes law.

§ 10205. Authority to carry firearms in certain places and for certain purposes.

- (a) A person may not carry a firearm, except as provided by this Division or Commonwealth law.
- (b) A person lawfully in possession of a firearm may carry the firearm:
- (1) within the registrant's home or on land belonging to the registrant;
 - (2) on the land or in the legal dwelling of another person as an invitee with that person's permission;
 - (3) while it is being used for lawful sporting purposes, such as target practice at a shooting range or shooting gallery;
 - (4) while it is being used for lawful hunting, fishing, or trapping purposes with a license or permit while engaged in hunting, trapping or fishing;
 - (5) while it is kept at the registrant's place of business; or
 - (6) while it is being transported for a lawful purpose as expressly authorized by 6 CMC § 10206 or federal law and in accordance with the requirements of said law.
- (c) A violation of this section shall be punished by a fine of not more than \$2,500 or imprisonment for not more than 1 year, or both.
- (d) This section does not authorize a person to carry a firearm in a Gun Free Zone, as defined by 6 CMC § 10401.

§ 10206. Lawful transportation of firearms.

- (a) Any person who is not otherwise prohibited by the law from transporting, shipping, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry the firearm to any other place where he may lawfully possess and carry the firearm if the firearm is transported in accordance with this section.
- (b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.
- (2) If the transporting vehicle does not have a compartment separate from the passenger compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.
- (c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm shall be:
- (1) unloaded;
 - (2) inside a locked container; and
 - (3) separate from any ammunition.
- (d) It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both, for any person to knowingly transport a firearm in violation of this section.

§ 10207. Persons permitted to possess ammunition.

- (a) No person shall possess ammunition in the Commonwealth unless:
- (1) he or she is a licensed firearm vendor;
 - (2) he or she is the holder of the valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; except, that no such person shall possess 1 or more restricted bullets; or
 - (3) he or she temporarily possesses ammunition while participating in a firearms training and safety class conducted by a firearms instructor.
- (b) No person in the Commonwealth shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.
- (c) **Penalties.**
- (1) Any person convicted of a violation of subsection (a) of this section for legally allowable ammunition shall be fined not more than \$2,500 or imprisoned for not more than 1 year, or both.

(2) A person convicted of possessing more than 1 restricted pistol bullet in violation of subsection (a)(2) of this section may be sentenced to imprisonment for a term not to exceed 10 years, and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined not more than \$25,000.

(3) A person convicted of possessing a single restricted pistol bullet in violation of subsection (a)(2) of this section shall be fined not more than \$2,500 or imprisoned for not more than 1 year, or both.

(4) A person convicted of possessing a large capacity ammunition feeding device in violation of subsection (b) of this section may be sentenced to imprisonment for a term not to exceed 10 years, and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined not more than \$25,000. This section shall not apply to any large capacity ammunition feeding device possessed by the owner of a properly registered firearm capable of receiving such a device until ninety days after this Act becomes law.

§ 10208. Prohibited firearms.

(a) No person shall possess:

- (1) sawed-off shotgun;
- (2) a silencer, sound suppressor or sound moderator;
- (3) machine gun;
- (4) short-barreled rifle;
- (5) an assault weapon;
- (6) a rifle other than a .22 caliber rimfire, .22 caliber center-fire and .223 caliber center-fire; or
- (7) a shotgun other than a .410 gauge.

(b) Whoever violates this section shall be punished by a fine of not more \$2,500 or imprisonment for not more than 1 year, or both. However, if the violation occurs after such person has been convicted in the Commonwealth of a violation of this Division, or of a felony, either in the Commonwealth or in another jurisdiction, in which case such person shall be imprisoned for not more than 10 years, and may be fined not more than \$25,000.

§ 10209. Voluntary surrender of firearms, destructive devices, or ammunition; immunity from prosecution; determination of evidentiary value of firearm.

(a) If a person or organization within the Commonwealth voluntarily and peaceably delivers and abandons to the Department of Public Safety any firearm, destructive device or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this Division with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police station or by summoning a police officer to the person's residence or place of business. Every firearm and destructive device to be delivered and abandoned to the Chief under this section shall be transported in accordance with 6 CMC § 10206 and, in the case of delivery to a police facility, the package shall be carried in open view.

(b) No person who delivers and abandons a firearm, destructive device, or ammunition in full compliance with this section, shall be required to furnish identification, photographs, or fingerprints.

(c) Whenever any firearm, destructive device, or any ammunition is surrendered under this section, the Department of Public Safety shall inspect the firearm and determine if it is needed as evidence in a Commonwealth or federal case; provided, that if the same is not needed as evidence, it shall be destroyed.

§ 10210. Self-defense with deadly force.

(a) An individual is allowed to use a firearm or deadly force in self-defense if:

(1) The individual is protecting him or herself and the use of the firearm or deadly force would reasonably prevent the immediate use of force by an aggressor. Provided further that this use is based upon the reasonable belief that the aggressor is about to inflict an intentional contact that would or could reasonably result in serious bodily harm or death; and the use of force by the aggressor can safely be prevented only by the immediate use of deadly force.

(b) An individual is allowed to use a firearm or deadly force in self-defense of a third party if:

(1) The individual is protecting a third party and the use of the firearm or deadly force would reasonably prevent the immediate use of force by an aggressor. Provided further that this use is based upon the reasonable belief that the aggressor is about to inflict an intentional contact that would or could reasonably result in serious bodily harm or death; and the use of force by the aggressor can safely be prevented only by the immediate use of deadly force.

(c) The right to use deadly force for self-defense or defense of a third person does not exist if the individual correctly or reasonably believes that he or she, or the third party in the case of self-defense of a third party, can with complete safety avoid the necessity of so defending himself by

(1) retreating if attacked in any place other than his dwelling place, or in a place which is also the dwelling of the other, or

(2) relinquishing the exercise of any right or privilege other than his privilege to prevent intrusion upon or dispossession of his dwelling place.

(d) An individual loses the right to self-defense with a firearm if he or she is the initial aggressor or intentionally provoked the aggressor by word or deed that is reasonably calculated to elicit a violent response from a reasonable person or the individual aggressor.

§ 10211. Exemptions.

- (a) The provisions of this Division regarding the possession of firearms and firearm ammunition shall not apply to:
- (1) United States Marshals, while engaged in the operation of their official duties;
 - (2) members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;
 - (3) the Department of Public Safety and any Commonwealth agency that regularly employs members of law enforcement;
 - (4) members of law enforcement, while engaged in the operation of their official duties;
 - (5) federal officials required to carry firearms, while engaged in the operation of their official duties.

§ 10301. Unlawful discharge of firearm.

- (a) Except as otherwise permitted by law, including legitimate self-defense, no firearm shall be discharged or set off in the Commonwealth without a special written permit from the Department of Public Safety issued pursuant to Department regulations.
- (b) No person shall discharge a firearm as an act of celebration.
- (c) The discharge of a firearm by a property owner on his or her private property for the sole purpose of slaughtering livestock shall be considered lawful, provided that the firearm is discharged on a farm outside of villages and/or areas zoned as residential.
- (d) Violation of this section shall be punishable by a fine of not more than \$5,000 a term of imprisonment for not more than five years, or both.

§ 10302. Possession or use of weapons while under the influence.

- (a) No person shall carry a firearm, dangerous device, or destructive device while under the influence of any amount of alcohol, drugs, intoxicating compounds or combination of compounds, or any combination thereof.
- (b) A violation of this section shall be punishable by a fine of not more than a \$1,000 or not more than 1 year imprisonment, or both.

§ 10303. Possession of weapon while disguised.

- (a) A person commits the offense of unlawful use of weapons while disguised when he knowingly carries or possesses in a vehicle or on or about his person any pistol, revolver, firearm, dangerous device, destructive device, or any counterfeit version of the foregoing, when he or she is hooded, robed or masked in such manner as to conceal his or her identity in furtherance of the commission or attempted commission of a violation of Commonwealth law.
- (b) A violation of this section shall be punishable by a fine of not more than a \$1,000 or not more than 1 year imprisonment, or both.

§ 10304. Theft of a firearm.

- (a) A person commits the offense of theft of a firearm if he or she unlawfully takes, or exercises control over, a firearm or firearms of another with intent to permanently deprive the owner of his or her rights to the firearm.
- (b) Theft of a firearm includes any action that would be a violation of 6 CMC §§ 1601–1605, or any other provision of Commonwealth law outlawing or defining theft, if the property unlawfully taken is a firearm.
- (c) Each firearm taken in the theft under this section is a separate offense.
- (d) Upon conviction of a violation of this section, the person shall be fined not more than \$10,000 and shall be sentenced to a term of imprisonment not to exceed 15 years and a mandatory-minimum term of not less than 5 years and shall not be released on parole prior to serving the mandatory-minimum sentence.

§ 10305. Possession of stolen firearm; penalty.

- (a) A person commits possession of a stolen firearm when he or she, not being entitled to the possession of a firearm, possesses the firearm, knowing it to have been stolen or converted. The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.
- (b) Upon conviction of a violation of this section, the person shall be fined not more than \$10,000 and shall be sentenced to a term of imprisonment not to exceed 15 years and a mandatory-minimum term of not less than 5 years and shall not be released on parole prior to serving the mandatory-minimum sentence.

§ 10306. Receiving a stolen firearm; penalty.

- (a) Receiving. A person is guilty of receiving a stolen firearm if he or she purposely receives, retains, or disposes of property of another knowing that it has been stolen, or having reasonable cause to believe under all of the circumstances that it has probably been stolen. It is an affirmative defense that the property is received, retained, or disposed with purpose to restore it to the owner.
- (b) "Receiving" means acquiring possession, control or title, or lending on the security of the property.
- (c) Upon conviction of a violation of this section, the person shall be fined not more than \$10,000 and shall be sentenced to a term of imprisonment not to exceed 15 years and a mandatory-minimum term of not less than 5 years and shall not be released on parole prior to serving the mandatory-minimum sentence.

§ 10307. Possession of weapons during commission of a felony; penalty.

- (a) No person shall within the Commonwealth knowingly possess a firearm, imitation firearm, dangerous device or imitation dangerous device, destructive device or imitation destructive device, while committing a felony.
- (b) "Possession" as used in this section means simple physical possession, the use of the firearm, imitation firearm, dangerous device or imitation dangerous device, destructive device or imitation destructive device in furtherance of the felony is not an element of the crime.
- (c) Upon conviction of a violation of this section, the person shall be fined not more than \$10,000 and shall be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory minimum sentence.

§ 10308. Use of weapons in furtherance of a crime of violence; penalty.

- (a) No person shall within the Commonwealth possess a firearm, imitation firearm, dangerous device or imitation dangerous device, destructive device or imitation destructive device, while committing a crime of violence.
- (b) For purposes of this section the term "crime of violence" means an offense that
- (1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
 - (2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
 - (3) The following crimes, however styled in the Commonwealth Code, shall be considered "crimes of violence":
 - (i) aggravated assault;
 - (ii) act of terrorism;
 - (iii) arson;
 - (iv) assault on a law enforcement officer;
 - (v) assault with a dangerous weapon;
 - (vi) assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, first or second degree sexual assault or commit child sexual abuse and any acts of domestic and family violence;
 - (vii) assault with significant bodily injury;
 - (viii) assault with intent to commit any other offense;
 - (ix) burglary;
 - (x) carjacking;
 - (xi) armed carjacking;
 - (xii) child sexual abuse;
 - (xiii) cruelty to children in the first degree;
 - (xiv) extortion or blackmail accompanied by threats of violence;
 - (xv) gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation;
 - (xvi) kidnapping;
 - (xvii) malicious disfigurement;
 - (xviii) manslaughter;
 - (xix) manufacture or possession of a weapon of mass destruction;
 - (xx) mayhem;
 - (xxi) murder;
 - (xxii) robbery;
 - (xxiii) sexual abuse in the first, second, or third degrees and sexual assault in the first, second or third degree;
 - (xxiv) use, dissemination, or detonation of a weapon of mass destruction; or
 - (xxv) an attempt, solicitation, or conspiracy to commit any of the foregoing offenses.
 - (4) The list of offenses in subsection (3) is not exclusive.

(c) If the crime of violence in subsection (b) was a felony under Commonwealth law at the time of commission, then upon conviction of a violation of this section, the person shall be fined \$10,000 and shall be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

(d) If the crime of violence in subsection (b) of this section was a misdemeanor under Commonwealth law at the time of commission, then upon conviction of a violation of this section the person shall be fined \$1,000 and shall be sentenced to imprisonment for a term not to exceed 1 year and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 9 months and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

§ 10309. Possession of certain dangerous weapons prohibited.

- (a) No person shall possess any machine gun, sawed-off shotgun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, sand club, sandbag, switchblade knife, butterfly knife, nor any other dangerous device or destructive device as defined in this Division.
- (b) No person shall possess any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms.

(c) Whoever violates this section shall be punished by a fine of not more than \$2,500 or imprisonment for not more than 1 year, or both. However, if the violation occurs after such person has been convicted in the Commonwealth of a violation of this Division, or of a felony, either in the Commonwealth or in another jurisdiction, in which case such person shall be imprisoned for not more than 10 years, and may be fined not more than \$25,000.

§ 10310. Removal of firearm serial numbers prohibited.

(a) Whoever commits any of the following acts may be sentenced to imprisonment for not more than 5 years or to payment of a fine of not more than \$10,000, or both:

- (1) obliterates, removes, changes, or alters the serial number or other identification of a firearm;
- (2) receives or possesses a firearm, the serial number or other identification of which has been obliterated, removed, changed, or altered; or
- (3) receives or possesses a firearm that is not identified by a serial number.

§ 10311. Seizure and forfeiture of conveyances.

(a) For the purposes of this section, the term "owner" means a person with an ownership interest in the specific conveyance sought to be forfeited. The term "owner" does not include:

- (1) A person with only a general unsecured interest in, or claim against, the conveyance;
- (2) A bailee; or
- (3) A nominee who exercises no dominion or control over the conveyance.

(b) Any conveyance, including motor vehicles, vessels, and airplanes, in which any person or persons transport or possess a firearm while committing a misdemeanor or felony offense under this Division, shall be seized and forfeited to the Commonwealth, provided that:

(1) No conveyance used by any person as a duly licensed common carrier in the course of transacting business as a licensed common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of a violation of this section; and

(2) The forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the illegal act giving rise to forfeiture.

(3) An innocent owner's interest in a conveyance which has been seized shall not be forfeited under this section. A person is an innocent owner if he or she establishes, by a preponderance of the evidence:

(i) That he or she did not know that a person or persons in the conveyance was transporting, possessing, or concealing any firearm or that the conveyance was involved in or was being used in the commission of any illegal act involving any firearm; or

(ii) That, upon receiving knowledge of the presence of any illegal firearm in or on the conveyance or that the conveyance was being used in the commission of an illegal act involving a firearm, he or she took action to terminate the presence in or on the conveyance of the person, persons, or firearms.

(4) A claimant who establishes a lack of knowledge under subsection (b)(3)(i) of this section shall be considered an innocent owner unless the government, in rebuttal, establishes the existence of facts and circumstances that should have created a suspicion that the conveyance was being or would be used for an illegal purpose. In that case, the claimant must establish that, in light of such facts and circumstances, he or she did all that reasonably could be expected to prevent the use of the conveyance in the commission of any such illegal act.

(i) A person who willfully blinds himself or herself to a fact shall be considered to have had knowledge of that fact.

(ii) Except as otherwise expressly provided by this section, all seizures and forfeitures of conveyances under this section shall follow the procedures set forth in 6 CMC § 2150.

§ 10401. Gun free zones.

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

(1) any building occupied primarily by the government and any parking lot therefor, except for security personnel given express permission to carry a firearm;

(2) any government building, except for security personnel given express permission to carry a firearm;

(3) any Department of Public Safety building or office without the consent of the chief law enforcement officer in charge of that office or station;

(4) within 500 feet of any polling place on any election day;

(5) within 500 feet of any daycare center any portion of a building used as a child care facility without the consent of the manager or owner. Nothing in this subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm;

(6) within 500 feet of any adult or juvenile detention or correctional institution, prison or jail;

(7) within 500 feet of any courthouse, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subsection shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subsection are temporarily conducting any business within the jurisdiction of such courts or offices. Nothing in this subsection shall preclude those who serve in a law enforcement capacity for a court or as may be specified by court rule;

(8) within 500 feet of any building owned, leased or controlled by the non-government agencies or programs that specifically help victims of domestic violence, sexual violence, and stalking;

(9) within 500 feet of any building hosting a public meeting subject to the Open Government Act or any meeting of the legislature;

(10) within 500 feet of any building owned, leased or controlled by the legislature;

(11) within 500 feet of any building owned, leased or controlled by the Office of the Attorney General;

(12) within 500 feet of any place of worship, unless leadership of a particular place of worship, however governed, elects to allow firearms;

(13) any establishment licensed to dispense intoxicating liquor for consumption on the premises;

(14) within 500 feet of any establishment containing poker machines or that engages in gambling, except for security personnel given express permission to carry a firearm;

(15) any place where the carrying of a firearm is prohibited by federal law;

(16) within 1,000 feet of any higher education institution or early childhood development facility, elementary or secondary school facility, except for security personnel given express permission to carry a firearm;

(17) any hospital and any public or private clinics accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is kept in accordance with 6 CMC § 10206;

(18) any private property whose owner, lessee, or manager has posted the premises as being off-limits to firearms by means of one or more signs displayed in a conspicuous place of a minimum size of 11 inches by 14 inches with the writing thereon in letters of not less than 1 inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons from carrying firearms on the premises and may prohibit employees, not authorized by the employer, from carrying firearms on the property of the employer. An employer may prohibit employees or other persons from carrying a firearm in vehicles owned by the employer.

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

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

§ 10402. Gun free zones: criminal penalty. It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both, for any person to knowingly possess a firearm in any location specified by 6 CMC § 10401(a).

§ 10403. Gun free zones: civil cause of action.

(a) If a person possesses a firearm on private property in violation of 6 CMC §10401(a)(18), then the property owner may institute and prosecute in his own name and on his own behalf, a civil action for injunctive relief, for any damages actually incurred, punitive damages, and for statutory damages in an amount not less than \$10,000. Further, the property owner shall be entitled to attorney fees if he prevails in his action against the person found to have violated 6 CMC §10401(a)(18).

(b) The term "property owner" is to be read broadly to include, among others, owners of freehold estates, leasehold estates, owners and operators of private businesses.

§ 10404. Gun free zones: exceptions.

(a) The provisions of this chapter regarding the possession of firearms do not apply to:

(1) United States Marshals while engaged in the operation of their official duties;

(2) law enforcement, while engaged in the operation of their official duties;

(3) any member of law enforcement that keeps a firearm in a motor vehicle in accordance with 6 CMC § 10206;

(4) members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(5) federal officials required to carry firearms, while engaged in the operation of their official duties;

(6) any federal official required to carry firearms that keeps a firearm in a motor vehicle in accordance with 6 CMC § 10206;

(7) members of bona fide veterans' organizations which receive firearms directly from the Armed Forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

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

(9) any person who temporarily possesses a firearm while participating in a firearms training and safety class conducted by a firearms instructor;

(10) any person present at a shooting range;

(11) any person lawfully possessing a firearm on their person or in their vehicle and moving upon the highways, roads, or sidewalks of the Commonwealth in accordance with 6 CMC § 10206;

(12) any person that lawfully resides within a gun free zone under this Division may possess firearms in their home or on their property and may transport said firearms from or to their home or property in accordance with 6 CMC § 10206.

§ 10501. Transition – Security mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited; loan or rental of firearms, destructive devices, or ammunition prohibited.

(a) 6 CMC § 10201 shall not apply to any firearm or ammunition lawfully pledged, pawned, or received as security under the Commonwealth Weapons Control Act prior to the effective date of the Special Act for Firearms Enforcement.

§ 10502. Transition – Illegal weapons and unregistered firearms.

(a) The Department of Public Safety shall not register, and shall seize, any unregistered firearm that was present in the Commonwealth prior to the effective date of the Special Act for Firearms Enforcement. This provision shall not apply to individuals that were unable to register their firearms because they were not a United States citizen or national under the former language of 6 CMC § 2204(l).

(b) The Department of Public Safety shall not register, and shall seize, any illegal firearm or firearm that was illegally present in the Commonwealth prior to March 29, 2016.

(c) A firearm vendor shall not sell or transfer any unregistered firearm, illegal firearm, or firearm that was illegally present in the Commonwealth prior to the effective date of the Special Act for Firearms Enforcement. A firearm vendor shall immediately notify the Department of Public Safety if the vendor acquires any of the firearms described in this section.

§ 10601. Firearm Owner's Identification Card requirement exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Be accompanied by a nonrefundable fee to be established by the Department of Public Safety; provided, that such fee shall, in the judgment of TITLE 6: CRIMES.

Where ever a maximum criminal penalty is imposed in this Division, there shall be a minimum penalty equal to 10% of the maximum penalty.

§ 10602. Safety training requirement.

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

(1) The firearms safety training course must be approved by the Department of Public Safety, any state or territory of the United States, or the federal government; or

(2) Offered by the Department of Public Safety.

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

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

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

(3) Proper firearm care and cleaning;

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

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

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

- (1) Make the course records for each applicant available to law enforcement upon request; and
- (2) Maintain all course records on students for a period of no less than 6 years from course completion date.

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

- (1) Refuses to follow the instructions of the firearms instructor or agency representative; or
- (2) Despite appropriate instruction, handles a firearm in a manner that, in the judgment of the firearms instructor or agency representative, poses a danger to the applicant or to others.

§ 10603. Written safety test. Before a Firearm Owner's Identification Card will be issued, each applicant must successfully complete a written test, created and administered by the Department of Public Safety, demonstrating knowledge regarding the topics listed in 6 CMC § 10602.

§ 10604. Exemption to safety training requirement and written exam. The following individuals are exempt from the safety training class and written exam required by this Division.

- (a) Current federal, state, or Commonwealth law enforcement officers who are required to own or possess a firearm while engaged in the operation of their official duties are exempt from 6 CMC §§ 10602–10603. Provided, that each law enforcement officer must submit an affidavit attesting to and describing their firearms training. The Department of Public Safety may require any current law enforcement officer to participate in the training required by 6 CMC § 10602.
- (b) Retired federal, state, or Commonwealth law enforcement officers or retired corrections officers who were required to own or possess a firearm while engaged in the operation of their official duties prior to retirement are exempt from 6 CMC §§ 10602–10603.
- (c) Any person currently serving or who has previously served in any branch of the Armed Forces.
- (d) Any person that possesses a firearm identification card issued pursuant to the Weapons Control Act on the effective date of this Division.
- (e) Any person that has taken a firearm safety class in the Commonwealth prior to the effective date of this Division.

§ 10605. Approval or denial of application. The Department of Public Safety shall either approve or deny all applications within 60 days from the date they are received, unless good cause is shown, including nonreceipt of information from sources outside the Commonwealth government. The Department may hold in abeyance an application where there is a revocation proceeding pending against such person or organization.

§ 10606. Contents of Firearm Owner's Identification Card.

- (a) A Firearm Owner's Identification Card, issued by the Department of Public Safety at such places as the Commissioner of the Department of Public Safety shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph, and signature. Each Firearm Owner's Identification Card must have the expiration date displayed on the face of the card.
- (b) Each Firearm Owner's Identification Card must have printed on it the following: "This card is only valid for firearm purchases through a federally licensed firearms dealer when presented with photographic identification, as prescribed by 18 U.S.C. 922(t)(l)(C)."
- (c) The Department of Public Safety is authorized to include any other information that it deems relevant on the Firearm Owner's Identification Card.

§ 10607. Altered, forged, counterfeit firearm identification cards and false statements.

- (a) It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both for:
 - (1) Any person to forge or materially alter a Firearm Owner's Identification Card or to counterfeit a Firearm Owner's Identification Card.
 - (2) Any person to knowingly possess a forged or materially altered Firearm Owner's Identification Card.
 - (3) Any person to knowingly possess a counterfeit Firearm Owner's Identification Card.
- (b) It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both for any person to knowingly make a false or misleading statement of a material fact or omission of a material fact in any document submitted to the Department pursuant to this Division, the Firearm Registration Act, the Firearm Vendor Licensing Act, or the Firearm Carry Act.

§ 10608. Duration of Firearm Owner's Identification Card.

- (a) Except as otherwise provided by law, a Firearm Owner's Identification Card issued under the provisions of this Division shall be valid for the person to whom it is issued for a period of 3 years from the date of issuance.
- (b) A member of law enforcement must apply for a new Firearm Owner's Identification Card if the person ceases to be a member of law enforcement.

§ 10609. Background check required.

- (a) The Department of Public Safety must complete a background check for any person who applies for a Firearm Owner's Identification Card.

(b) National Instant Criminal Background Check System.

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

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

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

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

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

(2) Commonwealth criminal history files;

(3) Commonwealth and federal records regarding wanted persons;

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

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

(6) Any other available files of any federal, state, and local agency and other entity (private or public) in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing or possessing a firearm under federal, state, or local law.

§ 10610. Grounds for denial and revocation.

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

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

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

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

(2) Has been convicted of, or is charged with, a crime punishable by imprisonment for more than 1 year under the laws of this or any other jurisdiction;

(3) A person addicted to a controlled substance;

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

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

(6) A person who is intellectually disabled;

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

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

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

(10) Was 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 narcotic 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;

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

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

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

(14) A person who is currently charged with or has 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;

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

(16) Any person who is 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;

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

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

(19) 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;

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

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

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

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

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

(25) A person who is not a United States citizen, United States national, or lawful permanent resident of the United States.

(b) A person who has had his or her Firearm Owner's Identification Card revoked or denied under 6 CMC § 10601(d)(3)(iv) because he or she was a patient in a mental health facility as provided in subsection (a)(4) of this section or a person who was involuntarily committed as provided in subsection (a)(23) of this section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action pursuant to this Division.

(c) Upon revocation of a person's Firearm Owner's Identification Card, the Department of Public Safety shall provide notice to the person and the person shall comply with 6 CMC § 10614.

§ 10611. Notifications to the Department of Public Safety.

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

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

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

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

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

(d) Upon receipt of the notification, the Department of Public Safety shall determine whether to revoke the person's Firearm Owner's Identification Card. Notwithstanding any provision of law to the contrary, including the Open Government Act, 1 CMC §§ 9901–9917, any information disclosed under this section shall remain privileged and confidential, and shall not be re-disclosed, unless required by court order. The method of providing this information shall guarantee that the information is not released beyond what is necessary for the purpose of this section. The identity of the person reporting under this section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, court official, school administrator, or other person making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct.

§ 10612. National instant criminal background check system – notice required. Notwithstanding 6 CMC § 10611, if the Department of Public Safety determines that a person or organization is prohibited from acquiring or possessing a Firearm Owner's Identification Card, under this Division or federal law, then the Department shall notify the National Instant Criminal Background Check System and provide the appropriate information within 30 days of its determination.

§ 10613. Denial of application or revocation or seizure of card – notice required. Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card whose Card is revoked or seized, shall receive a written notice from the Department of Public Safety stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked. The written notice shall include the requirements of 6 CMC § 10614 and the person's right to administrative or judicial review under this Chapter.

§ 10614. Revocation of Firearm Owner's Identification Card.

(a) A person who receives a revocation notice under 6 CMC § 10610(c) shall, within 24 hours, upon receipt of notice:

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

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

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

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

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

(d) A violation of subsection (a) is a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both.

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

§ 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.

§ 10616. Judicial review of final administrative decisions. All final administrative decisions of the Department under this Chapter to deny a person's application shall be subject to judicial review under the provisions of the Administrative Procedure Act and any rules and regulations adopted by the Department of Public Safety pursuant thereto.

§ 10617. Notice of expiration.

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

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

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

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

§ 10618. Violation of this Chapter; Penalties.

(a) A violation of 6 CMC § 10601(a) or (b) is a felony punishable by a fine of no more than \$5,000 or a term of imprisonment for not more than 5 years, or both, if:

(1) the person has never had a Firearm Owner's Identification Card revoked under 6 CMC § 10610; or

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

or

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

(b) Provided, however, that a violation of 6 CMC § 10601(a) or (b), when the person's Firearm Owner's Identification Card is expired, but the person is not otherwise disqualified from owning, purchasing, or possessing firearms:

(1) is an infraction punishable by a fine of \$500 if the card was expired for 90 calendar days or less from the date of expiration; or

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

(3) is a misdemeanor punishable by a fine of \$1,000 or a term of imprisonment of not more than 1 year, or both, if the card was expired for more than 6 months but less than 12 months from the date of expiration.

(c) A violation of 6 CMC § 10601(a) or (b) is a felony punishable by a fine of not more than \$25,000 or imprisonment for not more than 15 years, or both, when:

(1) the person's Firearm Owner's Identification Card has been revoked under 6 CMC § 10610; or

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

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

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

§ 10619. Duties of card holders – penalties.

(a) Each person or organization holding a Firearm Owner's Identification Card shall:

(1) notify the Department of Public Safety in writing of the loss, theft, or destruction of the Firearm Owner's Identification Card, including the circumstances, immediately upon discovery of such loss, theft, or destruction; and

(2) any change in his or her status that would affect his or her eligibility to own or possess a Firearm Owner's Identification Card.

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

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

(d) A person shall be subject to a civil fine of \$1,000 for the first violation or omission of the duties and requirements imposed by this section.

(e) A person shall be subject to a civil fine of \$2,500 for a second violation or omission of the duties and requirements imposed by this section, if occurring within 12 months of the first violation. Further, the person's Firearm Owner's Identification Card shall be revoked and the person shall be prohibited from possessing or registering any firearm for a period of 5 years.

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

§ 10620. Certified abstracts. Any certified abstract issued by the Department of Public Safety or transmitted electronically by the Department of Public Safety to a court or on request of a law enforcement agency for the record of a named person as to the status of the person's Firearm Owner's Identification Card is prima facie evidence of the facts stated in the certified abstract and if the name appearing in the abstract is the same as that of a person named in an information or warrant, the abstract is prima facie evidence that the person named in the information or warrant is the same person as the person named in the abstract and is admissible for any prosecution under this Division or any other applicable violation of law and may be admitted as proof of any records, notices, or orders recorded on individual Firearm Owner's Identification Card records maintained by the Department of Public Safety.

§ 10621. Fee waiver.

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

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

§ 10622. Regulations and fees.

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

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