



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

11 APR 2016

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

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

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 19-94, SD1, HD10, entitled, "To regulate the possession of firearms in the Commonwealth", which was passed by the Senate and the House of Representatives of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-42**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres", is written over a circular stamp or seal.

RALPH DLG. TORRES

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



THE SENATE
Nineteenth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

April 06, 2016

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

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 19-94, SD1, HD10 entitled: "To regulate the possession of firearms in the Commonwealth," which was passed by the Senate and the House of Representatives of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachments



THE SENATE
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 19-94, SD1, HD10

AN ACT

To regulate the possession of firearms in the Commonwealth.

SENATE ACTION

Offered by Senator(s): Francisco M. Borja, Arnold I. Palacios, Sixto K. Igisomar, Justo S. Quitugua, Paul A. Manglona and Jude U. Hofschneider

Date: March 30, 2016

Referred to: None

Standing Committee Report No.: None

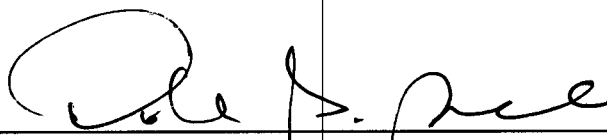
Final Reading: April 06, 2016

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: April 05, 2016


DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND EMERGENCY SESSION, 2016

S. B. NO. 19-94, SD1, HD10

AN ACT

To regulate the possession of firearms in the Commonwealth.

**BE IT ENACTED BY THE NINETEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

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

3 **Section 2. Findings and Purpose.** The Legislature finds that human life is the
4 most precious thing in the entire world. The Legislature finds that providing safety and the
5 protection of human life to be the highest duty of government. The Legislature finds that
6 the current firearms laws, which ban handguns, rifles in calibers larger than .223, and
7 shotguns with a bore diameter of .410, protect human life and ensure public safety by
8 outlawing firearms whose primary purpose is offense against human beings. The
9 Legislature finds that the culture of the Commonwealth of the Northern Mariana Islands is
10 peaceful. The Legislature further finds that the history of the Commonwealth demonstrates
11 that offensive firearms have never been needed by the community, and the use of offensive
12 firearms during World War II only brought suffering on an almost unimaginable scale to
13 the people of the Northern Mariana Islands. Finally, the Legislature finds that the vast
14 majority of the inhabitants of the Commonwealth strongly oppose the legalization of

SENATE BILL NO. 19-94, SD1, HD10

1 handguns because they rightly fear that the largescale introduction of handguns will
2 undermine our peaceful communities.

3 Unfortunately, the current firearms laws of the Commonwealth, and the People's
4 desire to prevent the introduction of handguns into our communities, are at odds with the
5 Second Amendment to the United States Constitution. The Legislature recognizes its
6 solemn duty to uphold and protect the United States and Commonwealth Constitutions.
7 Therefore, the Legislature reluctantly accepts that it must legalize the ownership and
8 possession of firearms to the extent required by the Second Amendment. The Legislature is
9 therefore passing the Special Act for Firearms Enforcement (SAFE) to create a framework
10 for firearms ownership, possession, and use that complies with the Second Amendment
11 while affording the greatest possible degree of protection to the people of the
12 Commonwealth and its guests.

13 On June 26, 2008, the Supreme Court of the United States held in *District of*
14 *Columbia v. Heller*, that the Second Amendment protects the individual right to possess a
15 firearm within the home.

16 On June 28, 2010, the Supreme Court of the United States held in *McDonald v.*
17 *Chicago* that the Second Amendment was incorporated under the Fourteenth Amendment,
18 and therefore, the Second Amendment applies to all state and local governments.

19 Article 5, Section 501 of the Covenant makes the Second Amendment applicable to
20 the Commonwealth as if the Commonwealth were one of the several States. It is true that
21 the Sixth Amendment right to trial by jury has been applied to the Commonwealth
22 differently than it has been applied to the states, but the Covenant specifically provides that

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1 the Sixth Amendment right to trial by jury is not applicable in the Commonwealth. There
2 is no such exception in the Covenant for the application of the Second Amendment.

3 Unfortunately, the Commonwealth Weapons Control Act was challenged in the
4 United States District Court for the Northern Marianas Islands. The Commonwealth was
5 engaged in two difficult lawsuits, which were admirably and tirelessly fought by the Office
6 of the Attorney General. Unfortunately, on March 28, 2016, the United States District
7 Court for the District of the Northern Mariana Islands held that the Second Amendment
8 applies to the Commonwealth. The Legislature therefore finds that it is in the best interest
9 of the Commonwealth to update the Commonwealth's gun control laws to meet this new
10 reality.

11 The Legislature finds that ensuring public safety and preserving human life are
12 important and compelling government interests of the highest order. The introduction of
13 handguns threatens this public safety, especially since the Department of Public Safety
14 does not have adequate body armor for all its officers, and does not have the funds to
15 procure sufficient body armor to protect its officers. The Legislature agrees with the
16 findings of the city council District of Columbia and the city council of the City of
17 Highland Park, Illinois that assault weapons are disproportionately used in the commission
18 of crimes such as the mass shootings at schools, shopping malls, clinics, and places of
19 worship, that have plagued our nation, and should not be allowed in the Commonwealth.
20 The Legislature agrees with the legislative histories of the statutes involved in *Friedman v.*
21 *City of Highland Park, Illinois*, 784 F.3d 406, 408 (7th Cir.), *cert. denied sub nom.*
22 *Friedman v. City of Highland Park, Ill.*, 136 S. Ct. 447 (2015), *Heller v. District of*

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1 *Columbia*, 801 F.3d 264, 268 (D.C. Cir. 2015), and *Heller v. District of Columbia*, 670
2 F.3d 1244, 1248 (D.C. Cir. 2011), and adopts those opinions and the legislative histories of
3 those acts.

4 The Legislature further finds that the unregulated keeping of firearms in the home
5 endangers the lives and safety of minor children. The Legislature agrees with the City of
6 San Francisco and the United States Court of Appeals for the Ninth Circuit in *Jackson v.*
7 *City & Cty. of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014) *cert. denied*, 135 S. Ct.
8 2799, 192 L. Ed. 2d 865 (2015), that requiring firearms to be either kept on the person of
9 an individual over 18 or secured with a trigger lock in a gun safe furthers the important
10 interest in public safety and satisfies intermediate scrutiny. The Legislature adopts the City
11 of San Francisco's legislative history and the Court's opinion in the *Jackson* case.

12 The Legislature further finds that crimes must be created to address the expected
13 increase in firearm violence if the Second Amendment applies to the Commonwealth.

14 The Legislature further finds that ensuring public safety for residents and tourists,
15 is an important and compelling government interest. The Legislature finds that
16 comprehensive regulation of firearms substantially advances that compelling and important
17 governmental interest, and that the means employed in this legislation are narrowly
18 tailored and the least restrictive means of achieving that public interest. Therefore, the
19 Legislature finds that it is in the best interests of the Commonwealth to enact
20 comprehensive legislation for the regulation and control of firearms and ammunition in the
21 Commonwealth.

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1 Finally, the Legislature finds that the *Section-By-Section Analysis of the "Special*
2 *Act for Firearm Enforcement (SAFE)"* represents and explains the Legislature's intent
3 regarding SAFE. The Legislature therefore incorporates the *Section-By-Section Analysis of*
4 *the "Special Act for Firearm Enforcement (SAFE)"* into these Findings by reference. The
5 Legislature intends for the *Section-By-Section Analysis of the "Special Act for Firearm*
6 *Enforcement (SAFE)"* to have the same degree of persuasive authority as the *Analysis of*
7 *the Constitution of the Northern Mariana Islands* and the *Section-By-Section Analysis of*
8 *the Covenant to Establish a Commonwealth of the Northern Mariana Islands* have on the
9 interpretation of the Constitution and Covenant.

10 **Section 3. Repealer.** The following provisions of the Commonwealth Code are
11 hereby repealed: 6 CMC §§ 102(a), (k), (l), (m), (q); 6 CMC § 103(n); 6 CMC § 2222(e);
12 6 CMC § 2206; 6 CMC § 2273; 6 CMC §§ 2301(a)(3)–(4).

13 **Section 4. Amendment.** Subject to codification by the Law Revision
14 Commission, Title 6 of the Commonwealth Code is amended to establish a **Division 10**,
15 which shall be titled "**Special Act for Firearms Enforcement (SAFE).**"

16 **Section 5. Amendment.** Subject to codification by the Law Revision
17 Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding
18 Chapter 1, entitled "Definitions" which shall read as follows:

19 **"Chapter 1. Definitions.**

20 **§ 101. Definitions.** For purposes of this Division:

- 21 (a) "Addicted to narcotics" means a person who has been:

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(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Department of Public Safety to be addicted to narcotics based upon federal law or federal guidelines.

“Addicted to narcotics” does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

(b) “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;

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1 (6) is subject to involuntary commitment under the Involuntary
2 Commitment Act.

3 (c) "Ammunition" means cartridge cases, shells, projectiles (including shot),
4 primers, bullets (including restricted pistol bullets), propellant powder, or other
5 devices or materials designed, redesigned, or intended for use in a firearm or
6 destructive device.

7 (d) "Antique firearm" means:

8 (1) Any firearm (including any firearm with a matchlock,
9 flintlock, percussion cap, or similar type of ignition system)
10 manufactured in or before 1898; and

11 (2) Any replica of any firearm described in subparagraph (e)(1),
12 if such replica:

13 (A) Is not designed or redesigned for using rim-fire or
14 conventional center-fire fixed ammunition; or

15 (B) Uses rim-fire or conventional ammunition which is
16 no longer manufactured in the United States and
17 which is not readily available in the ordinary
18 channels of commercial trade.

19 (e) "Assault weapon" means:

20 (1) The following semiautomatic firearms:

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1 (C) A semiautomatic rifle in a caliber greater than .223
2 that has the capacity to accept a detachable magazine
3 and any one of the following:

- 4 i. A pistol grip that protrudes conspicuously beneath
5 the action of the weapon;
6 ii. A thumbhole stock;
7 iii. A folding or telescoping stock;
8 iv. A grenade launcher or flare launcher;
9 v. A flash suppressor; or
10 vi. A forward pistol grip;

11 (D) A semiautomatic pistol that has the capacity to accept
12 a detachable magazine and any one of the following:

- 13 vii. A threaded barrel, capable of accepting a flash
14 suppressor, forward handgrip, or silencer, sound
15 suppressor or sound moderator;
16 viii. A second handgrip;
17 ix. A shroud that is attached to, or partially or
18 completely encircles, the barrel that allows the bearer
19 to fire the weapon without burning his or her hand,
20 except a slide that encloses the barrel; or
21 x. The capacity to accept a detachable magazine at some
22 location outside of the pistol grip;

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1 (E) A semiautomatic shotgun that has one or more of the
2 following:

3 xi. A folding or telescoping stock;

4 xii. A pistol grip that protrudes conspicuously beneath
5 the action of the weapon;

6 xiii. A thumbhole stock; or

7 xiv. A vertical handgrip; and

8 xv. A semiautomatic shotgun that has the ability to
9 accept a detachable magazine; and

10 (F) Any shotgun with a revolving cylinder; provided, that
11 this sub-subparagraph shall not apply to a weapon
12 with an attached tubular device designed to accept,
13 and capable of operating only with, .22 caliber
14 rimfire ammunition; and

15 (G) Any firearm that the Department of Public Safety
16 may designate as an assault weapon by rule, based on
17 a determination that the firearm would reasonably
18 pose the same or similar danger to the health, safety,
19 and security of the residents of the Commonwealth as
20 those weapons enumerated in this paragraph.

21 (2) The term "assault weapon" shall not include:

22 (H) Any antique firearm; or

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(I) Any weapon exempted by the Department of Public Safety, by rule, that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon.

(f) "Clear and present danger" means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

(g) "Concealed firearm" means a loaded or unloaded pistol carried on or about a person completely or mostly concealed from view of the public on or about a person or within a vehicle.

(h) "Controlled substance" means a controlled substance or controlled substance analog as defined by 6 CMC § 2102(c).

(i) "Container" shall mean a secure container which is fully enclosed and locked with a padlock, key lock, combination lock, or similar locking device and that

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meets the standards, specifications, and regulations established and approved by the Commissioner of the Department of Public Safety.”

(j) “Counterfeit” means to copy or imitate, without legal authority, with intent to deceive.

(k) “Courthouse” means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

(l) “Dangerous device” means any 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.

(m) “Department” means the Department of Public Safety.

(n) “Destructive device” means:

(1) An explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device;

(2) Any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun and antique weapons;

(3) Any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known;

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(4) Any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled; provided, that the term shall not include:

(J) Any pneumatic, spring, or B-B gun which expels a single projectile not exceeding 8 mm in diameter;

(K) Any device which is neither designed nor redesigned for use as a weapon;

(L) Any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or

(M) Any device which the Department of Public Safety finds is not likely to be used as a weapon.

(o) "Developmentally disabled" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. This disability results in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in three or more of the following areas of major life activity:

(1) self-care;

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(2) receptive and expressive language;

(3) learning;

(4) mobility; or

(5) self-direction.

(p) "Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the Federal Gun Control Act of 1968 (18 U.S.C. § 923).

(q) "Firearm" means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer; provided, that such term shall not include:

(1) Destructive devices;

(2) Any device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(3) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single projectile not exceeding 8mm in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

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- 1 (4) any pneumatic gun, spring gun, paint ball gun, or B-B gun
2 which expels breakable paint balls containing washable
3 marking colors;
- 4 (5) any device used exclusively for signaling or safety and
5 required or recommended by the United States Coast Guard
6 or the Interstate Commerce Commission;
- 7 (6) an antique firearm (other than a machine-gun) which,
8 although designed as a weapon, the Department of Public
9 Safety finds by reason of the date of its manufacture, value,
10 design, and other characteristics is primarily a collector's item
11 and is not likely to be used as a weapon.
- 12 (r) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by
13 whatever name known, which is designed to be used or adaptable to use in a
14 firearm; excluding, however:
- 15 (1) any ammunition exclusively designed for use with a device
16 used exclusively for signaling or safety and required or
17 recommended by the United States Coast Guard or the
18 Interstate Commerce Commission; and
- 19 (2) any ammunition designed exclusively for use with a stud or
20 rivet driver or other similar industrial ammunition.
- 21 (s) "Government building" means:
- 22 (1) The building in which a government entity is housed;

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(2) The building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this Code section only during the time such government entity is meeting at such building; or

(3) The portion of any building that is not a publicly owned building that is occupied by a government entity.

(t) "Government entity" means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education within this state.

(u) "Intellectually disabled" means significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

(v) "Involuntarily admitted" has the meaning as prescribed in the Involuntary Commitment Act, 6 CMC §§ 6601-6612.

(w) "Law Enforcement" means:

(1) any police officer employed by the Department of Public Safety;

(2) Any judge, justice, judge pro tem, justice pro tem, administrative hearing officer, or administrative law judge;

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- 1 (3) any correctional officer employed by the Department of
2 Corrections;
- 3 (4) any parole officer employed by the Board of Parole;
- 4 (5) any investigator employed by the Homeland Security and
5 Emergency Management Office;
- 6 (6) any probation officer employed by the Office of Adult
7 Probation;
- 8 (7) any customs officer employed by the Department of Finance;
- 9 (8) any marshal employed by the Commonwealth Judiciary;
- 10 (9) any conservation officer employed by the Department of Fish
11 and Wildlife;
- 12 (10) any enforcement officer employed by the Commonwealth
13 Ports Authority;
- 14 (11) The Sergeant of Arms of the House of Representatives;
- 15 (12) The Sergeant of Arms of the Senate;
- 16 (13) the Public Auditor;
- 17 (14) any attorney employed by the Office of the Public Auditor
18 and designated as law enforcement by the Public Auditor;
- 19 (15) any investigator or attorney employed by the Office of the
20 Public Auditor;
- 21 (16) the Attorney General;

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1 (17) any Assistant Attorney General designated as law
2 enforcement by the Attorney General;

3 (18) any investigator employed by the Office of the Attorney
4 General Investigation Division;

5 (19) any person deputized by the Commissioner of the Department
6 of Public Safety;

7 (x) "Machine gun" means any firearm which shoots, is designed to shoot, or can be
8 readily restored to shoot, automatically more than one shot or bullet, without
9 manual reloading, by a single function of the trigger. The term "machine gun"
10 shall also include the frame or receiver of any such firearm, any part designed
11 and intended solely and exclusively, or combination of parts designed and
12 intended, for use in converting a firearm into a machine gun, and any
13 combination of parts from which a machine gun can be assembled if such parts
14 are in the possession or under the control of a person.

15 (y) "Mental health facility" means any licensed private hospital or hospital affiliate,
16 institution, or facility, or part thereof, and any facility, or part thereof, operated
17 by the Commonwealth or a political subdivision thereof which provide
18 treatment of persons with mental illness and includes all hospitals, institutions,
19 clinics, evaluation facilities, mental health centers, colleges, universities, long-
20 term care facilities, and nursing homes, or parts thereof, which provide
21 treatment of persons with mental illness whether or not the primary purpose is
22 to provide treatment of persons with mental illness.

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- 1 (z) “Organization” means any partnership, company, corporation, or other business
2 entity, or any group or association of 2 or more persons united for a common
3 purpose.
- 4 (aa) “Patient” means:
- 5 (1) a person who voluntarily receives mental health treatment as
6 an in-patient or resident of any public or private mental health
7 facility, unless the treatment was solely for an alcohol abuse
8 disorder and no other secondary substance abuse disorder or
9 mental illness; or
- 10 (2) a person who voluntarily receives mental health treatment as
11 an out-patient or is provided services by a public or private
12 mental health facility, and who poses a clear and present
13 danger to himself, herself, or to others.
- 14 (bb) “Pistol” means any firearm originally designed to be fired by use of a single
15 hand or with a barrel less than 12 inches in length.
- 16 (cc) “Place of business” means a business that is located in an immovable structure
17 at a fixed location and that is operated and owned entirely, or in substantial
18 part, by the firearm registrant.
- 19 (dd) “Place of worship” means a building, structure, or place used primarily for
20 religious worship, including, but not limited to, churches, synagogues,
21 mosques, temples, shrines, monasteries, and convents, and includes the grounds
22 of a place of worship.

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1 (ee) "Registration certificate" means a certificate validly issued pursuant to this
2 Commonwealth law evincing the registration of a firearm.

3 (ff) "Resident" means any person that has physically resided in the Commonwealth
4 lawfully for a minimum of thirty (30) days and that intends to reside in the
5 Commonwealth for an unlimited or indefinite period.

6 (gg) "Restricted pistol bullet" or "Restricted bullet" means:

7 (1) A projectile or projectile core which may be used in a pistol
8 and which is constructed entirely (excluding the presence of
9 traces of other substances) from one or a combination of
10 tungsten alloys, steel, iron, brass, bronze, beryllium copper, or
11 depleted uranium;

12 (2) A full jacketed projectile larger than .22 caliber designed and
13 intended for use in a pistol and whose jacket has a weight of
14 more than 25% of the total weight of the projectile; or

15 (3) Ammunition for a .50 BMG rifle.

16 (hh) "Restricted pistol bullet" does not include:

17 (1) Shotgun shot required by federal or state environmental or
18 game regulations for hunting purposes;

19 (2) A frangible projectile designed for target shooting;

20 (3) A projectile which the Attorney General of the United States
21 or the Department of Public Safety finds is primarily intended
22 to be used for sporting purposes; or

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- 1 (4) Any other projectile or projectile core which the Attorney
2 General of the United States or the Department of Public
3 Safety finds is intended to be used for industrial purposes,
4 including a charge used in an oil and gas well perforating
5 device.
- 6 (ii) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a
7 single projectile and designed or redesigned, made or remade, and intended to
8 be fired from the shoulder.
- 9 (jj) "Sawed-off shotgun" means a shotgun having a barrel of less than 18 inches in
10 length; or a firearm made from a shotgun if such firearm as modified has an
11 overall length of less than 26 inches or any barrel of less than 18 inches in
12 length.
- 13 (kk) "Semiautomatic weapon" means a weapon of any description irrespective of
14 size, by whatever name designated or known, loaded or unloaded, from which
15 may be repeatedly or automatically discharged a number of bullets contained in
16 a magazine, ribbon or other receptacle by a like number of movements of the
17 trigger or firing mechanism without recocking or resetting the trigger or firing
18 mechanism.
- 19 (II) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either
20 a number of ball shot or a single projectile, and designed or redesigned, made
21 or remade, and intended to be fired from the shoulder.

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(mm) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(nn) "Vendor's license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for by Commonwealth law."

Section 6. Amendment. Subject to codification by the Law Revision Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding Chapter 2, which shall read as follows:

"Chapter 2. Possession, Storage, & Transportation of Firearms.

§ 201. 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 one thousand dollars or imprisoned for not more than 1 year, or both.

§ 202. Allowing an Unsupervised Minor Use or Possess a Firearm.

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- 1 (a) Any person who allows a minor, defined as any person under 21 years of age,
2 to use or possess a firearm without adult supervision shall be guilty of a
3 misdemeanor punishable by a fine of not more than one thousand dollars and
4 180 days imprisonment, or both.

5 **§ 203. Sale of Firearms, Destructive Devices, Dangerous Devices, or**
6 **Ammunition to Persons Under 21 Years of Age Prohibited.**

- 7 (a) A person who knowingly or intentionally sells, transfers, or distributes a
8 firearm, dangerous device, destructive device, or ammunition to a person under
9 21 years of age shall be fined not more than \$25,000 or imprisoned for not
10 more than 10 years, or both.

11 **§ 204. Storage of firearms; penalties.**

- 12 (a) No person shall keep a firearm within a residence owned or controlled by that
13 person unless:
- 14 (1) the firearm is stored in a locked container or disabled with a
15 trigger lock; or
 - 16 (2) the firearm is carried on the person of an individual over the
17 age of 21; or
 - 18 (3) the firearm is under the immediate control of a person who is
19 a law enforcement officer.
- 20 (b) A person who violates the foregoing subsection (a) of this section is guilty of
21 criminally negligent storage of a firearm and, except as otherwise provided in

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1 this section, shall be fined not more than \$1,000, imprisoned not more than 180
2 days, or both.

3 (c) A person who violates subsection (a) of this section, and as a result, a minor
4 causes injury or death to himself or another with the firearm, shall be fined not
5 more than \$5,000, or imprisoned not more than 5 years, or both.

6 (d) The provisions of this section shall not apply if the minor obtains the firearm as
7 a result of an unlawful entry or burglary to any premises by any person.

8 (e) For the purposes of this section, the term "minor" shall mean a person under the
9 age of 21 years.

10 (f) This section shall not apply to a properly registered firearm on the effective
11 date of this Act until ninety days after this Act becomes law.

12 **§ 205. Authority to carry firearms in certain places and for certain purposes.**

13 (a) A person may not carry a firearm, except as provided by this Division or
14 Commonwealth law.

15 (b) A person lawfully in possession of a firearm may carry the firearm:

16 (1) Within the registrant's home or on land belonging to the
17 registrant;

18 (2) On the land or in the legal dwelling of another person as an
19 invitee with that person's permission;

20 (3) While it is being used for lawful sporting purposes, such as
21 target practice at a shooting range or shooting gallery;

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(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 § 206 of this Chapter 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.

§ 206. 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.

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(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.

§ 207. 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 one or more restricted bullets; or

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(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 the amount set forth in \$2,500.00 or imprisoned for not more than 1 year, or both.

(2) A person convicted of possessing more than one 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

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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 the amount set forth in \$2,500.00 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.

§ 208. Prohibited Firearms.

(a) No person shall possess:

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(1) Sawed-off shotgun;

(2) A silencer, sound suppressor or sound moderator;

(2) 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.

§ 209. 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

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1 any police station or by summoning a police officer to the person's residence or
2 place of business. Every firearm and destructive device to be delivered and
3 abandoned to the Chief under this section shall be transported in accordance
4 with § 206 of this chapter and, in the case of delivery to a police facility, the
5 package shall be carried in open view.

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

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

13 **§ 210. Self Defense with Deadly Force.**

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

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

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

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

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

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

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

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

SENATE BILL NO. 19-94, SD1, HD10**§ 211. 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.”

Section 7. Amendment. Subject to codification by the Law Revision Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding Chapter 3, which shall read as follows:

“Chapter 3. Weapon Specific Crimes.**§ 301. 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

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1 written permit from the Department of Public Safety issued pursuant to
2 Department regulations.

3 (b) No person shall discharge a firearm as an act of celebration.

4 (c) The discharge of a firearm by a property owner on his or her private property
5 for the sole purpose of slaughtering livestock shall be considered lawful,
6 provided that the firearm is discharged on a farm outside of villages and/or
7 areas zoned as residential.

8 (d) Violation of this section shall be punishable by a fine of not more than \$5,000 a
9 term of imprisonment for not more than five years, or both.

10 **§ 302. Possession or use of weapons while under the influence.**

11 (a) No person shall carry a firearm, dangerous device, or destructive device while
12 under the influence of any amount of alcohol, drugs, intoxicating compounds or
13 combination of compounds, or any combination thereof.

14 (b) A violation of this section shall be punishable by a fine of not more than a
15 \$1,000 or not more than one year imprisonment, or both.

16 **§ 303. Possession of weapon while disguised.**

17 (a) A person commits the offense of unlawful use of weapons while disguised
18 when he knowingly carries or possesses in a vehicle or on or about his person
19 any pistol, revolver, firearm, dangerous device, destructive device, or any
20 counterfeit version of the foregoing, when he or she is hooded, robed or masked
21 in such manner as to conceal his or her identity in furtherance of the
22 commission or attempted commission of a violation of Commonwealth law.

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- 1 (b) A violation of this section shall be punishable by a fine of not more than a
2 \$1,000 or not more than one year imprisonment, or both.

3 **§ 304. Theft of a Firearm.**

- 4 (a) A person commits the offense of theft of a firearm if he or she unlawfully takes,
5 or exercises control over, a firearm or firearms of another with intent to
6 permanently deprive the owner of his or her rights to the firearm.
- 7 (b) Theft of a firearm includes any action that would be a violation of 6 CMC §§
8 1601–1605, or any other provision of Commonwealth law outlawing or
9 defining theft, if the property unlawfully taken is a firearm.
- 10 (c) Each firearm taken in the theft under this section is a separate offense.
- 11 (d) Upon conviction of a violation of this section, the person shall be fined not
12 more than \$10,000 and shall be sentenced to a term of imprisonment not to
13 exceed 15 years and a mandatory-minimum term of not less than 5 years and
14 shall not be released on parole prior to serving the mandatory-minimum
15 sentence.

16 **§ 305. Possession of stolen firearm; penalty.**

- 17 (a) A person commits possession of a stolen firearm when he or she, not being
18 entitled to the possession of a firearm, possesses the firearm, knowing it to have
19 been stolen or converted. The trier of fact may infer that a person who
20 possesses a firearm with knowledge that its serial number has been removed or
21 altered has knowledge that the firearm is stolen or converted.

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- 1 (b) Upon conviction of a violation of this section, the person shall be fined not
2 more than \$10,000 and shall be sentenced to a term of imprisonment not to
3 exceed 15 years and a mandatory-minimum term of not less than 5 years and
4 shall not be released on parole prior to serving the mandatory-minimum
5 sentence.

6 **§ 306. Receiving a stolen firearm; penalty.**

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

20 **§ 307. Possession of weapons during commission of a felony; penalty.**

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

14 **§ 308. Use of weapons in furtherance of a crime of violence; penalty.**

- 15 (a) No person shall within the Commonwealth possess a firearm, imitation firearm,
16 dangerous device or imitation dangerous device, destructive device or imitation
17 destructive device, while committing a crime of violence.
- 18 (b) For purposes of this section the term "crime of violence" means an offense that
19 (1) has as an element the use, attempted use, or threatened use of
20 physical force against the person or property of another, or

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1 (N) extortion or blackmail accompanied by threats of
2 violence;

3 (O) gang recruitment, participation, or retention by the
4 use or threatened use of force, coercion, or
5 intimidation;

6 (P) kidnapping;

7 (Q) malicious disfigurement;

8 (R) manslaughter;

9 (S) manufacture or possession of a weapon of mass
10 destruction;

11 (T) mayhem;

12 (U) murder;

13 (V) robbery;

14 (W) sexual abuse in the first, second, or third
15 degrees and sexual assault in the first, second or third
16 degree;

17 (X) use, dissemination, or detonation of a weapon of
18 mass destruction; or

19 (Y) an attempt, solicitation, or conspiracy to commit any
20 of the foregoing offenses.

21 (4) The list of offenses in subsection (3) is not exclusive.

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

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

15 **§ 309. Possession of certain dangerous weapons prohibited.**

16 (a) No person shall possess any machine gun, sawed-off shotgun, knuckles, or any
17 instrument or weapon of the kind commonly known as a blackjack, slungshot,
18 sand club, sandbag, switchblade knife, butterfly knife, nor any other dangerous
19 device or destructive device as defined in this Division.

20 (b) No person shall possess any instrument, attachment, or appliance for causing
21 the firing of any firearm to be silent or intended to lessen or muffle the noise of
22 the firing of any firearms.

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

7 **§ 310. Removal of Firearm Serial Numbers Prohibited.**

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

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

18 **§ 311. Seizure and forfeiture of conveyances.**

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

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- (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

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1 innocent owner if he or she establishes, by a preponderance of
2 the evidence:

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

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

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

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1 that reasonably could be expected to prevent the use of the
2 conveyance in the commission of any such illegal act.

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

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

10 **Section 8. Amendment.** Subject to codification by the Law Revision
11 Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding
12 Chapter 4, which shall read as follows:

13 **“Chapter 4. Gun Free Zones.**

14 **§ 401. Gun Free Zones.**

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

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

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

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- 1 (3) Any Department of Public Safety building or office without
2 the consent of the chief law enforcement officer in charge of
3 that office or station;
- 4 (4) Within five hundred feet of any polling place on any election
5 day;
- 6 (5) Within five hundred feet of any daycare center any portion of
7 a building used as a child care facility without the consent of
8 the manager or owner. Nothing in this subsection shall
9 prevent the operator of a child care facility in a family home
10 from owning or possessing a firearm;
- 11 (6) Within five hundred feet of any adult or juvenile detention or
12 correctional institution, prison or jail;
- 13 (7) Within five hundred feet of any courthouse, or any
14 courtrooms, administrative offices, libraries or other rooms of
15 any such court whether or not such court solely occupies the
16 building in question. This subdivision shall also include, but
17 not be limited to, any juvenile, family, drug, or other court
18 offices, any room or office wherein any of the courts or
19 offices listed in this subdivision are temporarily conducting
20 any business within the jurisdiction of such courts or offices.
21 Nothing in this subdivision shall preclude those who serve in

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1 a law enforcement capacity for a court or as may be specified
2 by court rule;

3 (8) Within five hundred feet of any building owned, leased or
4 controlled by the non-government agencies or programs that
5 specifically help victims of domestic violence, sexual
6 violence, and stalking;

7 (9) Within five hundred feet of any building hosting a public
8 meeting subject to the Open Government Act or any meeting
9 of the legislature;

10 (10) Within five hundred feet of any building owned, leased or
11 controlled by the legislature;

12 (11) Within five hundred feet of any building owned, leased or
13 controlled by the Office of the Attorney General;

14 (12) Within five hundred feet of any place of worship, unless
15 leadership of a particular place of worship, however
16 governed, elects to allow firearms;

17 (13) Any establishment licensed to dispense intoxicating liquor for
18 consumption on the premises;

19 (14) Within five hundred feet of any establishment containing
20 poker machines or that engages in gambling, except for
21 security personnel given express permission to carry a
22 firearm;

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

3 (16) Within one thousand feet of any higher education institution
4 or early childhood development facility, elementary or
5 secondary school facility, except for security personnel given
6 express permission to carry a firearm;

7 (17) Any hospital and any public or private clinics accessible by
8 the public. Possession of a firearm in a vehicle on the
9 premises of a hospital shall not be a criminal offense so long
10 as the firearm is kept in accordance with Chapter 2, § 206 of
11 this Act.

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

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

3 **§ 402. Gun Free Zones: Criminal Penalty.**

- 4 (a) It shall be a felony punishable by a fine of not more than \$10,000 or
5 imprisonment for not more than 10 years, or both, for any person to knowingly
6 possess a firearm in any location specified by section § 401 (a) of this chapter.

7 **§ 403. Gun Free Zones: Civil Cause of Action**

- 8 (a) If a person possesses a firearm on private property in violation of §401(a)(18)
9 of this chapter, then the property owner may institute and prosecute in his own
10 name and on his own behalf, a civil action for injunctive relief, for any damages
11 actually incurred, punitive damages, and for statutory damages in an amount
12 not less than \$10,000. Further, the property owner shall be entitled to attorney
13 fees if he prevails in his action against the person found to have violated §
14 401(a)(18) of this chapter.

- 15 (b) The term “property owner” is to be read broadly to include, among others,
16 owners of freehold estates, leasehold estates, owners and operators of private
17 businesses.

18 **§ 404. Gun Free Zones: Exceptions.**

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

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

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- 1 (2) Law enforcement, while engaged in the operation of their
2 official duties;
- 3 (3) Any member of law enforcement that keeps a firearm in a
4 motor vehicle in accordance with Chapter 2, § 206 of this
5 Act;
- 6 (4) Members of the Armed Forces of the United States or the
7 National Guard, while engaged in the operation of their
8 official duties;
- 9 (5) Federal officials required to carry firearms, while engaged in
10 the operation of their official duties;
- 11 (6) Any federal official required to carry firearms that keeps a
12 firearm in a motor vehicle in accordance with Chapter 2, §
13 206 of this Act;
- 14 (7) Members of bona fide veterans' organizations which receive
15 firearms directly from the armed forces of the United States,
16 while using the firearms for ceremonial purposes with blank
17 ammunition;
- 18 (8) Color guards of bona fide veterans' organizations or members
19 of bona fide American Legion bands while using firearms for
20 ceremonial purposes with blank ammunition;

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(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 Chapter 2, § 206.

(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 Chapter 2, § 206 this Act.”

Section 9. Amendment. Subject to codification by the Law Revision Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding Chapter XX, Minimum Criminal Penalties.

“Section 101. Where ever a maximum criminal penalty is imposed in Title 6, Dvision 10, there shall be a minimum penalty equal to 10% of the maximum penalty.”

Section 10. Amendment. Subject to codification by the Law Revision Commission, Title 6, Division 10 of the Commonwealth Code is amended by adding Chapter 5, which shall read as follows:

SENATE BILL NO. 19-94, SD1, HD10**“Chapter 5. Transition.**

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

- (a) Chapter 2, § 201 of this Act 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.

§ 502. 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

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1 shall immediately notify the Department of Public Safety if the vendor acquires
2 any of the firearms described in this section.”

3 **Section 11. Amendment.** Subject to codification by the Law Revision
4 Commission, Title 3, Division 2, Chapter 5, Article 1 of the Commonwealth Code is
5 amended by establishing a new section which shall read as follows:

6 **“§ xxx. Seizure of Firearms.**

7 (a) A law enforcement officer who takes a person into custody pursuant to the
8 Involuntary Civil Commitment Act may immediately seize any firearm or
9 ammunition found in possession of the person. After seizing a firearm or
10 ammunition under this subsection, the Department of Public Safety shall
11 comply with the requirements of this Section.

12 (1) A law enforcement officer who seizes a firearm or
13 ammunition from a person taken into custody under the
14 Involuntary Civil Commitment Act shall promptly provide the
15 person a receipt for the firearm or ammunition and a written
16 notice of the procedure for the return of a firearm or
17 ammunition.

18 (b) If a person to whom written notice is provided or another lawful owner of a
19 firearm subject to disposition under this section does not submit a written
20 request to the Department of Public Safety for the return of the firearm or
21 ammunition before the 121st day after the date the Department seizes the
22 firearm or ammunition, the Department may sell, destroy, or otherwise dispose

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of the firearm or ammunition as provided by law. The proceeds from the sale of a firearm under this subsection shall be given to the owner of the seized firearm, less the reasonable costs of administering this section.”

Section 12. Amendment. Subject to codification by the Law Revision Commission, 6 CMC § 2301(a)(3) is hereby repealed and reenacted which shall read as follows:

“§ 2301(a)(3). Firearms and ammunition.

- (i) The terms used in this section shall have the same meaning as the terms defined in Chapter 1, § 101 of the SAFE Act.
- (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:

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- (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) Members of law enforcement, while engaged in the operation of their official duties;
- (4) A gunsmith who is in possession or seeks possession of a firearm solely for the purposes of service or repair;
- (5) 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.
- (6) A person lawfully transporting a firearm through the Commonwealth in accordance with 18 U.S.C. § 926A; or
- (7) Federal officials required to carry firearms, while engaged in the operation of their official duties.”

Section 13. Amendment. 4 CMC § 1407(b) is hereby amended to read as follows:

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1 “(b) *Customs Inspection and Clearance Required.* In the case of those goods,
2 commodities, resources, or merchandise whose first use in the Commonwealth requires
3 customs inspection and clearance, payment shall be made within 30 days after entry. Such
4 goods, commodities, resources, or merchandise may be released prior to payment of excise
5 tax and upon the submission of the bill of lading and/or manifest or invoice or any other
6 form prescribed by the secretary. Where the actual amount of tax cannot be determined
7 within seven calendar days after the entry, an estimated tax shall be paid within 30 days
8 after entry, subject to later adjustment. However, firearms may not be released until
9 complete payment of all taxes due and owing is made, and upon a showing that the firearm
10 has been properly registered and that the owner has a valid Weapons Identification Card or
11 Firearms Identification Card.”

12 **Section 14.** A. 4 CMC §1402 is temporarily amended by adding a new subsection
13 as follows:

14 “(h) Pistols. \$1,000.00 per pistol. Pistol shall have the same meaning as set
15 forth in Title 6, Division 10 of the Commonwealth Code. The exemption for Non-
16 Business Use, §1402(d) shall not apply to the excise tax imposed on pistols. This
17 provision shall automatically expire one year after the effective date of this law.

18 B. The following is hereby enacted.

19 The Governor shall immediately commission and fund a study to be conducted by
20 suitable professionals in order to determine the true costs to the Commonwealth, its
21 government, businesses, non-profits, and the people, of the introduction of the additional
22 types of firearms required by the recent District Court ruling into our society. The results

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1 of that study shall be delivered to the Governor and the Legislature so that suitable
2 legislation can be proposed and adopted creating a taxation scheme that will require the
3 payment of these costs by the people and companies that seek to import or otherwise
4 introduce these additional firearms into the Commonwealth, at least 60 days before the
5 expiration of the temporary excise tax imposed on pistols.”

6 **Section 15. Special Provision on Fines and Fees.**

7 “All fines and fees collected pursuant to this Act shall be distributed accordingly:

8 (A) Fifty Percent (50%) to the Department of Public Safety (DPS) for its personnel
9 and operations in enforcing the intent of this Act, the Commissioner of DPS
10 shall be the expenditure authority of the funds allocated under subsection (A) of
11 this section;

12 (B) Ten Percent (10%) to the Division of Customs under the Department of Finance
13 for its operations in enforcing the intent of this Act, the Secretary of the
14 Department of Finance shall be the expenditure authority of the funds allocated
15 under subsection (B) of this section;

16 (C) Ten Percent (10%) to the Department of Corrections (DOC) for its operations
17 in enforcing the intent of this Act at the DOC, the Commissioner of DOC shall
18 be the expenditure authority of the funds allocated under subsection (C) of this
19 section;

20 (D) Ten Percent (10%) to the Division of Alcohol Beverage and Tobacco Control
21 (ABTC) under the Department of Commerce for its operations in enforcing its
22 authority on businesses within the Commonwealth of the Northern Mariana

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1 Islands, the Secretary of the Department of Commerce shall be the expenditure
2 authority of the funds under subsection (D) of this section; and

3 (E) Twenty Percent (20%) shall be reserved for all government buildings within
4 the Commonwealth of the Northern Mariana Islands for the purchasing of
5 proper security systems and other necessary equipment needed to upgrade the
6 safety of the people within the government buildings, the Secretary of the
7 Department of Finance shall be the expenditure authority of the funds under
8 subsection (E) of this section.”

9 **Section 15. Amendment.** 6 CMC § 2204(l) is repealed and reenacted to read as
10 follows:

11 “(l) Only a person who is a United States Citizen, a United States National, or a
12 lawful permanent resident of the United States and a bona fide resident of the
13 Commonwealth is eligible for an identification card or for renewal thereof. A bona fide
14 resident of the Commonwealth means a person whose place of general abode is in the
15 Commonwealth of the Northern Mariana Islands.”

16 **Section 16. Severability.** If any provision of this Act or the application of any
17 such provision to any person or circumstance should be held invalid by a court of
18 competent jurisdiction, the remainder of this Act or the application of its provisions to
19 persons or circumstances other than those to which it is held invalid shall not be affected
20 thereby.

21 **Section 17. Effective Date.** This Act shall take effect upon approval by the
22 Governor or upon becoming law without such approval.

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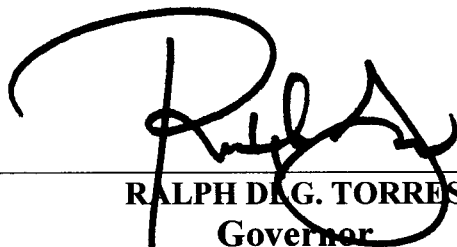
CERTIFIED BY:


FRANCISCO M. BORJA
PRESIDENT OF THE SENATE

ATTESTED BY:


TERESITA A. SANTOS
SENATE LEGISLATIVE SECRETARY

Approved this 11th day of April, 2016


RALPH D.G. TORRES
Governor
Commonwealth of the Northern Mariana Islands