

# State Laws and Published Ordinances – Northern Mariana Islands

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## Table of Contents

### **Title 4 – Economic Resources**

#### **Division 1 – Revenue and Taxation**

##### **Chapter 4 – Excise Tax and User Fees**

###### **Article 1 – Excise Tax**

Section 1407. Payment of Tax; Time; Release of Goods; Container Tampering.

### **Title 6 – Crimes and Criminal Procedure**

#### **Division 2 – Contraband Offenses**

##### **Chapter 3 – Custom Violations**

Section 2301. Importation of Contraband.

### **Division 10 – Special Act for Firearms Enforcement (SAFE)**

#### **Chapter 1 – Definitions**

Section 10101. Definitions.

#### **Chapter 2 – Possession, Storage and Transportation of Firearms**

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

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

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

Section 10204. Storage of firearms; penalties.

Section 10207. Persons permitted to possess ammunition.

Section 10208. Prohibited firearms.

Section 10211. Exemptions.

#### **Chapter 3 – Weapon Specific Crimes**

Section 10305. Possession of stolen firearm; penalty.

Section 10306. Receiving a stolen firearm; penalty.

Section 10309. Possession of certain dangerous weapons prohibited.

Section 10310. Removal of firearm serial numbers prohibited.

#### **Chapter 4 – Gun Free Zones**

Section 10401. Gun free zones.

Section 10402. Gun free zones: criminal penalty.

Section 10404. Gun free zones: exceptions.

#### **Chapter 6 – Firearm Owner’s Identification Card Act**

Section 10601. Firearm Owner’s Identification Card requirement exceptions.

Section 10602. Safety training requirement.

Section 10603. Written safety test.

Section 10604. Exemption to safety training requirement and written exam.

Section 10605. Approval or denial of application.

Section 10606. Contents of Firearm Owner’s Identification Card.

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

Section 10608. Duration of Firearm Owner’s Identification Card.

Section 10609. Background check required.  
Section 10610. Grounds for denial and revocation.  
Section 10611. Notifications to the Department of Public Safety.  
Section 10613. Denial of application or revocation or seizure of card – notice required.  
Section 10614. Revocation of Firearm Owner's Identification Card.  
Section 10615. Appeal; hearing; relief from firearm prohibitions.  
Section 10616. Judicial review of final administrative decisions.  
Section 10617. Notice of expiration.  
Section 10618. Violation of this Chapter; Penalties.  
Section 10619. Duties of card holders – penalties.

### **Chapter 8 – Firearm Vendor Licensing**

Section 10751. Business of firearms, destructive devices, or ammunition – vendor's license required.  
Section 10752. Application for firearm vendor license.  
Section 10753. Renewal.  
Section 10754. Investigation to be conducted.  
Section 10755. Grounds for denial of firearm vendor license.  
Section 10756. Issuance of vendor's license; time period; corrections.  
Section 10757. Duties of licensed vendors; records required.  
Section 10758. Revocation of firearm vendor license.  
Section 10759. Procedure for denial or revocation of vendor's license.  
Section 10760. Temporary suspension of vendor's license.  
Section 10761. Report of license revocation to federal and Commonwealth authorities.  
Section 10762. Nonassignability.  
Section 10763. Inspections.  
Section 10764. On-site security.  
Section 10765. Display of firearms or ammunition by vendors; security; employees of vendors.  
Section 10766. Identification number on firearm required before sale.  
Section 10767. Liability insurance.  
Section 10768. Location of firearm vendor.  
Section 10769. Inventory reports.  
Section 10770. Restricted admittance of minors and other prohibited purchasers.

### **Chapter 9 – Sale and Transfer of Firearms and Ammunition**

Section 10801. Sale and transfer prohibited.  
Section 10802. Permissible sales and transfers.  
Section 10803. Private transfers.  
Section 10805. Transfer of firearms and ammunition into the Commonwealth.  
Section 10806. Exceptions.  
Section 10807. Penalties.

### **Chapter 10 – Firearms Waiting Period Act**

Section 10851. Waiting period prior to firearm purchase.  
Section 10852. Exceptions.

## **Title 8 – Family Law and Probate**

### **Division 1 – Domestic Relations**

#### **Chapter 9 – Domestic and Family Violence Prevention Act**

##### **Article 2 – Civil Orders for Protection**

Section 1916. Order for Protection; Modification of Orders; Relief Available Ex Parte; Relief Available After Hearing; Duties of the Court; Duration of Order.

**Title 4 – Economic Resources  
Division 1 – Revenue and Taxation  
Chapter 4 – Excise Tax and User Fees  
Article 1 – Excise Tax**

**Section 1407. Payment of Tax; Time; Release of Goods; Container Tampering.**

(b) *Customs Inspection and Clearance Required*....However, firearms may not be released until complete payment of all taxes due and owing is made, and upon a showing that the firearm has been properly registered and that the owner has a valid Weapons Identification Card or Firearms Identification Card.

**Title 6 – Crimes and Criminal Procedure  
Division 2 – Contraband Offenses  
Chapter 3 – Custom Violations**

**Section 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 five 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 two 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.

**Division 10 – Special Act for Firearms Enforcement (SAFE)  
Chapter 1 – Definitions**

**Section 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 five 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, nonjudicial 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.

(d) **“Ammunition”** means cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(e) **“Antique firearm”** means:

- (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;
- (2) any replica of any firearm described in subsection (e)(1), if such replica:
  - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
  - (ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or
- (3) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use rimfire or conventional centerfire fixed ammunition, other than ammunition defined in subsection (e)(2)(ii). For purposes of this subparagraph, the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver defined as a firearm under Commonwealth or federal law, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire rimfire or conventional centerfire fixed ammunition, other than ammunition defined in subsection (e)(2)(ii), by replacing the barrel, bolt, breechblock, or any combination thereof.

(f) **“Assault weapon”** means:

- (1) The following semiautomatic firearms:
  - (i) a semiautomatic rifle in a caliber greater than .223 that has the capacity to accept a detachable magazine and any one of the following:
    - (A) a pistol grip that protrudes conspicuously beneath the action of the weapon;
    - (B) a thumbhole stock;
    - (C) a folding or telescoping stock;
    - (D) a grenade launcher or flare launcher;

(E) a flash suppressor; or

(F) a forward pistol grip;

(ii) a semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

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

(B) a second handgrip;

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

(D) the capacity to accept a detachable magazine at some location outside of the pistol grip;

(iii) a semiautomatic shotgun that has one or more of the following:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a thumbhole stock; or

(D) a vertical handgrip; and

(iv) a semiautomatic shotgun that has the ability to accept a detachable magazine; and

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

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

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

(i) any antique firearm; or

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

(g) “**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.

(h) “**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.

(i) “**Controlled substance**” means a controlled substance or controlled substance analog as defined by 6 CMC § 2102(c).

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

(n) “**Department**” means the Department of Public Safety.

(o) “**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;

(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:

- (i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding 8 mm in diameter;
- (ii) any device which is neither designed nor redesigned for use as a weapon;
- (iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or
- (iv) any device which the Department of Public Safety finds is not likely to be used as a weapon.

(p) **“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;
- (2) receptive and expressive language;
- (3) learning;
- (4) mobility; or
- (5) self-direction.

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

(r) **“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).

(s) **“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;
- (4) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
- (5) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (6) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Public Safety finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(t) **“Firearm ammunition”** means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
- (2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(u) **“Government building”** means:

- (1) the building in which a government entity is housed;
- (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.

(v) **“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.

**(w) “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.

**(x) “Involuntarily admitted”** has the meaning as prescribed in the Involuntary Commitment Act, 6 CMC §§ 6601–6612.

**(y) “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;
- (3)** any correctional officer employed by the Department of Corrections;
- (4)** any parole officer employed by the Board of Parole;
- (5)** any investigator employed by the Homeland Security and Emergency Management Office;
- (6)** any probation officer employed by the Office of Adult Probation;
- (7)** any customs officer employed by the Department of Finance;
- (8)** any marshal employed by the Commonwealth Judiciary;
- (9)** any conservation officer employed by the Department of Fish and Wildlife;
- (10)** any enforcement officer employed by the Commonwealth Ports Authority;
- (11)** the Sergeant of Arms of the House of Representatives;
- (12)** the Sergeant of Arms of the Senate;
- (13)** the Public Auditor;
- (14)** any attorney employed by the Office of the Public Auditor and designated as law enforcement by the Public Auditor;
- (15)** any investigator or attorney employed by the Office of the Public Auditor;
- (16)** the Attorney General;
- (17)** any Assistant Attorney General designated as law enforcement by the Attorney General;
- (18)** any investigator employed by the Office of the Attorney General Investigation Division;
- (19)** any person deputized by the Commissioner of the Department of Public Safety;
- (20)** the following duly sworn officers of the United States government who are authorized to carry firearms while performing their duties:
  - (i)** Federal Bureau of Investigation special agents;
  - (ii)** Bureau of Alcohol, Tobacco and Firearms special agents;
  - (iii)** Drug Enforcement Administration special agents;
  - (iv)** United States Secret Service special agents;
  - (v)** United States Department of Homeland Security special agents;
  - (vi)** United States Postal Service inspectors;
  - (vii)** Internal Revenue Service special agents;
  - (viii)** United States Marshal’s Service marshals and deputy marshals;
  - (ix)** United States Department of Agriculture Forest Service law enforcement officers and special agents;
  - (x)** United States Department of Interior Fish and Wildlife special agents;
  - (xi)** United States National Marine Fisheries special agents; and
  - (xii)** National Park Service Rangers.
- (21)** any community supervision officer and compliance officer employed by the Judicial Branch.

**(z) “Machine gun”** means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot or bullet, without manual reloading, by a single function of the trigger. The term “machine gun” shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any

combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

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

**(bb) "Organization"** means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit.

**(cc) "Patient"** means:

**(1)** a person who voluntarily receives mental health treatment as an in-patient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

**(2)** a person who voluntarily receives mental health treatment as an out-patient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

**(dd) "Pistol"** means any firearm originally designed to be fired by use of a single hand or with a barrel less than 12 inches in length.

**(ee) "Place of business"** means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrant.

**(ff) "Place of worship"** means a building, structure, or place used primarily for religious worship, including, but not limited to, churches, synagogues, mosques, temples, shrines, monasteries, and convents, and includes the grounds of a place of worship.

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

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

**(ii) "Restricted pistol bullet" or "Restricted bullet"** means:

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

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

**(3)** ammunition for a .50 BMG rifle.

**(jj) "Restricted pistol bullet"** does not include:

**(1)** shotgun shot required by federal or state environmental or game regulations for hunting purposes;

**(2)** a frangible projectile designed for target shooting;

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

**(4)** any other projectile or projectile core which the Attorney General of the United States or the Department of Public Safety finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

**(kk) "Rifle"** means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

**(ll) "Sawed-off shotgun"** means a shotgun having a barrel of less than 18 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 18 inches in length.

**(mm) "Semiautomatic weapon"** means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.



**(nn) "Shotgun"** means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

**(oo) "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.

**(pp) "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.

## **Chapter 2 – Possession, Storage and Transportation of Firearms**

### **Section 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.

### **Section 10202. Allowing an unsupervised minor to use or possess a firearm.**

**(a)** Unless permitted by subsection (b), 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.

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

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.

### **Section 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.

### **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 one 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 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 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.

### **Section 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.

## **Section 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.

## **Chapter 3 – Weapon Specific Crimes**

### **Section 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.

### **Section 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.

### **Section 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.

### **Section 10310. Removal of firearm serial numbers prohibited.**

(a) Whoever commits any of the following acts may be sentenced to imprisonment for not more than five 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.

## **Chapter 4 – Gun Free Zones**

### **Section 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:

(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;

(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.

**Section 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).

**Section 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.

**Chapter 6 – Firearm Owner's Identification Card Act**

**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 the Department of Public Safety, reimburse the Department for the cost of services provided under this Division;

**Section 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 six 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.

**Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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)(1)(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.

#### **Section 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.

#### **Section 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 three 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.

#### **Section 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.

#### **Section 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 one 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 five years or a person who has been a patient in a mental health facility more than five 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 five years or a person who was involuntarily committed more than five 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.

#### **Section 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.

**Section 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.

**Section 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.

**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.

**Section 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.

**Section 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.

**Section 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 five 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 six months, or both, if the card was expired for six 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 one year, or both, if the card was expired for more than six months but less than twelve 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 fifteen 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 one year, or both.

**Section 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 five 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.

## **Chapter 8 – Firearm Vendor Licensing**

### **Section 10751. Business of firearms, destructive devices, or ammunition – vendor's license required.**

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

**(b)** No person shall import a firearm or destructive device without first obtaining a vendor's license. This prohibition shall not prohibit persons or organizations from importing firearms into the Commonwealth as provided by 6 CMC § 10805.

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

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

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

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

**(2)** 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;

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

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

**(5)** the Department of Public Safety.

### **Section 10752. Application for firearm vendor license.**

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

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

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

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

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

**(ii)** the home address and telephone number of the applicant;

**(iii)** the occupation, business address, and business telephone number of the applicant;

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

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

(vi) the address of the proposed location for which the permit is sought;

(vii) the business name, and the name of any corporation, partnership or other entity that has any ownership in, or control over, the business;

(viii) a copy of the person or organization's license to do business in the Commonwealth;

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

(x) a floor plan of the proposed business which illustrates the applicant's compliance with security provisions required by Commonwealth law, federal law, or Department of Public Safety regulation;

(xi) such other information that the Department of Public Safety may reasonably require by regulation;

(xii) certification of satisfaction of insurance requirements, for applicants applying for a permit to sell firearms; and

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

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

#### **Section 10753. Renewal.**

(a) A Firearm Vendor License expires one year after the date of issuance. A permit may be renewed for additional one-year periods if the licensee submits a timely application for renewal, accompanied by a nonrefundable renewal fee established by the Department of Public Safety by regulation; provided, that such fee shall, in the judgment of the Department, reimburse the Department for the administrative costs of services provided under this Chapter.

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

(c) A decision regarding the renewal of the Firearm Vendor License may be appealed in the manner provided in 6 CMC § 10759.

#### **Section 10754. Investigation to be conducted.**

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

(b) The Department shall require:

(1) The applicant; and

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

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

(ii) Provide any additional information which the Department considers necessary to complete the investigation.

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

#### **Section 10755. Grounds for denial of firearm vendor license.**

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

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

- (2) Has made a false or misleading statement of a material fact or omission of a material fact in the application for a Firearm Vendor License, or in any other documents submitted to the Department pursuant to this Chapter. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five years;
- (3) Has had a license or permit to sell, lease, transfer, purchase, or possess firearms or ammunition from the federal government or the government of any state or subdivision of any state revoked, suspended, or denied for good cause within the preceding five years;
- (4) Is a person, or in the case of an organization, has a chief executive, who is prohibited by any federal, state, or local law from purchasing or possessing firearms or ammunition, or has been convicted of:
- (i) An offense relating to the manufacture, sale, possession, or use of a firearm or dangerous or deadly weapon or ammunition therefor;
  - (ii) An offense involving the use of force or violence upon the person of another;
  - (iii) An offense involving theft, fraud, dishonesty, or deceit;
- (iv) Within the preceding 10 years, an offense involving the manufacture, sale, possession, or use of a controlled substance; or
- (5) Is a person, or in the case of an organization has a chief executive officer, who is currently, or has been within the preceding five years, an unlawful user of or addicted to a controlled substance; or
- (6) Is not eligible, or in the case of an organization, has a chief executive who is not eligible, for a Firearm Owner's Identification Card.

**Section 10756. Issuance of vendor's license; time period; corrections.**

- (a) Upon receipt of a properly executed application for a vendor's license, or renewal thereof, the Department of Public Safety, upon determining through further inquiry, investigation, or otherwise, that the applicant is entitled and qualified under the provisions of this Chapter thereto, shall issue a Firearm Vendor License.
- (b) Each vendor's license shall be in duplicate and bear a unique vendor's license number, and such other information as the Department determines, by regulation, is necessary to identify the applicant and premises.
- (c) The duplicate of the vendor's license shall be delivered to the applicant and the Department shall retain the original.
- (d) The Department of Public Safety shall approve or deny an application for a Firearm Vendor License within a 60-day period beginning on the date the Department receives the application, 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 any firearms revocation proceeding pending against such person or organization.
- (e) Upon receipt of a vendor's license, each applicant shall examine the same to ensure that the information thereon is correct. If the vendor's license is incorrect in any respect, the person named thereon shall return the same to the Department of Public Safety with a signed statement showing the nature of the error. The Department shall correct the error, if it occurred through administrative error. In the event the error resulted from information contained in the application, the applicant shall be required to file an amended application explaining the error in the original application.
- (f) In the event the Department of Public Safety learns of an error in a vendor's license, other than as provided in this section, the Department may require the holder to return the vendor's license for correction. If the error resulted from information contained in the application, the person named therein shall be required to file an amended application as provided in subsection (e) of this section.

**Section 10757. Duties of licensed vendors; records required.**

- (a) Each person holding a vendor's license, in addition to any other requirements imposed by this Chapter, Commonwealth law, federal law, or Department of Public Safety regulation, shall:
- (1) Display the vendor's license in a conspicuous place on the premises;
  - (2) Notify the Department of Public Safety in writing:
    - (i) Of the loss, theft, or destruction of the vendor's license, including the circumstances, immediately upon the discovery of such loss, theft, or destruction or of the loss, theft, or destruction of any firearms or ammunition in the vendor's inventory;
    - (ii) Of a change in any of the information appearing on the Firearm Vendor License; and
    - (iii) Any change in status that would affect license holder's eligibility to own or possess a Firearm Vendor License; and

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

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

**(ii)** Each firearm or destructive device received into inventory or for repair including the:

**(A)** Serial number, caliber, make, model, manufacturer's number (if any), vendor's identification number (if any), and similar descriptive information for destructive devices;

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

**(C)** Consideration given for the firearm or destructive device, if any;

**(D)** Date and time received by the licensee and in the case of repair, returned to the owner; and

**(E)** Nature of the repairs made; and

**(iii)** Each firearm or destructive device sold or transferred including the:

**(A)** Serial number, caliber, make, model, manufacturer's number, or vendor's identification number;

**(B)** Name and address of the person or organization to whom transferred;

**(C)** The consideration for transfer; and

**(D)** Time and date of delivery of the firearm or destructive device to the transferee.

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

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

#### **Section 10758. Revocation of firearm vendor license.**

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

**(1)** Any of the criteria in 6 CMC § 10757 are not currently met;

**(2)** There is a violation or omission of the duties, obligations, or requirements imposed by 6 CMC § 10757, Commonwealth or federal law, or Department of Public Safety regulation; or

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

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

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

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

#### **Section 10759. Procedure for denial or revocation of vendor's license.**

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

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

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

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

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

(1) peaceably surrender to the Department any firearms in his inventory which he does not register, and all destructive devices in his inventory in the manner provided for in 6 CMC § 10209.

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

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

#### **Section 10760. Temporary suspension of vendor's license.**

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

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

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

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

#### **Section 10761. Report of license revocation to federal and Commonwealth authorities.**

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

#### **Section 10762. Nonassignability.**

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

#### **Section 10763. Inspections.**

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

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

#### **Section 10764. On-site security.**

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

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

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

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

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

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

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

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

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

**(2)** For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

#### **Section 10765. Display of firearms or ammunition by vendors; security; employees of vendors.**

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

#### **Section 10766. Identification number on firearm required before sale.**

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

#### **Section 10767. Liability insurance.**

**(a)** If the proposed or current business location is to be used for the sale of firearms, no Firearm Vendor License shall be issued or renewed unless there is in effect a policy of insurance in a form approved by the Commonwealth and executed by an insurance company approved by the Commonwealth, insuring the applicant against liability for damage to property



and for injury to, or death of, any person as a result of the theft, sale, lease, or transfer or offering for sale, lease, or transfer of a firearm or ammunition, or any other operations of the business. The limits of liability shall not be less than \$300,000 for each incident of damage to property or incident of injury or death to a person.

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

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

**Section 10768. Location of firearm vendor.**

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

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

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

(d) The business shall not be operated within a Gun Free Zone pursuant to 6 CMC § 10401; provided a firearm vendor shall not be in violation of this subsection if the business falls within a Gun Free Zone after the vendor makes substantial investment in the on-site security requirements imposed by this Chapter.

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

**Section 10769. Inventory reports.**

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

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

(c) The Department shall maintain a copy of the inventory for at least 10 years.

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

**Section 10770. Restricted admittance of minors and other prohibited purchasers.**

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

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

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

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

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

\*So in original.

## Chapter 9 – Sale and Transfer of Firearms and Ammunition

### Section 10801. Sale and transfer prohibited.

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

(b) Violation.

(1) The first violation of this provision within a 10 year period shall be an infraction punishable by a fine of \$500.

(2) The violation of this section by an individual that has been convicted of a violation of this section once within the past 10 years shall be a misdemeanor punishable by a fine of \$1,000 and by imprisonment for not more than one year.

(3) The violation of this section by an individual that has been convicted of a violation of this section more than once within the past 10 years shall be a felony punishable by a fine of \$5,000 unlawfully transferred\* and imprisonment for not more than five years.

\*So in original.

### Section 10802. Permissible sales and transfers.

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

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

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

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

(3) Ammunition, including restricted pistol bullets, and any firearm or destructive device which is lawfully a part of such licensee's inventory to:

(i) Any other licensed vendor;

(ii) Any Commonwealth law enforcement officer or law enforcement agent of the United States of America acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed vendor may sell a firearm to any person or organization possessing a Firearm Owner's Identification Card; provided that the firearm will not be delivered to the person or organization until the person or organization acquires a firearm registration certificate for the firearm. If the Department denies a registration certificate, the Department shall so advise the licensed firearm vendor who shall thereupon:

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

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

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

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

(2) The purchaser exhibits, at the time of sale or other transfer, a Firearm Owner's Identification Card; and

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

### Section 10803. Private transfers.

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

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

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

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

(i) Subsection (a)(3) shall not prohibit a person from receiving their firearm back from a firearm vendor if the person acquired their firearm by operation of law upon the death of the former owner of the firearm within the preceding 60 days.

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

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

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

(1) The parties to the transaction shall notify the Department of Public Safety in a manner to be determined by regulation to schedule a time for transfer. The firearm must be transported to and from the Department of Public Safety in a locked container, unloaded, separate from ammunition, and in open view. A person transporting a firearm to the Department of Public Safety in accordance with this subsection is exempt from 6 CMC § 10401(a).

(2) The Department of Public Safety shall ensure that the purchaser is in possession of a valid Firearm Owner's Identification Card before releasing the firearm to the purchaser.

(3) If the Department of Public Safety cannot legally deliver the firearm to the purchaser or other transferee, the Department of Public Safety shall require proof that the seller is in possession of a valid Firearm Owner's Identification Card, and, if the seller has a valid Firearm Owner's Identification Card and the return is not prohibited by Commonwealth or federal law, return the firearm to that person;

(i) Subsection (b)(3) shall not prohibit a person from receiving their firearm back from the Department of Public Safety if the person acquired their firearm by operation of law upon the death of the former owner of the firearm within the preceding 60 days.

(4) If Department of Public Safety cannot return the firearm to the seller or other transferor, the Department of Public Safety shall store the firearm until it can be transferred or otherwise disposed of as provided by law; and

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

(6) Private transfers under this subsection shall be subject to the firearm waiting period contained in 6 CMC § 10851 as if the Department of Public Safety were a licensed firearm vendor.

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

#### **Section 10805. Transfer of firearms and ammunition into the Commonwealth.**

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

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

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

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

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

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

- (1) A valid and current Firearms Owner's Identification Card issued to the passenger, and
- (2) Evidence that any taxes due and owing have been paid.

#### **Section 10806. Exceptions.**

The following individuals, government agencies, and organizations are exempt from this Chapter:

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

(b) 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;

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

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

(e) 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.

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

#### **Section 10807. Penalties.**

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

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

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

### **Chapter 10 – Firearms Waiting Period Act**

#### **Section 10851. Waiting period prior to firearm purchase.**

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

#### **Section 10852. Exceptions.**

This Chapter shall not apply to:

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

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

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

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

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

(f) 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, or having on or about the person of any firearm is in the ordinary course of business and not for the personal use of any such person.

**Title 8 – Family Law and Probate**  
**Division 1 – Domestic Relations**  
**Chapter 9 – Domestic and Family Violence Prevention Act**  
**Article 2 – Civil Orders for Protection**

**Section 1916. Order for Protection; Modification of Orders; Relief Available Ex Parte; Relief Available After Hearing; Duties of the Court; Duration of Order.**

(a) If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic or family violence has occurred or a modification of an order for protection is required, the Superior Court may:

- (5) Prohibit the respondent from using or possessing a firearm or other weapon specified by the court;