

## State Laws and Published Ordinances – Puerto Rico

Current through the 2011 Legislative Session and various acts from 2012 to the present.

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**Section 621. Protective orders. No change**

Any person who has been the victim of domestic abuse or conduct which constitutes said offense as classified in this chapter or in the Penal Code of the Commonwealth of Puerto Rico or in any other special law, within the context of an intimate relationship, as defined in § 602(m) of this title, may resort to the court and request a restraining order *motu proprio*, through legal counsel, or through a law enforcement officer without the need of having made previous reports or complaints.

When the court so deems or has issued a [restraining or anti-stalking order], the court shall immediately order the defendant to surrender to the Puerto Rico Police for custody, any firearm belonging to the defendant for which a license to bear or own or carry firearms, or for target-shooting or hunting or of any other kind, as the case may be. The order to surrender any firearm, as well as the suspension of any kind of firearm license, shall take effect compulsorily. Likewise, when such an order is issued by a court, the same shall have the effect of suspending the license to own or bear any firearm of any kind, such as, but not limited to, those used for target-shooting or hunting or otherwise, even when said firearm is part of the gear used by the accused in his/her profession. Said restriction shall apply at the very least for the same period of time the order is in effect. Any infringement of the terms of the [restraining order] which results in a conviction shall entail the permanent revocation of any kind of license to own a firearm which the defendant may hold, at which time, any firearms belonging to him/her shall be seized. The objective of this statute is to eliminate the possibility for the accused to be able to use any firearm to inflict bodily harm or to threaten or intimidate the petitioner or the members of his/her family unit.

**Title 13 – Taxation and Finance**  
**Subtitle 17 – Internal Revenue Code of 2011**  
**Part IV – Excise Taxes**

**Chapter 1035 – Retail and Wholesale Licensing Fees for Certain Goods and Other Businesses or Activities**

**Section 31717. Restrictions and requirements; Weapons and ammunition dealers. No change**

(a) The Secretary shall not issue a license to deal in weapons and ammunition, as those terms are defined in §§ 455 et seq. of Title 25, to establishments located in a person's home or residence, or in any type of vehicle or mobile establishment. Nor shall he/she issue licenses to establishments located in rural zones, unless there is a commercial area with proper sites for such purposes in the zone. Furthermore, the Secretary shall not issue any license to deal in weapons and ammunition when the building where the establishment is located does not meet the security standards required by regulations of the Puerto Rico Police for the protection of said weapons and ammunition against theft, fire, improper use, or any other risk to life and property.

(b) Inspection. At least once a year, the Puerto Rico Police shall inspect the establishments engaged in the dealing of weapons and ammunition to determine if they meet the safety standards required by regulations. The Superintendent of the Puerto Rico Police shall issue a certificate to the Secretary approving or disapproving the security measures taken by the dealer within ten (10) days from the date of said inspection. He/she shall also send a copy of the certificate to the dealer.

(c) Weapons and Ammunitions Depot. The required security measures established in subsection (b) of this section shall not apply to firearm dealers who have deposited all the weapons and ammunition they possess for sale in the Weapons and Ammunition Depot established in §§ 458l of Title 25. These merchants shall present a certificate from the Puerto Rico Police to the Secretary certifying that all the weapons they possess for sale have been turned over to the Depot, in lieu of the certificate on security measures.

(d) Negative certification. A denied security certificate, as required by subsection (b) of this section, as well as noncompliance with any one of the security measures by a dealer who has not deposited all the weapons and ammunition for sale at the Police Weapons and Ammunition Depot, or the lack of a Police certificate stating that the dealer has turned in his/her weapons for sale at the Depot, shall be sufficient cause to deny issuance or renewal of the license.

**Title 24 – Health and Sanitation**  
**Part V – Controlled Substances**  
**Chapter 111 – Controlled Substances Act of Puerto Rico**  
**Subchapter V – Administrative and Other Provisions**

**Section 2516. Suspension or revocation of license to drive motor vehicles and license to carry firearms. no change**

No person who has been convicted of a crime under this chapter or of any law of the United States or of any state, in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as that of any foreign country and

no person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of 5 years after serving the sentence imposed for said conviction or after the date of the declaration. Officers or public employees in charge of issuing said license shall be prevented from extending them whenever any of the circumstances expressed above may concur in the applicant [sic] for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs, shall immediately be cancelled by the corresponding authority.

In the case of participants of the rehabilitation program under the jurisdiction of drug courts, judges may have discretion to release the prohibition contained in the first paragraph of this section, provided the participant shows the court that he is reasonably complying with conditions imposed upon same and that said person needs said license to lawfully comply with them.

As used in this section, the phrase "**who has been convicted for any crime**" shall include the act of driving a motor vehicle under the effect[s] of controlled substances and any violation to the Federal Controlled Substances Act (Comprehensive Drug Abuse Prevention and Control Act of 1970, Title II). It also includes the determination in all cases in which minors are accused as adults or minors, as well as the determinations of a Court of First Instance, Minors Part, that the minor has incurred an offense.

Said term of suspension of not less than 6 months shall also be applicable to minors who have not yet obtained their driver's license, not having the age established by law. The suspension shall [begin from] the date the minor applies for the issue of the license.

The term of suspension or cancellation of said driver's license shall be concurrent with any term of imprisonment imposed; however, if the penalty imposed on the person convicted or who has incurred an offense is less than 6 months, then the term of suspension or cancellation of license must be completed out of prison.

**Title 25 – Internal Security**  
**Subtitle 1 – Generally**  
**Part V – Regulation of Firearms, Explosives, and Other Dangerous Devices**  
**Chapter 51A – Puerto Rico Arms Act of 2000**  
**Subchapter I – Preliminary Provisions**

**Section 455. Definitions. No change**

For the purposes of this chapter, the following terms shall have the meaning stated below:

**(a) Law enforcement officer.** Means any member or officer of the Government of Puerto Rico or of the United States of America, as well as any other political subdivision of Puerto Rico or the United States, among whose duties are to make arrests, including, but without being limited to the members of the Rangers Corps of the Department of Natural and Environmental Resources, the Puerto Rico Police, Deputy Police, Municipal Police, investigating agents of the Special Investigations Bureau of the Department of Justice, Custodial Officials of the Corrections Administration, the custodial officials of the Pretrial Services Office, the National Guard while in official duty or practice, the Custodial Officials of the Juvenile Institutions Administration, the Internal Security Corps of the Ports Authority, the Director of the Drugs and Narcotics Control Division and the Controlled Substances Inspectors of the Mental Health and Addiction Services Administration, the investigating agents of the Deputy Secretary Investigations Office of the Corrections System of the Department of Corrections and Rehabilitation, and the Inspectors of the Public Service Commission, as well as the Marshals of the General Court of Justice of Puerto Rico and of the federal court with jurisdiction throughout Puerto Rico, and the Internal Revenue Inspectors of the Department of the Treasury.

**(b) Machine gun or automatic weapon.** Means a weapon of any description, regardless of its size and of the name by which it is designated or known, either loaded or unloaded, that is capable of firing a rapid and repeated or automatic stream of bullets contained in a magazine, ammunition belt or other receptacle, by a single pull of the trigger. The term "machine gun" also includes a submachine gun, as well as any other firearm provided with a magazine to automatically fire all or part of the bullets or ammunition contained in the magazine, belt or any combination of the parts of a firearm, destined to, and with the intention of converting, modifying or altering said weapon to make it a machine gun.

**(c) Weapon.** Means any firearm, blade, or any other type of weapon regardless of its denomination.

**(e) Firearm.** Means any weapon, regardless of the name by which it is known, designed to be or which may easily be converted to be, or which is capable of firing a round or rounds of ammunition by an explosive charge. This definition does not include working tools such as, but not limited to, nail guns, when used for work, in the arts or a trade.

**(f) Rifle.** Means any shotgun, rifle or firearm designed to be fired from the shoulder.

**(h)**

**(1) Antique firearm.** Means any firearm with a rifle matchlock, flintlock, or percussion cap mechanism made in or before 1898, or

**(2)** any replica of a firearm described in clause (1) above, if said replica:

**(A)** Is not designed or redesigned to use rimfire or conventional centerfire ammunition.

**(B)** Uses rimfire or conventional centerfire ammunition no longer made in the United States and which cannot be found through normal and ordinary business channels.

**(C)** Any muzzle loading rifle, muzzle loading shotgun or muzzle loading pistol designed to be used with black gunpowder, or a substitute of black gunpowder, and which is unable to fire fixed ammunition. For the purposes of this clause, the term "antique firearm" shall not include any firearm that includes a frame or receiver, any firearm converted into a muzzle loading weapon, or any muzzle loading weapon that may be converted to be capable of firing fixed ammunition by means replacing the barrel, the bolt, the breech lock, or any combination thereof.

**(D)** The term "**fixed ammunition**" shall mean that which is completely assembled, meaning it is equipped with casing, gun powder, primer and slug.

**(i) Gunsmith.** Means any natural or juridical person who, on his/her own or through agents or employees, purchases, or introduces for sale, changes, exchanges, offers for sale or displays for sale, or has for sale in his/her business establishment, any firearm or ammunition, or who performs any mechanical or cosmetic work for a third party on any firearm or ammunition.

**(j) Armor piercing.** Means a projectile that can be used in a handgun that is constructed entirely (excluding the presence or traces of other substances) or of a combination of an alloy of tungsten, steel, iron, tin, bronze, cupric beryllium or degraded uranium; or a fully-shielded, greater than 22 caliber bullet, designed and intended to be used in a handgun and whose shielding weighs more than 25% of its total weight. It excludes the shotgun ammunition required by federal or state environmental laws or hunting regulations for such purposes, a disintegrating bullet designed for target shooting, a projectile whose primary use determined by the Secretary of the Treasury of the United States for sports purposes, or any other projectile or nucleus of a projectile in which said Secretary finds that its main use is for industrial purposes, including a charge used in the digging of oil or gas wells.

**(k) Home.** Is the part of a building that is used or occupied by a single person or family.

**(m) Shotgun.** Means a long-barreled firearm with one or more smooth bores, designed to be fired from the shoulder, which can fire cartridges of 1 or more shots. It may be fed manually, or by a magazine or receptacle, and may be fired manually, automatically or semiautomatically. This definition includes sawed-off shotguns with barrels of less than 18 inches in length.

**(o) [Weapons] license.** Is the license issued by the Superintendent that authorizes the concessionaire to possess, carry and transport arms and ammunition, and, depending on their category, to carry firearms, target shooting or hunting.

**(p) Ammunition.** Means any bullet, cartridge, projectile, pellet, or any load that is placed or can be placed in a firearm to be fired.

**(q) Pistol.** Is any firearm that does not have a cylinder, which is fed manually or by a magazine, is not designed to be fired from the shoulder, and is capable of being fired semiautomatically or 1 shot at a time, depending on its class.

**(r) Police.** Means the Puerto Rico Police.

**(s) Carry.** Means the immediate possession or physical holding of a weapon, loaded or unloaded, on the person of the carrier, it being also understood when a weapon is not being transported pursuant to the provisions of this chapter.

**(t) Revolver.** Means any firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired.

**(u) Rifle.** Means any firearm designed to be fired from the shoulder, which fires 1 or more projectiles. It may be fed manually or automatically by a magazine or removable receptacle and fired manually or semiautomatically. The word "rifle" also includes the word "carbine".

**(w) Superintendent.** Means the Puerto Rico Police Superintendent.

**(z) Category change.** Means to incorporate permits to a firearms license, regardless of its category, carrying, hunting or target shooting.

## Subchapter II. Licenses and Regulations

### Section 456. Electronic register. repealed

The Superintendent shall issue weapons and/or gunsmith licenses pursuant to the provisions of this chapter, which shall be designed to expedite the electronic registration of all transactions involving firearms and ammunition by the person who holds either of the above. It shall pertain to the Superintendent to provide, through regulations, the manner in which the electronic register system shall operate, and to ensure that the system that is designed directly informs the Police of every transaction made by a license holder. The Puerto Rico Police is granted a term of 6 months from the date of effectiveness of this act to install this register.

The weapons license shall be issued on an identification card, sufficiently small to be carried in a commonly used wallet, and shall contain, at least, a photograph of the petitioner, his/her complete name, date of birth, personal data and his/her weapons license number. It shall also contain the date of issue and expiration of the license, as provided below. It shall also contain the mechanisms to access the Police electronic register system to ascertain its veracity and other relevant data, such as identification of its scope according to the categories of bearing, carrying the weapon, target shooting, hunting, or all categories. The license shall not contain the address of the petitioner, nor shall it mention the weapons or ammunition authorized for purchase, but the Police electronic register shall contain and furnish said information to its users.

Provided, That until the Police installs and makes the electronic register system available to gunsmiths, the Superintendent shall issue to every licensee a provisional identification card that contains, at least, a photograph of the licensee, his/her full name, date of birth, personal data, the license number and the caliber corresponding to the ammunition he/she is authorized to buy. It shall also contain the date of issue and expiration of the license, as provided below. The official identification card issued according to the provisions of this chapter shall be the only document providing the legal authority to conduct the authorized activities. Once the electronic register system is duly implemented, the Superintendent may only issue the electronic identification card. If the system is not available at the time a transaction takes place, said transaction shall be conducted according to the procedure the Superintendent provides through regulations.

### Section 456a. Weapons license repealed

(a) The Superintendent shall issue a weapons license to any petitioner who meets the following requirements:

- (1) Has reached the age of 21 years.
- (2) Has a negative criminal record certificate issued not later than 30 days prior to the date of the application and has not been accused of, nor is pending or in the process of trial for any of the crimes listed in § 456j of this title or its equivalent, in Puerto Rico, the United States or abroad.
- (3) Is not habitually inebriated or addicted to controlled substances.
- (4) Has not been declared mentally incompetent by a court.
- (5) Has not incurred or belonged to organizations involved in acts of violence, or directed to the overthrow of the constituted government.
- (6) Has not been dishonorably discharged from the Armed Forces, or removed from any of the law enforcement agencies of the Government of Puerto Rico or its municipalities.
- (7) Is not under a court order which prohibits harassing, stalking, threatening, or proximity to an intimate partner, the children of the latter or to any person, and who does not have a record of violence.
- (8) Is a citizen of the United States, or a legal resident of Puerto Rico.
- (9) Is not a person who, having been a citizen of the United States at a given time, has renounced said citizenship.
- (10) Has submitted a sworn statement attesting to compliance with fiscal laws; it being established that it shall be grounds to deny the issue of the license applied for or to revoke the same if the petitioner has failed to comply with the fiscal laws of the Commonwealth of Puerto Rico.
- (11) Has purchased a \$100 internal revenue stamp payable to the Puerto Rico Police; Provided, That in those cases whereby the license is denied, the amount paid shall not be reimbursed.
- (12) Has submitted, together with the application, 1 sworn statement from 3 persons that are not related by consanguinity or affinity to the petitioner and that under penalty of perjury, attest to the fact that the petitioner enjoys a good reputation in the community, that he/she does not have a tendency to commit acts of violence, and that therefore they have no objection to the petitioner owning firearms. This statement shall be made in the form provided by the Superintendent along with the application for a weapons license.

**(13)** Has submitted the completed application, under oath, before a notary, accompanied by an impression of his/her fingerprints, taken by a technician of the Puerto Rico Police or a competent federal or state government agency, and that includes 2 color photographs, 2 inches by 2 inches in size, sufficiently recent as to depict the petitioner in his/her true aspect at the time of the application.

**(14)** Has submitted a negative certification of debt from the Child Support Administration, issued not later than 30 days prior to the date of the application.

**(b)** Every duly completed application, in duplicate, and together with the documents and voucher indicated above, shall be filed with the General Police Headquarters or the law enforcement agency of the area in which the applicant resides. The applicant shall retain a sealed copy for his/her records. Within the term of 5 working days, the Superintendent shall issue a certification stating that the application and all the required documents have been submitted, or shall require compliance with the requirements for the application in order to issue the certification. After said certificate is issued, the Superintendent shall determine and certify in writing, within a term that shall not exceed 120 calendar days, that the applicant meets the requirements established in this chapter for granting a weapons license. This may be achieved through an investigation in the files of any government agency in Puerto Rico, the United States, or abroad, to which he/she may have access (including the archives of the National Crime Information Center and the National Instant Criminal Background Check System, among others). Should the Superintendent's investigation result in a finding indicating that the person fails to meet all the requirements established in this chapter, the weapons license shall not be granted, but without it constituting an impairment, the applicant shall not be prevented from requesting said license again in the future. Should the Superintendent fail to issue a determination within the above mentioned term of 120 days, he/she shall be bound to issue a special provisional permit in favor of the applicant, within a term of 10 calendar days. Said special provisional permit shall grant all the rights, privileges and prerogatives of a regular license to carry weapons, for a term of 60 calendar days, during which period the Superintendent [should reach] a decision. If upon the conclusion of the effectiveness of said provisional permit, the Superintendent has not yet reached a decision as to the suitability of the applicant, said provisional permit shall automatically become a regular weapons license.

**(c)** The Superintendent, discretionally and unobtrusively, without disrupting the peace and tranquility of the person under investigation or breaching the privacy of his/her home, may conduct as many investigations as he/she deems pertinent after remitting the license to the applicant; Provided, That regardless of whether the investigations are conducted or not, this shall not be an impediment for the license to be remitted under the terms indicated above. If after the pertinent investigation has been conducted by the Superintendent, it is found that the applicant has knowingly furnished false information in his/her application or does not meet the requirements established in this chapter, the license shall be immediately revoked and seized, as well as all the firearms and ammunition held by the applicant, who shall be subject to prosecution for the crime of perjury and for the corresponding violations of this chapter.

Any citizen to whom a license and/or permit is issued shall be responsible for the use of the licenses and the handling of the weapons, releasing the Commonwealth of Puerto Rico, its departments, agencies and municipalities from any liability for said individual use, except when these are vicariously liable for the acts of their employees or agents.

**(d)** The weapons license established in this section empowers the licensee to be the owner of a maximum of 2 firearms, except as provided below, regarding acquisitions through inheritance, or when the licensee holds a target shooting or hunting permit, in which case there shall be no established limit. Provided, That any licensee who owns 15 weapons or more shall be bound to maintain 80% of these locked in a safe place fixed to the real property in such a manner that the weapons cannot be easily removed. Any licensee under the obligation to fulfill the safety requirement shall submit to the Superintendent a sworn statement attesting to the fact that he/she is in compliance with the safety requirement. The Superintendent shall impose an administrative fine of \$1,000 for each weapon property of the licensee that is removed due to noncompliance with the safety measures established herein. These safety requirements and the corresponding fine shall apply to any person who has more than 15 weapons in his/her possession: all licensees shall display in a conspicuous area visible to the clientele a clearly legible announcement notifying of this requirement. The license also empowers the licensee to acquire, buy, sell, donate, transfer, assign, hold, possess, have custody of and transport, bear and carry firearms, ammunition and any pertinent accessory anywhere under the jurisdiction of the Commonwealth of Puerto Rico; Provided, That:

**(1)** The firearms may be borne, carried, and transported in a hidden or unobtrusive manner, and the Superintendent shall provide by regulations, the procedure for any law enforcement officer as described herein, to issue a courtesy ticket which shall be prepared to such effect, which shall be remitted to the Puerto Rico Police Weapons License Office, to be filed with the record of the licensee. The Superintendent may impose a fine of up to \$200 for recidivism in carrying or transporting arms in an ostentatious or conspicuous manner, as well as the procedure for the revision of the same, at the request of the interested party upon whom the fine is imposed. The Superintendent shall hold an administrative hearing within a term of not more than 45 days to uphold, review, modify or eliminate the imposed fine.

**(2)** Unless the licensee also holds a permit to carry weapons, the weapon may not be carried by the licensee on his/her person; and that to be able to transport said weapon without a permit to carry, the weapon must be unloaded and transported inside a closed case whose contents are not visible and which may not be in plain sight. Provided,

That in the case of private security guards who hold a permit to carry, are uniformed and in the exercise of their duties, they may carry the weapon in plain sight.

**(3)** That the firearms or ammunition may only be donated, sold, transferred, assigned, left in the custody, or otherwise conveyed by the transfer of the control or command of the same to persons who own a weapons or gunsmith license or to any of the persons mentioned in §456c of this title.

**(4)** The licensee may only transport one firearm at a time, except those licensees who also hold target shooting or hunting permits, who shall not be limited as to the number of firearms to be carried on their person while on the premises of an authorized gun club or in those places in which the hunting sport is practiced, pursuant to the applicable laws.

**(5)** The licensee shall only purchase ammunition of the caliber used by the weapons that he/she owns registered to his/her name.

**(6)** This license does not authorize the licensee to engage in the business of purchasing and selling firearms, limiting the purchase and sale thereof to his/her personal weapons.

**(7)** That this weapons license does not authorize the licensee to engage in the business of purchasing and selling firearms or ammunition, limiting the purchase and sale of the same to his/her personal firearms and ammunition.

**(e)** Within the term of 45 days from the date the weapons license is received, which may be extended for 30 additional days if requested within the original term, any licensee shall file a certification issued by an authorized official of a gun club authorized in Puerto Rico, if he/she has not filed it before with the Puerto Rico Police General Headquarters, personally or by certified mail with acknowledgement of receipt, to the effect that the petitioner has approved a course in the correct and safe use and handling of firearms pursuant to this chapter. If the applicant fails to do so, he/she shall incur an administrative fault of \$100 for each month in arrears, for up to a maximum of months, at the end of which the license shall be revoked and seized, as well as any weapon and ammunition the petitioner has acquired. For these purposes, the Superintendent shall authorize the purchase of up to a maximum of 500 rounds of ammunition in addition to those allowed by this chapter. Said ammunition shall have to be used completely by the petitioner during the training for certification. The provisions of this subsection shall not impair the provisions of subsection (d)(7) of this section.

The Superintendent shall handle any claim from the persons who for health reasons or special circumstances beyond their control are unable to comply with the certification duty imposed herein. In any case in which the Superintendent grants an extension, the new term for compliance with the requirements shall begin 10 days after the circumstances that led to the extension are no longer extant.

**(f)** The Puerto Rico Police shall issue the duplicates of weapons license cards that a licensee may want within a term of thirty (30) calendar days upon request after having paid \$50 in internal revenue vouchers per duplicate. In case of a change in license category, the cost for the category change shall be \$20.

Every weapons license shall have the date on which it must be updated, which shall be 5 years after its issue, and no person may make any transaction of a firearm or ammunition, nor shoot in a gun club, nor hunt, bear, carry, or transport weapons, if he/she has not applied for the updating thereof as indicated in this chapter, under penalty that the weapons license be revoked and an administrative fine of \$500 be imposed for shooting in a gun club or hunting, bearing, carrying or transporting weapons. After 6 months have elapsed from the due date, he/she may only sell his/her firearms to a person with a dealer license.

Every 5 years, on the fifth anniversary of the date of issue of the weapons license, the petitioner shall be bound to renew his/her license, by executing a sworn statement addressed to the Superintendent of Police, upon payment of the Internal Revenue vouchers provided in § 2.02 of this Act, stating that the circumstances that gave rise to the original granting remain the same, or indicating the manner in which they have changed. This renewal may be made within 6 months before, or 30 days after the date the weapons license has expired. Failure to renew said weapons license after the abovementioned 30 days, shall entail an administrative fine of 50 per month for up to a maximum of 6 months, [the] amount which must be paid as a requirement for renewal. If the weapons license is not renewed within 6 months, the Superintendent shall revoke the same and seize the weapons and ammunition; Provided, That] the licensee may renew and reinstate his/her license within up to 6 additional months after the revocation or seizure, whichever is later, through the payment of twice the amount of the accrued fine. None of the above shall prevent a person whose license has been revoked though failure to act, from de novo applying for another license which shall be granted, provided he/she has paid any fines pending, in which case, he/she may recover the seized weapons if the Superintendent has not yet disposed of them.

It is hereby provided that in the event the licensee is residing outside of Puerto Rico on the date the renewal of the license is due, or during the renewal period indicated above, the license shall not expire within the 30 days of the licensee's return to Puerto Rico.

It is further provided that if the licensee happens to be a woman, and if she were pregnant on the date the renewal of the license is due or during the period of renewal mentioned above, said period shall not expire until 90 days have elapsed



after the birth. In any case in which a pregnant women is bound, under the provisions of this chapter, to submit a training certificate, the term to submit the same shall begin 90 days after the birth.

The Superintendent shall notify every licensee by mail to his/her mailing address, the date on which his/her license must be renewed, 6 months prior to its expiration date. The Superintendent shall make available through the area police stations, the gunsmiths, and the Internet, all the forms needed to execute the renewal. Once the license has been renewed, the Superintendent shall issue the new license upon payment of the renewal fee, within the following 30 calendar days, unless there is just cause to delay doing so.

Every licensee shall inform the Superintendent of his/her change of residential or mailing address within 30 days of the change, under penalty of an administrative fine of \$200, which shall be paid as a requirement for renewing the license.

**(g)** A person may at any time surrender his/her weapons license to the Police for its cancellation, and also surrender his/her weapons to the Police, or transfer the same to another person who owns a weapons or gunsmith license in force.

**(h)** It shall not be a requirement to own any firearms to obtain a weapons license and its categories.

#### **Section 456d. Permits repealed**

**(a)** The competent Part of the Court of First Instance shall grant authorization to the Superintendent to include in the petitioner's identification card a permit to bear, transport and carry, without identifying any particular weapon, any legally owned pistol or revolver, unless there is just cause to deny said permit, with prior notification to the Department of Justice and upon a hearing before the same if so required by the latter, to any person who holds a weapons license and demonstrates that he/she fears for his/her safety. The petitioner shall include, along with his/her application for a permit to carry firearms, a \$250 internal revenue voucher drawn to the order of the Superintendent, which voucher shall have been previously submitted to the Superintendent together with a certification issued by an authorized official of a gun club in Puerto Rico, stating that the petitioner has passed a course in the correct and safe use and handling of firearms.

The requirements for issuing a weapons license provided in § 456a of this title shall be considered by the court when evaluating the granting of the permit to carry a weapon.

The permit to carry a weapon issued by the court may be renewed, concurrently with the weapons license renewal by presenting before the Superintendent, a \$100 voucher drawn to the order of the Superintendent, and a sworn petition indicating that the circumstances that gave rise to the original granting of the license still prevail at the time the application is presented. In the event there is any change, said change shall be justified before the renewal is granted. The Superintendent shall notify the court of the renewal of the permit to carry a weapon within 30 days.

A sworn statement must be included stating that all requirements established in § 456a of this title are met and that the entire contents of the application are true and correct.

**(b)** The permit to carry weapons granted herein shall have a term subject to the effectiveness of the weapons license and may be renewed for consecutive terms of 5 years together with the weapons license. In the event the permit is denied, the amounts paid in vouchers shall not be reimbursable.

**(c)** As part of the application for the renewal of a weapons license and the permit to carry weapons, a person shall submit to the Superintendent a new certificate on the use, handling and safety measures of firearms, certified by a gun club. For such a purpose, the Superintendent shall authorize the purchase of a maximum of up to 250 rounds of ammunition in addition to those allowed by this Act, which must be completely used up in the gun club attended by the licensee during his/her training for certification.

Every law enforcement officer who because of his/her duties is assigned a weapon shall receive an annual training on the use and handling of said weapon offered by officials of or personnel contracted by the agencies that employ them and who are qualified to certify the use, handling and safety measures of a firearm. It shall be the duty of the agency that employs said official to submit a certification to the Superintendent indicating that the training herein established has taken place.

Those licensees who fail to comply with the requirement of the aforementioned certification may not carry a weapon until they are certified, under penalty of an administrative fine of \$500; in the event of a second violation of the provisions of this paragraph, the Superintendent shall also revoke the permit to carry weapons without the need of a court authorization. In the case of law enforcement officers, after a grace period of 60 days has concluded, the agencies may not be able to use uncertified personnel pursuant to this section in functions that require using and/or carrying weapons.

**(d)** The permit to carry weapons shall be incorporated by the Superintendent to the weapons license of the licensee, stating the category to carry weapons as established in subsection (f) of § 456a of this title within 10 calendar days following the presentation of the authorization of the court by the licensee.

#### **Section 456f. Felony charges; seizure of weapons. repealed**

Upon a finding of probable cause for the arrest of any person to whom a license to carry weapons has been granted, for the commission of any of the crimes specified in § 456j of this title, or of violations of the provisions of this chapter, the

court shall provisionally suspend the license until the final determination of the criminal procedure. Provided, further, that the court shall order the immediate seizure of all weapons and ammunition of the licensee for their custody in the police weapons and ammunition depot. Upon a final and binding determination that the accused is not guilty, the judge shall order the immediate return of the weapons license and all weapons and ammunition. All weapons and ammunition returned must be in the same condition they were when seized. The licensee shall be exempted from the payment of the storage fees. Should the judicial action result in a final and binding conviction, the Superintendent shall permanently revoke the license and shall seize all weapons and ammunition.

#### **Section 456g. Gunsmith license; report of transactions repealed**

(a) No person may be engaged in business as a gunsmith or trader of firearms and ammunition, unless he/she holds a gunsmith license issued by the Secretary of the Department of the Treasury. Said licenses shall expire 1 year after their date of issue and shall again be subject to the formalities and application requirements of this chapter. Gunsmith licenses shall be subject to approval and certification by the Police, upon prior inspection of the safety measures required in the building where the establishment is located. The application for the renewal of a license shall be submitted 30 days prior to its expiration date.

(b) Each transaction regarding the introduction of weapons into Puerto Rico by dealers, or to the sale of weapons and ammunition between dealers, must be informed through the electronic system established in this chapter. If said system is not available at the time of the transaction, the same shall be reported to the Superintendent on a form provided by the latter, which shall include the name, domicile, place of business and the specifics of the license of the vendor and the buyer, as well as the number, amount and description of the weapons or ammunition, including the serial numbers, subject to each transaction, as required by the Superintendent.

(c) A gunsmith who holds a license issued pursuant to this chapter, may acquire a weapon registered under the provisions of this chapter in the weapons register, by purchasing said weapon from the person who has registered the same in his/her name, provided said person holds a weapons license issued pursuant to this chapter. When any sale of firearms or ammunition is made, said transaction must be reported through the electronic system established by this chapter. If said system is not available at the time of the transaction, the vendor and the buyer must notify this fact to the Superintendent in writing with return receipt requested, both on the same form provided by the latter for such purposes. In the case of a multiple weapons sale, more than 1 at a time or more than 1 weapon to the same person within a period of 30 consecutive days, and if the electronic system is unavailable, the gunsmith, within 24 hours after delivering the weapons, shall notify the Superintendent by facsimile and by telephone, and shall register in his/her books the name and identification number of the person who received the information. Likewise, the same procedure shall be followed when carrying out any unitary sale of over 600 units of ammunition to any person with a weapons license for target shooting or hunting. If communication via facsimile and telephone is not achieved, the notification shall be made by certified mail with return receipt requested or in person.

(d) When any gunsmith, to his/her best judgment, detects abnormalities in the identification card of a licensee, or if the weapons delivery is denied or prohibited by federal provisions of law, said gunsmith shall immediately notify the Superintendent, or the person who is duly designated by the same, by facsimile and telephone and notify the gunsmiths. The Superintendent shall immediately proceed to investigate the licensee to determine whether the cancellation of the license and the filing of criminal charges are warranted.

Any infringement against the provisions set forth in subsection (a) above shall constitute a felony punished with imprisonment for a fixed term of 6 years. If there are aggravating circumstances, the established fixed penalty may be increased to up to a maximum of 12 years; if there are extenuating circumstances, it may be reduced to a minimum of 3 years. Provided, that mechanical or cosmetic adjustment work between persons who are weapons license holders shall constitute no felony at all. Any infringement against the provisions set forth in subsections (c) and (d) above shall be sanctioned with an administrative fine that shall not exceed \$500 for failing to notify on the first infringement, and \$2,000 for subsequent infringements; Provided, That should a third infringement arise, the Superintendent may decide to impose the fine or to initiate the procedure for the cancellation of the gunsmith license and, should another offense occur, the Superintendent shall then proceed to cancel the gunsmith license.

#### **Section 456h. Requirements repealed**

(a) Every person who wants to obtain or transfer the location of a weapons license shall file an application before the Secretary of the Department of the Treasury, sworn to before a notary, on the form, which shall be provided by the Secretary of the Treasury for such purpose, together with an internal revenue voucher of \$500. After the application is approved by the Secretary of the Treasury, it shall be remitted to the Puerto Rico Police Superintendent. No license shall be issued pursuant to this section if it is shown that the petitioner, who must be a United States citizen, does not meet the requirements established in subsection (a) of § 456a of this title.

(b) No dealer license shall be issued under this section unless the police has investigated all the statements in the application beforehand, and unless the police archives and other accessible archives (including the archives of the National Crime Information Center and the National Instant Criminal Background Check System) have been examined in

order to determine if the petitioner has any prior conviction. No license whatsoever shall be issued unless all the provisions of this section are complied with, or if the statements in the application are not true.

(c) If the petitioner is a corporation or a partnership, the application must be signed by the president, the secretary and the treasurer of the corporation; or by all the executive directors of the partnership; it shall indicate the name of the corporation or the partnership, the place and date of its incorporation or constitution, the site of its main office or domicile, the name of the city or town, street and number where the business, agency, subagency, office or branch for which the license is needed. A license issued under the provisions of this section shall be valid solely for the business mentioned and described in the license. Said license shall not be transferred to any other business or person, and shall be cancelled automatically when the corporation or partnership is dissolved, or any of the officials of the corporation who signed the application is replaced, or if a new director of the partnership is included, in the case of a partnership, although said license may be renewed as soon as the provisions of this section with regard to the new official or the new partner are complied with. In these cases, the Secretary of the Treasury shall issue a provisional license while the reorganization process is carried out.

(d) When the petitioner is a corporation or partnership, no license whatsoever shall be issued if any official of the corporation or a director of the partnership, who must be a United States citizen, does not meet the requirements established in subsection (a) of § 456a of this title.

(e) In every case, the dealer license must be issued within 120 days after the application has been filed in person or remitted by certified mail to the Secretary of the Department of the Treasury, without prejudice that the Superintendent may subsequently continue his/her investigation and revoke the license if there were legal grounds to do so.

#### **Section 456i. Conditions for operations of gunsmiths; evidence of transactions. repealed**

A person, partnership or corporation to which a gunsmith license has been issued may engage in the sale of weapons and ammunition, or work as a gunsmith under the following conditions:

(a) The business may only be operated in the place designated in the license. Those dealers that have not been certified by the police to have met the safety measures pursuant to this chapter shall not initiate operations until they have met them, nor can they keep weapons and ammunition in said place, other than those that the dealer is authorized to own and carry pursuant to the provisions of this chapter. Any infraction of this subsection by the dealer shall constitute a misdemeanor, which shall be punished by a fine of not less than \$5,000 nor more than \$50,000, at the discretion of the Superintendent. It shall also bring about the revocation of the license by the Superintendent, who shall register any modification in the electronic register.

(b) No dealer shall receive any weapon to be repaired, modified, cleaned, engraved, polished or to have any other mechanical work performed, without first having been shown the weapons license, nor shall he/she accept any firearm whatsoever under any condition, that has a mutilated serial number. Any infraction of this subsection by the dealer shall constitute a misdemeanor and shall be sanctioned by a fine of \$10,000. Failure to comply with this requirement shall bring about the revocation of the license by the Superintendent.

(c) The license of the dealer or a certified copy thereof shall be displayed in the establishment so that it can easily be read. Failure to comply with this requirement shall bring about the imposition of an administrative fine of \$5,000.

(d) Every dealer must place the following warning in a place that is visible to the buyer:

"The use of a locking device or safety lock on a firearm is advisable. Every loaded weapon as well as its ammunition must be kept out of the reach of minors or persons who are not authorized to use them. It is advisable to keep your weapons apart from the ammunition."

Failure to comply with this requirement shall bring about the imposition of an administrative fine of \$5,000.

(e) A record shall be kept of each weapon sold and of each sale of ammunition in books provided for this purpose that shall be printed in the manner prescribed by the Superintendent, who shall furnish these books to the gunsmiths upon payment of the corresponding costs, as provided through regulations. The record of the sale shall be signed in person by the buyer and by the person who made the sale, in the presence of each other; and said record shall state the date, day and hour of the sale; caliber, make, model and manufacturer's number of the weapon, the caliber, make and amount of ammunition, and the name and number on the weapons license. The vendor shall record the description of the ammunition, the amount sold, and the date, day and hour of the sale on the form provided by the Superintendent. Likewise, the electronic register shall contain documentary evidence of any weapon or munitions sold. The Superintendent must provide access to the electronic register to any person, partnership, society or corporation that has been issued a gunsmith license for the sole purpose of allowing the registration of the transactions to be conducted and ascertain that they are carried out according to the provisions of this chapter. The Superintendent shall have the obligation of keeping the register organized in a manner that will, at any time, expedite corroboration of the amount of ammunition acquired by each license holder and may not authorize the sale of calibers different from those registered in the name of the licensee.

(f) When the ammunition sold is as described in the second paragraph of § 459 of this title, the vendor shall keep a special register thereof in the books and forms intended for this purpose, that shall be printed in the manner prescribed by the Superintendent, which is also provided in subsection (e) of this section, showing the name of the buyer, the description of the ammunition and the date, day and hour of the sale. Said register shall also contain the following:

(1) A description of each weapon, including:

- (A) The manufacturer thereof;
- (B) the serial number that is engraved thereon;
- (C) the caliber of the weapon, and
- (D) the model and type of the weapon.

In the case of the wholesale sale of weapons of the same caliber, model and type, the dealer may group said sales in his records, provided that they are made on the same date and to a single buyer.

(2) The name and address of each person from whom the weapon was received for sale in the armory, along with the date of acquisition.

(3) The name, license number and address of the natural or juridical person to whom it was sold, and the date of delivery.

The use of the electronic registry system shall not constitute an exemption from compliance with the provisions of this section.

(g) The documents and books shall be kept in the indicated establishment and described on the license, and shall be available during working hours for inspection by any public official or law enforcement agent. In those cases that the license is revoked as prescribed in this section, or the establishment goes out of business, said books and documents shall be immediately delivered to the Superintendent.

(h) No weapons, ammunition or imitations thereof shall be displayed in any part of a business establishment dedicated to the sale of weapons, where they can be seen from outside of the establishment. Failure to comply with this requirement may bring about the imposition of an administrative fine of \$5,000. Provided, that in cases of failure by the dealers to observe safety measures, or the measures provided in this section on 2 or more occasions, the Superintendent, upon written notice, may revoke the license. If the person does not agree, he/she may file an action for review pursuant to §§ 2101 et seq. of Title 3.

(i) Any dealer who has been issued a license under the provisions of this section, who fails to keep the documents and books required herein, shall be guilty of a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of 12 years, and a penalty of a fine that shall not exceed \$100,000. If there were aggravating circumstances, the fixed penalty established herein may be increased to a maximum of 24 years; if there were mitigating circumstances, it can be reduced to a minimum of 6 years. In addition, the Superintendent shall revoke any weapons or dealer license held by this person.

#### **Section 456j. Denial of license. repealed**

The Superintendent shall not issue a weapons license nor shall the Secretary of the Department of the Treasury issue a dealer license, or if they have been issued, they shall be revoked and the Superintendent shall attach the license and the arms and ammunitions of any person who has been convicted in or outside of Puerto Rico, for any felony or attempted felony, for conduct constituting domestic violence as typified in §§ 601 et seq. of Title 8 [, for conduct constituting stalking as typified in §§ 4013 et seq. of Title 33, or for conduct constituting abuse of minors as typified in Act No. 342 of December 16, 1999]; Provided, further, That no license shall be issued to any person who has a mental illness that disqualifies him/her to possess a weapon; a habitual drunkard, or one addicted to the use of narcotics or drugs; or any person who has renounced his/her American citizenship, or has been dishonorably discharged from the Armed Forces of the United States, or removed from any agency of law and order of the Government of Puerto Rico, or any person who has been convicted of any violation of the provisions of this chapter or the former Weapons Act (former §§ 411—454 of this title).

#### **Section 456k. Registry of weapons; loss, surrender or transfer of firearms; death of the license holder repealed**

(c) Any person who owns or has a legally authorized weapon or ammunition under his/her control and loses the same, or the same disappears, or is stolen or is illegally appropriated, shall notify this fact by filing a complaint at the police district or precinct in which he/she resides, or at the nearest police station, immediately upon becoming aware of the loss, disappearance, theft or illegal appropriation. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor and, if convicted, shall be punished with a fine of up to a maximum of \$5,000 per weapon or per every 500 rounds of ammunition, or fraction thereof, that he/she failed to report. Every person who owns or has a legally authorized weapon under his/her control and loses it, or it disappears, or is stolen, shall notify it by filing a complaint at the district or precinct in which he/she resides, or at the nearest police station, as soon as he/she is aware of the loss, disappearance or

theft. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor, and shall be punished with a fine of up to a maximum of \$5,000 upon conviction.

The Superintendent shall investigate every loss, disappearance, theft or illegal appropriation report, and shall keep a detailed register of the result of the same for the purpose of gathering statistics on the loss, disappearance, theft or illegal appropriation of weapons or ammunition reports. If the information submitted by the complainant is intentionally false, the Superintendent shall notify this fact to the Department of Justice for the filing of criminal charges.

**(d)** When a person who is duly authorized to possess weapons dies, it shall be the duty of every administrator, executor, or trustee, or any of these who acts as such in Puerto Rico, and of any assistant administrator, agent or person who is legally authorized to administer the estate, to notify the Superintendent of the demise within 30 days from the date of death. The notification shall state the name, residence and personal details of the deceased. Failure to notify this fact shall constitute a misdemeanor and shall be punished with the payment of a fine that shall not exceed \$500. The Superintendent shall establish what is needed to receive, store, or provide custody of said weapons, which may be done by a person with a weapons license or a gun shop designated by the administrator, executor or trustee and/or disposal of said weapons, while the inheritance is distributed. If the weapons are adjudicated to an heir who is eligible to obtain a weapons license and said license is issued to him/her, said weapon or weapons shall be given to him/her; Provided, That if said heir owns the maximum number of weapons permitted in this chapter, the Superintendent shall grant an authorization to possess the weapons acquired through inheritance, according to the form established by the Superintendent through regulations. If said license is denied, or the sale of said weapon at public auction is indicated, it may only be acquired by a person with a weapons license in force, by public auction, or by a gunsmith duly authorized by this chapter, and if it is not thus acquired, said weapon shall be delivered to the Superintendent to be confiscated as provided in this chapter. Provided, further, that the Superintendent shall not deliver any weapon that, prior to the death of its owner, was not duly registered pursuant to subsection (b) of this section.

**(e)** Any acquisition, purchase, sale, donation, assignment or any other means of transferring the ownership of a firearm or ammunition, must be conducted before a person with a gunsmith license so as to be properly registered in the electronic register and in the books of the latter, pursuant to the provisions of § 456i of this title. The aforementioned means of ownership transfer may also be conducted between licensees through the weapons transfer forms provided by the Superintendent within the 5 days following the issue thereof, so it may be duly noted and corrected in the electronic register.

#### **Section 456l. Grounds to empower law enforcement officers to seize weapons. repealed**

Any law enforcement officer shall seize the license, weapon and ammunition owned by a licensee when he/she has grounds to believe that the licensee has made or shall make illegal use of said weapon and ammunition to harm other persons; has threatened to commit a crime; has stated the intent to commit suicide; has repeatedly demonstrated negligence or carelessness in handling the weapon; when it is deemed that the holder has a mental condition, is considered to be a habitual drunkard, or is addicted to controlled substances; or in any other situation of serious risk or danger that justifies this emergency measure. A law enforcement officer shall also seize the license, weapons and ammunition when the holder thereof is arrested for committing a felony or a misdemeanor that implies violence. Upon the petition of the party from whom the weapon is seized, filed within 15 work days after the weapon is seized, the Superintendent shall hold an administrative hearing within a term of not more than 45 days to sustain, review or modify the seizing performed by the law enforcement officer. The Superintendent shall issue his/her decision within a term of not more than 45 days from the date of said formal administrative hearing, and if the Superintendent's decision is favorable to the injured party, he/she shall order the immediate return of the seized weapon or weapons.

#### **Section 456m. Semiautomatics repealed**

**(a)** No semiautomatic assault weapon shall be manufactured, or caused to be manufactured, offered, sold, rented, loaned, owned, used, transferred or imported. However, this prohibition shall not be applicable to:

- (1)** The possession, use, transfer in Puerto Rico or the importing from the United States territory [sic] by persons whose license contains the category of target shooting, hunting or who hold a dealer license, of those assault weapons that exist legally within the nation of the United States of America, on the date this act becomes effective, or
- (2)** the manufacture, importing, sale or delivery by licensed dealers, to be used by the police officers of the government[s] of Puerto Rico or the United States, or for the use of the armed forces of the United States government or of Puerto Rico.

**(b)** The semiautomatic assault weapons referred to in this section are the following:

- (1)** Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all AK models).
- (2)** Action Arms Israeli Military Industries UZI and Galil.
- (3)** Beretta Ar70 (SC-70).
- (4)** Colt AR-15.

(5) Fabrique National FN/FAL, FN/LAR, and FNC.

(6) SWD M-10, M-11, M-11/9, and M-12.

(7) Steyr AUG.

(8) INTRATEC tec-9, tec-dc9 AND tec-22.

(9) Revolving cylinder shotguns such as (or similar to) the Street Sweeper and Striker 12.

(c) Also considered as a semiautomatic assault weapon, is:

(1) A semiautomatic rifle that is retrofitted by a magazine or removable receptacle which contains 2 or more of the following characteristics:

(A) Folding or telescopic butt;

(B) pistol grip that clearly overlaps the trigger action;

(C) bayonet mount;

(D) flash suppressor, or

(E) grenade launcher, excluding flare launchers.

(2) A semiautomatic pistol that can be backloaded by a magazine or removable receptacle which has more than 2 of the following characteristics:

(A) A magazine or clip that is fixed on the pistol outside of the pistol grip;

(B) a barrel with spiral grooves on the front which is capable of accepting an extension to the barrel, a flash suppressor, a hand grip in front of the weapon or a silencer;

(C) a cover that can be fixed covering all or part of the barrel, allowing whoever fires the weapon to hold it with the hand that is not pulling the trigger, without getting burned;

(D) an unloaded manufacturing weight in excess of 50 ounces, or

(E) a semiautomatic version of an automatic weapon.

(3) A semiautomatic shotgun that has 2 or more of the following characteristics:

(A) A collapsible or telescopic breech;

(B) a pistol grip that clearly overlaps the trigger action;

(C) a fixed ammunition magazine or clip that holds more than 5 cartridges, or

(D) is capable of receiving a removable magazine or clip.

(d) Any person who violates the provisions of this section shall be guilty of a felony and upon conviction shall be punished by imprisonment for a fixed term of 24 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased up to a maximum of 36 years; should there be extenuating circumstances, it may be reduced to a minimum of 18 years.

The possession or use of these weapons by members of the police and those other officers of the law that are duly authorized to bear arms in compliance of their duties, as established in this chapter, shall not constitute a crime.

The application of the provisions of this section shall be prospective as of the approval of this act.

#### **Subchapter IV – Security Agencies that Transport Valuables in Armored Vehicles**

##### **Section 457f. Special licenses. repealed**

The Superintendent may issue special licenses to those security agencies devoted to the transportation of valuables in armored vehicles that so request and that are duly authorized to operate as such, authorizing them to purchase, possess and dispose of weapons and maintain at their place of business a long barreled non-automatic weapons depot and an ammunition dump to be used solely and exclusively by the security agents employed by said agencies assigned to the transportation of valuables in armored vehicles while in the performance of their duties.

### **Section 457j. Long barreled weapons depot and ammunition dump. repealed**

Any application for a special license to purchase, possess and dispose of weapons and maintain at the place of business a long barreled weapons depot and ammunition dump must be accompanied by attesting proof of the fact that the security agency employs 5 persons or more for such a purpose.

The applicant for a special license to purchase, possess and dispose of weapons and maintain at the place of business a long barreled weapons depot shall also comply with all provisions and security requirements for gunsmith licenses, as well as any other requirements provided by the Superintendent through regulations.

Once the Superintendent has certified that the place of business of the applicant meets the obligatory safety requirements for a gunsmith license, the special license applied for shall be issued. The business of the applicant shall operate only in the designated premises and be subject to inspection by any police officer or agent of the Special Investigations Bureau of the Department of Justice and its license shall be displayed in a visible place in the applicant's office. No weapon whatsoever may be kept in said premises other than those whose possession has been authorized according to the provisions of this chapter.

### **Section 457k. Limit to the number of weapons. repealed**

The special license to possess and maintain at the place of business a long barreled weapons depot shall allow the security agency to have under its control and care a specific number of long barreled weapons such as semiautomatic shotguns and rifles registered in its name in the registers of the Superintendent. The agency may only acquire 2 long barreled weapons over the number of armored vehicles owned by the agency and devoted to the transportation of valuables as certified by the Public Service Commission.

### **Section 457r. Ammunition. repealed**

Those security agencies that obtain the special license provided in this subchapter are hereby authorized to purchase a reasonable amount of ammunition for the weapons authorized for them by the Superintendent in said license. The security agency shall maintain a perpetual inventory of the authorized weapons and ammunition as well as a register of their daily movement. These registers shall be subject to inspection by the Puerto Rico Police. Provided, further, That the acquisition, purchase, sale, donation, assignment or any means of transferring the ownership of the firearms, munitions or accessories conducted by virtue of this special license must have been duly registered in the electronic register by the means provided in this chapter.

## **Subchapter V – Weapons repealed**

### **Section 458. Manufacture, importation, sale and distribution of weapons.**

It shall be necessary to hold a license issued pursuant to the requirements set forth in this chapter to manufacture, import, offer, sell or have available for sale, rent or transfer any firearms or ammunition, or that portion or part of a firearm on which the manufacturer of the same places the serial number of the firearm. Any infraction of this section shall constitute a felony and be punished with imprisonment for a fixed term of 15 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased up to a maximum of 25 years; should there be extenuating circumstances, it may be reduced to a minimum of 10 years.

### **Section 458a. Prohibition of sale to unlicensed persons.**

No dealer shall deliver a weapon to a buyer unless he/she can show a weapons license in effect. When the buyer of the weapon is a hunter or shooter authorized to own firearms, the sale and delivery thereof shall be made in the same manner that is indicated in this chapter.

A dealer who knowingly sells firearms to a person without a license shall be guilty of a felony, and upon conviction, shall be sanctioned with a penalty of imprisonment for a fixed term of 15 years. If there were aggravating circumstances, the penalty established may be increased to a maximum of 25 years; if there were mitigating circumstances, it could be reduced to a minimum of 10 years.

A conviction under this section shall entail the automatic cancellation of the dealer license.

### **Section 458b. Trade in automatic firearms.**

Any person who sells or has for sale, or offers, delivers, rents, lends or otherwise disposes of any firearms that may be fired automatically, regardless of whether said weapon is classified as a machine gun or otherwise, shall be guilty of a felony and upon conviction shall be punished with a penalty of imprisonment for a fixed term of 24 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of 36 years; should there be extenuating circumstances, it may be reduced to a minimum of 18 years.

This penalty shall not apply to the sale or delivery of a machine gun or any other firearm that can be fired automatically, to be used by the Police and other law enforcement agents.

**Section 458e. Possession without a license.**

Any person who has or owns, but is not carrying a firearm without a license to do so, shall be guilty of a felony and upon conviction shall be punished with a penalty of imprisonment for a fixed term of 5 years. Should there be aggravating circumstances, the penalty established may be increased to a maximum of 10 years; should there be mitigating circumstances, it may be reduced to a minimum of 1 year.

Notwithstanding the above, when a person incurs conduct prohibited in this section without the intention of committing a crime with his/her own unlicensed firearm, and the person has never been convicted for a violation of this chapter, Act No. 348 of December 21, 1999, §§ 1476–1482 of Title 32, or Act No. 27 of January 10, 2002, or any crimes provided under § 456j of this title, and the weapon has not been reported as stolen or illegally appropriated, he/she shall be guilty of a misdemeanor and upon conviction shall be punished with a penalty of imprisonment for a term of not more than 6 months, a fine that shall not exceed \$5,000 or both penalties at the discretion of the court. The court, in its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment.

In the event that the owner of the weapon shows satisfactory evidence that he/she owns a weapons license, although expired, and that he/she has requested its renewal within the term provided by this chapter, he/she shall not be guilty of any crime. If he/she has not requested its renewal within the established term, he/she shall incur an administrative fault and shall have to pay 3 times the accrued cost of the renewal fee.

**Section 458f. Possession or illegal use of long barreled weapons semi-automatic and automatic weapons or sawed-off shotgun.**

Any person who, without the authorization of this chapter, carries, owns or uses a semi-automatic long-barrelled weapon, a machine gun, carbine or rifle, as well as any modification thereof, or any other weapon that can be fired automatically, or a sawed-off shotgun of less than 18 inches, and which can cause grave bodily harm, shall be guilty of a felony, and upon conviction shall be punished with imprisonment for a fixed term of 24 years, without the right to a suspended sentence, to be released on parole, or enjoy the benefits of any diversion program, benefits or option for the term of imprisonment recognized in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed.

Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of 36 years; should there be mitigating circumstances, it may be reduced to a minimum of 18 years.

The possession or use of these weapons by the police and those other duly authorized law enforcement agents in the performance of their duty shall not constitute a crime.

**Section 458g. Possession or sale of silencing devices.**

Any person who owns, sells, has for sale, lends, offers, delivers or provides any instrument, device, artifact or accessory that silences or reduces the noise of the shot fired from any firearm, shall be guilty of a felony, and upon conviction, shall be punished with imprisonment for a fixed term of 12 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

The provisions of this section shall not apply to duly authorized law enforcement officers in the performance of their duty.

**Section 458h. Furnishing of arms to third parties.**

Any person who with criminal intent, furnishes or makes available to another person any firearm that has been under his/her custody or control, whether or not he/she is the proprietor thereof, shall be guilty of a felony, and upon conviction, shall be punished with imprisonment for a fixed term of 12 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

**Section 458i. Serial number or name of owner on firearm; removal or mutilation.**

Every weapon shall have the name of the dealer or trademark or the name of the importer under which it shall be sold, adhered in such a way that it cannot be easily altered or erased, in addition to a serial number or the full name of its owner.

A person shall incur a felony and be punished with imprisonment for a fixed term of 12 years, who:

**(a)** Willfully removes, mutilates, permanently covers, alters or erases the serial number or the name of the owner of any weapon.



**(b)** Knowingly buys, sells, receives, alienates, transfers, bears or holds any weapon whose serial number or the name of the owner has been removed, mutilated, permanently covered, altered or erased.

**(c)** Being a dealer or an agent or representative of said dealer, knowingly purchases, sells, receives, delivers, alienates, transfers, bears or has any weapon in his/her possession whose serial number or the name of its owner has been removed, mutilated, permanently covered, altered or erased.

If there were aggravating circumstances, the fixed penalty can be increased to a maximum of 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

#### **Section 458j. Presumptions.**

The possession of a firearm by a person who does not have a weapons license shall be deemed as prima facie evidence of the fact that said person possesses the weapon with the intention of committing a crime.

The act of carrying a firearm by a person who does not have a weapons license with permit to carry, shall be deemed as prima facie evidence of the fact that said person carried the weapon with the intention of committing a crime.

The possession by any person of a weapon whose serial number or the name of the owner, has been removed, mutilated, permanently covered, altered or erased, shall be deemed as prima facie evidence of the fact that said person removed, mutilated, covered, altered or erased said serial number or the name of the owner.

The possession by any person of a weapon whose serial number or the name of the owner, has been removed, mutilated, permanently covered, altered or erased, shall be deemed as prima facie evidence of the fact that said person possesses the weapon with the intention of committing a crime.

The possession by any person of a weapon at the time he/she commits, or attempts to commit a crime, shall be deemed prima facie evidence of the fact that said weapon was loaded at the time the crime was committed or intended to be committed.

The presence of 3 or more firearms in a room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of the fact that the owner or possessor of said room, house, residence, establishment, office, structure or vehicle, or those persons who occupy the room, house, residence, establishment, office or structure, traffic in or facilitate firearms illegally, provided said persons do not have a weapons license, a gunsmith license or a target shooting or hunting club license.

The presence of a machine gun or any other automatic weapon or any armor-piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of its illegal possession by its owner or possessor of said building or vehicle, and by those persons who occupy the room, house, building, or structure in which said machine gun, automatic weapon or sawed-off shotgun is found, and who have the mediate or immediate possession thereof. This presumption shall not be applicable in those cases in which a public service vehicle is involved which at that time had been transporting paying passengers or when it is shown that incidental or emergency transportation is involved.

The presence of a machine gun or any other automatic weapon or any armor-piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of the fact that the owner or possessor of said building or vehicle possesses the weapon or the ammunition with the intention of committing a crime.

The presence of a firearm or ammunition in any stolen vehicle shall constitute prima facie evidence of its illegal possession by all persons traveling in said vehicle at the time said weapon or ammunition is found.

The provisions of this section shall not apply to law enforcement officers in the compliance of their official duties.

#### **Section 458k. Notice by carrier, warehouseman, or depository for the receipt of weapons; penalties.**

Any sea, air or land carrier, and every warehouseman or depository who knowingly receives firearms, accessories or parts thereof, or ammunition, for delivery in Puerto Rico, shall not deliver said merchandise to the consignee until he shows his weapons or dealer license. Within 5 working days of the delivery, the carrier, warehouseman, or depository shall notify the Superintendent of the name, address and license number of the consignee, and the number of firearms or ammunition including the caliber, that are delivered, personally or by certified mail with receipt requested, as well as any other information required by the Superintendent, by regulations.

When the consignee does not have a weapons or dealer license, the carrier, warehouseman, or depository shall immediately notify the Superintendent of said fact, with the name and address of the consignee and the number of firearms or ammunition for delivery. Neither shall he deliver said merchandise to the consignee until he holds an authorization issued by the Superintendent to such effects.

The violation of any obligation established herein shall constitute a felony which shall be punished with imprisonment for a fixed term of 12 years, and a fine of not less than \$2,000 nor more than \$10,000. If there were aggravating circumstances,

the fixed penalty thus established can be raised to a maximum of 24 years, if there were mitigating circumstances, it can be reduced to a minimum of 6 years.

**Section 458p. Collections of weapons.**

None of the provisions of this chapter shall impede the preservation and keeping of collections of private weapons possessed by the owners thereof as a decoration or curios or the collections of weapons as antiques. In order to keep any type of weapon included in this section, it shall first be necessary for the collector to obtain a target shooting or hunting permit, under the provisions of this chapter.

Antique firearms, as defined in this chapter, that lack a manufacturer's serial number shall be exempted from the requirement of registration, as defined in this chapter, but their existence shall be reported to the Weapons Register of the Puerto Rico Police along with 3 different photographs detailing their particulars for the corresponding notation of their existence in the record of the license holder with a weapons license and a target shooting permit. Provided, That if the antique firearm is used in the commission of a crime it shall be considered as an unregistered firearm. It is also provided that under no circumstances shall it be required to mark, modify or alter the antique firearm in any way.

**Section 458r. Weapons within reach of minors.**

(a) Any person who negligently leaves a firearms or automatic weapon within reach of a person who is under 18 years of age who does not hold a target shooting or hunting license, and who takes the weapon and harms another person or him/herself, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of 2 years. If there were aggravating circumstances, the fixed penalty thus established, shall be increased to a maximum of 5 years; if there were mitigating circumstances, it can be reduced to a minimum of 6 months and 1 day.

(b) Any person who intentionally provides or delivers a firearm or ammunitions thereof to a person under the age of eighteen (18) who does not hold a target shooting or hunting license for the possession and transport thereof, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years. If there were aggravating circumstances, the fixed penalty thus established shall be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years. If the minor were to cause harm to another person or to him/herself with said firearm or commits a delinquent act while in possession of a firearm, the person who intentionally provided the firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years, without the right to a suspended sentence or parole or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of thirty (30) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

(c) When the firearm is not legally registered under the name of the person in possession thereof, whether it is a firearm prohibited under the provisions of this chapter, or with a defaced serial number, or that it is otherwise illegal to own or possess, any person who intentionally provides said firearm to a person under the age of eighteen (18) to possess or transport the same, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years, without the right to a suspended sentence or parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of twenty-four (24) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years. If the minor causes harm to another person or to him/herself with said firearm or commits a delinquent act while in possession of a firearm, the person who intentionally provided said firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years, without the right to a suspended sentence or parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of thirty (30) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

(d) Subsections (a) through (c) of this section shall not apply in the event that a minor is in possession of a firearm in a situation of legitimate self- defense or defense of third parties, or of imminent danger, in which case a prudent and reasonable person would understand that if it were possible for an authorized person of legal age to gain access to the firearm, it would have been a lawful action; when the minor's father, mother, or legal guardian who is the authorized owner of a legally registered firearm allows said minor to have such firearm accessible, unloaded, and locked in the presence and under direct and continuous supervision of such father, mother, or legal guardian.

**Section 458s. Illegal appropriation of weapons or ammunition; theft.**

Any person who intentionally, regardless of the means used for said purpose, illegally appropriates a firearm or ammunition, shall be guilty of a felony, and if convicted, shall be punished with imprisonment for a fixed term of 10 years, without the right to a suspended sentence, to be released on parole, or enjoy the benefits of any diversion program, benefits or option for the term of imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of 20 years; should there be extenuating circumstances, it may be reduced to a minimum of 5 years.

If the person illegally appropriates, regardless of the means used for said purpose, more than one firearm, or if the person has a criminal record for having been convicted of a felony, the penalty shall be doubled.

### **Subchapter VI – Ammunition repealed**

#### **Section 459. Manufacture, distribution, possession and use.**

It shall be necessary to hold a weapons, target shooting, hunting or gunsmith license, as the case may be, to manufacture, request the manufacture of, import, offer, purchase, sell or have for sale, keep, store, deliver, lend, transfer or otherwise dispose of or own, use, carry or transport ammunition according to the requirements of this chapter. It shall likewise be necessary to have a permit issued by the Police to purchase gunpowder. Any infraction of this section shall constitute a felony, and shall be sanctioned with a fixed term of imprisonment of 6 years. Should there be aggravating circumstances, the fixed penalty established hereby shall be increased to a maximum of 12 years; should there be mitigating circumstances, it may be reduced to a minimum of 3 years.

It shall be deemed as an aggravating circumstance at the time of imposing sentence to incur in [sic] any of the acts described in this section without holding the corresponding license or permit to purchase gunpowder when the ammunition is of the kind commonly known as armor-piercing. It shall not be deemed as a crime to manufacture, sell or deliver the ammunition already described for the use of the Police and other law enforcement officers of the Government of Puerto Rico or the United States or for the use of the United States Armed Forces.

#### **Section 459a. Sale of ammunition to persons without a license; limit in the amount of ammunition.**

A person with a weapons or gunsmith license may not sell ammunition to persons who do not show a weapons license or the permits set forth in this chapter. The sale of ammunition shall be limited exclusively to the type of ammunition used by the weapon or weapons that the purchaser has registered to his name.

Any violation of the provisions set forth in the preceding paragraph shall constitute a felony and shall be punished by imprisonment for a fixed term of 5 years. Should there be aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 8 years; should there be extenuating circumstances, it may be reduced to a minimum of 3 years and 1 day.

A person who holds a weapons license, except in the target shooting or hunting categories, may only own a maximum of 50 rounds per calendar year for each weapon he/she owns. If said person wishes to exchange the ammunition, whether by replacing the same or acquiring new ammunition due to having used or lost some of it, he/she shall resort to the district or police precinct where he/she resides. The Police shall grant him/her an authorization to replace the ammunition in the amount established in this paragraph. In those cases whereby the person wishes to acquire new ammunition because he/she has used or lost some of it, he/she shall report the circumstances under which he/she used or lost said ammunition. In order for the replacement of the ammunition to be granted, the circumstances under which it is to be used shall involve activities that are allowed and legitimate under our body of laws and the provisions of this chapter. The ammunition surrendered shall be impounded by the Police.

Any infraction of the provisions of the preceding paragraph shall constitute a misdemeanor and be sanctioned with a term of imprisonment not to exceed 6 months, a fine not to exceed \$5,000, or both penalties at the discretion of the court. The court, at its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment.

It shall be deemed to be an aggravating circumstance when the sentence is fixed to instigate the sale of ammunition prohibited hereby when it is that commonly known as armor piercing, even though it is designated or marketed [by] any other name, as well as the sale of ammunition different from the type of weapon that the buyer has registered to his/her name. A conviction under this section shall also bring about the automatic canceling of the dealer license and/or of the holder of the weapons license or the target shooting or hunting permit.

#### **Section 459b. Purchase of different caliber.**

Any person who having a valid weapons license, purchases ammunition of a caliber that is different to that which can be used in the firearms registered to his/her name shall incur a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of 6 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 12 years; if there were mitigating circumstances, it may be reduced to a minimum of 3 years.

### **Title 33 – Penal Code Subtitle 3 – Penal Code of 1974 – Special Part Chapter 251 – Crimes Against the Person**

#### **Section 4015. Issuance of restraining orders. No change**

**(b)** When the court determines that there are sufficient motives to believe that the petitioner has been the victim of stalking, the same may issue a protection order and order the defendant to surrender to the Puerto Rico Police for

custody, whether on a temporary, indefinite or permanent basis, any firearm in relation to which the defendant has been issued a license to bear and own or to carry firearms or for target-shooting, or both, as the case may be, and the court shall order the suspension of the firearms license of the defendant under the same terms.

NEW SECTIONS:

25 L.P.R.A. § 461a

## **§ 461a Definitions**

For purposes of this chapter, the following terms shall have the meaning stated below:

(a) Law enforcement officer.- Means any member or officer of the Government of Puerto Rico or of the United States of America as well as of any political subdivision of Puerto Rico or the United States, whose duties include, to protect people and property, preserve public order and safety; and make arrests. This term includes, but is not limited to, any member of the Puerto Rico Police Bureau, the Municipal Police, the Special Investigations Bureau, the Rangers Corps of the Department of Natural and Environmental Resources, Correctional Officers of the Department of Corrections, members of the Office of Pretrial Services, the Juvenile Institutions Administration, the National Guard, and Security Agents of the Port Authority while on official duty or assignment, the Inspectors of the Transport and other Public Services Bureau, the Special Fiscal Agents and Internal Revenue Inspectors of the Department of the Treasury, and the Marshals of the Judicial Branch of Puerto Rico and the federal court with jurisdiction across Puerto Rico.

(b) Machinegun or Automatic weapon.- Means a firearm regardless of its description, size, or name by which it is known, either loaded or unloaded, that may shoot repetitively or automatically more than one bullet, or continuously a number of the bullets contained in a magazine, ammunition belt, or other receptacle, by a single function of the trigger. The term 'machinegun' also includes submachinegun as well as any other firearm that has a device to automatically shoot all or some of the bullets or ammunition contained in a magazine, ammunition belt, or other receptacle by a single function of the trigger, or any individual part or device or a combination of the parts of a firearm designed and intended for use in converting, modifying, or otherwise altering a weapon into machinegun.

(c) Weapon.- Means any firearm, bladed weapon, or any other type of weapon regardless of its denomination.

(d) Bladed weapon.- Means a sharp, cutting, or blunt object that may be used as an instrument of aggression with the capacity to inflict serious bodily harm, and even death. This definition shall not include these types of devices, when used for work, art, trade, or sports purposes.

(e) Firearm.- Means any weapon, regardless of the name, that has the capacity to expel a projectile or projectiles by the action of an explosive. The term 'firearm' includes, but is not limited to: pistols, revolvers, shotguns, rifles, carbines, including the frame or receiver where the manufacturer sets the serial number of such weapons. This definition does not include tools such as, but not limited to: nail guns used in construction works, flare guns or lines, when used for work, art, trade, or sports purposes.

(f) Long gun.- Means any shotgun, rifle, or firearm designed to be fired from the shoulder.

(g) Pneumatic weapon.- Means any weapon, regardless of the name by which it is known, that fires one (1) or more projectiles by discharging compressed gas or a combination of gases.

(h) Antique firearm.- Means:

(1) Any firearm, pistol, shotgun, or matchlock, flintlock, or percussion cap ignition system, manufactured in or before 1898; or

(2) any replica of a firearm described in clause (1), if such replica:

(A) Is not designed or redesigned or otherwise modified for using rim fire or conventional center fire ignition with fixed ammunition, or

(B) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzleloading rifle, muzzleloading shotgun, or muzzleloading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this clause, the term 'antique firearm' shall not include any weapon which includes a firearm frame or receiver, any firearm which is converted into a muzzleloading weapon, or any muzzleloading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechlock, or any combination thereof.

(i) Dealer.- Means any natural or juridical person who holds a dealer in firearms license to engage in the business and that, by himself or through his agents or employees, purchases or imports for sale, or trades, exchanges, offers for sale or displays for sale, or has available for sale in his business establishment any firearm or ammunition, or who performs any mechanical or cosmetic work for a third party on any firearm or ammunition.

(j) Armor piercing.- Means a projectile which may be used in firearms and which is constructed entirely (excluding the presence or traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or a full jacketed projectile larger than a twenty-two (0.22) caliber designed and intended for use in a firearm and whose jacket has a weight of more than twenty-five percent (25% ) of the total weight thereof. It does not include non-toxic ammunition required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, or any projectile which the Secretary of the Treasury of the United States finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which said Secretary finds is primarily intended to be used for industrial purposes, including a charge used in oil or gas well perforating devices.

(k) Shooting association.- Means any bona fide shooting sports athletes or members association, duly constituted and nationally or internationally recognized that has established regulations to govern a specific shooting sports discipline, and which holds or participates in organized national and/r international competitions under the supervision of referees or judges and classification systems based on score for the purpose of selecting a winner or winners.

(l) Operation and handling certificate.- Means such document attesting to the participation in and completion of the firearm operation and handling training course.

(m) Commissioner.- Means the Commissioner of the Puerto Rico Police Bureau.

(n) Committee.- Means the Interagency Committee to Combat Illegal Firearms Trafficking established in this chapter.

(o) Shotgun.- Means a long-barreled firearm with one (1) or more smooth bores, designed to be fired from the shoulder, which can fire cartridges of one (1) or more shots. It may be fed manually, or by a magazine or receptacle, and may be fired manually, automatically or semiautomatically. This definition includes sawed-off shotguns with barrels of less than eighteen (18) inches in length.

(p) Shooting federation.- Means any federation attached to the Olympic Committee of Puerto Rico that represents the shooting sport.

(q) Firearms license.- Means a license issued by the Firearms Licensing Office that authorizes a person to possess and carry firearms and their ammunition.

(r) Firearms dealer license.- Means a license issued by the Firearms Licensing Office that authorizes a natural or juridical person to engage in the business of dealing in firearms.

- (s) Sport hunting license.- Means a permit issued by the Secretary of the Department of Natural and Environmental Resources that authorizes a person to practice sport hunting in Puerto Rico.
- (t) Gun club license.- Means a license issued by the Firearms Licensing Office that authorizes a club or an organization duly constituted in accordance with the requirements of this chapter, to practice target shooting in its facilities.
- (u) Special long gun license to transport valuables.- Means a license issued by the Firearms Licensing Office that authorizes a security agency engaged in the transportation of valuables in armored trucks to purchase, possess, dispose of, and store in its place of business long guns and their respective ammunition.
- (v) Special license for minors.- Means a license issued by the Firearms Licensing Office that authorizes a minor, for the effective term of the firearms license of his mother, father, guardian, or tutor, to practice the shooting sport using firearms, provided that the minor has reached the age of seven (7) years and his mother, father, guardian, or tutor holding a valid firearms license so authorizes it.
- (w) Ammunition.- Means any bullet, case, projectile, pellet, or any shot that is loaded or may be loaded into a weapon to be expelled.
- (x) Fixed ammunition.- Means a self-contained unit consisting of the case, gunpowder, propellant charge, and projectile.
- (y) National Crime Information Center (NCIC).- Means the computerized system of criminal justice information established by the Federal Bureau of Investigation (FBI) as a service for state and federal law enforcement agencies.
- (z) National Instant Criminal Background Check System (NICS).- Means the computerized information system administered by the Federal Bureau of Investigation (FBI) which every dealer is required to contact or access to request information about whether or not a person may own a weapon without violating the legal provisions of the Gun Control Act of 1968, [Public Law 90-618](#), [18 U.S.C. §923](#), as amended.
- (aa) Firearms Licensing Office.- Means the unit of the Puerto Rico Police Bureau in charge of all that pertains to the issuance of firearms licenses and the Electronic Registry.
- (bb) Police Bureau.- Means the Puerto Rico Police Bureau.
- (cc) Part of a firearm.- Means any element that is a regular component of a firearm for it is essential for its operation and the process of expelling a projectile.
- (dd) Pistol.- Means any firearm that does not have a cylinder, which is fed manually or by a magazine, is not designed to be fired from the shoulder, and is capable of being fired semiautomatically or one shot at a time, depending on its class.
- (ee) Brandishing a firearm.- Means the act of carrying a firearm ostentatiously and in a challenging manner.
- (ff) Tenant at sufferance.- Means a person who freely uses and enjoys a property at no cost, without holding a title thereof, due to the owner's tolerance or inadvertence.
- (gg) Carry weapons.- Means carrying or keeping one or more loaded or unloaded firearms on one's person or within close proximity and readily accessible. Readily accessible shall be understood to be within his reach and the transportation thereof.
- (hh) Integrated Criminal Registry or ICR.- Means the Integrated Criminal Registry of the Department of Justice of Puerto Rico, which is a computerized information system of active criminal cases in court, protective orders, and arrest warrants issued upon determinations of probable cause and by the Parole Board.
- (ii) Electronic Registry.- Means the digital registry to store data relating to firearms licenses and all the firearms and ammunition transactions carried out by a licensed person.
- (jj) Revolver.- Means any firearm having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

- (kk) Rifle.- Means any firearm designed to be fired from the shoulder, and to fire one or three projectiles. It may be fed manually or automatically by a magazine or receptacle and fired manually or semiautomatically. The word 'rifle' also includes the word 'carbine.'
- (ll) Firearm silencer.- Means any device or mechanism for silencing, muffling, or diminishing the report of a firearm, including any combination of parts, designed or redesigned, or intended for use in assembling or manufacturing a silencer, and/r any part intended only for such purposes.
- (mm) Transporting.- Means the immediate bearing rather than carrying of one or more firearms and/r ammunition unloaded, securely encased, and out of plain sight to transport them from one place to another. Such transportation shall be made by an authorized person.
- (nn) Vehicle.- Means a conveyance of any kind which is designed to transport people or things by land, sea, or air.
- (oo) School zone.- Means the private or public school grounds, that are in use, during or outside school hours, its parking and green areas as well as every section of a public road located in front of a school, in addition to the section of the public road at each side in front of a school and with a variable length, duly identified with the appropriate traffic signals and within a one hundred (100) meter perimeter from the school, whichever distance is greater.
- (pp) University zone.- Means the premises of the university campus and/r higher education technical institute, whether public or private, its parking and green areas, and those off-campus buildings that belong to the higher education institution, and at any distance within a one hundred (100) meter perimeter from the campus or the university buildings outside the campus.
- (qq) BATFE or ATF.- Means the Bureau of Alcohol, Tobacco, Firearms and Explosives.

## **§ 462 Licensing and Electronic Registry**

The Firearms Licensing Office shall issue firearms and/r firearms dealer licenses, gun club licenses, special long gun licenses to transport valuables, and special licenses for minors, in accordance with the provisions of this chapter, which shall facilitate the electronic registration of all licenses issued under this chapter and all firearm and ammunition transactions in the Electronic Registry. The Commissioner shall be responsible for prescribing by regulations the manner in which the Electronic Registry shall operate. The Firearms Licensing Office shall keep a record of the information required to issue licenses, as well as statistics on the number of licenses issued, renewed, denied, and revoked. Furthermore, it shall keep a digital record of issued fines as well as fines pending payment.

The Firearms Licensing Office shall enter the information furnished by applicants in their applications into the system and the documents shall be digitized for such purposes. The original documents shall be returned to the applicant after being digitized, and stamped with the time and date as proof of receipt thereof.

The firearms license issued shall be an identification card similar to a driver's license, of a size appropriate to be carried in a regular wallet, and shall include a picture of the holder where his features are clearly recognizable, the full name, the firearms license number as well as the expiration date thereof. The identification card shall be designed with the most modern security features available to prevent the counterfeit or alteration thereof. The identification card shall not include the home and mailing address of the holder, nor mention the firearms or ammunition such person is authorized to purchase; however, the Electronic Registry shall contain and furnish such information to the users thereof. The Commissioner shall prescribe by regulations the other physical features of the license as well as any other elements the Commissioner deems convenient therefor.

Law enforcement officers may request the Firearms Licensing Office to furnish the information available in the system about a licensed person for the sole purpose of verifying the validity of a firearms license.

The personally identifiable information of a person who has applied for or has been granted a Firearms License is private and confidential. Said information shall only be disclosed upon a search warrant issued by the Court of First Instance, as guaranteed in the Bill of Rights of the United States Constitution and the Second, Fourth, and Fourteenth Amendments, as well as the Constitution of the Commonwealth of Puerto Rico, Article 11, Sections 7 and 10, except when there is a criminal investigation, or when the safety of a civilian or of the state is in jeopardy, as requested by the Department of Public Safety or the pertinent federal authorities. Any person who discloses to third parties the information protected herein shall be punished by a five hundred (500)-dollar fine for the first violation, and by a one thousand (1,000)-dollar fine for subsequent violations.

## **§ 462a Firearms license**

(a) The Firearms Licensing Office shall issue firearms licenses to an applicant who meets the following requirements:

- (1) Be twenty-one (21) years of age.
- (2) Have no criminal record and have not been charged and pending or having an ongoing trial for any of the offenses established in § 462h of this title, or the equivalent thereof, both in Puerto Rico or in any of the United States jurisdictions, at the federal level or in any foreign country.
- (3) Not be addicted to controlled substances or be a habitual drunkard. jurisdiction.
- (4) Not be declared mentally incompetent by a court with
- (5) Have not been discharged from the United States Armed Forces or the Puerto Rico Police Bureau under dishonorable conditions.
- (6) Have not engaged or be a member of an organization that engages in acts of violence or acts aimed at overthrowing the constituted government.
- (7) Not be subject to a court order or have been subject to a court order at any time during the last twelve months prior to the application date, prohibiting him from harassing, stalking, threatening, or approaching the applicant's domestic partner, a family member, or any other person.
- (8) Be a United States citizen or lawful resident.
- (9) Not be a person prohibited from receiving, transporting, or shipping firearms or ammunition under the Federal Gun Control Act of 1968.

The foregoing notwithstanding, any person who has been sworn in as a member of the Police Bureau may be issued a firearms license without having attained the age of twenty-one (21), provided he is eighteen (18) years old or older and submits documentation attesting that he is a member of such Bureau.

(b) The firearms license application shall contain the following information about the applicant:

- (1) Full name including surnames.
- (2) Street and mailing addresses.
- (3) Home and/r mobile telephone number.
- (4) Electronic mail address (if any).
- (5) Date and place of birth.
- (6) Physical description, to wit, sex, eye and hair color, weight, and height.
- (7) Social Security number.
- (8) Driver's license number, passport number, or any other official government-issued identification as the Commission prescribes through regulations.



(9) In the case of aliens or lawful residents, the alien registration number shall be included or any other document certifying his lawful presence in Puerto Rico.

(10) Have completed the firearms license application and sworn before a notary attesting to the correctness of its contents and the fulfillment of all the requirements provided in this chapter, and any other applicable state or federal law.

Nonresidents must enclose with their application an affidavit sworn before a person authorized to administer oaths within their state or territory, which shall be ratified in Puerto Rico before a notary through the process provided therefor.

(c) The firearms license application shall be enclosed with the following:

(1) A two hundred (200)-dollar Internal Revenue voucher. It is hereby provided that, in the event a license is denied, the amount paid is nonrefundable.

(2) Fingerprints which must be taken digitally by a technician of the Police Bureau.

(3) A negative criminal record certificate issued not more than thirty (30) days before the application date.

(4) Social Security Card, or W-2, Form Wage and Tax Statement, or Form SSA-1099, Social Security Benefit Statement, or Pay Stub showing the name of the applicant and his Social Security number verifiable in accordance with the procedures established therefor in the Real I.D. Act of 2005, or a U.S. Military Identification Card, or a stamped copy of the State or Federal Tax Return of the year in which the person applies for the license, or of the year immediately preceding, or any other document that certifies the social security number, as prescribed by the Commissioner through regulations.

(5) Valid Birth Certificate or Passport or any other document certifying his lawful presence in Puerto Rico and date of birth, or any other document as prescribed by the Commissioner through regulations.

(6) A copy of the driver's license, or any other government-issued photo identification as prescribed by the Commissioner through regulations. If the street address in the license or identification is different from the address furnished in the firearms license application, the applicant shall furnish a document issued not more than two (2) months prior, as proof of his permanent street address, or any other document certifying the street address of the applicant, as prescribed by the Commissioner through regulations.

(7) Two (2) 2x2 photos in color where the features of the applicant are clearly recognizable and sufficiently recent so as to show the actual appearance of the applicant at the time of application.

(8) Operation and Handling Certificate.

The application must contain checkboxes where the applicant may mark 'yes' or 'no' to attest to his fulfillment of the requirements set forth in this Section, including the prohibitions against the receipt, transport, and shipping of firearms and ammunition established for certain persons under the Federal Gun Control Act of 1968.

Likewise, it shall include a prominent warning stating that any person who furnishes false documents or information with respect to the license application may be found guilty of perjury, document forgery, misrepresentation, recordation of false documents or data, or possession and transfer of forged documents, which are punishable by imprisonment, and if the applicant fails to meet the established requirements, the application shall be denied and the fees already paid shall not be refunded.

(d) Firearms license application filing:

(1) Any firearms license application properly completed under this chapter by a resident of Puerto Rico shall be filed along with the appropriate payment with the Firearms Licensing Office or the Police Area Headquarters of the applicant's place of residence, which shall forward said application to the Firearms Licensing Office within a term not to exceed five (5) days. Upon receipt of the payment of the fees and the duly completed documents, an electronic criminal background check of the applicant shall be immediately conducted.

(2) The Firearms Licensing Office shall complete the investigation and issue or deny the license within a term not to exceed forty-five (45) calendar days from the filing date of the application. Incomplete firearms license applications shall not be accepted. Beginning January 1, 2021, the Firearms Licensing Office shall have thirty (30) days to complete the investigation and issue or deny the license. The Firearms Licensing Office shall adjust its procedures to comply with the established term.

(3) From the time the firearms license application is accepted, the Firearms Licensing Office shall determine and certify in writing whether or not the applicant meets the firearms license requirements established in this chapter. This shall be achieved by conducting an investigation of the digital files of any agency of the Government of Puerto Rico, the United States, or any political subdivision thereof, any foreign or international entity to which it may have access, including the files of the National Crime Information Center (NCIC), the National Instant Criminal Background Check System (NICS), the Criminal Justice Information System (SIJC- PR, Spanish acronym), and the Integrated Criminal Registry (RCI, Spanish acronym).

(4) If the investigation conducted by the Firearms Licensing Office of the digital files results in a determination that the person does not meet the requirements established in this chapter, the firearms license shall be denied, but the applicant shall not be prevented from reapplying in the future. The applicant may request the reconsideration of the Firearms Licensing Office within fifteen (15) calendar days from the denial of the license, and the Firearms Licensing Office, in turn, shall have fifteen (15) calendar days to process such reconsideration and make a determination. If the determination to deny the license is ratified, or if no determination on the reconsideration is made, the firearms license applicant may petition the Court of First Instance to review the administrative determination.

(5) If the Firearms Licensing Office makes no determination within the previously established period, the applicant shall be entitled to petition the Municipal Court to resolve the controversy. Such controversy shall be resolved within fifteen (15) calendar days.

(6) If the applicant fails to meet the requirements of this chapter, the Firearms Licensing Office shall notify the Commissioner that the application was denied. In turn, the Firearms Licensing Office shall notify the applicant immediately so that he may file the appropriate request for review or appeal as provided in this chapter.

(7) If it arises that the applicant maliciously and knowingly furnished false information in the application during the licensing process, the Firearms Licensing Office shall immediately notify the Department of Justice in order to determine whether judicial actions shall be initiated and whether charges shall be filed for any offense provided under this chapter or any other applicable law. However, the applicant may request a review if he believes that the information resulting from the actions of the Firearms Licensing Office is incorrect. The applicant shall not be required to provide further information than required in this chapter.

(8) The Commissioner may, when he has grounds therefor and reasonable suspicion, conduct investigations after issuing a license, as deemed pertinent, in a peaceful manner and without disturbing the peace and quiet or the privacy of the applicant's home, regarding complaints filed against a licensed person in connection with misrepresentations made in his application. If upon the pertinent investigation it is shown that the applicant knowingly furnished false information in his application or that he does not meet the requirements established in this chapter, his firearms license shall be immediately revoked and seized, and any firearms and ammunition that the applicant has shall be immediately seized. The applicant may be prosecuted for perjury and the appropriate violations of this chapter and any other applicable law. Any citizen who has been issued a firearms license shall be liable for the operations and handling of the license and the firearms; hence, the Government of Puerto Rico, its departments, agencies, and municipalities shall be held harmless from the individual use thereof, except when they are vicariously liable for the actions of their employees or agents.

It shall be the ministerial duty of the Commissioner to investigate any complaint filed. The Firearms Licensing Office shall keep a record of the results of the investigations for the purpose of keeping statistics on the complaints and results of the investigations.

The Commissioner shall be empowered to intervene, investigate, review, and verify the operation of firearms and ammunition by the same person when the purchase of said ammunition exceeds twenty thousand (20,000) a year or the purchase of firearms exceeds ten (10).

(e) A valid firearms license is required for the applicant to be able to acquire, purchase, transport, sell, donate, lend, transfer, own, possess, keep custody, carry, use, and operate weapons, firearms, ammunition, and any other pertinent accessory allowed by this chapter in any place subject to the jurisdiction of the Government of Puerto Rico, Provided, That:

(1) A firearms license shall be required to carry a firearm; such firearm shall be carried concealed and not be brandished.

(A) Firearms may be carried only one at a time.

(B) Transportation of more than one firearm at a time is permitted when the other firearms are unloaded, securely encased not showing the contents, and out of plain sight.

(C) Carrying more than one firearm shall be permitted in the premises of an authorized gun club or in places where sport hunting is practiced, in accordance with this chapter and other applicable laws.

(D) Law enforcement officers may impose a one hundred (100)-dollar fine on any licensed person for carrying, operating, or transporting weapons brandishing rather than concealing them. If the licensed person brandishes his weapon on three occasions, the Firearms Licensing Office shall revoke his firearms license.

(2) Licensed persons may only purchase ammunition of a caliber that is compatible with the weapons they own and have registered to their name, unless they rent weapons of a caliber different from the weapons they own and have registered to their name in a gun shop with a shooting range in order to be used solely in said premises. The purchase of ammunition shall not be limited; however, when a licensed person acquires over twenty thousand (20,000) ammunition within a period of one year, the dealer shall notify the Firearms Licensing Office and the person shall be subject to police reviews on the use of said ammunition. The Firearms Licensing Office may revoke the firearms dealer license to any dealer who fails to comply with this obligation.

(3) The Commissioner shall prescribe through regulations the procedure whereby any law enforcement officer, as defined in this chapter, may issue tickets which shall be forwarded to the Firearms Licensing Office where a record of such violation by the licensed person shall be entered in the Electronic Registry. The licensed person on whom a fine has been imposed shall have sixty (60) calendar days from the imposition of said fine to request a review thereof. The Firearms Licensing Office shall hold an administrative hearing within a term not to exceed forty-five calendar days after the filing of the request for review. The Firearms Licensing Office shall have fifteen (15) calendar days to issue a determination that upholds, reviews, modifies, or eliminates the imposed fine. Should the State fail to hold the hearing within the term herein established, the fine shall be rendered void and the file closed. If the fine is upheld, the licensed person may petition a court with jurisdiction to review the administrative decision.

(4) Law enforcement officers, as defined in this chapter, and private security guards holding a firearms license, while in uniform and in the discharge of their duties, may openly carry a firearm, and may carry an additional firearm in a concealed rather than open manner.

(5) Any authorized person who is engaged in lawful target shooting or hunting activities within the premises where such activity is being carried out may also openly carry and transport their weapons.

(6) Firearms or ammunition may only be donated, sold, transferred, left under the custody of, or any other conveyance of control or ownership, between a licensed person or dealer; except within the premises of a gun club or hunting places intended for lawful sporting activities where licensed

persons may lend their weapons and facilitate ammunition for such weapons to other licensed persons, and dealers may offer weapons for rent and sell ammunition to licensed persons of legal age for use within the premises, subject to the limitations imposed below in this chapter and those imposed by the state and federal laws in effect.

(7) Said firearms license does not authorize a licensed person to engage in the business of renting, purchasing, and selling firearms, gunpowder, or ammunition; thus limiting the purchase, donation, transfer, assignment, and sale of the personal firearms and ammunition of said licensed person exclusively to licensed persons or dealers. Unlicensed dealers may not carry out raffles, sales events, or other promotional sales of firearms and ammunition.

(8) The purchase, donation, transfer, assignment, and sale of firearms and ammunition between private licensed persons shall be made through the Firearms Licensing Office or before a licensed dealer upon conducting an electronic criminal background check of the buyer through the National Instant Criminal Background Check System (NICS). If at the time of the transaction the buyer is unlicensed or he is still in the application process, the weapons and/r ammunition shall be left in the custody of the gun shop or of a licensed person until the process is completed and the buyer is issued the license. Such transaction shall be recorded by the dealer or the Firearms Licensing Office in the Electronic Registry. Any person who fails to comply with the obligation herein provided shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand (1,000) dollars. In the event of a second conviction for the same offense, the person convicted shall be punished by a fine of not less than one thousand and one (1,001) dollars and not more than five thousand (5,000) dollars, or by imprisonment for a term that shall not exceed three (3) months, or both penalties, at the discretion of the court. In the case of a third conviction for the same offense, or a repeat offender, the person shall be punished with the same penalties imposed for a second conviction, and the court shall also order the Firearms Licensing Office to revoke his firearms license immediately and indefinitely as well as to seize all firearms and ammunition that the convict possesses.

(9) Licensed persons from other jurisdictions must meet the requirements set forth herein in order to enjoy the same rights and privileges as the licensed persons in Puerto Rico. Furthermore, they must notify the Firearms Licensing Office if they intend to introduce one (1) or more firearms and/r ammunition to Puerto Rico. The Commissioner shall prescribe through regulations the manner in which such notification shall be made.

(10) Any person who carries a firearm in Puerto Rico shall meet the requirement to transport firearms and ammunition securely encased not showing the contents thereof, or concealed rather than brandishing it. Provided, that any licensed person who owns five (5) or more weapons shall be required to maintain eighty percent (80% ) of these locked in a safe place affixed to the real property in such a manner that the weapons cannot be easily removed. Any licensed person required to fulfill the safety requirement shall submit to the Firearms Licensing Office a sworn statement attesting to the fact that he is compliant with the safety requirement. The Firearms Licensing Office shall impose a five hundred (500)-dollar civil fine on the licensed person for each weapon he possesses that is removed from his property due to noncompliance with the safety measures established herein.

(f) The Firearms Licensing Office shall issue a duplicate of the firearms license when so requested by a licensed person upon the payment of fifty (50) dollars through an Internal Revenue stamp and the filing of an affidavit stating the reason for such a request.

(g) The Firearms License shall be valid for five (5) years and the expiration date shall be the date of birth of the applicant. The firearms license must be renewed after such term has elapsed in order to continue possessing, carrying, and/r transporting firearms. No person may own, carry, and/r transport firearms with an expired firearms license under penalty of the imposition of a five hundred (500)- dollar civil fine for each weapon being carried or transported with an expired license. A person holding an expired firearms license shall be prevented from purchasing or

otherwise acquiring firearms and ammunition. The Commissioner shall prescribe through regulations all that pertains to the operation and imposition of fines for possessing, carrying, and/or transporting firearms with an expired Firearms License. None of the foregoing shall prevent a person holding an expired firearms license from disposing of his firearms and/or ammunition, whether through sale, assignment, donation, or transfer to a licensed person or dealer; provided, that such a transaction shall be carried out through a dealer.

(h) A licensed person who wishes to renew his license may begin the renewal process six (6) months before and shall have up to thirty (30) days after the expiration date of the firearms license to renew it without being subject to fines. Failure to renew the firearms license after the aforementioned thirty (30) days shall entail a civil fine of twenty-five (25) dollars per month up to a maximum of six (6) months, which amount shall be paid as a renewal requirement.

(1) A licensed person who wishes to renew his license shall fill out the application and fulfill the requirements provided in this section. Such person shall enclose with such application a one hundred (100)-dollar Internal Revenue stamp.

(2) If a person fails to renew his firearm license six (6) months after its expiration, the Commissioner shall cancel such license and seize the person's firearms and ammunition. None of the above shall prevent a person whose license has been revoked for failure to act, from applying de novo for another license which shall be granted, provided such person has paid any pending fines, in which case, he may recover the seized firearms if the Commissioner has not yet disposed of them, as provided by this chapter. A licensed person who moves outside of the jurisdiction of Puerto Rico and has no weapons registered to his name in the Electronic Registry and fails to renew his firearms license within the term established herein, but then decides to apply de novo for a license shall not be subject to the fines relating to non-renewal. The Commission shall prescribe by regulations all that pertains to the process of applying de novo for a license.

(3) The Firearms License number shall remain the same throughout all renewals, provided that said renewals are authorized in accordance with this chapter.

(4) Once renewed, the Firearms Licensing Office shall issue the new license upon payment of all renewal fees within fifteen (15) calendar days, unless there is good cause for a delay.

(5) Every licensed person shall notify the Firearms Licensing Office of any change in their street or mailing address within thirty (30) days after such change occurred; failure to do so shall entail a one hundred (100)-dollar civil fine, which shall be paid as a license renewal requirement.

(i) A person may at any time surrender his firearms license to the Firearms Licensing Office for its cancellation, and also surrender his weapons to the Police Bureau, or may sell, donate, transfer, or assign them to another licensed person or dealer.

(j) Owning a firearm shall not be a requirement to obtain a firearms license.

## **§ 462d Persons exempt from the firearms license requirement to operate firearms**

Law enforcement officers may operate their service weapons without a license. Furthermore, the members of the United States Armed Forces and the Puerto Rico National Guard may operate the weapons assigned to them by such entities without a license while they are discharging official duties. Any law enforcement officer who carries a weapon shall be trained on weapons operation and handling by officials or contactors of the agencies of which they are employees, who are qualified to provide certification on firearms use, handling, and safety measures. The agency for which such agent works shall be required to submit a certificate to the Commissioner attesting that such agent received the training as provided herein. The frequency of such training shall be determined by the Commissioner pursuant to the applicable regulations.

## **§ 462h Grounds for license denial**

The Firearms Licensing Office shall not issue a firearms license to or, if already issued, shall revoke the firearms license of any person who has been convicted in Puerto Rico or in any other United States jurisdiction of a felony or attempt thereof, a misdemeanor involving violence, conduct constituting domestic abuse, as defined in §§ 601 et seq. of Title 8, or conduct constituting stalking as defined in §§ 4013-4026 of Title 33, or conduct constituting child abuse as provided in §§ 1101 et seq. of Title 8, the 'Child Safety, Well-being, and Protection Act'. The Commissioner shall seize the license holder's firearms and ammunition when the firearms license is revoked by a court with jurisdiction. The owner of the firearms and/r ammunition may dispose of his firearms; provided that they have not been used in the commission of an offense, by selling, donating, transferring, or assigning them to any person holding a valid firearm or dealer license. A firearms license holder may voluntarily surrender any firearms and/r ammunition he possesses once he learns that he is the subject of an ongoing investigation, accusation, or restraining order. In addition, no firearms license shall be issued to a person adjudicated as mentally defective; alcoholic; or addicted to controlled substances by a court with jurisdiction; who has been dishonorably discharged from the United States Armed Forces, who has been found guilty of any violation of the provisions of this chapter or the previous Weapons Act; or an issued license shall be revoked if the person were to subsequently fall under any of the aforementioned categories.

## **§ 462n Involuntary commitment information and record**

The Puerto Rico Police Bureau shall investigate whether an applicant has been committed pursuant to §§ 6152 et seq. of Title 24, before issuing a Firearms license. If the applicant was committed as the result of an intellectual disability, the firearms license and/r carry permit application shall be denied.

The Police Bureau shall not use or allow this information to be used for purposes not specified in this chapter. This information shall only be used to determine whether a person is mentally fit to own and carry a firearm.

The information obtained pursuant to this section is confidential and shall not be considered a public document.

## **§ 462o Automatic or semi-automatic assault weapons and machineguns; silencer; manufacture, import, distribution, sale, possession, and transfer**

(a) No semi-automatic assault weapon shall be manufactured, or caused to be manufactured, offered, sold, rented, loaned, possessed, used, transferred or imported. However, this prohibition shall not apply to:

(1) The possession, use, and transfer in Puerto Rico, or the import from any jurisdiction of the United States, by persons holding a valid firearms license or dealer license, of assault weapons lawfully existing in any jurisdiction of the United States, pursuant to the applicable federal laws; or  
(2) the manufacture, import, sale, or delivery by licensed dealers, of weapons to be used by the law enforcement officers of the Government of Puerto Rico or the United States, or to be used by the Armed Forces of the United States Government or of Puerto Rico in the discharge of their duties.

(b) The semiautomatic assault weapons referred to in this section are the following:

- (1) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all AK models);
- (2) Action Arms Israeli Military Industries UZI and Galil;
- (3) Beretta Ar70 (SC-70);
- (4) Colt AR-15;
- (5) Fabrique National FN/FAL, FN/LAR, and FNC;
- (6) SWD M-10, M-11, M-11/9, and M-12;
- (7) Steyr AUG;
- (8) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
- (9) Revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker; or
- (10) Any type of firearm similar to those listed above.

The following shall also be considered a semi-automatic assault weapon:

(1) A semi-automatic rifle that is retro-fed by a magazine or removable receptacle which contains two (2) or more of the following features:

- (i) folding or telescopic stock;
- (ii) pistol grip that clearly overlaps the trigger action;
- (iii) bayonet mount;
- (iv) flash suppressor; or flash suppressor thread adapter; or
- (v) grenade launcher, excluding flare launchers.

(2) A semi-automatic pistol that can be back-loaded by a magazine or removable receptacle which has more than two (2) of the following features:

- (i) ammunition magazine or clip that is fixed on the pistol outside of the pistol grip;
- (ii) a barrel with spiral grooves on the front which is capable of accepting an extension to the barrel, a flash suppressor, forward grip or a silencer;
- (iii) a cover that can be fixed covering all or part of the barrel, allowing whoever fires the weapon to hold it with the hand that is not pulling the trigger, without getting burned;
- (iv) an unloaded manufacturing weight in excess of fifty (50) ounces; or
- (v) a semi-automatic version of an automatic weapon.

(3) A semi-automatic shotgun that has two (2) or more of the following features:

- (i) a folding or telescopic stock;
- (ii) a pistol grip that clearly overlaps the trigger action;
- (iii) a fixed ammunition magazine or clip that holds more than five (5) cartridges; or
- (iv) is capable of receiving a removable magazine or clip.

(c) No silencer, as defined in this chapter, shall be manufactured, or caused to be manufactured, offered, sold, rented, loaned, possessed, used, transferred, or imported.

(d) Any person who violates the provisions of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty-four (24) years, without the right to suspended sentence, to parole, or to enjoy the benefit of a diversion program, commutation, or option to imprisonment recognized in this jurisdiction, and shall serve the entirety of the imposed sentence in natural years. If there were aggravating circumstances, the fixed penalty can be increased to a maximum of thirty-six (36) years; if there were mitigating circumstances, the penalty could be reduced to a minimum of eighteen (18) years.

The possession or operation of these weapons by members of the Police Bureau and other law enforcement officers that are duly authorized to carry firearms in the performance of official duties, as established in this chapter, shall not constitute a crime.

## **§ 464 Firearms dealer license; transaction report**

(a) No natural or juridical person may engage in the business of dealing in firearms without holding a firearms dealer license issued by the Firearms Licensing Office. Said licenses shall

expire one (1) year after the date of issue thereof and shall again be subject to the formalities and application requirements of this chapter. Firearms dealer licenses shall be subject to approval and certification by the Firearms Licensing Office, upon prior inspection of the safety measures required in the building where the establishment is located. The license renewal application shall be filed within thirty (30) days before expiration date thereof. The dealer shall also hold a valid federal firearms license known as the Federal Firearms License (FFL), and comply with the 'Gun Control Act,' 18 U.S.C. Chapter 44, CFR Part 478; the 'Arms Export Control Act,' 22 U.S.C. Chapter 2778, 27 CFR Part 479; the 'National Criminal Background Check System Regulations,' 28 CFR Part 25; and the 'Nonmailable Firearms Act,' [18 U.S.C. Section 1715](#).

(b) Any firearms and/r ammunition transaction conducted by a dealer shall be recorded in the Electronic Registry. The Commissioner shall prescribe by regulations, the procedure to be followed in the event that, due to force majeure or reasons beyond the dealer's control, he is unable to access the Electronic Registry. However, the dealer shall update the information as soon as practicable.

(c) No establishment devoted to the business of dealing in firearms may be located within a residential zone, except for already existing gun shops as of the promulgation of this chapter.

(d) No natural or juridical person or entity affiliated to the foregoing may engage in the sale or dispensation of alcoholic beverages in the same place where the business of dealing in firearms is being conducted. No establishment devoted to the business of dealing in firearms may be located within a one-mile radius of a school, except for already existing gun shops as of the promulgation of this chapter.

(e) The location where the business of dealing in firearms is to be established shall comply with the following safety measures:

(1) The building or premises used to store and sell firearms and ammunition shall be built of reinforced concrete.

(2) The windows and doors shall have interior and/r exterior steel security bars not less than three eighths of an inch (3/8')-wide, or any form of security bar or protection that is superior to the former.

(3) The access from the exterior of the building or premises shall be controlled by electronic means.

(4) To have a burglar alarm system connected to the headquarters of the Police Bureau.

(5) To have an electronic surveillance system. Said system shall be operating twenty-four (24) hours-a day, seven (7) days-a week, and shall transmit live videos and pictures in real time and back up to an external location. Sufficient security cameras shall be installed to monitor and record, at all times, all the areas where firearms are located, including, but not limited to, sales and storage areas, shooting ranges, shooting lanes, and vaults, provided that the size of the vault allows a person to enter it. The electronic surveillance system shall keep the recorded images for a period of not less than thirty (30) days and shall be available for any investigation conducted by the Police Bureau.

(6) To have a vault which may be made of reinforced concrete or steel of not less than one fourth of an inch (1/4')-wide or steel security bars of not less than three eighths of an inch (3/8')-thick or superior to the former, so as to prevent easy access to the firearms and ammunition.

(7) To have fire extinguishers; and

(8) To have an electronic terminal, internet access, and any other equipment needed to access the Electronic Registry. The Commissioner shall prescribe by regulations the minimum requirements for the electronic terminal.

(f) Dealers who have not been certified by the Firearms Licensing Office as having complied with the safety measures provided in this chapter may not begin operations until they are compliant therewith; therefore, they may not store or keep on the premises firearms and/r ammunition other than those that the dealer is personally authorized to carry and bear pursuant to the provisions of



this chapter. If a licensed firearms dealer fails to comply with the safety or other measures provided in this subchapter on two or more occasions, the Commissioner, upon previous written notice, may cancel his license. If the licensed firearms dealer disagrees, he may file a petition for review, as provided in this chapter.

(g) When a dealer identifies an anomaly in the identification card of a licensee, the dealer shall verify the authenticity and/r validity of such license through his electronic terminal. If an anomaly found, the dealer shall immediately notify the Commissioner through the means and in the manner prescribed by regulations. The Commissioner shall immediately proceed to investigate in order to determine whether there are grounds for filing criminal charges and/r cancelling the firearms license.

(h) When the delivery of a firearm is denied or prohibited by federal law, the Dealer shall immediately notify the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Commissioner through the means and in the manner prescribed by regulations. The Commissioner shall immediately proceed to investigate in order to determine whether there are grounds for filing criminal charges and/r cancelling the firearms license. Notwithstanding the provisions of subsection (g), a person holding a firearms license whose transaction was denied, shall have the right to seek reconsideration. Any licensed firearms dealer who fails to notify as provided in subsections (e) and (f) above, shall be sanctioned by an administrative fine of one thousand (1,000) dollars for the first violation, and of five thousand (5000) dollars for subsequent violations. If a licensed firearms dealer were sanctioned on three occasions for failure to notify, as provided in subsections (e) and (f) above, his firearms dealer license may be subject to revocation.

## **§ 466 Aggravation of punishment**

Any person convicted of any violation of the provisions of this chapter, whose conviction is associated and concurrent with another conviction under any of the provisions of §§ 2101 et seq. of Title 24, known as the 'Controlled Substances Act of Puerto Rico', except for § 2404 of Title 24, or §§ 971 et seq. of this title, known as the 'Act Against Organized Crime and Money Laundering of the Commonwealth of Puerto Rico', shall be sentenced to double the punishment provided for in this chapter. Any terms of imprisonment imposed under this chapter shall be served consecutively amongst each other as well as consecutively with those imposed under any other law. Furthermore, if a person has been previously convicted of any violation of this chapter or any of the offenses mentioned in this chapter, or uses a weapon in the commission of any offense, and as a result of such violation, any person is physically or mentally harmed, the punishment set forth for the offense shall double. Any violation of this chapter committed in a school or university zone shall entail double the punishment.

Any term of imprisonment imposed under this chapter may be considered for parole by the Parole Board once seventy-five percent (75% ) of the imposed term of imprisonment has been served.

## **§ 466a Manufacture, import, sale, and distribution of firearms**

A license issued under this chapter shall be required to offer, sell, or offer for sale, or transfer any firearm, ammunition, or any part of a firearm on which the manufacturer places the firearm's serial number. A dealer license shall be required to engage in all of the above as well as to manufacture, rent, or import any firearm, ammunition, or part of a firearm on which the manufacturer places the firearm's serial number. Any violation of this section shall constitute a felony and be punished by imprisonment for a fixed term of fifteen (15) years without the right to

suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction, thus the full number of calendar years of the punishment imposed shall be served. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

### **§ 466b Prohibition on selling firearms to unlicensed persons**

No dealer or person holding a valid firearms license shall deliver a firearm to a person who fails to show a valid firearms license. Any person who knowingly sells, transfers, or otherwise facilitates firearms or ammunition to a person who does not hold a valid firearms license in Puerto Rico shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of fifteen (15) years without the right to suspended sentence, be released on parole, or enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction, thus the full number of calendar years of the punishment imposed shall be served. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

A conviction under this section shall entail the automatic cancellation of any license issued under this chapter to the convicted person.

This offense shall not apply when a dealer rents a firearm or sells ammunition, within a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued photo I.D. as provided in § 463d of this title.

### **§ 466c Trade of automatic firearms**

Any person who sells or offers for sale, offers, delivers, rents, lends, or otherwise disposes of any firearm capable of automatic fire or any part or device that converts any firearm to an automatic firearm, regardless of whether said firearm, part, or device is known by the name of machine gun or otherwise, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty-four (24) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction; thus, the full number of calendar years of the punishment imposed shall be served. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of thirty-six (36) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of eighteen (18) years.

This offense shall not apply to the sale or delivery of a machine gun or any other firearm capable of automatic fire to be used by the Police Bureau and other law enforcement agencies.

### **§ 466d Carrying, transporting, or operating firearms without a license**

Any person who carries, transports, or operates any firearm without holding a valid firearms license, except as provided for shooting ranges or hunting locations, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an

alternative to incarceration recognized in this jurisdiction. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty (20) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of five (5) years.

However, in the case of a person that (i) is transporting or carrying a firearm registered in his name, (ii) holds an expired firearms license, (iii) is not charged with the commission of a felony involving the use of violence, (iv) is not charged with the commission of a misdemeanor involving the use of violence, and (v) the firearm transported or carried has not been altered or defaced, such person shall be guilty of a misdemeanor and, at the discretion of the court, shall be punished by a fine of not less than five hundred (500) dollars nor more than five thousand (5,000) dollars, or by a term of imprisonment that shall not exceed six (6) months.

Any person who transports a firearm without holding a license therefor and fails to meet the requirements (i) and (ii) of the preceding paragraph, but meets requirements (iii), (iv), and (v), and is also able to show, by preponderance of the evidence, that he became the owner of such firearm upon inheritance or bequest, and that the decedent from whom he inherited or acquired the firearm held a firearms license, shall be guilty of a misdemeanor and punished by a term of imprisonment not to exceed six (6) months or by a fine of not less than five hundred (500) dollars and not more than five thousand (5,000) dollars at the discretion of the court. The court, at its discretion, may impose community service in lieu of the established term of imprisonment.

In the event that a pneumatic weapon, a taser or stun gun, a toy gun, or any replica of a weapon is carried or transported with the intention to commit a crime or is used to commit a crime, the punishment shall be imprisonment for a fixed term of five (5) years. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of ten (10) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of one (1) year.

If the weapon is not loaded and the person does not have ammunition within his reach, such circumstances may be deemed to be mitigating. In the event that the illegal weapon is used in the commission of an offense or attempt thereof, such circumstances shall be deemed to be 'aggravating.'

Any person holding a valid firearms license who carries or transports a firearm or part thereof without having his firearms license on hand and is unable to prove that he is authorized to carry firearms shall be guilty of an infraction and punished by a one hundred (100)-dollar fine.

### **§ 466e Carry and use of bladed weapons**

Any person who, without good cause uses a knuckle duster, a blackjack, a billy club, a ninja star, a knife, a poniard, a dagger, a sword, a sling, a swordstick, a harpoon, a curved knife, a stiletto, an ice pick, a hammer, a bat, a plank of wood, a shield, safety razor blades, a cudgel, a hypodermic needle, a syringe, or any other similar instrument that is deemed to be a bladed weapon, against another person, or shows it or uses it to commit, or to attempt to commit an offense, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of three (3) years. If there should be aggravating circumstances, the fixed penalty established, may be increased to a maximum of six (6) years; if there should be mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day. The penalties established herein shall be imposed without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction. Any person who possesses, carries, or conveys any of the weapons listed herein for their use as instruments proper to an art, sport, profession, occupation, or trade, or due to any health condition, disability, or defenselessness, is excluded from the application of this section.

## **§ 466g Possession of firearms without a license**

Any person who has or possesses a firearm without holding a firearms license shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of five (5) years. If there should be aggravating circumstances, the penalty established may be increased up to a maximum of ten (10) years; if there should be mitigating circumstances, it may be reduced to a minimum of one (1) year. If the firearm has been reported stolen or illegally taken or unlawfully imported into Puerto Rico, it shall be deemed an aggravating circumstance.

Any person who commits any other offense prescribed by law involving the use of violence while engaging in the conduct described in this section, shall not be entitled to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction.

In the event that the person who possesses the firearm shows:

- (a) That the firearm he possesses is registered in his name;
  - (b) That he holds an expired firearms license;
  - (c) That he is not charged with the commission of a felony involving the use of violence;
  - (d) That he is not charged with the commission of a misdemeanor involving the use of violence;
- and
- (e) That the firearm he possesses is not altered or defaced, such person shall be guilty of a civil infraction and punished by a fixed fine in the amount of two thousand five hundred (2,500) dollars.

Any person who possesses a firearm without holding a license therefor and fails to meet the requirements (a) and (b) of the preceding paragraph, but meets requirements (c), (d), and (e), and is also able to show, by preponderance of the evidence, that he became the owner of such firearm upon inheritance or bequest, and that the decedent from whom he inherited or acquired the firearm held a firearms license, shall be guilty of a civil infraction and punished by a fixed fine in the amount of two thousand five hundred (2,500) dollars.

In the event that a person who possesses a firearm shows satisfactory evidence that he holds a firearms license, although expired, and that he has applied for renewal within the period provided by this chapter, he shall not be guilty of any crime. If he has not applied for renewal within the maximum period provided in § 462a of this title, said person shall be guilty of a civil infraction and punished by a fine in the amount of five thousand (5,000) dollars in addition to the appropriate sum for the fines established in this chapter.

## **§ 466h Unlawful carry, possession, or operation of automatic or semiautomatic long firearms, or sawed-off shotguns**

Any person who, without the authorization under this chapter, carries, possesses, or operates a semi-automatic long gun, a machine gun, carbine, or rifle, as well as any modification thereof, or any other firearm capable of automatic fire, or a sawed-off shotgun of less than eighteen (18) inches, and which can cause serious bodily harm, or any part or device thereof that converts any firearm to an automatic firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty-four (24) years, without the right to suspended sentence or to enjoy the benefits of any diversion program, commutation of sentence, or any alternative to incarceration recognized in this jurisdiction; thus, the full number of calendar years of the punishment imposed shall be served. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of thirty-six (36)

years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of eighteen (18) years.

The possession or operation of these firearms by the officers of the Puerto Rico Police Bureau or by other duly authorized law enforcement officers in the performance of official duties shall not constitute an offense. Furthermore, possessing or operating such firearms pursuant to the provisions of this chapter shall not constitute an offense.

### **§ 466i Possession or sale of silencing accessories**

Any person who possesses, sells, offers for sale, lends, offers, delivers, or disposes of any tool, contrivance, device, or accessory used to silence or diminish the report of discharging any firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or any alternative to incarceration recognized in this jurisdiction. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-four (24) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of six (6) years.

### **§ 466j Facilitating firearms to third parties**

Any person who, with criminal intent, facilitates or makes available to another any firearm that has been under his custody or control, whether or not he is the owner thereof, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-four (24) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of six (6) years.

### **§ 466k Firearm serial number or owner's name; removal or defacement**

All firearms, except for antique firearms, as defined in this chapter, shall bear in a way so as not to be easily altered or effaced, the number of the dealer or trademark under which the firearm is to be sold or the name of the importer, as well as the serial number engraved thereon.

Any person shall be guilty of a felony and punished by imprisonment for a fixed term of fifteen (15) years if he:

(a) Willfully removes, defaces, permanently conceals, alters, or effaces the serial number of any firearm;

(b) knowingly buys, sells, receives, alienates, transfers, carries, or possesses any firearm that has had its serial number removed, defaced, permanently concealed, altered, or effaced;

(c) knowingly buys, sells, receives, delivers, alienates, transfers, carries, or possesses any firearm that has had its serial number removed, defaced, permanently concealed, altered, or effaced, when he is a dealer or an agent or representative of said dealer; and/r

(d) possesses a firearm, except for antique firearms, as defined in this chapter, with no serial number.

If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-four (24) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of six (6) years.

## **§ 466m Firing or aiming firearms**

Except when acting in legitimate self-defense or in defense of a third party or when lawfully discharging official duties or engaging in lawful sport activities, any person shall be guilty of a felony punishable by imprisonment for a fixed term of five (5) years, when such person:

(a) Willfully discharges any firearm in a place other than those authorized by law, even if he does not inflict any such injury to any person; or

(b) Intentionally aims a firearm at a person, even if he does not inflict any such injury to any person.

If there should be any aggravating circumstances, the punishment established herein may be increased up to a maximum of ten (10) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of one (1) year.

Any person found guilty of the offense described in subsection (a) shall not be entitled to suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction; thus, the full number of calendar years of the punishment imposed shall be served.

When a person commits the offense described in subsection (a) of this section within the boundaries of the parcel or property of another person, and the tenant at sufferance or actual owner under by virtue of a title or right to said parcel or property is, in turn, present therein and knows about the commission of the offense established in subsection (a) of this section, then such tenant or owner shall have the obligation to immediately notify the commission of the offense described in subsection (a) of this section to the Police Bureau under penalty of a civil fine in the amount of one thousand (1,000) dollars, unless circumstances arise that prevent said tenant at sufferance or actual owner from immediately notifying the Police Bureau. In any case, said tenant at sufferance or actual owner shall notify the Police Bureau within a period not to exceed forty-eight (48) hours following the commission of the offense described in subsection (a) of this section.

The Commissioner shall prescribe through regulations, all that pertains to the notification, analysis of the case, and imposition of the fines provided in the preceding paragraph. Said regulations shall establish mechanisms to protect the confidentiality of an informant's identity when the circumstances so warrant

## **§ 466o Firearms within reach of minors**

(a) Any person who negligently leaves a firearm or firearms within reach of a person under the age of eighteen (18) and such minor takes a firearm and inflicts serious bodily injury to or kills another person or himself, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a fixed term of two (2) years. If there were aggravating circumstances, the fixed penalty thus established shall be increased to a maximum of five (5) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day if the event occurred with a lawfully possessed firearm. The court may, at its discretion and after receiving the pre-sentence report, replace the term of imprisonment with community service. It shall be deemed an aggravating circumstance if the firearm used was unlawfully possessed.

(b) Any person who, with criminal intent, facilitates or places a firearm or ammunition in the possession of a person under the age of eighteen (18) so that the latter may possess, have in custody, conceal, or transport any such items shall be guilty of a felony and, upon conviction,

shall be punished by imprisonment for a fixed term of twelve (12) years. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-four (24) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of six (6) years.

(c) If a minor, in the case provided in subsection (b) of this section, inflicts harm on another person or on himself with a firearm or commits a serious offense while in possession of a firearm, the person who supplied the firearm with criminal intent shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of thirty (30) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years. In such a case, the convicted person shall not be entitled to suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or to an alternative to incarceration.

The provisions of this section shall not apply in the event that a minor is in possession of a firearm in a situation of legitimate self-defense or defense of third parties, or of imminent danger, in which case a prudent and reasonable person would understand that if it were possible for an authorized person of legal age to gain access to the firearm, it would have been a lawful action; nor when the minor's father, mother, or legal guardian, who holds a valid firearms license and possesses a legally registered firearm, allows said minor to have such firearm accessible, unloaded, and locked in the presence and under his or her direct and continuous supervision.

### **§ 466p Unlawful taking of firearms or ammunition, theft**

Any person who intentionally and unlawfully takes a firearm or ammunition shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twenty (20) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of five (5) years. In the event that a person unlawfully takes more than one firearm or if the person is a repeat offender as provided in § 5106 of Title 33, known as the 'Penal Code of Puerto Rico', the punishment shall double.

### **§ 466q Alteration of motor vehicles to conceal firearms**

Any person who voluntarily and knowingly owns a motor vehicle whose original design has been altered for the purpose of hiding or concealing unlawfully possessed firearms shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of one (1) year. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of three (3) years; if there should be mitigating circumstances the punishment may be reduced to a minimum of six (6) months and one (1) day.

### **§ 466r Engaging in the firearms and ammunition trade without holding a dealer license**

Any natural or juridical person that engages in the business of dealing in firearms without holding a firearms dealer license shall be guilty of a felony and punished by imprisonment for a fixed term

of fifteen (15) years. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years. Provided, That any adjustment, whether mechanical or cosmetic, made by persons holding firearms licenses or by owners holding a firearms licenses on their own firearms shall not constitute an offense whatsoever, if there is no intention to profit therefrom.

### **§ 466s Discharging a firearm from a motor vehicle**

Except in the case of self-defense or defense of third parties or actions taken by law enforcement officers in the discharge of official duties, any person who discharges a firearm from a motor vehicle shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction; thus the full number of calendar years of the punishment imposed shall be served. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of forty (40) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

### **§ 466t Conspiring to illegally trafficking in firearms and/r ammunition**

Any person who conspires to illegally trafficking in firearms and ammunition, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or any alternative to incarceration. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twenty (20) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of five (5) years.

### **§ 466u Manufacture, distribution, possession, and use of ammunition; importation of ammunition**

It shall be necessary to hold a valid firearms or a dealer in firearms license, or to be a law enforcement officer, as the case may be, to manufacture, order the manufacture, offer, purchase, sale, or offer for sale, or to keep, store, deliver, lend, transfer, or otherwise dispose of, possess, use, carry, or transport ammunition, pursuant to the requirements of this chapter. A permit issued by the Police Bureau shall be required to purchase gunpowder. Any violation of this section shall constitute a felony punishable by imprisonment for a fixed term of six (6) years. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twelve (12) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of three (3) years.

A firearms dealer license shall be required to import ammunition. Any violation of this section shall constitute a felony punishable by imprisonment for a fixed term of six (6) years. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twelve (12) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of three (3) years.



Engaging in any of the conducts described in this section shall be deemed to be an aggravating circumstance at the time of the sentencing, if armor piercing ammunition is used. The manufacture, sale, or delivery of the aforementioned ammunition to be used by the Police Bureau and other law enforcement officers of the Government of Puerto Rico or the United States or by the United States Armed Forces shall not constitute an offense.

### **§ 466v Sale of ammunition to unlicensed persons**

No person shall sell, gift, assign, or transfer ammunition to persons who do not present a valid firearms or firearms dealer license, or show proof of being a law enforcement officer.

Any violations of the provisions of the preceding paragraph shall constitute a felony punishable by imprisonment for a fixed term of five (5) years. If there should be aggravating circumstances, the fixed punishment established may be increased to up to a maximum of ten (10) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of three (3) years. Engaging in the sale of ammunition prohibited herein when these are commonly known as armor piercing ammunition, even when it is designated or marketed under any other name, as well as the sale of ammunition different from the type required by the firearms registered in the buyer's name, shall be deemed to be an aggravating circumstance at the time of the sentencing. A conviction under this section shall also entail the automatic revocation of the licenses issued under this chapter.

This offense shall not apply when a dealer rents a firearm or sells ammunition, in a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued photo I.D., as provided in § 463d of this title, for the purpose of using them in said shooting range.

### **§ 466x Notice by carrier, warehouseman, depository for the receipt of firearms; penalties**

Any sea, air, or land carrier, and every warehouseman or depository who knowingly receives firearms, accessories or parts thereof, or ammunition, for delivery in Puerto Rico, shall not deliver said merchandise to the consignee until he shows his firearms or firearms dealer license. Five (5) business days after the delivery, the carrier, warehouseman, or depository shall notify the Commissioner, either in person or through the means adopted to such effects by regulations, the name, address, and license number of the consignee, and the number of delivered firearms or ammunition, including the caliber thereof as well as any other information required by the Commissioner through regulations. Moreover, any commercial airline flying to Puerto Rico with passengers checking firearms and/r ammunition along with their baggage to transport them to any airport within the territorial limits of Puerto Rico shall notify so to the Puerto Rico Police Bureau at the time such firearms and/r ammunition are returned to the passenger. The airline shall require the passenger to provide his name, address, telephone number, and any other contact information, as well as the number, type, caliber, and registration information of the firearms and/r ammunition he is transporting within the territorial limits of Puerto Rico, and provide it to the Puerto Rico Police Bureau. The Puerto Rico Police Bureau shall use the information provided to verify that such transport complies with the applicable laws and regulations of Puerto Rico. Said notification shall be made in accordance with the regulations adopted by the Puerto Rico Police Bureau to enforce the provisions of this chapter.

If the consignee does not hold a firearms or firearms dealer license, the carrier, warehouseman, or depository shall immediately notify the Commissioner of such fact, as well as the name and address of the consignee, and the number of firearms or ammunition for delivery. Furthermore, he shall be prohibited from delivering the firearms and/r ammunition to the consignee until he holds an authorization issued by the Commissioner to such effect.

The violation of any obligation herein established shall constitute a felony punishable by imprisonment for a fixed term of twelve (12) years, and by a fine of not less than two thousand (2,000) dollars and not more than ten thousand (10,000) dollars. If there were aggravating circumstances, the fixed penalty established may be increased to a maximum of twenty-four (24) years; if there were mitigating circumstances, the fixed penalty established may be reduced to a minimum of six (6) years.

## **§ 466y Presumptions**

The possession by any person of a firearm that has had its serial number or the name of its owner removed, defaced, permanently covered, altered or erased, shall be deemed as prima facie evidence of the fact that said person removed, defaced, covered, altered or erased said serial number or the name of the owner.

The possession by any person of a firearm that has had its serial number or the name of its owner removed, defaced, permanently covered, altered or erased, shall be deemed as prima facie evidence of the fact that said person possesses the firearm with the intention of committing an offense.

The possession by any person of a firearm at the time he commits or attempts to commit an offense shall be deemed prima facie evidence of the fact that said firearm was loaded at the time the offense was committed or during the attempt thereof.

The possession of a firearm by a person who does not hold a firearms license shall be deemed prima facie evidence of the fact that such person possesses the firearm with the intention to commit an offense.

The presence of three (3) or more firearms in a room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of the fact that the owner or possessor of said room, house, residence, establishment, office, structure or vehicle, or those persons who occupy the room, house, residence, establishment, office or structure, traffic in or unlawfully facilitate firearms; provided, that said persons do not hold a firearms, dealer, gun club, or game preserve license.

The presence of a machine gun or any other automatic weapon or of armor-piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of its unlawful possession by the owner or possessor of said building or vehicle, and by those persons who occupy the room, house, building, or structure in which said machine gun, automatic weapon or sawed-off shotgun is found, and have the mediate or immediate possession thereof. This presumption shall not be applicable in cases involving a public service vehicle which had been transporting fare-paying passengers at the time or when it is shown that it was rendering incidental or emergency transportation services.

The presence of a machine gun or any other automatic weapon or armor-piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute prima facie evidence of the fact that the owner or possessor of said building or vehicle possesses the firearm or the ammunition with the intention of committing an offense.

The presence of a firearm or ammunition in any stolen vehicle shall constitute prima facie evidence of its unlawful possession by all persons traveling in said vehicle at the time said firearm or ammunition is found.

The provisions of this section shall not apply to law enforcement officers discharging official duties.