

5. Sentence dispositions, sentence reductions, or offense determinations equivalent to this section were imposed or granted by a court, board, agency, or law of another state or the federal government; or

6. The person committed an offense equivalent to an offense described in subsection 1 or 2 when that person was subject to juvenile adjudication or proceedings and a determination of a court under chapter 27-20 or of a court of another state or the federal government was made that the person committed the delinquent act or offense.

62.1-02-02. Sale of handgun regulated - Penalty. No person may transfer a handgun to any person who the transferor knows or has reasonable cause to believe is a person prohibited by section 62.1-02-01 from possessing a firearm. Any person who violates this section is guilty of a class A misdemeanor.

62.1-02-03. Possession or sale of short-barreled rifle or shotgun - Penalty - Application. A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun is guilty of a class C felony. This section does not apply to a law enforcement officer who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with the officer's official duties, to a member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations who possesses or uses a short-barreled rifle or short-barreled shotgun issued to the member by that organization and while on official duty, or to any person who complies with the National Firearms Act [26 U.S.C. 5801-5872].

62.1-02-05. Possession of a firearm at a public gathering - Penalty - Application.

1. A person who possesses a firearm at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" includes athletic or sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts, and individuals in publicly owned parks where hunting is not allowed by proclamation and publicly owned or operated buildings.

2. This section does not apply to law enforcement officers; members of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty; competitors participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty. In addition, a municipal court judge licensed to practice law in this state, a district court judge, and a retired North Dakota law enforcement officer are exempt from the prohibition and penalty in subsection 1 if the individual is otherwise licensed to carry a firearm under section 62.1-04-03 and maintains the same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers. A local law

enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient.

3. This section does not prevent any political subdivision from enacting an ordinance which is less restrictive than this section relating to the possession of firearms at a public gathering. Such an ordinance supersedes this section within the jurisdiction of the political subdivision.

62.1-02-07. Use of firearm by certain minors prohibited - Penalty. Any parent, guardian, or other person having charge or custody of any minor under fifteen years of age who permits that minor to carry or use in public any firearm of any description loaded with powder and projectile, except when the minor is under the direct supervision of the parent, guardian, or other person authorized by the parent or guardian, is guilty of a class B misdemeanor.

62.1-02-08. Illegal firearms, ammunition, or explosive materials business.

1. A person is guilty of an offense if the person supplies a firearm, ammunition, or explosive material to, or procures or receives a firearm, ammunition, or explosive material for, a person prohibited by this title from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited by section 62.1-02-01 from receiving or possessing it.

2. The offense is a class C felony if the actor:

- Was not licensed or otherwise authorized by law to handle, transfer, or engage in transactions with respect to the firearm, destructive device, or explosive material; or

- Engaged in the forbidden transaction under circumstances manifesting the actor's readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a class A misdemeanor.

Chapter 62.1-03. Handguns

62.1-03-02. Selling handgun to minors prohibited - Penalty. Any person who sells, barter, hires, lends, or gives any handgun to any minor is guilty of a class A misdemeanor. This section does not prohibit a person from lending or giving a handgun to a minor if the minor will be using the handgun under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.

62.1-03-03. Copy of federal license submitted to law enforcement officials. A retail dealer licensed to sell handguns by the federal government shall send a copy of the license, within seven days after receiving it, to the chief of police of the city and the sheriff of the county in which the dealer is licensed to sell handguns.

62.1-03-04. False information prohibited. No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed, may give false information or offer false evidence of the person's identity.

62.1-03-05. Prohibited alterations in handgun. No person may change, alter, remove, or obliterate any mark of identification on a handgun, such as the name of the maker, model, or manufacturer's number or knowingly possess a

handgun on which such alterations have been made. Possession of any handgun upon which any such identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations.

62.1-03-06. General penalty. Any person who violates any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

Chapter 62.1-05. Machineguns, Automatic Rifles, Silencers, Bombs

62.1-05-01. Possession and sale of machine guns, automatic rifles, silencers, and bombs - Penalty - Forfeiture. No person may purchase, sell, have, or possess a machine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases, or any other federally licensed firearm or dangerous weapon unless that person has complied with the National Firearms Act [26 U.S.C. 5801-5872].

Any federal licensee who purchases, sells, has, or possesses those items for the licensee's protection or for sale must forward a copy of the licensee's federal license along with the required weapons transfer form to the licensee's local county sheriff and to the chief of the bureau of criminal investigation within five days of the receipt of those forms.

A person who violates this section is guilty of a class C felony. Upon arrest of that person, the firearm or dangerous weapon must be seized. Upon conviction of the person and motion to the court in which the conviction occurred, the firearm or dangerous weapon must be forfeited to the jurisdiction in which the arrest was made. The firearm or dangerous weapon may be sold at public auction, retained for use, or destroyed pursuant to the court's order. If a qualified local program as defined under section 12.1-32-02.2 has paid a reward for information that resulted in forfeiture of the item and the item has been sold, the jurisdiction shall, after payment of expenses for forfeiture and sale, repay the qualified local program for the reward that it has paid.

62.1-05-02. Persons exempt from chapter. This chapter does not apply to:

- The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, fully automatic rifle, silencer, or a bomb loaded with explosives or poisonous or dangerous gases.

- Any officer or member of a duly authorized military organization while on official duty and using the firearm or dangerous weapon issued to the officer or member by that organization.

- A North Dakota law enforcement officer.

- Any federal officer authorized by the federal government to have or possess a machine gun, submachine gun, fully automatic rifle, silencer, or bomb loaded with explosives or poisonous or dangerous gases.

[Current through General Election of November 4, 2008]

Title 6. Crimes and Criminal Procedure

General Provisions

Chapter 1. Preliminary Provisions

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

(a) "Automatic weapon" means a weapon of any description irrespective of size by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle, by one continued movement of the trigger or firing mechanism.

(b) "Carry" means having on one's person or in a motor vehicle or other conveyance. ...

(e) "Dangerous device" means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, ... any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.

(f) "Dangerous weapon" means any automatic weapon, dangerous device, firearm, gun, handgun, long gun, semiautomatic weapon, knife, machete, or other thing by which a fatal wound or injury may be inflicted. ...

(k) "Firearm" means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns and automatic and semiautomatic weapons, except a device designed or redesigned for use solely as a signaling, linethrowing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air. Bang-sticks are firearms, provided that bang-sticks used for scientific purposes are not firearms if their temporary use is approved by the Governor.

(l) "Gun" means a handgun or long gun.

(m) "Handgun" means a pistol or revolver with an overall length less than 26 inches. ...

(q) "Long gun" means a rifle with one or more barrels of more than 18 inches in length. ...

103. Further Definitions. The definitions in this also apply throughout this title, unless otherwise specified or a different meaning is plainly required: ...

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

Division 2. Contraband Offenses

Chapter 2. Weapons Control

Article 1. Weapons Control Act

2201. Short title. This article may be cited as the Commonwealth Weapons Control Act.

2202. Manufacture, Sale or Possession of Firearms and Dangerous Devices. No person may manufacture, purchase, sell, possess or

carry any firearm, dangerous device or ammunition other than as provided in this article.

2203. Exemptions from Provisions of this Article. This article does not apply to:

(a) Law enforcement officers while engaged in official duty except to the extent that particular provisions are expressly made applicable to them.

(b) Firearms which are in unserviceable condition and which are incapable of being fired or discharged and which are kept as curios, ornaments or for their historical significance or value.

(c) Weapons or other dangerous devices which are not firearms and which are kept as ornaments, curios, or objects of historical or archeological interest; provided, that the article or articles are kept or displayed only in private homes, museums, or in connection with public exhibitions.

(d) Persons in the armed forces of the United States, whenever such persons are engaged in official duty except to the extent that particular provisions of this article are expressly made applicable to them.

(e) Patrons of shooting galleries, while on the premises of the shooting gallery.

(f) Parole officers while engaged in official duty except to the extent that particular provisions are expressly made applicable to them. Parole officers shall comply with all laws and regulations applicable to Department of Public Safety law enforcement officers relating to the training, carrying, and use of firearms.

2204. Identification Cards.

(a) No person may acquire or possess any firearm, dangerous device or ammunition unless the person holds an identification card issued pursuant to this article. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

(b) Identification cards are issued only by the Department of Public Safety pursuant to regulations made by the Department of Public Safety in the manner which is or may be provided by law. The identification card shall have on its face all of the following:

(1) The name and address of the holder.

(2) The sex, height and weight of the holder.

(3) The birth date of the holder.

(4) The date of expiration for the card, which shall be two years from the date of issue.

(5) A photograph of the holder taken within 10 days prior to issuance.

(6) An endorsement setting forth the extent of the holder's eligibility to possess, use and carry firearms, dangerous devices, or ammunition.

(7) The number of the identification card.

(8) The manufacturer, model, type and serial number of the firearm.

(c) An applicant for an identification card shall make application for it on a form approved by the Department of Public Safety and supply any information necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this article to possess, use, or carry firearms, dangerous devices or ammunition, as the case may be.

(d) No identification card may be issued until 15 days after application is made, and unless the issuing agency is satisfied that the applicant may lawfully possess and use or carry firearms, dangerous devices, or ammunition of the type or types enumerated on the identification card.

Unless the application for use and possession is denied, the identification card shall issue within 60 days from the date of application.

(e) No person may be issued an identification card if the person has been:

(1) Acquitted of any criminal charge by reason of insanity.

(2) Adjudicated mentally incompetent.

(3) Treated in a hospital for mental illness, drug addiction or alcoholism.

(4) Convicted of a crime of which actual or attempted personal injury or death is an element.

(5) Convicted of a crime in connection with which firearms or dangerous devices were used or found in his or her possession.

(6) Convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.

(f) No person may be issued an identification card if the person has a physical condition or impairment which makes the person unable to use a firearm or dangerous device with proper control.

(g) Any person suffering from a physical or mental defect, condition, illness or impairment which would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in the Commonwealth to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. No such card may be valid for a period longer than six months.

(h) Any person who is ineligible for an identification card by reason of conviction of crime may be issued a card if:

(1) The most recent discharge from probation or parole or the termination of the most recent sentence, whichever is later, is more than 10 years prior to the time of application for the identification card; and

(2) The issuing agency finds that the person's record, taken as a whole, indicates that the possession, use, or carrying of a firearm or dangerous device, as the same may be, is not likely to constitute a special danger to the public safety.

(i) The holder of an identification card shall have it on or about his or her person at all times when carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.

(j) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of the loss, destruction or defacement, as the Department of Public Safety may require, upon payment of the fee required by 6 CMC § 2229 and upon surrender of any remaining portion of the original card. Notice shall be given the Department of Public Safety by the holder within 48 hours of the discovery of the loss, defacement or destruction. The holder shall notify the Department of Public Safety of any change of name or address from those appearing upon the identification card within 48 hours of such change.

(k) Only a person who is a permanent resident of the Commonwealth or a United States citizen or a United States national and a bona fide resident of the Commonwealth is eligible for an identification card or for renewal

thereof. A bona fide resident of the Commonwealth means a person whose place of general abode is in the Commonwealth of the Northern Mariana Islands. The place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent. This exemption does not apply to tourists or non-resident alien contract workers. Immediate relatives will be accorded the same status as their sponsor for the purposes of this section. In order to be issued a weapons identification card for use of .223 caliber rifles, special conditions, as promulgated by the Department of Public Safety, must be met.

(l)(1) Any person holding a firearms identification card pursuant to this section who desires renewal of the identification card shall submit an application for renewal at the Department of Public Safety 30 days prior to the expiration date of the person's current firearms identification card.

(2) The application forms shall contain a formal request for a renewal of two years and shall also contain a certification that the holder of the identification card has not been subjected to any of those conditions set forth in subsection (e) of this section.

(3) The identification card shall be automatically renewed upon its expiration date for a period of two years, provided that the requirements of subsections (l)(1) and (l)(2) of this section are complied with, and, provided, further, that the Department of Public Safety does not have any cause, pursuant to rules and regulations adopted under this article, to disapprove the renewal.

(4) If the time period for renewal stated in subsection (l)(1) of this section is not complied with, the identification card holder shall be required to follow the procedures for an original application.

2205. Identification Card Prerequisite to Purchase, Possession, and Use; Prima Facie Evidence of Possession.

(a) No person may purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this article evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device, or ammunition. That person shall be at least 21 years of age. ...

2206. Carrying Firearms. No person may carry a firearm unless the person has in his or her immediate possession a valid identification card, and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of a vehicle while en route to or from a target range, or area where the person hunts, or takes part in other sports involving firearms, or carries the firearm in plain sight on his or her person while actively engaged in hunting or sports involving the use of firearms.

2207. New Residents, Temporary Residents and Visitors to the Commonwealth. Visitors, new residents, and temporary residents in the Commonwealth may not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Commonwealth without an identification card issued pursuant to this article. Any person who possesses any firearm, dangerous device, or ammunition shall, before or immediately upon his entrance into the Commonwealth, turn it in to the Department of Public Safety or the chief of police. The firearm, dangerous device, or ammunition shall be returned to the person upon his or her being issued an identification card pursuant to the provisions of this article or upon his departure from the Commonwealth.

sions of this article or upon his departure from the Commonwealth.

2208. Law Enforcement Officers.

(a) Possession, use and carriage of firearms, ammunition and dangerous devices by law enforcement officers derives from the laws governing the powers, functions, and organization of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this article or in regulations pursuant thereto.

(b) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in subsection (a) of this section, be subject to the provisions of this article and regulations made pursuant thereto.

(c) The head of a law enforcement agency of the Commonwealth shall furnish to the Department of Public Safety the names, ranks and badge numbers or similar identification of each person on his force who is authorized to possess, use and carry firearms in the course of official duty. Upon the occurrence of any changes in personnel to whom this subsection applies, the head of the law enforcement agency shall inform the Department of Public Safety promptly of the change.

(d) Whenever a law enforcement officer is not engaged in official duties, this article shall be applicable to him in the same manner and to the same extent as to any other person. ...

2209. License for Transfer.

(a) No dealer, manufacturer or wholesaler may transfer firearms, dangerous devices or ammunition except pursuant to a license as provided in this section.

(b) Any person, firm, corporation, or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail may apply for a dealer's license. The application shall be on a form approved by the Department of Public Safety and shall contain the following information:

(1) The name and address of the applicant, including the address of each separate location within the Commonwealth at which the applicant purposes to do business pursuant to the license;

(2) If the applicant is a partnership or association, the names and addresses of the partners or associates, or if the applicant is a corporation, the names and addresses of the officers and directors; and

(3) Such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the Department of Public Safety may require.

2210. Licenses for Transfer; Issuance and Renewal of Dealer's License.

(a) Upon receipt of a proper application and payment of the prescribed fee, the Department of Public Safety shall within 60 days issue a dealer's license to an applicant, if the applicant is found to be eligible for it pursuant to this article and any applicable regulations of the Department of Public Safety. The regulations shall place a reasonable limit on the number of dealers. The license shall list the types of firearms, ammunition, and dangerous devices which the dealer is authorized to offer for sale.

(b) A license issued pursuant to this section is valid for one year from the date of its issuance, unless sooner canceled, suspended or revoked. A license shall bear its expiration date on its face.

(c) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the Department of Public Safety. Eligibility for renewal shall be the same terms and conditions as for an original license, except that renewal also may be denied on account of a violation of this article or regulations of the Department of Public Safety made pursuant thereto or for any conduct in the operation of the applicant's business which gives the Department of Public Safety grounds to believe that the applicant will no longer operate in a manner consonant with the public safety.

2211. License for Transfer; Display; Conduct of Dealer's Business. The holder of a dealer's license shall:

(a) Display his or her license in a conspicuous place at all times at the establishment described in the license. If a dealer has more than one place of business at which firearms, dangerous devices or ammunition are sold, the dealer shall display in the same manner a certified copy of the license at each additional place of business.

(b) Keep the records and file the reports required by this article and regulations made pursuant thereto.

(c) Display no firearms, dangerous devices, or ammunition in any place where they can be seen from outside the premises.

(d) Keep all firearms, dangerous devices and ammunition in a securely locked place at all times except when they are actually being shown to a customer or prospective customer or when actually being repaired or otherwise worked on.

(e) Permit only employees who are holder of identification cards making the eligible to purchase, possess and use firearms, dangerous devices or ammunition to have access to firearms, dangerous devices or ammunition.

2212. Records and Reports by Dealers.

(a) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of that person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. These records shall be available for inspection at all reasonable times by the Department of Public Safety and the Department of Public Safety's duly designated representatives. These records shall be retained at least five years.

(b) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within 24 hours of the transfer, supply the following information to the Department of Public Safety on a form approved by it:

(1) The name address and license number of the dealer.

(2) The manufacturer, type and serial number of the firearm or dangerous device transferred. No firearm may be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(3) The name, address and identification number of the transferee.

2213. Repair of Firearms.

(a) No person other than a dealer or manufacturer licensed pursuant to this article shall repair firearms or accept the same for repair.

(b) No person may accept any firearms for repair unless the person is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to 6 CMC § 2212, and shall maintain the record for at least one year.

(c) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by its owner.

2214. Transfer or Sale of Ammunition.

(a) No person may transfer ammunition, unless the person is a manufacturer, wholesaler or dealer licensed pursuant to this article. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the identification card.

(b) No transferee of ammunition may transfer it to any person other than a dealer licensed pursuant to this article. Upon receipt of ammunition, the dealer shall make keep records with respect to the ammunition in the manner required by this section for ammunition sold by him.

2215. Private Sales or Transfers. No person other than a manufacturer, wholesaler or dealer licensed pursuant to this article may transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is a holder of an identification card issued pursuant to this article. Prior to any transfer, the transferor shall furnish the Department of Public Safety in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Department of Public Safety providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

2216. Receipt or Use as Security.

(a) No person, other than a licensed dealer, may receive a firearm as a pledge or pawn, or in any other manner as security.

(b) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly:

(1) The date of receipt;

(2) The full description of the item or items received including the manufacturer, type and serial number or numbers, if any;

(3) The name and address of the person making the pledge, pawn, or other deposit as security; and

(4) The number of the person's identification card.

No dealer may accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing an entitlement to possess and use a gun of the type involved.

(c) Upon the return or other disposition of the firearm in the dealer's possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date and the name and address of the person to whom the firearm was returned or disposed. No firearm may be returned or disposed of to any person who, at the time of the return or disposition, does not exhibit a valid identification card issued in the person's own name and entitling

that person to possess and use the firearm involved.

2217. Manufacturers and Wholesalers.

(a) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless the person is the holder of:

(1) A dealer's license issued pursuant to 6 CMC § 2210; or

(2) A license issued pursuant to this section.

(b) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, who is not the holder of a dealer's license, may make application for a manufacturer's or wholesaler's license. The application shall contain the same information required for a dealer's license, and any additional information required by the Department of Public Safety as may be appropriate to administer this article. No manufacturer's license or wholesaler's license may authorize transfer or delivery within the Commonwealth except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Commonwealth or, subject to applicable laws of the Commonwealth, for export.

(c) The Department of Public Safety shall issue, renew, cancel, deny, suspend or revoke manufacturer's and wholesaler's licenses on the same terms and subject to the same conditions as provided for dealer's licenses.

(d) Every manufacturer shall assign a unique serial number to each firearm manufactured and shall inscribe the number in or on the firearm in a manner that will resist removal, alteration, defacement or obliteration. The Department of Public Safety may make regulations for the style of the serial numbers and for the manner of the inscription.

2218. Registry of Firearms and Ammunition.

(a) The Department of Public Safety shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(b) Records kept in the registry shall include all records required to be filed with the Department of Public Safety pursuant to this article, copies of all records filed with an agency or officer of local government pursuant to this article, and any records deposited with the Department of Public Safety pursuant to subsection (c) of this section.

(c) Any dealer, manufacturer or wholesaler licensed pursuant to this article, upon discontinuance of the licensed business or activity, shall transmit all records kept pursuant to this article to the Department of Public Safety.

(d) Records relating to the repair of firearms shall be kept by the Department of Public Safety for a period of at least five years after transmittal.

(e) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Commonwealth or its subdivisions, or at the discretion of the Department of Public Safety, to law enforcement officers and agencies of foreign governments.

2219. Cancellation, Denial, Suspension and Revocation of Licenses.

(a) Any license issued pursuant to this article shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of firearms and the sale of ammunition.

(b) The issuing officer or agency may deny, suspend or revoke an identification card or a license issued pursuant to this chapter for failure

of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefore, or for any violation of this article or regulations in force pursuant to it. ...

2220. Shipment and Delivery of Firearms, Dangerous Devices, and Ammunition.

(a) No person may ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer, or person who possesses a valid identification card.

(b) Any person who ship, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Commonwealth shall, before delivery, furnish to the Department of Public Safety an invoice listing the person's name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom the firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(c) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Commonwealth shall, before delivery, furnish to the Department of Public Safety an invoice listing the person's name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity if ammunition to each type in the shipment.

(d) If the shipment is by common carrier, a copy of the invoice required by subsections (b) and (c) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any shipment to the chief of police who will verify the accuracy of the shipment and compliance with this article, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time delivery.

(e) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time delivery.

2221. Loss, Destruction or Theft of Firearms or Dangerous Devices.

Whoever owns or possesses a firearm or dangerous device shall, within 24 hours of discovery, notify the Department of Public Safety of the loss, theft or destruction of any firearm or dangerous device and, after giving notice, of recovery thereof.

2222. Prohibited Acts. No person shall:

(a) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.

(b) Knowingly deface, alter or destroy an identification card.

(c) Acquire, possess or use any firearm silencer or muffler.

(d) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.

(e) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon or ammunition other than:

(i) All .22 caliber rimfire cartridges and all regular .22 caliber rimfire cartridges.

(ii) All .22 caliber centerfire cartridges and .22 caliber rifles.

(iii) All .223 caliber centerfire cartridges and .223 caliber centerfire rifles. These require a special weapons identification card.

(iv) All .410 gauge shotgun shells and .410 gauge shotguns.

These firearms and ammunition are as defined by the Gun Data Book published by Harper and Row and the NRA Firearms Book published by the National Rifle Association of America. This section is subject to the law enforcement exemption provided at 6 CMC § 2203(a).

(f) Import, sell, transfer, give away, purchase, possess or use any explosives, ammunition or other projectiles other than those in subsection (e) of this section. This section is subject to the law enforcement exemption provided at 6 CMC § 2301(a)(4). ...

(i) In any manner or to any degree alter or modify any firearm from its original state of manufacture, including but not limited to alteration or modification of firing pins or chamber, or alteration or modification that creates automatic or semiautomatic weapons from single fire weapons, or to acquire, possess or use such altered or modified firearm.

2223. Forfeiture of Unlawful Item. All firearms, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or delivered into the Commonwealth are declared to be inimical to the public safety and are forfeited to the Commonwealth. When such forfeited articles are taken from any person, they shall be surrendered to the Department of Public Safety.

2224. Closing of Establishments During Emergencies.

In case of emergency concerning the public safety declared by the Governor, all establishments dealing in guns, dangerous devices or ammunition may be ordered closed by the official and be required to remain closed during the continuance of the emergency. During any such closure, any and all guns, dangerous devices and ammunition belonging to or in the keeping of a closed establishment may be impounded.

2225. Registration of Weapons Possessed on Effective Date of Article.

(a) Any person having in his or her possession a firearm or dangerous device on the effective date of this article shall, within 90 days of the effective date, furnish on a form approved by the Department of Public Safety to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this article, equivalent information concerning any firearm or dangerous device in his or her possession.

(b) If, prior to the expiration of the 90 day period provided in subsection (a) of this section, the firearm is transferred, the transferor shall comply with the provisions of this article for furnishing of information on transfer and need not comply with subsection (a) of this section.

2226. Surrender of and Compensation for Weapons Held on Effective Date by Ineligible Persons.

Any person who possessed any firearm or dangerous device in the Commonwealth prior to the effective date of this article, and who is determined to be ineligible to possess or is prohibited from possessing the firearm or dangerous device under this article, shall tender such firearm or dangerous device to the Department of Public Safety or his delegate within 90 days of the effective date of this article and be reasonably compensated for it.

2227. Local laws. Nothing in this article shall be deemed to prevent any local government from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This chapter shall supersede all district laws and municipal ordinances in conflict with this article.

2228. Authority of the Department of Public Safety to Promulgate Regulations. The Department of Public Safety may issue, amend and repeal regulations implementing this article in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare.

2229. Fees for Licensing and Identification Cards. The fees for issuance and renewal of annual licenses and identification cards as required by this article shall be as follows:

- (a) For the identification card, \$25;
- (b) For a dealer's license, \$300;
- (c) For a manufacturer's license, \$1,000;
- (d) For a wholesaler's license, \$1,000;
- (e) For replacement of lost, destroyed, or defaced identification card, \$10. ...

2230. Penalties.

(a) Any person who, being a holder of a valid identification card fails to comply with 6 CMC § 2206 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100 or imprisoned not more than three months, or both.

(b) Any person who violates any other provision of this article or any regulation issued pursuant thereto shall be guilty of a felony, and upon conviction thereof, may be fined not more than \$5,000 or imprisoned not more than five years, or both, and may be subject to confiscation of any firearm, dangerous device, or ammunition without compensation, involved in a violation of this article. The holder of any dealer's license or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this article by his or her employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

Chapter 3. Custom Violations

2301. Importation of Contraband.

(a) It shall be unlawful for any person to knowingly enter the Commonwealth with the intent to import, or attempt to cause another to bring or import into the Commonwealth, or

conceal for the purpose of importation, any of the following items:

(1) Controlled substances as defined in this title.

(2) Currency, coin, travelers checks, money orders, and/or negotiable instruments of a total of more than \$5,000 unless the same is reported to the Division of Customs in a signed customs declaration form prior to entry into the Commonwealth.

(3) Firearms and ammunition other than those rifles listed below or shotguns of .410 gauge and with normal factory-produced stocks and barrels unless the importer is authorized by the Director of the Department of Public Safety to import the same for law enforcement purposes. The following are not contraband:

(i) All .22 caliber rimfire cartridges and all regular .22 caliber rimfire cartridges.

(ii) All .22 center-fire cartridges and .22 caliber rifles.

(iii) All .223 caliber center-fire cartridges and .223 caliber center-fire rifles. These require a special weapons identification card.

(iv) All .410 gauge shotgun shells and .410 gauge shotguns.

(4) Ammunition other than regular long rifle .22 caliber rimfire cartridges or .410 gauge shotgun shells or dangerous devices as described in this title unless the importer has been authorized to import and possess the same by the Director of the Department of Public Safety or the Chief of the Customs Service for law enforcement purposes....

2302. Enforcement.

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

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

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

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

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

2303. Forfeiture.

(a) All items of contraband as defined by 6 CMC § 2301 shall be subject to forfeiture pursuant to 6 CMC § 2150.

(b) Only firearms and ammunition of the .22, .22 magnum, and .223 caliber as referenced in 6 CMC § 2222(e) will be returned to their former lawful owners. No firearm shall be returned to the rightful owner unless that person has a firearm identification card and has reimbursed the Commonwealth government the amount compensated by the government for surrendering the firearm to the Department of Public Safety.

[Current through all Sessions to August 2007]

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