

**TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE  
CHAPTER 12 - FIREARMS CONTROL**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**FIREARMS CONTROL ACT 1983**

**Arrangement of Sections**

<b>Section</b>	<b>Page</b>
§1201. Short title. ....	3
§1202. Interpretation. ....	3
§1203. Firearms control.....	4
§1204. Special cases of need. ....	4
§1205. Identification card. ....	5
§1206. Surrender of firearms.....	5
§1207. The prescribed date.....	5
§1208. Regulations.....	5



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**CHAPTER 12 - FIREARMS CONTROL**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**FIREARMS CONTROL ACT 1983**

AN ACT to provide for the control of firearms.

*Commencement:*

*February 11, 1983*

*Source:*

*P.L. 1983-17*

**§1201. Short title.**

This Chapter may be cited as the "Firearms Control Act 1983". [P.L. 1983-17, §1.]

**§1202. Interpretation.**

In this Chapter :

- (a) "**airgun**" means a device which hurls a projectile by means of the release or expansion of carbon dioxide or air, other than a device designed or redesigned for use solely as a signaling, line-throwing, spear-fishing or industrial device;
- (b) "**automatic weapon**" has the same meaning as in the Weapons Control Act;
- (c) "**concealable firearm**" means a firearm with a barrel length, including any revolving, detachable or magazine breech, not exceeding nine inches;
- (d) "**firearm**" has the same meaning as in the Weapons Control Act, except that it includes an airgun, and automatic weapon;
- (e) "**prescribed date**" means the date fixed under Section 1207 of this Chapter;

- (f) “**semiautomatic weapon**” has the same meaning as in the Weapons Control Act. [P.L. 1983-17, §2.]

### §1203. Firearms control.

Subject to Section 1204 of this Chapter and notwithstanding any thing in the Weapons Control Act:

- (a) an identification card shall not be issued under that Act with respect to a firearm; and
- (b) on the prescribed date, all identification cards issued under that Act are canceled and cease to have effect. [P.L. 1983-17, §3.]

### §1204. Special cases of need.

- (1) Subject to Subsections (2) and (3) of this Section and notwithstanding Section 1203 of this Chapter, if the Attorney-General is satisfied that:
- (a) a person has a genuine need for a firearm of a particular type;
- (b) he can be trusted to possess, carry and use a firearm of that type with safety to himself and others, and in accordance with the Weapons Control Act and any other applicable law; and
- (c) he otherwise complies with the provisions of the Weapons Control Act relating to the issuance of identification cards in relation to firearms of that type, the Attorney-General may issue an identification card under that Act to that person in relation to a firearm of that type.
- (2) Subsection (1) of this Section does not permit the issuance of an identification card if the card would not have been issued under the Weapons Control Act, in the absence of this Chapter .
- (3) Except as provided in the regulations made under Section 1208 of this Chapter, Subsection (1) of this Section does not apply to or in relation to:
- (a) concealable firearms or other pistols or revolvers;
- (b) firearms that have been reduced in length; or
- (c) automatic or semiautomatic weapons. [P.L. 1983-17, §4.]

**§1205. Identification card.**

An identification card issued under the Weapons Control Act by virtue of Section 1204 of this Chapter :

- (a) relates only to the specific firearms listed thereon, the details of which are entered on the card; and
- (b) expires at the end of the period of twelve (12) months after its issue. [P.L. 1983-17, §5.]

**§1206. Surrender of firearms.**

- (1) A person who is lawfully in possession of a firearm may, on or before the prescribed date, surrender the firearm to the office of the Attorney-General or his delegate.
- (2) A person who surrenders a firearm in accordance with Subsection (1) of this Section is entitled to prompt and just compensation for it, which compensation shall be calculated as if Section 1203 of this Chapter had not been passed. [P.L. 1983-17, §6.]

**§1207. The prescribed date.**

The Cabinet may, by written notice, fix a date for the purposes of Section 1203(b) of this Chapter, which in its opinion, occurs sufficiently long after the effective date of this Chapter so that persons affected by it have a reasonable time to minimize any resultant loss. [P.L. 1983-17, §7.]

**§1208. Regulations.**

- (1) The Cabinet may make regulations, not inconsistent with this Chapter, prescribing all matters that are necessary or convenient for the furtherance of the purposes of this Chapter, and in particular for:
  - (a) exempting from the operation of Section 1204(1) of this Chapter any firearm or type of firearm to which Section 1204(3) of this Chapter applies in cases where the Cabinet is satisfied that there is a special, genuine need for the issuance of an identification card under Section 1204 of this Chapter and the card can be issued with safety to the possessor of the firearm and to others; and

- (b) prescribing the form and contents of identification cards issued under the Weapons Control Act by virtue of Section 1204 of this Chapter .
- (2) Regulations made under Subsection (1)(a) of this Section may provide exemptions subject to conditions. [P.L. 1983-17, §9.][Section was formerly numbered as 1209, re-numbered as 1208 former 1208 was "Reserved" ]

**TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE**  
**CHAPTER 13 - WEAPONS CONTROL ACT**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

## WEAPONS CONTROL ACT

### Arrangement of Sections

Section	Page
§1301. Short Title .....	3
§1302. Definitions .....	3
§1303. Manufacture, sale or possession of firearms and dangerous devices.....	4
§1304. Exemptions from provisions of Chapter.....	5
§1305. Identification cards.....	5
§1306. Identification card prerequisites to purchase, possession and use; prima facie evidence of possession.....	8
§1307. Carrying firearms .....	9
§1308. New residents, temporary residents and visitors of the Republic. ....	9
§1309. Law enforcement officers .....	9
§1310. Licenses for transfer; required.....	10
§1311. Same; issuance and renewal of dealer’s license .....	11
§1312. Same; display; conduct of dealer’s business.....	11
§1313. Records and reports by dealers .....	12
§1314. Repair of firearms .....	13
§1315. Transfer or sale of ammunition .....	13
§1316. Private sales or transfers.....	13
§1317. Receipt or use as security .....	14
§1318. Manufacturers and wholesalers .....	14
§1319. Registry of firearms and ammunition .....	15
§1320. Cancellation, denial, suspension and revocation of licenses .....	16
§1321. Shipment and delivery of firearms, dangerous devices and ammunition.....	17
§1322. Loss, destruction or theft of firearms or dangerous devices .....	18
§1323. Prohibited acts .....	18
§1324. Forfeiture of unlawful item.....	19
§1325. Closing of establishments during emergencies.....	19

§1326. Local laws..... 19  
§1327. Authority of Attorney-General to promulgate regulations. .... 19  
§1328. Fees for licenses and identification cards. .... 20  
§1329. Penalties for violation of Chapter..... 20

**TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE  
CHAPTER 13 - WEAPONS CONTROL ACT**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**WEAPONS CONTROL ACT**

**AN ACT** to provide for the regulation and control of weapons in the Republic.

*Commencement:* *Not Specified*  
*Source:* *COM P.L. 4C-10 (1971)*  
*Amended By:* *COM P.L. 4C-13 (1971) COM P.L. 4C-40 (1972)*  
*COM P.L. 5-61 (1973) COM P.L. 6-100 (1976) 63 TTC 1980*  
*P.L. 2011-62*

**§1301. Short Title.**

This Chapter is known and may be cited as the “Weapons Control Act”. [P.L. 4C-13, §1 (1971); 63 TTC 1980, §551, modified.]

**§1302. Definitions.**

As used in this Chapter the following terms shall have the meanings set forth below:

- (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;
- (c) **“dangerous device”** means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or

gravity blade knife, blackjack, sandbag, metal, wooden or shark's tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose;

- (d) **"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, except a device designed or redesigned for use solely as a signaling, line throwing, spear fishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air;
- (e) **"gun"** means a handgun or long gun;
- (f) **"handgun"** means a pistol or revolver with an overall length of less than twenty-six inches;
- (g) **"long gun"** means a rifle with one or more barrels more than eighteen inches in length;
- (h) **"person"** means any natural person, corporation, partnership, or other business entity;
- (i) **"semi-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 a like number of movements of the trigger or firing mechanism without cocking or resetting the trigger or firing mechanism;
- (j) **"transfer"** means a sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another. [COM P.L. 4C-13, §4 (1971); COM P.L. 4C-40, §2 (1972); COM P.L. 5-61, §1 (1973); 63 TTC 1980, §554, modified.]

### §1303. Manufacture, sale or possession of firearms and dangerous devices.

No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided. [COM P.L. 4C-13, §2 (1971); 63 TTC 1980, §552.]

**§1304. Exemptions from provisions of Chapter.**

This Chapter shall not apply to:

- (a) law enforcement officers while engaged in official duty except to the extent that particular provisions of this Section 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 referred to herein are kept or displayed only in private homes, museums, or in connection with public exhibitions; or
- (d) persons in the armed forces of the United States, whenever such persons are engaged on official duty except to the extent that particular provisions of this Part are expressly made applicable to them.
- (e) for sole purpose of enhancing the safety and security of any Republic of the Marshall Islands registered vessel against acts or attempted acts of terrorism, piracy, armed robbery, or hijacking, and in accordance with the Republic of the Marshall Islands Maritime Act and all maritime rules and regulations promulgated by the Republic of the Marshall Islands Administrator, any republic of the Marshall Islands registered vessel not trading within Internal, archipelagic, or territorial waters of the Republic of the Marshall Islands. Including all individuals embarked or transferring firearms or dangerous devices to or from the vessel at the request of the vessel's owner, operator, or master. [COM P.L. 4C-10, §3 (1971); COM P.L. 4C-13, §3 (1971); COM P.L. 4C-40 (1972); 63 TTC 1980, §553, modified; P.L. 1983-17, §8 amended this section by deleting Paragraph (e); P.L. 2011-62 amended by inserting a new subsection (e).]

**§1305. Identification cards.**

- (1) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this Chapter. The identification card is evidence of the holder's

- eligibility to possess and use or carry firearms, dangerous devices, or ammunition.
- (2) Identification cards shall be issued only by the office of the Attorney-General pursuant to regulations made by the office of the Attorney-General in the manner which is or may be provided by law. The identification card shall have on its face all of the following:
    - (a) the name and address of the holder;
    - (b) the sex, height and weight of the holder;
    - (c) the birth date of the holder;
    - (d) the date of expiration for the card which shall be two (2) years from the date of issue;
    - (e) a photograph of the holder taken within ten (10) days prior to issuance;
    - (f) an endorsement setting forth the extent of the holder's eligibility to possess, use and carry firearms, dangerous devices, or ammunition; and
    - (g) the number of the identification card.
  - (3) An applicant for an identification card shall make application therefor on a form approved by the office of the Attorney-General and shall supply such information as may be 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 Chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be.
  - (4) No identification card shall issue until fifteen (15) days after application therefor, 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 sixty (60) days from the date of application.
  - (5) No person shall be issued an identification card if he has been:
    - (a) acquitted of any criminal charge by reason of insanity;
    - (b) adjudicated mentally incompetent;

- (c) treated in a hospital for mental illness, drug addiction or alcoholism;
  - (d) convicted of a crime of which actual or attempted personal injury or death is an element;
  - (e) convicted of a crime in connection with which firearms or dangerous devices were used or found in his possession; or
  - (f) convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.
- (6) No person shall be issued an identification card if he has a physical condition or impairment which makes him unable to use a firearm or dangerous device with proper control.
- (7) 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 Republic 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. But no such card shall be valid for a period longer than six (6) months.
- (8) Any person who is ineligible for an identification card by reason of conviction of crime may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten (10) years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety.
- (9) The holder of an identification card shall have it on or about his person at all times when he is carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.
- (10) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of such loss,

destruction or defacement as the office of the Attorney-General may require, upon payment of the fee required by Section 1330 of this Chapter and upon surrender of any remaining portion of the original card. Notice shall be given the office of the Attorney-General by the holder within forty-eight (48) hours of his discovery of such loss, defacement or destruction. The holder shall notify the office of the Attorney-General of any change of name or address from those appearing upon the identification card within forty-eight (48) hours of such change.

- (11) A person who is neither a citizen nor resident of the Republic shall not be eligible for an identification card, except upon receiving special permission from the Attorney-General. [COM P.L. 4C-13, §5 (1971); 63 TTC 1980, §555, modified.]

**§1306. Identification card prerequisites to purchase, possession and use; prima facie evidence of possession.**

- (1) No person shall purchase, possess or use a firearm, a dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this Chapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least twenty-one (21) years of age.
- (2) Where a firearm, dangerous device, or ammunition is found in a vehicle or vessel, it shall be prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant if there is but one. If there is more than one occupant, it shall be prima facie evidence that it is in the possession of all, except under the following circumstances:
- (a) where it is found upon the person of one of the occupants;
  - (b) where the vehicle or vessel is not a stolen one and the firearm, dangerous device, or ammunition is out of view in a glove compartment, automobile trunk, or other enclosed customary depository, in which case it is prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant or occupants who own or have authority to operate the vehicle or vessel; or

- (c) where in the case of a taxicab, the firearm, dangerous device, or ammunition is found in the passenger's portion of the vehicle, it shall be prima-facie evidence that it is in the possession of all the passengers, if there are any, and, if not, that it is in the possession of the driver. [COM P.L. 4C-13, §6 (1971); COM P.L. 5-61, §2 (1973); 63 TTC 1980, §556, modified.]

### **§1307. Carrying firearms.**

No person shall carry a firearm unless he has in his 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 his vehicle while en route to or from a target range, or area where he hunts, or takes part in other sports involving firearms, or carries the firearm in plain sight on his person while actively engaged in hunting or sports involving the use of firearms. [COM P.L. 4C-13, §7 (1971); 63 TTC 1980, §557.]

### **§1308. New residents, temporary residents and visitors of the Republic.**

Visitors, new residents, and temporary residents in the Republic shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Republic without an identification card issued pursuant to this Chapter. Any person who possesses any firearms, dangerous devices, or ammunition shall, before or immediately upon his entrance into the Republic, turn it in to the Attorney-General's office or the Chief of Police. Such firearm, dangerous device or ammunition shall be returned to such person upon his being issued an identification card pursuant to the provisions of this Chapter or upon his departure from the Republic. [COM P.L. 4C-13, §8 (1971); 63 TTC 1980, §558, modified.]

### **§1309. Law enforcement officers.**

- (1) 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 Chapter or in regulations issued pursuant thereto.

- (2) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in Subsection (1) of this Section, be subject to the provisions of this Chapter and regulations made pursuant thereto.
- (3) The head of a law enforcement agency of the Republic shall furnish to the office of the Attorney-General the names, addresses, 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 his 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 office of the Attorney-General promptly of the change.
- (4) Whenever a law enforcement officer is not engaged in official duties, this Chapter shall be applicable to him in the same manner and to the same extent as to any other person. [COM P.L. 4C-13, §9 (1971); 63 TTC 1980, §559, modified.]

#### **§1310. Licenses for transfer; required.**

- (1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this Section.
- (2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the office of the Attorney-General and shall contain the following information:
  - (a) the name and address of the applicant, including the address of each separate location within the Republic at which the applicant proposes to do business pursuant to the license:
  - (b) 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
  - (c) such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the office of the Attorney-General may require. [COM P.L. 4C-13, §10 (1971); 63 TTC 1980, §560, modified.]

**§1311. Same; issuance and renewal of dealer's license.**

- (1) Upon receipt of a proper application and payment of the prescribed fee, the office of the Attorney-General shall within sixty (60) days issue a dealer's license to an applicant, if he is found to be eligible therefor pursuant to this Chapter and any applicable regulations of the Attorney-General. Such 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 has been authorized to offer for sale.
- (2) A license issued pursuant to this Section shall be valid for one year from the date of its issuance, unless sooner canceled, suspended or revoked. A license shall bear the expiration date thereof on its face.
- (3) A license issued pursuant to this Section may be renewed annually upon application by the holder made on a form approved by the office of the Attorney-General. Eligibility for renewal shall be on the same terms and conditions as for an original license, except that renewal also may be denied on account of violation of this Chapter or regulations of the office of the Attorney-General made pursuant thereto or for any conduct in the operation of the applicant's business which gives the office of the Attorney-General grounds to believe that the applicant will no longer operate in a manner consistent with the public safety. [COM P.L. 4C-13, §11(1971); 63 TTC 1980, §561, modified.]

**§1312. Same; display; conduct of dealer's business.**

The holder of a dealer's license shall:

- (a) display his 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 he sells firearms, dangerous devices and ammunition or any of them, he shall display in the same manner a certified copy of his license at each such additional place of business;
- (b) keep the records and file the reports required by this Chapter 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; and
- (e) permit only employees who are holders of identification cards making them eligible to purchase, possess and use firearms, ammunition or dangerous devices, to have access to firearms, dangerous devices or ammunition. [COM P.L. 4C-13, §12 (1971); 63 TTC 1980, §562. modified.]

### §1313. Records and reports by dealers.

- (1) 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 such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the office of the Attorney-General and his duly designated representatives. Such records shall be retained at least five (5) years.
- (2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within twenty-four (24) hours of the transfer, supply the following information to the office of the Attorney-General on a form approved by it:
  - (a) the name, address and license number of the dealer;
  - (b) the manufacturer, type and serial number of firearm or dangerous device transferred; and
  - (c) the name, address and identification card number of the transferee.
- (3) No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered. [COM P.L. 4C-13, §13(1971); 63 TTC 1980, §563, modified.]

**§1314. Repair of firearms.**

- (1) No person, other than a dealer or manufacturer licensed pursuant to this Chapter shall repair firearms or accept the same for repair.
- (2) No person shall accept any firearms for repair unless he 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 such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to Section 1313 of this Chapter, and shall maintain such record for at least one year.
- (3) Nothing in this Section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof. [COM P.L. 4C-13, §14 (1971); 63 TTC 1980, §564.]

**§1315. Transfer or sale of ammunition.**

- (1) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer licensed pursuant to this Part. 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 transferee's identification card.
- (2) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this Chapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this Section for ammunition sold by him. [COM P.L. 4C-13, 15 (1971); 63 TTC 1980, §565.]

**§1316. Private sales or transfers.**

No person other than a manufacturer, wholesaler or dealer licensed pursuant to this Chapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this Chapter. Prior to any such transfer, the transferor shall furnish to the office of the Attorney-General in person or by registered or

certified mail, return receipt requested, a properly completed form approved by the office of the Attorney-General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device. [COM P.L. 4C-13, §16(1971); 63 TTC 1980, §566, modified.]

**§1317. Receipt or use as security.**

- (1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.
- (2) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly the date of receipt; the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any; the name and address of the person making the pledge, pawn, or other deposit as security; and the number of said person's identification card. No dealer shall accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.
- (3) Upon the return or other disposition of the firearm in his possession pursuant to this Section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved. [COM P.L. 4C-13, §17(1971); 63 TTC 1980, §567, modified.]

**§1318. Manufacturers and wholesalers.**

- (1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:
  - (a) he is the holder of a dealer's license issued pursuant to Section 1311 of this Chapter; or
  - (b) he is the holder of a license issued pursuant to this Section.
- (2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, which person is not the holder of a dealer's license, shall make application for a

manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license and any additional information required by the Attorney-General as may be appropriate to administer this Chapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Republic except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Republic or, subject to applicable laws of the Republic, for export.

- (3) The office of the Attorney-General shall issue, renew, cancel, deny, suspend or revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.
- (4) Every manufacturer shall assign a unique serial number to each firearm manufactured by him and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration. The office of the Attorney-General may make regulations for the style of such serial numbers and for the manner of their inscription. [COM P.L. 4C-13, §18 (1971); 63 TTC 1980, §568, modified.]

### **§1319. Registry of firearms and ammunition.**

- (1) The office of the Attorney-General 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.
- (2) Records kept in the registry shall include all records required to be filed with the office of the Attorney-General pursuant to this Chapter copies of all records filed with an agency or officer of Local Government pursuant to this Chapter, and any records deposited with the office of the Attorney-General pursuant to Subsection (3) of this Section.
- (3) Any dealer, manufacturer or wholesaler licensed pursuant to this Chapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this Chapter to the office of the Attorney-General.
- (4) Records relating to the repair of firearms shall be kept by the office of the Attorney-General for a period of at least five (5) years after transmittal.

- (5) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Republic or its subdivisions, or at the discretion of the office of the Attorney-General, to law enforcement officers and agencies of foreign governments. [COM P.L. 4C-13, §19 (1971); 63 TTC 1980, §569, modified.]

**§1320. Cancellation, denial, suspension and revocation of licenses.**

- (1) Any license issued pursuant to this Chapter 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.
- (2) 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 therefor, or for any violation of this Chapter or regulations in force pursuant thereto.
- (3) The office of the Attorney-General by regulation shall make classifications of offenses and other violations of this Chapter or regulations in force thereunder. Regulations made pursuant to this Chapter shall set forth those offenses and violations for which identification cards and licenses may be suspended or revoked, and those for which the penalty must be revocation. Such regulations shall be of general application.
- (4) Any person who, by reason of the suspension or revocation of his identification card, is no longer eligible to continue in possession of a firearm, dangerous device or ammunition shall surrender any and all firearms, dangerous devices and ammunition to the Chief of Police, or shall dispose of the firearms, dangerous devices and ammunition forthwith under the direction and supervision of the Chief of Police. In the case of suspension of an identification card, the owner of the firearm, dangerous device or ammunition may request that the constabulary keep same during the period of suspension and, except as herein provided, the firearm, dangerous device or ammunition shall be restored to the owner when he again becomes eligible to possess same and requests return. Any firearm, dangerous device or ammunition in the possession of the Chief of Police pursuant to this

Chapter may be disposed of, without compensation to the owner, upon revocation of the suspended identification card or at the end of sixty (60) days after receipt or the date of termination of the suspension, whichever is later. However, if proceedings in connection with the suspension or revocation are not yet finally determined, disposal shall not be until such final determination has been made.

- (5) Any denial, suspension or revocation of an identification card or a license shall be subject to review by the Cabinet upon request by the aggrieved person, and thereafter to the High Court or a Court of competent jurisdiction. [COM P.L. 4C-13, §20(1971); 63 TTC 1980, §70, modified.]

**§1321. Shipment and delivery of firearms, dangerous devices and ammunition.**

- (1) No person shall 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.
- (2) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Republic shall, before delivery, furnish to the office of the Attorney-General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such 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.
- (3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Republic shall, before delivery, furnish to the office of the Attorney-General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment.

- (4) If shipment is by common carrier, a copy of the invoice required by Subsections (2) and (3) of this Section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the Chief of Police who will verify the accuracy, of the shipment, and compliance with this Chapter, 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 of delivery.
- (5) 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 of delivery.
- (6) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition. [COM P.L. 4C-13, §21(1971); 63 TTC 1980, §571, modified.]

### **§1322. Loss, destruction or theft of firearms or dangerous devices.**

Whoever owns or possesses a firearm or dangerous device shall, within twenty-four (24) hours of discovery, notify the office of the Attorney-General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof. [COM P.L. 4C-13, §22 (1971); 63 TTC 1980, §572, modified.]

### **§1323. Prohibited acts.**

- (1) 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, rifle larger than .22 caliber, shot gun larger than .410 gauge, or any other firearm;

- (f) board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his carry on luggage; or
- (g) use or attempt to use any firearm, dangerous device, or ammunition in connection with or in aid of the commission of any crime against the laws of the Republic, except those set forth under other provisions of this Chapter. [COM P.L. 4C-13, §23(1971); COM P.L. 4C-40, §1 (1972); 63 TTC 1980, §573, modified.]

#### **§1324. Forfeiture of unlawful item.**

All firearms, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or delivered into the Republic are declared to be inimical to the public safety and are forfeited to the Republic. When such forfeited articles are taken from any person, they shall be surrendered to the office of the Attorney-General. [COM P.L. 4C-13, §24(1971); 63 TTC 1980, §574, modified.]

#### **§1325. Closing of establishments during emergencies.**

In case of emergency concerning the public safety declared by the Cabinet, all establishments dealing in guns, dangerous devices or ammunition may be ordered closed by the Cabinet and 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. [COM P.L. 4C-13, §25(1971); 63 TTC 1980, §575, modified]

#### **§1326. Local laws.**

Nothing in this Chapter shall be deemed to prevent any Local Government from further restricting, by local laws or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. [COM P.L. 4C-13§28 (1971); 63 TTC 1980, §578, modified.][This section was previously numbered as §1328, re-numbered as §1326 as previous §§1326 and 1327 were "Reserved". All succeeding sections, renumbered]Rev2003]

#### **§1327. Authority of Attorney-General to promulgate regulations.**

- (1) The office of the Attorney-General shall have power to issue, amend and repeal regulations implementing this Chapter in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare.

- (2) Any regulations made under Subsection (1) of this Section shall be subject to the Firearms Control Act and to the regulations made under Section 1209 of that Act. [COM P.L. 4C-13,§29(1971); 63 TTC 1980, §579, modified; 1983-17, §8, amended this Section by adding Subsection (2).][Re-numbered, see notation at the end of section 1326 above][Rev2003]

### §1328. Fees for licenses and identification cards.

The fees for issuance and renewal of licenses and identification cards as required by this Part shall be as follows:

- (a) for an identification card, \$20;
- (b) for a dealer's license, \$150;
- (c) for a manufacturer's license, \$500;
- (d) for a wholesaler's license, \$500; and
- (e) for replacement of a lost, destroyed, or defaced identification card, \$5.

Fees collected pursuant to the provisions of this Chapter shall be paid to the Secretary of Finance and become part of the Marshall Islands General Fund. [COM P.L. 4C-13, §30 (1971); 63 TTC 1980, §580. modified.][Section re-numbered, see notation at the end of section 1326 above][Rev2003]

### §1329. Penalties for violation of Chapter.

- (1) Any person who, being the holder of a valid identification card, fails to comply with Section 1307 of this Chapter shall be guilty of a misdemeanor, and shall upon conviction be liable to a fine not exceeding \$100, or to a term of imprisonment not exceeding three (3) months, or both.
- (2) Any person who violates any other provisions of this Chapter or any regulations issued pursuant thereto shall be guilty of a felony, and shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding five (5) years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation. involved in a violation of this Chapter. 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 Chapter by his employee or agent committed in the course of the dealers business, to the same extent as such employee or agent. [COM P.L. 4C-13, §31 (1971); COM P.L. 6-100, §1

(1976); 63 TTC 1980, §581, modified.][Section re-numbered, see notation at the end of section 1326 above][Rev2003]