

(House Substitute for  
H. B. 575 and H. B. 382)  
(Reconsidered)

(No. 75-2024)

(Approved May 10, 2024)

## AN ACT

To amend Sections 1.02; 2.01; 2.02; 2.03; 2.04; 2.06; 2.07; 2.08; 2.10; 2.13; 2.15; 3.02; 3.03; 3.05; 4.01; 4.02; 4.04; 5.02; 5.04; 6.08; 7.09 and add a new Section 2.17 to Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” in order to make technical amendments to said Act; and for other related purposes.

### STATEMENT OF MOTIVES

The Legislative Assembly of Puerto Rico approved Act No. 168-2019, known as the “Puerto Rico Weapons Act of 2020,” on December 11, 2019. Said Act replaced and repealed Act No. 404-2000, known as the “Puerto Rico Weapons Act.” Act No. 168, *supra*, conformed the rule of law in effect to the U.S. Constitution which recognizes a person’s right to keep and bear arms.

More than one year after the approval of this progressive law, the Legislative Assembly deems it necessary to make certain amendments to clarify some of the concepts contained therein with the intent to facilitate its enforcement.

### ***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 1.02 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 1.02.- Definitions.

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

(a) ...

‘Law Enforcement Officer’ means any member or officer of the Government of the Commonwealth of Puerto Rico or of the United States of America, as well as any other political subdivision of Puerto Rico or the United States, whose duties include protecting persons and property, maintaining public order and safety; and making arrests. This includes, but is not limited to the members of the Puerto Rico Police Bureau, the Municipal Police, the Special Investigations Bureau, the Rangers Corps of the Department of Natural and Environmental Resources, the Correctional Officers of the Department of Corrections, the Office of Pretrial Services, the National Guard, the Security officers of the Ports Authority while on official duty or assignment, the Inspectors of the Transport and Other Public Services Bureau, the Internal Revenue Officers and Internal Revenue Inspectors of the Department of the Treasury, as well as the Marshals of the General Court of Justice of Puerto Rico and of the Federal Court with jurisdiction throughout Puerto Rico.

...

(aa) ‘Firearms Licensing Office’ - means the unit of the Puerto Rico Police Bureau charged with all that pertains to the issuance of Firearms Licenses and the Electronic Registry. The Firearms Licensing Office is known as the Firearms Registration and Licensing Division within the organizational chart of the Puerto Rico Police Bureau.

...

...”

Section 2.- Section 2.01 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.01.- Licensing and Electronic Registry.

The Firearms Licensing Office shall issue firearms and/or firearms dealer licenses, gun club licenses, special long gun licenses to transport valuables, and

special licenses for minors in accordance with the provisions of this Act, which shall facilitate the electronic registration of all licenses issued under this Act and all firearm and ammunition transactions in the Electronic Registry. The Commissioner shall be responsible for prescribing by regulations the manner in which the Electronic Registry shall operate. The Firearms Licensing Office shall keep a record of the information required to issue licenses, as well as statistics on the number of licenses issued, renewed, denied, and revoked. Furthermore, it shall keep a digital record of issued fines as well as those fines pending payment. The Firearms Licensing Office shall enter the information furnished by applicants in their applications into the system and the documents shall be digitized for such purposes. The original documents shall be returned to the applicant after being digitized, and date and time stamped as proof of receipt thereof. The firearms license issued shall be an identification card similar to a driver's license, of a size appropriate to be carried in a regular wallet and shall include a picture of the licensee where his or her features are clearly recognizable, the licensee's full name, the firearms license number as well as the expiration date thereof. The identification card shall be designed with the most modern security features available to deter counterfeiting or tampering. Also, digital firearms licenses so issued shall be available on the platform deemed convenient by the Puerto Rico Innovation & Technology Service. The identification card shall not include the street or mailing address of the licensee, nor mention the weapons or ammunition such person is authorized to purchase; however, the Electronic Registry shall contain and furnish such information to the users thereof. The Commissioner shall prescribe by regulations all other physical features of the license as well as any other elements the Commissioner deems convenient therefor. Law enforcement officers may request the Firearms Licensing Office to furnish the information available in the system about a firearms licensee for the sole purpose of verifying the validity of a Firearms License. The personally identifiable

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

Section 3.- Section 2.02 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.02.- Firearms License.

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

(1) Be twenty-one (21) years of age; or be eighteen (18) years of age and be sworn in as a member of the Puerto Rico Police Bureau, Municipal Police, or Correctional Officer of the Department of Corrections.

...

(5) Have not been dishonorably discharged from the armed forces, any law enforcement agency, or for any of the offenses listed in Section 2.09 of this Act or their equivalents whether in Puerto Rico or in any jurisdiction of the United States or for the unlawful operation of a firearm.

...

(9) Not be a person prohibited from receiving, transporting, or shipping firearms or ammunition under the Federal Gun Control Act of 1968.

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

- (1) Full name including surnames.
- (2) Street and mailing addresses.
- (3) Home or mobile telephone number.
- (4) Electronic mail address (if any).
- (5) Date and place of birth.
- (6) Personal descriptors, such as sex, eye and hair color, weight, and height.
- (7) Social Security number.
- (8) Driver's license number, passport number, or any other official government-issued identification as the Commissioner prescribes through regulations.
- (9) In the case of aliens or lawful residents, the alien registration number or any other document certifying his or her lawful presence in Puerto Rico shall be included.
- (10) Have completed and sworn a firearms license application before a notary attesting to the accuracy of its contents and the fulfillment of all the requirements provided in this Act as applicable. Nonresidents must enclose with their application an affidavit sworn before a person authorized to administer oaths within their jurisdiction, which shall be ratified in Puerto Rico before a notary through the process provided therefor.

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

- (1) A two hundred (200)-dollar Internal Revenue stamp. It is hereby provided that, in the event a license is denied, the amount paid shall not be refunded.

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

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

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

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

(6) A copy of the Driver's License, or any other government-issued photo identification as prescribed by the Commissioner through regulations. If the street address on the license or identification is different from the address included in the firearms license application, the applicant shall furnish a document issued within the preceding two (2) months, as proof of his or her permanent street address, or any other document certifying the street address of the applicant, as prescribed by the Commissioner through regulations.

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

(8) Operation and Handling Certificate. The application shall contain checkboxes where the applicant may mark "yes" or "no" to attest to his

fulfillment of the requirements set forth in this Section, including the prohibitions against the receipt, transport, and shipping of firearms and ammunition established for certain persons under the Federal Gun Control Act of 1968. Likewise, it shall include a prominent warning stating that any person who furnishes false documents or information with respect to the license application may be found guilty of perjury, document forgery, misrepresentation, recordation of false documents or data, or possession and transfer of forged documents, which are punishable by imprisonment, and if the applicant fails to meet the established requirements, the application shall be denied and the fees already paid shall not be refunded.

(d) Firearms License Application Filing:

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

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

(3) From the time the firearms license application is accepted, the Firearms Licensing Office shall determine and certify in writing whether the applicant meets the firearms license requirements established in this Act. This shall

be achieved by conducting an investigation of the digital files of any agency of the Government of Puerto Rico, the United States, or any political subdivision thereof, any foreign or international entity to which it may have access, including the files of the National Crime Information Center (NCIC), the National Instant Criminal Background Check System (NICS), the Criminal Justice Information System (SIJC-PR, Spanish acronym), and the Integrated Criminal Registry (RCI, Spanish acronym).

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

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

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

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

(8) After issuing a license, the Commissioner may investigate, upon reasonable suspicion and grounds, as appropriate, in a peaceful manner and without disturbing the peace and quiet or the privacy of the applicant's home, complaints filed against a licensee in connection with misrepresentations made in his or her application. If, upon the pertinent investigation, it is shown that the applicant knowingly made misrepresentations in his or her application or that he or she fails to meet the requirements of this Act, his or her firearms license shall be immediately revoked and seized, and any firearms and ammunition that the applicant has shall be immediately seized. The applicant may be prosecuted for perjury and the appropriate violations of this Act and any other applicable law. If the individual refuses to cooperate in this process, the police shall obtain a search warrant to seize the firearms and ammunition. Any individual who has been issued a firearms license shall be held responsible for the use of the firearms license and the handling of firearms; thus releasing, the Government of Puerto Rico, its departments, agencies, and municipalities from liability for the individual use thereof, except when they are vicariously liable for the actions of their employees or agents.

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

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

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

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

(i) Only one firearm may be carried at a time.

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

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

(iv) Law enforcement officers may impose a one hundred (100)-dollar fine on any licensee for carrying weapons openly rather than in a concealed manner. If a firearms licensee is caught brandishing a weapon a second time, the Firearms Licensing Office shall revoke his or her firearms license. Such person may once again apply for a firearms license one (1) year after the revocation thereof and be advised that repeat offenders shall be punished by a fine of five thousand dollars (\$5,000) and the permanent revocation of firearms license.

(2) Licensees may only purchase ammunition of a caliber that is compatible with the weapons they own and are registered in their name, unless they

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

(3) The Commissioner shall prescribe through regulations the procedure whereby any law enforcement officer, as defined in this Act, may issue tickets, which shall be forwarded to the Firearms Licensing Office where a record of such violation by the licensee shall be entered into the Electronic Registry. The licensee on whom a fine has been imposed shall have sixty (60) calendar days from the imposition of said fine to request review thereof. The Firearms Licensing Office shall hold an administrative hearing within a period not to exceed forty-five (45) calendar days from the filing day of the request for review. The Firearms Licensing Office shall have fifteen (15) calendar days to issue a determination upholding, revising, modifying, or eliminating the imposed fine. Should the Government fail to hold the hearing within the period herein established, the fine shall be dismissed, and the case shall be filed away. If the fine is upheld, the licensee may petition a court with jurisdiction to review the administrative decision.

(4) Licensed law enforcement officers, as defined in this Act, and licensed private security guards, while in uniform and while discharging their duties, may open carry a firearm, and may carry an additional firearm concealed, not openly.

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

(6) Firearms or ammunition may only be donated, sold, transferred, left under the custody of, or any other conveyance of control or ownership, between a licensee or dealer; except within the premises of a gun club or hunting places intended for lawful sporting activities where licensees may lend their weapons and facilitate ammunition for such weapons to other licensees, and dealers may offer weapons for rent, and sell ammunition to persons older than twenty-one (21) years of age without a firearms license for use exclusively within such premises, subject to the limitations imposed below in this Act and those imposed by the state and federal laws in effect.

(7) Said firearms license does not authorize a licensee to engage in the business of renting, purchasing, and selling firearms, gunpowder, or ammunition; thus limiting the purchase, donation, transfer, assignment, and sale of the personal weapons and ammunition of said licensee exclusively to licensed gun shops or dealers. No person other than a licensed dealer may carry out raffles, sales events, or other promotional sales of weapons and/or ammunition.

(8) The purchase, donation, transfer, assignment, and sale of weapons and ammunition between private licensees shall be made through the Firearms Licensing Office or before a licensed dealer upon conducting an electronic criminal background check of the buyer through the National Instant Criminal Background Check System (NICS). If at the time of the transaction the buyer is unlicensed, for he or she is still in the application process, the weapons and/or ammunition shall be left in the custody of the gun shop or of a firearms licensee until the process is completed and the License is issued to the buyer. Such transaction shall be recorded by the dealer or the Firearms Licensing Office in the Electronic Registry. Any person who fails to comply with the obligation herein provided shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand (1,000) dollars. In the event of a second conviction for the same

offense, the convicted person shall be punished by a fine of not less than one thousand and one (1,001) dollars nor more than five thousand (5,000) dollars, or by imprisonment for a term not to exceed three (3) months, or both penalties, at the discretion of the court. In the case of a third conviction for the same offense, or for repeated offenses, the convicted person shall be punished by the same penalties imposed for a second conviction, and the court shall also order the Firearms Licensing Office to revoke his or her firearms license immediately and indefinitely as well as to seize all firearms and ammunition owned by the convict.

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

(10) Any person who carries a weapon in Puerto Rico shall meet the requirement to transport weapons and ammunition securely in a closed case that does not show the contents thereof or to carry them concealed, not openly. In addition, any licensee who owns five (5) or more weapons shall be required to maintain eighty percent (80%) of them locked in a safe place affixed to the real property in such a manner that the weapons cannot be easily removed. Licensees shall meet this safety requirement and submit to the Firearms Licensing Office a sworn statement attesting to the fact that he or she is compliant with the safety requirement. The Firearms Licensing Office shall impose a five hundred (500)-dollar administrative fine on the licensee for each weapon he or she possesses that is removed from his or her property due to noncompliance with the safety measures established herein.

(11) Married couples or couples in a domestic partnership living in the same household who are both licensees may use their spouse or domestic partner's weapons without the need to have them registered in their name.

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

(g) The Firearms License shall be valid for five (5) years and the expiration date thereof shall be the date of birth of the applicant. The firearms license must be renewed after such term has elapsed in order to continue possessing, carrying, and/or transporting firearms. No person may own, carry, and/or transport firearms with an expired firearms license under penalty of the imposition of a five hundred (500)-dollar administrative fine for each weapon being carried or transported with an expired license. A person holding an expired firearms license shall be prevented from purchasing or otherwise acquiring weapons and ammunition. The Commissioner shall prescribe through regulations all that pertains to the operation and imposition of fines for possessing, carrying, and/or transporting firearms with an expired Firearms License. None of the above provisions shall prevent a person holding an expired firearms license from disposing of his or her weapons and/or ammunition, either by sale, assignment, donation, or transfer to a firearms licensee or licensed dealer; provided, that such a transaction is carried out through a dealer.

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

(1) A licensee who wishes to renew his or her license shall fill out the application and fulfill the requirements provided in this Section, except for the fingerprint requirement. Such person shall enclose with the application a one hundred (100)-dollar Internal Revenue stamp.

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

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

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

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

(k) A person may at any time surrender his or her firearms license to the Firearms Licensing Office for its cancellation and also surrender his or her weapons

to the Police Bureau, or may sell, donate, transfer, or assign them to another licensee or a dealer.

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

Section 4.- Section 2.03 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.03.- Procedure for Issuing a Firearms License to Certain Government Officials.

The following officials and employees qualify for an expedited process; provided, that they are not prohibited from possessing firearms by this Act or any other state or federal law:

(a) ...

...

(j) state auxiliary police officers and municipal auxiliary police officers.

(k) members of the Puerto Rico National Guard or State Guard;

...”

Section 5.- Section 2.04 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.04.- Transfer of Funds.

The Secretary of the Department of the Treasury shall transfer, on a quarterly basis, to the Puerto Rico Police Bureau the revenues collected for the licenses and fines provided for herein. The funds collected shall be solely used for the ongoing and uninterrupted firearms licensing process, to defray the costs of the Office and of any educational campaign deemed necessary to raise people’s awareness of weapons operation and handling, and for any other purposes, as provided by this Act.”

Section 6.- Section 2.06 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.06.- Persons Exempt from the Payment of Firearms License Fees.

The following persons shall be exempt from the payment of the fees established herein when applying for a Firearms License:

- (a) persons with physical disabilities;
- (b) high performance athletes who represent Puerto Rico internationally in the sport of shooting as certified by the Olympic Committee upon a free consultation with the Shooting Federation; and
- (c) prosecutors of the Commonwealth of Puerto Rico and the United States; family advocates; as well as juvenile prosecutors of the Commonwealth of Puerto Rico; and
- (d) those listed in subsections (h), (i), and (j) who qualify for the expedited process provided in Section 2.03 of this Act.”

Section 7.- Section 2.07 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.07.- Operation and Handling Certificate, Instructor.

Training on firearms operation and handling shall be required to apply for, or renew, a firearms license. This requirement shall also apply to the expedited firearms licensing and carry permit processes established in Section 2.14 of this Act for victims of domestic violence and stalking. The Puerto Rico Police Bureau shall certify and qualify the persons who shall offer the firearm operation and handling courses. The Police Bureau shall recognize the instructor certificates issued by local and national private institutions that meet the minimum requirements prescribed by the Commissioner through regulations. The person certified by the Puerto Rico Police Bureau to offer such courses shall issue a Firearm Operation and Handling Certificate. The certified instructor shall be the person responsible for attesting to

the participation in, and completion of, the Firearm Operation and Handling Course. The certified instructor shall obtain a seal identifying him or her as an instructor. The seal shall bear the certified instructor's number assigned by the Puerto Rico Police Bureau. The certified instructor shall affix his or her seal on the Firearm Operation and Handling Certificate. The Firearm Operation and Handling Course shall contain both a theoretical part and a practical part. The Firearm Operation and Handling Course certified instructor shall be authorized to provide firearms license applicants with firearms and ammunition so they may complete the practical part of the Firearm Operation and Handling Course.

The Commissioner shall prescribe by regulations all other aspects related to the Firearm Operation and Handling Course.

The Commissioner of the Puerto Rico Police Bureau shall recognize the Firearm Operation and Handling Certificate issued by the certified instructors who meet the requirements established hereinbelow:

- (a) be accredited by the Puerto Rico Police Bureau;
- (b) comply with the applicable local fiscal laws;
- (c) hold a Puerto Rico Merchant Registration Certificate issued by the Department of the Treasury;
- (d) hold a valid firearms license;
- (e) have a criminal record certificate; and
- (f) an affidavit stating that he or she is not currently subject to criminal proceedings or an investigation at the local or federal level and that no protective order is in effect against him or her as a result of gender-based violence, stalking, or abuse of any kind.”

Section 8.- Section 2.08 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.08.- Felony Charges; Seizure of Weapons.

Upon a determination of probable cause for the arrest of any firearms licensee for the commission of one or more felonies or attempted felony, the court shall order the provisional suspension and seizure of the license until a final and binding determination is issued in the criminal proceeding. The Court shall order that all firearms and/or ammunition of the firearms licensee be seized and placed in the Weapons and Ammunition Depot of the Puerto Rico Police Bureau. The Puerto Rico Police Bureau shall seize all the firearms and ammunition of the Licensee within seventy-two (72) hours and store them in the Weapons and Ammunition Depot of the Puerto Rico Police Bureau. If a verdict of not guilty is returned or a no cause determination is issued, as applicable, at any stage of the criminal proceeding, and the prosecution has exhausted all remedies available under the Rules of Criminal Procedure, unless there is a protective order in effect against such person for gender-based violence, stalking, or abuse of any kind, the judge shall be required under this Act to order the immediate reinstatement of the firearms license, and the return of all firearms and ammunition to the firearms licensee. Any firearms and ammunition so returned shall be in the same conditions as they were when seized. The firearms licensee shall be exempt from the payment of the fee for storing his or her weapons in the Weapons and Ammunition Depot of the Police Bureau. Should there be a final and binding judgment of guilt, the Commissioner shall revoke the license permanently. As part of the penalty to be imposed in cases where a firearm has been used in the commission of an offense, the Court shall order the Commissioner to seize the firearms and ammunition used, which may be sold by the Puerto Rico Police Bureau. The proceeds from this sale shall be deposited in the Crime Victims Fund. The firearms owner whose license has been revoked upon a final and binding Court Order shall retain ownership of the firearms that were not used in the commission of an offense for the sale, transfer, or assignment thereof to a firearms licensee within a non-extendable period of twenty (20) days from the revocation of

the firearms license. The appropriate transaction shall be carried out at the Firearms Licensing Office unless the owner has been convicted of an offense involving violence or intimidation in which case the Commissioner shall seize the firearms and ammunition according to law.”

Section 9.- Section 2.10 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.10.- Loss and Surrender; Temporary Assignment of Firearm; Death of License Holder.

(a) ...

(b) A firearms licensee may assign his or her firearm and/or ammunition to another firearms licensee if the former believes that, for any particular reason, he or she should not possess a firearm at any given time. The assignor shall notify the Firearms Licensing Office of the temporary assignment of the firearms and/or ammunition, including the date such temporary assignment shall end, as soon as possible, but always within the first forty-eight (48) hours, if the assignment period shall exceed seventy-two (72) hours. Furthermore, the assignor shall state the reasons for the assignment of his or her weapons and/or ammunition, the name, address, and firearms license number of the assignee, the type of weapon assigned and a description thereof including its serial number, and the address where the weapon and/or ammunition is located. If the temporary assignment exceeds thirty (30) days, the firearms shall be returned to the registered owner or the transfer must be recorded in the Electronic Registry in the name of the assignee as provided in this Act. Any person who fails to comply with this obligation shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than five hundred (500) dollars nor more than one thousand (1,000) dollars.

(c) ...”

Section 10.- Section 2.13 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.13.- Grounds for Empowering Law Enforcement Officers to Seize Firearms Without a Warrant.

Any law enforcement officer shall temporarily seize the license, firearm, and/or ammunition of a citizen if said officer has grounds to believe that the licensee has used or shall use said firearms and ammunition unlawfully to harm other persons; for uttering threats to commit a crime; for expressing the intention to commit suicide; for showing negligence or carelessness in handling a firearm; when it is believed that the licensee has a mental illness, is considered to be a habitual drunkard, or is addicted to controlled substances; or in any other situation of serious risk or danger that warrants the seizure. In the case of a person who attempts to commit suicide or that suffers from a mental illness, the licensee shall be required to demonstrate that he or she has not suffered from a mental illness for a reasonable amount of time in the judgment of a healthcare professional by submitting a certificate from a healthcare professional attesting to the treatment received, in order to request the reinstatement of the seized firearms.

Law enforcement officers shall be authorized to temporarily seize the firearms, licenses, and ammunition of licensees when they are arrested for committing a felony or a misdemeanor involving intimidation or violence. Law enforcement officers shall have seventy-two (72) hours to place the seized firearms and/or ammunition in the weapons depot of the Police Bureau and notify the Department of Justice.

Seized firearms and ammunition shall be returned in the same condition in which they were when seized. No markings, modifications, or defacement shall under any circumstances be made to a seized firearm by any law enforcement officer

or by the State while under their custody. The foregoing shall not preclude the Puerto Rico Police Bureau from conducting an administrative investigation.

In the case of a weapon delivered to the Institute of Forensic Sciences (IFS) for the appropriate analysis or study, upon determination by the IFS that such weapon has not been in the commission of any offense, the IFS shall be required to return such firearm or firearms within a period not to exceed thirty (30) calendar days from the date in which the prosecution certifies that the criminal investigation has ended and there is no probationary matter pending relating to the analysis of said weapon.”

Section 11.- Section 2.15 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 2.15.- Involuntary Commitment Information and Record.

The Puerto Rico Police Bureau shall investigate whether an applicant has been committed pursuant to Act No. 408-2000, as amended, before issuing a Firearms License. If the applicant was committed as a result of an intellectual disability, the Firearms License and/or carry permit application shall be denied. The Puerto Rico Police Bureau shall not use or allow this information to be used for purposes not specified in this Act. This information shall only be used to determine whether a person is mentally fit to own and carry a firearm. The information obtained pursuant to this Section is confidential and shall not be considered a public document.

When a law enforcement officer seizes the license, firearm, and/or ammunition of a person who has expressed his or her intention to commit suicide or who suffers from a mental illness, for such person to apply for the reinstatement of the seized license, firearm and/or ammunition, he or she shall be required to show that he or she has not suffered from a mental illness for a reasonable amount of time in the judgment of a healthcare professional by submitting a certification from a psychiatrist or clinical psychologist attesting to the treatment received and that such

person has the emotional stability required to possess or carry a firearm without it representing a threat to him or herself and the community.”

Section 12.- A new Section 2.17 is hereby added to Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” to read as follows:

“Section 2.17.- Digital Firearms License.

The firearms license shall be issued in digital format by the Puerto Rico Police Bureau through the platform deemed convenient therefor by PRITS. Digital firearms licenses shall be as valid as printed licenses.

The Puerto Rico Innovation & Technology Service shall have the responsibility to designate, create, and/or identify, in conjunction with the Department of Public Safety and the Puerto Rico Police Bureau the digital platform to be used for citizens to benefit from obtaining a digital firearms license.”

Section 13.- Section 3.02 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 3.02.- Gun Club Licenses; Regulations.

(a) ...

(b) The Firearms Licensing Office shall only issue gun club licenses to clubs engaged in the sport of target shooting that are constituted in accordance with the provisions of this Act. The owner, or the president and secretary of the target shooting sport club or organization shall apply for said license, and the license so issued shall allow the practice of such sport for three (3) years, but only at the location stated in the application after it has been inspected and approved by the Police Bureau. No indoor sports shooting club may be established with an impact berm or bullet trap that is within three hundred (300) meters of a school. The shooting range must be soundproofed if it is located in a school, residential, or commercial zone.

No outdoor shooting sports club or shooting range may be located within one (1)-mile radius of a school except for already existing sport shooting clubs as of the promulgation of this Act.

For the purposes of this Act, all gun shops or sport shooting clubs must meet the double door requirement. Gun shops and sport shooting clubs with an indoor firing range shall meet the distance requirement of maintaining more than three hundred (300) meters between the impact berm or bullet trap and the grounds of a school.

However, gun shops without a firing range must meet the double door requirement, but not the distance requirement.

Any club or organization engaged in or wishing to engage in the sport of target shooting shall provide the following information on the license application:

- (1) Name of the club or organization;
- (2) Location of the shooting range;
- (3) Description of the facilities available at the time of filing the application for practicing the sport;
- (4) A list of the names of the club owners or all directors and officers thereof, including their mailing and street addresses, ages, and occupations, as well as a certification stating that the club has more than twenty-five (25) members. All owners, directors, and officers are required to hold a valid firearms license;
- (5) In the case of a corporation or partnership, it shall attach the Certificate of Existence and the Certificate of Good Standing issued by the Department of State;
- (6) The Department of the Treasury Tax Return Filing Certification (SC6088) and the Department of the Treasury Debt Certification (SC6096);
- (7) An Internal Revenue stamp in the amount of five hundred (500) dollars as an application fee;

(8) An All-Risk insurance policy, which shall be kept in effect, in an amount of not less than five hundred thousand (500,000) dollars for damages or bodily injury (including death), and property damages or third-party property damages. Said insurance policy shall be issued by an insurer duly authorized by the Commissioner of Insurance of Puerto Rico to do business in Puerto Rico. If no policies are available from admitted insurers, the policy may be obtained from an eligible surplus line insurer in Puerto Rico.

No indoor sport shooting club may be established at a shorter distance than that provided in this Act. The sport shooting club must have soundproofing if it is located within a school, residential, or commercial zone.

(c) ...

(d) ...

(c)[sic] In the case of applications for gun club license renewal, the club shall meet all the requirements stated in the proceeding subsection except for paragraph (7), and in lieu thereof, include an Internal Revenue stamp in the amount of one hundred (100) dollars. The license thus renewed shall be valid for two (2) years.

(d) ...”

Section 14.- Section 3.03 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 3.03.- Special License for Minors.

...

Applications for a special license for minors shall also include a twenty-five (25)-dollar Internal Revenue stamp, and two (2) 2x2 color photographs of the minor that clearly show his or her features and which are recent enough to show the applicant’s real appearance at the time the application is filed. The special license for minors shall consist of an I.D. card printed with a blue stripe in order to differentiate it from the firearms licenses. Special licenses for minors may be

renewed for additional periods of five (5) years; provided, that the requirements of the previous paragraph are met and the license fee is paid with an Internal Revenue stamp in the amount of ten (10) dollars. However, under no circumstances may the validity of this license be extended for more than sixty (60) days from the date on which the minor reaches the age of majority. The application for renewal shall be filed using the form to be provided by the Firearms Licensing Office for such purposes. The Firearms Licensing Office shall issue the special license for minors within ten (10) days from the receipt of the application unless there is good cause for its denial.

Any unauthorized person who provides a weapon to a minor, or who fails to comply with the provisions of this Section, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one thousand (1,500)[sic] dollars nor more than two thousand (2,000) dollars.”

Section 15.- Section 3.05 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 3.05.- Use of Shooting Ranges by Persons Without a Firearms License.

...

...

Firearms license applicants are hereby authorized to take the course to obtain a certificate on Firearms Operation and Handling and Target Shooting without the need to hold a firearms license; provided, that such applicants are older than twenty-one (21) years of age and hold and present a government-issued photo I.D. In order for dealers that have a shooting range at their facilities to rent firearms and sell the appropriate ammunition to persons older than twenty-one (21) years of age who hold and present a government-issued photo I.D, they must have an instructor certified by the Police Bureau to offer operation and handling courses at their facilities. The

purpose of the above provision is to provide guidance as appropriate to unlicensed persons who use firearms at shooting ranges.

As a general exception, the sale to, or use of ammunition by unlicensed persons is hereby authorized, but such ammunition may only be used at the shooting range under an instructor's supervision and on the day it was purchased. The dealer shall record the sale in the Electronic Registry under the name of the buyer and with the number of the government-issued I.D presented. Any unused ammunition shall be returned to the dealer that sold it, but the dealer shall not be required to offer a refund if the ammunition was sold as pack and not individually. Certified instructors are hereby authorized to use firearms and ammunition registered in their name when teaching the practical part of the Operation and Handling Course. Certified instructors shall record in the Electronic Registry the name and identification number of the person as well as the firearm and the number of rounds of ammunition used by such person.

..."

Section 16.- Section 4.01 of Act No. 168-2019, as amended, known as the "Puerto Rico Weapons Act of 2020," is hereby amended to read as follows:

"Section 4.01.- Firearms Dealer License; Transaction Reports.

(a) ...

...

(d) No natural or juridical person or entity affiliated to the foregoing may engage in the sale and dispensation of alcoholic beverages in the same place where the business of dealing in firearms is being conducted. No establishment devoted to the business of dealing in firearms shall also have a shooting sport club or firing range on premises if such establishment does not meet the requirements of subsection (b) of Section 3.02 of this Act.

...

(h) When the delivery of a firearm is denied or prohibited by federal law, the Dealer shall immediately notify the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Commissioner through the means and in the manner prescribed by regulations. The Commissioner shall immediately proceed to investigate in order to determine whether there are grounds for filing criminal charges and/or cancelling the firearms license. Notwithstanding the previous provisions of this paragraph, a licensee whose transaction was denied shall have the right to request reconsideration. Any licensed firearms dealer who fails to give notice as provided in paragraphs (g) and (h) above, shall be punished by an administrative fine of one thousand (1,000) dollars for the first violation, and of five thousand (5,000) dollars for subsequent violations. If a licensed firearms dealer were punished on three occasions for failure to notify, as provided in paragraphs (g) and (h) above, his or her firearms dealer license may be revoked.

...”

Section 17.- Section 4.02 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 4.02.- Requirements for Firearms Dealer License Applicants.

(a) Any person who wishes to obtain a firearms dealer license shall file an application with the Firearms Licensing Office, sworn before a notary, together with a five hundred (500)-dollar Internal Revenue stamp, in the form prescribed by the Firearms Licensing Office for such purposes. Any person who wishes to transfer a firearms dealer license to a different establishment shall file an application with the Firearms Licensing Office together with a one hundred (100)-dollar Internal Revenue stamp, in the form prescribed by the Firearms Licensing Office for such purposes.

...”

Section 18.- Section 4.04 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 4.04.- Firearms Storage and Custody.

Every Dealer shall be required to implement the safety measures prescribed by this Act or by Regulations for firearms and ammunition storage or custody. The Police Bureau shall examine the dealers’ premises every six (6) months; unless there are reasonable grounds or a complaint has been filed thus prompting the examination of the premises, outside the normal period stated, in order to:

- (a) conduct an inventory of the weapons and ammunition and compare the same to the Electronic Registry;
- (b) inspect books, documents, and invoices; and
- (c) ascertain compliance with the safety measures established in this Chapter and all other provisions of this Act.

If a licensed firearms dealer fails to meet the required safety measures, he or she shall be allowed thirty (30) days to meet such requirements, otherwise said dealer shall deposit the weapons and ammunition he or she may have for sale, for custody and storage thereof in the vault of another dealer or in the Weapons and Ammunition Depot of the Puerto Rico Police Bureau, within the period determined by the Commissioner, until the deficiency is corrected.

The dealers who, in order to correct deficiencies, use the Weapons and Ammunition Depot, shall pay a monthly fee to be determined by regulations for the storage and custody of their weapons and ammunition. When establishing the storage and custody fee, the operating costs of the Weapons and Ammunition Depot, and the handling of the receipt, classification, custody, and delivery of the weapons and ammunition, shall be taken into consideration. The fees to be charged to the users of the Weapons and Ammunition Depot shall under no circumstances exceed the actual and reasonable cost of the service rendered.

The Commissioner or the person in charge of the Weapons and Ammunition Depot shall periodically send an invoice to the dealers, as prescribed by regulations, stating the cost for storing and keeping custody of their weapons, based on the dealer's use of the Weapons and Ammunition Depot during said month. The Dealer's nonpayment shall be sufficient grounds for the Commissioner, upon a formal hearing, to revoke such dealer's license.

Licensed individuals who wish to temporarily store their weapons in the Weapons and Ammunition Depot as a security measure may do so upon payment of a fee, without impairing said citizen's option to store their weapons in private dealers' establishments."

Section 19.- Section 5.02 of Act No. 168-2019, as amended, known as the "Puerto Rico Weapons Act of 2020," is hereby amended to read as follows:

"Section 5.02.- Application Procedure.

Any security agency that wishes to obtain the special long gun license to transport valuables as provided in the previous Section, shall file with the Firearms Licensing Office an application sworn before a notary together with a one thousand five hundred-dollar (\$1,500) Internal Revenue stamp. The applicant shall specify the street and mailing address of its principal office. The following documents shall also be attached to the application:

- (a) ...
- (b) ...
- ..."

Section 20.- Section 5.04 of Act No. 168-2019, as amended, known as the "Puerto Rico Weapons Act of 2020," is hereby amended to read as follows:

"Section 5.04.- Effectiveness of the Special Long Gun License to Transport Valuables; Transfer of a Special Long Gun License to Transport Valuables.

The special long gun license to transport valuables issued under this Chapter shall be valid for a period of three (3) years from the issuance thereof and may be renewed for additional three (3)-year periods. The application for renewal shall be filed with the Firearms Licensing Office within not less than thirty (30) days before the expiration date of the license together with a one thousand five hundred-dollar (\$1,500) Internal Revenue stamp.

...

Section 21.- Section 6.08 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 6.08.- Possession of Firearms without a License.

...

In the event that a person who possesses a firearm shows satisfactory evidence that he or she holds a firearms license, although expired, and that he or she has applied for renewal within the period provided by this Act, said person shall not be guilty of any crime. If he or she has not applied for renewal within the maximum period provided in Section 2.02 of this Act, said person shall be guilty of an administrative infraction and punished by a fine in the amount of five thousand (5,000) dollars in addition to the appropriate sum for the fines established in this Act.”

Section 22.- Section 7.09 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” is hereby amended to read as follows:

“Section 7.09.- Receipt, Custody, and Disposition of Weapons Voluntarily Surrendered to, or Seized by, the Police Bureau; Destruction of Weapons Used to Commit a Felony.

The Commissioner shall prescribed by regulations all that pertains to the receipt, custody, and disposition of weapons seized by, or voluntarily surrendered to, the Puerto Rico Police Bureau by a licensee; or surrendered upon the passing of

a licensee when there is no estate, or when there is no interest therein. The Commissioner is hereby authorized to sell, exchange, donate, or assign the weapons to federal, state, or municipal law enforcement agencies, as prescribed by regulations. The Commissioner is also authorized to sell weapons at a public auction or directly to licensed dealers, as prescribed by regulations. The firearms and instruments seized in accordance with this Act shall remain under the custody of the Commissioner in the Weapons and Ammunition Depot of the Puerto Rico Police Bureau, and those firearms voluntarily surrendered to the Puerto Rico Police Bureau by licensees; or surrendered upon the passing of a duly licensed owner under the provisions of this Act, shall not be sold, exchanged, donated, assigned, or destroyed until at least two (2) years have elapsed from the date they were deposited in the Weapons and Ammunition Depot of the Puerto Rico Police Bureau. The proceeds from the sale thereof shall be allocated exclusively to the Firearms Registration Office of the Police Bureau. Any firearm duly proven to have been used in the commission of a felony shall be delivered to the Commissioner for the destruction thereof, as prescribed by the regulations adopted for such purposes.”

Section 23.- Rulemaking Authority.

The Puerto Rico Police Bureau shall amend and/or modify the appropriate Regulations in order to achieve the purposes of this Act. This shall not preclude the issuance of firearms licenses.

Section 24.- Effectiveness.

This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 75-2024 (House Substitute for H.B. 575 and H.B. 382) (Reconsidered)** of the **6<sup>th</sup> Regular Session** of the **18<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend Sections 1.02; 2.01; 2.02; 2.03; 2.04; 2.06; 2.07; 2.08; 2.10; 2.13; 2.15; 3.02; 3.03; 3.05; 4.01; 4.02; 4.04; 5.02; 5.04; 6.08; 7.09 and add a new Section 2.17 to Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act of 2020,” in order to make technical amendments to the Act ; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 31<sup>st</sup> day of October, 2024.

Jonathan E. Pérez Cora, Esq.  
Director