

(S. B. 1050)
(Conference)(Reconsidered)
(Reconsidered)

(No. 168-2019)

(Approved December 11, 2019)

AN ACT

To enact the “Puerto Rico Weapons Act of 2020,” in order to create a new law consistent with our current reality while striking a balance between a person’s constitutional right to keep and bear arms and the state’s right to regulate it; reduce the costs of keeping and bearing a firearm; establish an amnesty to collect illegal firearms; add additional offenses for the unlawful operation of a firearm; repeal Act No. 404-2000, as amended, known as the “Puerto Rico Weapons Act”; amend Act No. 241-1999, as amended, known as the “New Wildlife Act”; and for other related purposes.

STATEMENT OF MOTIVES

The first firearms regulation was introduced through the Penal Code of 1902, after the change in sovereignty in 1898. The Penal Code simply limited the keeping and bearing of arms, unless it was authorized by law. The Act of May 9, 1905 eliminated the licensing system and allowed all citizens to keep and bear arms, except [sic] for property owners, tenants, overseers, or watchmen. Government officials such as police and corrections officers were also authorized to carry firearms due to the nature of their work. The license and registration system was reinstated under Act No. 14 of June 24, 1924. Act No. 14, *supra*, was replaced by Act No. 17 of January 19, 1951, known as the “Weapons Law of Puerto Rico.” Act No. 17, *supra*, was enacted because the Government at the time deemed it wise to adopt stringent legislation as a weapon control measure. Subsequently, a supplementary law, Act No. 75 of June 13, 1953, known as the “Target Shooting Act,” was enacted to regulate the practice of target shooting on the Island. Both laws

regulated the keeping and bearing of arms in Puerto Rico as a privilege. The “privilege doctrine” became cemented after *People v. Del Río*, 113 D.P.R. 684 (1982), which transformed Puerto Rico into a national bastion of restrictive laws that regulated the keeping and bearing of arms. The aforementioned laws were later repealed and replaced by Act No. 404-2000, as amended, known as the “Puerto Rico Weapons Act,” which constituted a slight improvement, but it was still a law based on the “privilege doctrine.” This is based on the hypothesis that legal weapons in the hands of citizens who followed the process to obtain them lawfully would worsen crime.

The Second Amendment to the United States Constitution reads: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Professor Garriga-Picó states in his law review journal article titled “La Constitucionalidad de la Ley de Armas de Derecho [sic] de Puerto Rico después de *McDonald v. City of Chicago*” [The Constitutionality of the Puerto Rico Weapons Act after *McDonald v. City of Chicago*], 83-REV-JUR-DIG-UPR-239, that:

[f]or over 200 years the meaning and content of this amendment has been debated. During that period, many state and local governments, which are the main regulators of the keeping and bearing of arms in the United States, interpreted the language of the amendment to mean that the states had a right to their security and for that (and only that) purpose, the local governments thereof could authorize a limited number civilians to keep and bear arms through the granting of licenses.

[Translation supplied]

However, such an interpretation was rebutted in the *McDonald* ruling.

On June 26, 2008, the Supreme Court of the United States of America held that the Second Amendment to the Constitution of the United States is a fundamental individual right; *D.C. v Heller*, 554 U.S. 570 (2008). Subsequently, the Supreme Court of the United States had the opportunity to clarify and expand its decision on *Heller, supra*, which was affirmed in *McDonald v. City of Chicago*, 561 U.S. 3025, (2010), by holding that the right to keep and bear arms is a fundamental individual right that applies to the states through the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America. The fundamental right of law-abiding citizens to keep and bear firearms for self-defense is recognized in both cases. However, such a right is limited because the State can regulate it, including the type of arms and the locations where the bearing of such arms is allowed.

The decisions of the Supreme Court of Puerto Rico prior to *Heller* and *McDonald* proclaimed that the United States Constitution did not apply in full force and effect to Puerto Rico and that the Second amendment did not apply locally. Said decisions could not be upheld before *Heller* and *McDonald*, much less after.

The text of the Federal Relations Act provides that:

[t]he rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of Section 2 of Article IV of the Constitution of the United States; Public Law 600 of July 3, 1950.

In view of the foregoing, it is necessary to review Act No. 404, *supra*, and determine whether it is consistent with the Second Amendment and the fundamental individual right of citizens to keep and bear arms.

In light of the decisions of the Supreme Court of the United States, it is necessary to take action in order to safeguard and protect the rights of the U.S. citizens who reside in Puerto Rico by enacting a new Weapons Act that is consistent with the Second Amendment to the Constitution of the United States, and the rulings of the Supreme Court of the United States as well as to clarify that to keep and bear arms in Puerto Rico constitutes a fundamental and individual right just as in the rest of the Nation. This Act is enacted in accordance with the Public Laws applicable to this matter.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

CHAPTER I

PRELIMINARY PROVISIONS

Section 1.01.- Title of the Act.

This Act shall be known as the new “Puerto Rico Weapons Act of 2020.”

Section 1.02.-Definitions.

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

Inspectors of the Department of the Treasury, and the Marshals of the Judicial Branch of Puerto Rico and the federal court with jurisdiction across Puerto Rico.

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

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

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

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

(f) “Long Gun” - means any shotgun, rifle, or firearm designed to be fired from the shoulder.

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

(h) “Antique Firearm” - means:

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

(2) any replica of a firearm described in the above paragraph, if such replica:

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

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

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

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

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

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

(l) “Operation and Handling Certificate” - means such document attesting to the participation in and completion of the Firearm Operation and Handling Training Course.

(m) “Commissioner” - means the Commissioner of the Puerto Rico Police Bureau.

(n) “Committee” - means the Interagency Committee to Combat Illegal Firearms Trafficking established in this Act.

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

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

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

(r) “Firearms Dealer License” - means a license issued by the Firearms Licensing Office that authorizes a natural or juridical person to engage in the business of dealing in firearms.

(s) “Sport Hunting License” - means a permit issued by the Secretary of the Department of Natural and Environmental Resources that authorizes a person to practice sport hunting in Puerto Rico.

(t) “Gun Club License” - means a license issued by the Firearms Licensing Office that authorizes a club or an organization duly constituted in accordance with the requirements of this Act, to practice target shooting in its facilities.

(u) “Special Long Gun License to Transport Valuables” - means a license issued by the Firearms Licensing Office that authorizes a Security Agency engaged in the transportation of valuables in armored trucks to purchase, possess, dispose of, and store in its place of business long guns and their respective ammunition.

(v) “Special License for Minors” - means a license issued by the Firearms Licensing Office that authorizes a minor, for the effective term of the firearms license of his mother, father, guardian, or tutor, to practice the shooting sport using firearms, provided that the minor has reached the age of seven (7) years and his mother, father, guardian, or tutor holding a valid firearms license so authorizes it.

(w) “Ammunition” - means any bullet, case, projectile, pellet, or any shot that is loaded or may be loaded into a weapon to be expelled.

(x) “Fixed Ammunition” - means a self-contained unit consisting of the case, gunpowder, propellant charge, and projectile.

(y) “National Crime Information Center (NCIC)” - means the computerized system of criminal justice information established by the Federal Bureau of Investigation (FBI) as a service for state and federal law enforcement agencies.

(z) “National Instant Criminal Background Check System (NICS)” - means the computerized information system administered by the Federal Bureau of Investigation (FBI) which every dealer is required to contact or access to request information about whether or not a person may own a weapon without violating the legal provisions of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. §923, as amended.

(aa) “Firearms Licensing Office” - means the unit of the Puerto Rico Police Bureau in charge of all that pertains to the issuance of Firearms Licenses and the Electronic Registry.

(bb) “Police Bureau” - means the Puerto Rico Police Bureau.

(cc) “Part of a Firearm” - means any element that is a regular component of a firearm for it is essential for its operation and the process of expelling a projectile.

(dd) “Pistol” - means any firearm that does not have a cylinder, which is fed manually or by a magazine, is not designed to be fired from the shoulder, and is capable of being fired semiautomatically or one shot at a time, depending on its class.

(ee) “Brandishing a Firearm” - means the act of carrying a firearm ostentatiously and in a challenging manner.

(ff) “Tenant at Sufferance” - means a person who freely uses and enjoys a property at no cost, without holding a title thereof, due to the owner’s tolerance or inadvertence.

(gg) “Carry Weapons” - means carrying or keeping one or more loaded or unloaded firearms on one’s person or within close proximity and readily accessible. Readily accessible shall be understood to be within his reach and the transportation thereof.

(hh) “Integrated Criminal Registry or ICR” - means the Integrated Criminal Registry of the Department of Justice of Puerto Rico, which is a computerized information system of active criminal cases in Court, protective orders, and arrest warrants issued upon determinations of probable cause and by the Parole Board.

(ii) “Electronic Registry” - means the digital registry to store data relating to firearms licenses and all the firearms and ammunition transactions carried out by a licensed person.

(jj) “Revolver” - means any firearm having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

(kk) “Rifle” - means any firearm designed to be fired from the shoulder, and to fire one or three projectiles. It may be fed manually or automatically by a magazine or receptacle and fired manually or semiautomatically. The word “rifle” also includes the word “carbine.”

(ll) “Firearm Silencer” - means any device or mechanism for silencing, muffling, or diminishing the report of a firearm, including any combination of parts, designed or redesigned, or intended for use in assembling or manufacturing a silencer, and/or any part intended only for such purposes.

(mm) “Transporting” - means the immediate bearing rather than carrying of one or more firearms and/or ammunition unloaded, securely encased, and out of plain sight to transport them from one place to another. Such transportation shall be made by an authorized person.

(nn) “Vehicle” - means a conveyance of any kind which is designed to transport people or things by land, sea, or air.

(oo) “School Zone” - means the private or public school grounds, that are in use, during or outside school hours, its parking and green areas as well as every section of a public road located in front of a school, in addition to the section of the public road at each side in front of a school and with a variable length, duly identified with the appropriate traffic signals and within a one hundred (100) meter perimeter from the school, whichever distance is greater.

(pp) “University Zone” - means the premises of the university campus and/or higher education technical institute, whether public or private, its parking and green areas, and those off-campus buildings that belong to the higher education institution, and at any distance within a one hundred (100) meter perimeter from the campus or the university buildings outside the campus.

(qq) “BATFE or ATF” - means the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CHAPTER II

LICENSING AND REGULATION

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 fines pending payment.

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

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

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

The personally identifiable information of a person who has applied for or has been granted a Firearms License is private and confidential. Said information shall only be disclosed upon a search warrant issued by the Court of First Instance, as guaranteed in the Bill of Rights of the United States Constitution and the Second,

Fourth, and Fourteenth Amendments, as well as the Constitution of the Commonwealth of Puerto Rico, Article 11, Sections 7 and 10, except when there is a criminal investigation, or when the safety of a civilian or of the state is in jeopardy, as requested by the Department of Public Safety or the pertinent federal authorities. Any person who discloses to third parties the information protected herein shall be punished by a five hundred (500)-dollar fine for the first violation, and by a one thousand (1,000)-dollar fine for subsequent violations.

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.
- (2) Have no criminal record and have not been charged and pending or having an ongoing trial for any of the offenses established in Section 2.09 of this Act, or the equivalent thereof, both in Puerto Rico or in any of the United States jurisdictions, at the federal level or in any foreign country.
- (3) Not be addicted to controlled substances or be a habitual drunkard.
- (4) Not be declared mentally incompetent by a Court with jurisdiction.
- (5) Have not been discharged from the United States Armed Forces or the Puerto Rico Police Bureau under dishonorable conditions.
- (6) Have not engaged or be a member of an organization that engages in acts of violence or acts aimed at overthrowing the constituted government.

(7) Not be subject to a Court order or have been subject to a Court order at any time during the last twelve months prior to the application date, prohibiting him from harassing, stalking, threatening, or approaching the applicant's domestic partner, a family member, or any other person.

(8) Be a United States citizen or lawful resident.

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

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

1) Full name including surnames.

2) Street and mailing addresses.

3) Home and/or mobile telephone number.

4) Electronic mail address (if any).

5) Date and place of birth.

6) Physical description, to wit, sex, eye and hair color, weight, and height.

7) Social Security number.

8) Driver's license number, passport number, or any other official government-issued identification as the Commission prescribes through regulations.

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

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

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

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

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

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

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

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

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

(6) A copy of the Driver's License, or any other government-issued photo identification as prescribed by the Commissioner through regulations. If the street address in the license or identification is different from the address furnished in the firearms license application, the applicant shall furnish a document issued not

more than two (2) months prior, as proof of his permanent street address, or any other document certifying the street address of the applicant, as prescribed by the Commissioner through regulations.

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

(8) Operation and Handling Certificate.

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

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

(d) Firearms License Application Filing:

(1) Any Firearms License Application properly completed under this 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 term not to exceed five (5) days. Upon receipt of the payment of the fees and the duly completed documents, an electronic criminal background check of the applicant shall be immediately conducted.

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

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

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

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

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

(8) The Commissioner may, when he has grounds therefor and reasonable suspicion, conduct investigations after issuing a license, as deemed pertinent, in a peaceful manner and without disturbing the peace and quiet or the privacy of the applicant's home, regarding complaints filed against a licensed person in connection with misrepresentations made in his application. If upon the pertinent investigation it is shown that the applicant knowingly furnished false information in his application or that he does not meet the requirements established in this Act, his firearms license shall be immediately revoked and seized, and any firearms and ammunition that the applicant has shall be immediately seized. The applicant may

be prosecuted for perjury and the appropriate violations of this Act and any other applicable law. Any citizen who has been issued a firearms license shall be liable for the operations and handling of the license and the firearms; hence, the Government of Puerto Rico, its departments, agencies, and municipalities shall be held harmless from the individual use thereof, except when they are vicariously liable for the actions of their employees or agents.

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

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

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

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

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

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

(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 licensed person for carrying, operating, or transporting weapons brandishing rather than concealing them. If the licensed person brandishes his weapon on three occasions, the Firearms Licensing Office shall revoke his firearms license.

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

(3) The Commissioner shall prescribe through regulations the procedure whereby any law enforcement officer, as defined in this Act, may issue tickets which shall be forwarded to the Firearms Licensing Office where a record of such violation by the licensed person shall be entered in the Electronic Registry. The licensed person on whom a fine has been imposed shall have sixty (60) calendar days from the imposition of said fine to request a review thereof. The Firearms Licensing Office shall hold an administrative hearing within a term not to exceed forty-five (45) calendar days after the filing of the request for review. The Firearms Licensing Office shall have fifteen (15) calendar days to issue a determination that upholds,

reviews, modifies, or eliminates the imposed fine. Should the State fail to hold the hearing within the term herein established, the fine shall be rendered void and the file closed. If the fine is upheld, the licensed person may petition a court with jurisdiction to review the administrative decision.

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

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

(6) Firearms or ammunition may only be donated, sold, transferred, left under the custody of, or any other conveyance of control or ownership, between a licensed person or dealer; except within the premises of a gun club or hunting places intended for lawful sporting activities where licensed persons may lend their weapons and facilitate ammunition for such weapons to other licensed persons, and dealers may offer weapons for rent and sell ammunition to licensed persons of legal age for use within the premises, subject to the limitations imposed below in this Act and those imposed by the state and federal laws in effect.

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

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

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

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

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

(g) The Firearms License shall be valid for five (5) years and the expiration date shall be the date of birth of the applicant. The firearms license must be renewed after such term has elapsed in order to continue possessing, carrying, and/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 civil fine for each weapon being carried or transported with an expired license. A person holding an expired firearms license shall be prevented from purchasing or otherwise acquiring firearms and ammunition. The Commissioner shall prescribe through regulations all that pertains to the operation and imposition of fines for possessing, carrying, and/or transporting firearms with an expired Firearms License. None of the foregoing shall prevent a person holding an expired firearms license from disposing of his firearms and/or ammunition, whether through sale,

assignment, donation, or transfer to a licensed person or dealer; provided, that such a transaction shall be carried out through a dealer.

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

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

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

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

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

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

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

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

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) The Governor and former governors of the Government of Puerto Rico;
- (b) legislators and former legislators of the Legislative Branch of Puerto Rico;
- (c) mayors and former mayors of the municipalities of Puerto Rico;
- (d) secretaries and heads of agencies of the Government of Puerto Rico;
- (e) current and former judges of the Judicial Branch of Puerto Rico, and current and former federal judges;

(f) current and former prosecutors of the Government of Puerto Rico, current and former federal prosecutors, current and former juvenile prosecutors of the Government of Puerto Rico;

(g) the Commissioner and former commissioners of the Puerto Rico Police Bureau;

(h) active law enforcement officers and former law enforcement officers provided that they have been honorably discharged and that they served as such at least ten (10) years;

(i) officials and employees of the Government of Puerto Rico who are required to keep firearms by virtue of their office or the duties they perform; and

(j) state auxiliary police officers.

For such purposes, the Commissioner shall prescribe by regulations an expedited procedure whereby it shall issue a firearms license to the aforementioned officials within a period not to exceed twenty (20) days. The expedited procedure shall not exempt these public officials from meeting the requirements established in Section 2.02 of this Act and the effectiveness thereof shall not exceed the period established in said Section. The license may be renewed, except in the case of prosecutors and juvenile prosecutors who are officially holding office by virtue of a term of appointment, in which case the firearms license shall be valid until the end of the term of appointment. These officials may renew their licenses as former prosecutors or former juvenile prosecutors; however, the effectiveness thereof shall be that established in Section 2.02 of this Act. Law enforcement officers, and government officials and employees authorized to use service weapons of the State or Federal Government may register the caliber of their service weapon in order to be able to purchase and use ammunition with their firearms license upon authorization from the head or director of the agency, and in accordance with the provisions of this Act. Government officials and employees authorized to use

firearms shall keep their firearms license until the date of expiration thereof after separating from service and may renew such license by following the regular renewal process established by this Act.

Pursuant to the criteria provided by the federal Law known as the “Law Enforcement Officers Safety Act of 2004,” as amended, 18 USC §926 B, §926 C, the Commissioner is hereby empowered to issue a photo identification to any active law enforcement officer or qualified former law enforcement officer authorized to carry a firearm. The identification shall be issued as prescribed by the Commissioner through Regulations.

Section 2.04.- Transfer of Funds.

The Department of the Treasury shall transfer to the Puerto Rico Police Bureau the revenues collected on account of the licenses and fines provided for herein. The funds collected shall be solely used for the ongoing and uninterrupted Firearms License issuance process, and for defraying the costs of the Office and of any educational campaign deemed necessary to raise the people’s awareness of firearms operation and handling, and for any other purposes, as provided by this Act.

Section 2.05.- Persons Exempt from the Firearms License Requirement to Operate Firearms.

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

frequency of such training shall be determined by the Commissioner pursuant to the applicable regulations.

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 and/or high performance athletes who represent Puerto Rico internationally in the sport of shooting as certified by the Olympic Committee after a free consultation with the Shooting Federation; and

(b) those listed in subsections h, i, and j who qualify for the expedited process provided in Section 2.03 of this Act.

Section 2.07.- Operation and Handling Certificate

Training on firearms operation and handling shall be required to apply for, or renew a firearms license. 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 private institutions that meet the minimum requirements prescribed by the Commissioner through regulations. The person certified to offer the courses by the Police Bureau shall issue a Firearm Operation and Handling Certificate attesting to the participation and completion of the Firearm Operation and Handling Course. The Firearm Operation and Handling Course shall contain both a theoretical element and a practical element. The Commissioner shall prescribe by regulations all other aspects related to the Firearm Operation and Handling Course.

Section 2.08.- Felony Charges; Seizure of Weapons.

Upon a determination of probable cause for the arrest of any person who holds a firearms license for the commission of one or more felonies or attempts thereof, the court shall order the provisional suspension and seizure of the license until a final and binding decision is issued in the criminal proceeding. The Court shall order that

all firearms and/or ammunition of said license holder be seized and placed under the custody of the Weapons and Ammunition Depot of the Police Bureau, or a gun shop. Should there be a final and binding verdict of not guilty in favor of the defendant, 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 license holder. Any firearms and ammunition so returned shall be under the same conditions as they were when seized. The firearms license holder shall be exempt from the payment of any storage fee if they were stored in the Weapons and Ammunition Depot of the Police Bureau. Should there be a final and binding judgment of guilty, the Commissioner shall revoke the license permanently. As part of the penalty imposed when firearms have been used in the commission of an offense, the Court shall order the Commissioner to seize the firearms and ammunition used and they may be sold by the Police Bureau. The funds collected from this sale shall be deposited in the Crime Victims Fund. Firearms that were not involved in the commission of the offense may be sold, donated, transferred, or assigned by the owner to a person holding a valid dealer or firearms license.

Section 2.09.- Grounds for License Denial.

The Firearms Licensing Office shall not issue a Firearms License to or, if already issued, shall revoke the firearms license of any person who has been convicted in Puerto Rico or in any other United States jurisdiction of a felony or attempt thereof, a misdemeanor involving violence, conduct constituting domestic abuse, as defined in Act No. 54 of August 15, 1989, as amended, or conduct constituting stalking as defined in Act No. 284-1999, as amended, or conduct constituting child abuse as provided in Act No. 246-2011, as amended, the “Child Safety, Well-being, and Protection Act.” The Commissioner shall seize the license holder’s firearms and ammunition when the firearms license is revoked by a court with jurisdiction. The owner of the firearms and/or ammunition may dispose of his

firearms; provided that they have not been used in the commission of an offense, by selling, donating, transferring, or assigning them to any person holding a valid firearm or dealer license. A firearms license holder may voluntarily surrender any firearms and/or ammunition he possesses once he learns that he is the subject of an ongoing investigation, accusation, or restraining order. In addition, no firearms license shall be issued to a person adjudicated as mentally defective; alcoholic; or addicted to controlled substances by a court with jurisdiction; who has been dishonorably discharged from the United States Armed Forces, who has been found guilty of any violation of the provisions of this Act or the previous Weapons Act; or an issued license shall be revoked if the person were to subsequently fall under any of the aforementioned categories.

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

(a) Any person who loses control, ownership, possession, or custody of a firearm and/or ammunition as a result of loss, disappearance, theft, or illegal taking shall have the obligation to report it as soon as possible but always within forty-eight (48) hours after becoming aware of such fact by filing a complaint with the Police Bureau. Any person who fails to comply with this obligation shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for each firearm or for each five hundred (500) rounds of ammunition, or fraction thereof, not reported.

(b) A person who possesses firearms and/or ammunition may assign his firearm and/or ammunition to another person holding a valid firearms license if he believes that, for any particular reason, he should not have a firearm with him 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 is for a period longer than seventy-two (72) hours. Furthermore, the assignor shall state the reasons for the assignment of the firearms and/or ammunition, the name, address, and Firearms License number of the assignee, the type of firearm assigned and a description thereof including its the serial number, and the address where the firearm and/or ammunition is located. If the temporary assignment extends for more than thirty (30) days, the firearms shall be returned to the registered owner or the transfer must be recorded in the Electronic Registry under 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, shall be punished by a fine of not less than five hundred (500) dollars nor more than one thousand (1,000) dollars.

(c) Upon the death of a Firearms License holder who owned firearms and/or ammunition, it shall be the duty of the heirs, administrator, executor, trustee, deputy administrator, agent, or person legally authorized to manage the estate of the deceased to notify the Firearms Licensing Office of the demise within twenty (20) days from the date of death or, in default thereof, within five (5) days after learning that the deceased owned firearms and/or ammunition. The notice shall state the name, address, Firearms License Number, and personal details of the deceased. Failure to notify shall be punished by an administrative fine of two-hundred fifty (250) dollars and the firearms and/or ammunition shall be seized. It shall be the duty of the heirs, administrator, executor, trustee, deputy administrator, agent, or person legally authorized to manage the license holder's estate, to keep custody of the firearms, and if he is not a Firearms License holder, such firearms shall be taken to a gun shop or to a Firearms License holder to store and keep custody thereof while the inheritance is distributed. If the firearms are adjudicated to an heir who is eligible to obtain a Firearms License and said license is issued to him, the firearm or firearms

shall be delivered to him. If the firearms license is denied to the heir to whom the firearms were adjudicated, said heir may only sell, donate, transfer, or assign the firearms to a valid firearms license holder or to a dealer. In the event that the firearms and/or ammunition are not adjudicated to a specific heir, they may be sold to a person holding a valid firearms license or a dealer, or at public auction and the proceeds of such sale shall be reverted to the decedent's estate.

Section 2.11.- Interagency Committee to Combat Illegal Firearms Trafficking

The Interagency Committee to Combat Illegal Firearms Trafficking is hereby established without prejudice or impairment to the obligations and powers of the Commissioner. This Committee shall be constituted by the Secretary of the Department of Public Safety, who shall be its Chair; the Secretary of Justice; the Commissioner of the Police Bureau; the Secretary of the Treasury; the Secretary of the Department of State; the Secretary of the Department of Education; the Secretary of the Department of Transportation and Public Works; the Secretary of the Department of Corrections and Rehabilitation; the Administrative Director of the Office of Courts Administration; the Executive Director of the Ports Authority; a Representative in Puerto Rico of the Federal Bureau of Alcohol, Tobacco and Firearms and Explosives; a mayor from the Mayor's Association of Puerto Rico and a Mayor from the Mayor's Federation of Puerto Rico who shall be designated as representatives by the mayors of the municipalities affiliated to their corresponding organizations; a representative of the target shooting sport who shall be appointed by the Secretary of the Department of Sports and Recreation and a representative of the hunting sport who shall be appointed by the Secretary of the Department of Natural and Environmental Resources; and a citizen who shall represent the public interest, to be selected and appointed by consensus of the officials who constitute the Committee.

The Committee shall be primarily in charge of assessing the problem of the illegal importation, trafficking and use of firearms and ammunition in Puerto Rico, in order to detect, and eliminate the points, locations or circumstances that contribute to the illegal introduction and trafficking of these firearms and ammunition.

It shall also be the responsibility of the Committee to design coordinated action plans that are effective at achieving the aforementioned goals, as well as to improve Puerto Rico's firearms and ammunition registration and control systems.

The Committee shall evaluate, review, and make the pertinent recommendations to the Governor of Puerto Rico and the Legislative Assembly on the legislative measures, provisions, or rules that should be subject to revision, repeal, or adjustment, in order to combat the importation and illegal firearms and ammunition trafficking.

The Committee shall adopt bylaws for its operations and its decisions shall be adopted by a majority vote.

The Committee shall prioritize and establish viable and appropriate mechanisms to identify the method and frequency with which firearms and ammunition are imported into Puerto Rico, and their origin. Furthermore, the Committee shall take measures or make recommendations for the maritime transportation companies and the moving companies to compile reliable information on the traffic, import and export of firearms and ammunition, and make such information available to the Committee to facilitate the fulfillment of the objectives of this Act.

It shall be the obligation of the Secretary of Public Safety, as Chair and on behalf of the Committee, to submit an annual report with his recommendations to the Legislative Assembly on or before January 31st of each year.

Section 2.12.- Weapons Trafficking and Unlawful Use Control Center.

For investigative and statistical purposes, and to control weapons trafficking and the unlawful use thereof, the Commissioner shall create through regulations, a Weapons Trafficking and Unlawful Use Control Center in the Police Bureau to investigate and identify the source of any firearm recovered or illegally possessed by a person. The information shall be permanently kept digitally in order to collect statistics to identifying problem areas. The Puerto Rico Police Bureau shall collaborate and work in conjunction with federal law enforcement agencies for such purposes.

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

Any law enforcement officer shall temporarily seize the license, firearms, and/or ammunition of a citizen if he has grounds to believe that the firearms license holder has used or shall use said firearms and ammunition unlawfully to harm other persons; for uttering threats to commit a crime; for stating the intention to commit suicide; for repeatedly demonstrating negligence or carelessness in handling the firearm; when it is believed that the firearms license holder has a mental illness, is considered to be a habitual drunkard, or is addicted to controlled substances; or in any other situation of grave 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 firearms license holder shall be required to demonstrate that he has not suffered from a mental illness for at least one year, 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 also be authorized to temporarily seize the firearms, licenses, and ammunition of license holders when they are arrested for committing a felony or a misdemeanor involving violence.

The law enforcement officer shall immediately place the seized firearms and/or ammunition in the weapons depot of the Police Bureau and notify the Department of Justice. The Court shall order the immediate return of the seized property if it determines there is no cause for the crimes for which the firearms license holder was arrested. Any firearms or ammunition seized shall be returned in the same condition as 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.

Section 2.14- Expedited Firearms License and Carry Permit Procedures for Victims of Domestic Violence and Stalking.

The Commissioner, in conjunction with the Department of Justice, shall establish an expedited procedure through which it shall issue Special Firearms Licenses to victims of domestic violence and stalking who so request and to whom a competent court has issued a protective order. This special license shall be issued free of charge and shall be valid for ninety (90) days; provided, that the victims of domestic violence or stalking to whom the license herein provided for is granted shall apply for the regular firearms license within this period and such license shall be issued free of charge if they meet all other requirements of this Act. If the victim does not apply for the firearms license within the period provided, the victim shall surrender any firearms possessed pursuant to the provisions of this Act. This license shall be renewed as provided in this Act with regards to such matter.

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 the result of an intellectual disability, the Firearms License and/or carry permit application shall be denied.

The Police Bureau shall not use or allow this information to be used for purposes not specified in this 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.

Section 2.16.- Automatic or Semi-Automatic Assault Weapons and Machineguns; Silencer; Manufacture, Import, Distribution, Sale, Possession, and Transfer.

(a) No Semi-Automatic Assault Weapon shall be manufactured, or caused to be manufactured, offered, sold, rented, loaned, possessed, used, transferred or imported. However, this prohibition shall not apply to:

(1) the possession, use, and transfer in Puerto Rico, or the import from any jurisdiction of the United States, by persons holding a valid firearms license or dealer license, of assault weapons lawfully existing in any jurisdiction of the United States, pursuant to the applicable federal laws; or

(2) the manufacture, import, sale, or delivery by licensed dealers, of weapons to be used by the law enforcement officers of the Government of Puerto Rico or the United States, or to be used by the Armed Forces of the United States Government or of Puerto Rico in the discharge of their duties.

(b) The Semiautomatic Assault Weapons referred to in this Section are the following:

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

- 4) Colt AR-15;
- 5) Fabrique National FN/FAL, FN/LAR, and FNC;
- 6) SWD M-10, M-11, M-11/9, and M-12;
- 7) Steyr AUG;
- 8) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
- 9) Revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker; or
- 10) Any type of firearm similar to those listed above.

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

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

- (I) folding or telescopic stock;
- (ii) pistol grip that clearly overlaps the trigger action;
- (iii) bayonet mount;
- (iv) flash suppressor; or flash suppressor thread adapter;

or

- (v) grenade launcher, excluding flare launchers.

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

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

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

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

(iv) an unloaded manufacturing weight in excess of fifty (50) ounces; or

(v) a semi-automatic version of an automatic weapon.

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

(i) a folding or telescopic stock;

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

(iii) a fixed ammunition magazine or clip that holds more than five (5) cartridges; or

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

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

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

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

CHAPTER III TARGET SHOOTING

Section 3.01.- Powers and Duties of the Secretary of the Sports and Recreation Department (DRD, Spanish acronym).

The Secretary of the Sports and Recreation Department (DRD) shall have the following duties, powers, functions, and responsibilities with respect to the sport of target shooting in Puerto Rico:

(a) To promote the development of the sport of target shooting in Puerto Rico by cooperating with existing gun clubs and shooting federations, associations, and organizations, as provided in this Act, or those that may be organized in the future, by all available means within his reach;

(b) to promote, encourage, sponsor, and cooperate with target shooting clubs and organizations in holding state, national and international target shooting tournaments, competitions, or championships;

(c) To organize and hold annual shooting championships with the firearms authorized by law;

(d) To appoint judges, scorers, and field officials who shall serve in such events; and to select and provide trophies, medals, or diplomas that can be awarded to the winners; and

(e) To annually designate a “State Champion” for each category based on the scores of each championship, and to publish a notice containing the score of the best six (6) competitors of each category. The winner in each category shall hold the title of champion until the next championship. It shall not be necessary to match or

beat the previous record to be designated as champion, simply obtaining the highest score among the competitors of a category shall suffice.

Section 3.02.- Gun Club Licenses; Regulations.

(a) No club engaged in the sport of target shooting may operate in Puerto Rico without the appropriate license issued by the Firearms Licensing Office, pursuant to the procedure established in this Chapter.

(b) The Firearms Licensing Office shall only issue gun club licenses to clubs engaged in the sport of target shooting that are constituted according to 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 issued to such effect 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. Any club or organization that is engaged in, or wishes to engage in the sport of target shooting shall provide the following information on the license application:

(1) Name of 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 owners of the club or all the directors and officers, including their mailing and residential addresses, ages, and occupations, as well as a certification stating that the club has more than twenty-five (25) members. All of the 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 dollars (\$500) 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 dollars (\$500,000) 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.

(c) In case of gun club license renewal applications, the club shall meet all the requirements stated in the above subsection except for paragraph (6), and in lieu thereof, include an Internal Revenue stamp in the amount of one hundred dollars (\$100). The license thus renewed shall be valid for two (2) years.

(d) The Commissioner may deny the original license or the renewal application of any club or organization, if the application fails to meet all the requirements of this Chapter. In the event a gun club fails to meet the requirements imposed by this Chapter on more than two (2) occasions, the Commissioner may revoke the license upon prior written notice. If the gun club disagrees with the determination, it may file a petition for review as provided in this Act further below.

Section 3.03.- Special License for Minors

The Firearms Licensing Office shall issue a special license for minors, which shall be valid for the same period as the firearms license of the father, mother, tutor, or guardian, of those minors who practice the sport of shooting with firearms; provided, that they are at least seven (7) years old, and have been authorized by their father, mother, tutor, or guardian, insofar as he or she hold a valid firearms license.

The father, mother, tutor, or guardian shall file, together with the application for the special license for minors, a sworn statement assuming responsibility for all the damages the minor may cause while operating the firearm to practice the sport of target shooting. The minor shall only operate and handle firearms within the facilities where the sport of target shooting is practiced, provided, that he is accompanied by and under the direct supervision of the father, mother, tutor, or an adult license holder who has been authorized by the father, mother, or tutor.

The special license for minors application shall also include a twenty-five (25)-dollar Internal Revenue stamp, and two (2) 2x2 color photographs of the minor that clearly show his 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 on a blue background in order to differentiate it from the firearms licenses. This special license 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 any circumstances may the validity of this license be extended for more than sixty (60) days from the date on which the minor becomes an adult. The renewal application 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 after the receipt of the application unless there is good cause for its denial.

Any unauthorized person who provides a firearm 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 one thousand (1,500)[sic] dollars and no more than two thousand (2,000) dollars.

Section 3.04.- Temporary Target Shooting Permit.

(a) It shall not be necessary to obtain a firearms license or special permit for the participants of target shooting competitions and for athletes who reside outside of Puerto Rico; provided, that the competitions are held within a facility licensed by the Firearms Licensing Office. Any shooting federation, association, or organization that organizes a target shooting competition and invites athletes who reside outside of Puerto Rico shall notify it at least ten (10) business days prior to the arrival of the participant's firearms and/or ammunition, if such athletes intend to travel to Puerto Rico with their firearms and/or ammunition, in order to obtain the appropriate permit from the Firearms Licensing Office. Every participant shall attest that nothing prevents them from possessing a firearm under our laws in the document that the Firearms Licensing office shall prescribe by regulations. The signature of such document by the applicant competitor shall constitute an oath and any applicant that furnishes false information shall be subject to perjury and to any other applicable provision of law. The document shall state it as such.

(b) Athletes who introduce firearms into Puerto Rico shall also be required to comply with the federal laws in effect. Ammunition may be provided by any dealer within the shooting ranges pursuant to the applicable state and federal law.

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

Any person older than twenty-one (21) years of age that holds and presents a valid photo I.D. may use the shooting ranges without the need to hold a valid firearms license. Under no circumstances shall this be understood to mean that a person without a firearms license may own, carry, or transport a firearm as this constitutes a violation of Section 6.05 of this Act.

Dealers who have shooting ranges at their facilities are hereby authorized to rent firearms and sell the appropriate ammunition to be used solely in their shooting ranges to any person older than twenty (21) years of age who holds and shows an official photo I.D. Under no circumstances shall a person without a firearms license be allowed to take such firearms and ammunition out of the shooting range. The dealer shall establish security mechanisms to ensure full compliance with this Section. Any failure to comply with these provisions shall constitute a violation of Section 6.03, "Prohibition on Selling Firearms to Unlicensed Persons," by the dealer and a violation of Section 6.05 of this Act by the person without a firearms license.

Firearms license applicants are hereby authorized to take the course for the Operation and Handling Certificate without the need to hold a firearms license provided that they are older than twenty-one (21) years of age and they hold and present a government-issued photo I.D. Dealers that have a shooting range at their facility must have a person certified to offer operation and handling courses by the Police Bureau at their facility in order 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. The foregoing is for the purpose of providing guidance as appropriate to the unlicensed person who uses such firearms in the shooting ranges.

As a general exception, the sale of ammunition to unlicensed persons is hereby authorized, but such ammunition may only be used in the shooting range 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 that was 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.

The Commissioner shall prescribe all that pertains to this Section by regulations, including a fixed charge of two dollars and fifty cents (\$2.50) for every visit from a person that does not hold a firearms license to be transferred to the Federations that regulate the Sport of Target Shooting in Puerto Rico.

CHAPTER IV

Business of Dealing in Firearms

Section 4.01.- Firearms Dealer License; Transaction Report.

(a) No natural or juridical person may engage in the business of dealing in firearms without holding a Firearms Dealer license issued by the Firearms Licensing Office. Said licenses shall expire one (1) year after the date of issue thereof and shall again be subject to the formalities and application requirements of this Act. Firearms Dealer licenses shall be subject to approval and certification by the Firearms Licensing Office, upon prior inspection of the safety measures required in the building where the establishment is located. The license renewal application shall be filed within thirty (30) days before expiration date thereof. The Dealer shall also hold a valid federal firearms license known as the Federal Firearms License (FFL), and comply with the “Gun Control Act,” 18 U.S.C. Chapter 44, CFR Part 478; the “Arms Export Control Act,” 22 U.S.C. Chapter 2778, 27 CFR Part 479; the “National Criminal Background Check System Regulations,” 28 CFR Part 25; and the “Nonmailable Firearms Act,” 18 U.S.C. Section 1715.

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

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

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

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

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

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

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

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

(5) To have an electronic surveillance system. Said system shall be operating twenty-four (24) hours-a day, seven (7) days-a week, and shall transmit live videos and pictures in real time and back up to an external location. Sufficient security cameras shall be installed to monitor and record, at all times, all the areas where firearms are located, including, but not limited to, sales and storage areas, shooting ranges, shooting lanes, and vaults, provided that the size of the vault allows

a person to enter it. The electronic surveillance system shall keep the recorded images for a period of not less than thirty (30) days and shall be available for any investigation conducted by the Police Bureau.

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

(7) To have fire extinguishers; and

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

(f) Dealers who have not been certified by the Firearms Licensing Office as having complied with the safety measures provided in this Act may not begin operations until they are compliant therewith; therefore, they may not store or keep on the premises firearms and/or ammunition other than those that the dealer is personally authorized to carry and bear pursuant to the provisions of this Act. If a licensed firearms dealer fails to comply with the safety or other measures provided in this Chapter on two or more occasions, the Commissioner, upon previous written notice, may cancel his license. If the licensed firearms dealer disagrees, he may file a petition for review, as provided in this Act.

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

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

Section 4.02.- Requirements for Firearms Dealer License Applicants.

(a) Any person who wishes to obtain or transfer the location of a firearms dealer license shall file an application with the Firearms Licensing Office, sworn to 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.

(b) Any natural person who applies for a firearms dealer license shall hold a valid firearms license. In the event that a juridical person applies for a firearms dealer license, all the directors, officers, and owners thereof shall hold a valid firearms license. In both cases, being a U.S. citizen shall also be a requirement.

(c) Any natural person who applies for a firearms dealer license shall submit a Department of the Treasury Income Tax Return Filing Certification (SC 6088) and Department of the Treasury Debt Certification;

(d) If the applicant is a juridical person, the application shall include a corporate resolution authorizing the signor to file the application. The corporate resolution shall state the name of the corporation or partnership, place and date of incorporation or constitution, principal place of business or domicile, name of the city or town, street and number where the business, agency, sub-agency, office or branch for which the license is requested will be located. It shall also include the name and firearms license numbers of all of its directors, officers, and owners. A firearms dealer license issued under the provisions of this Chapter shall be valid solely for the business stated and described in the license. Said license shall not be transferred to any other business or person, and shall be cancelled automatically upon the dissolution of the corporation or partnership, or upon the entry of a new member, or substitution of a director, officer, and/or owner if the latter does not hold a valid firearms license; however, said license may be renewed as soon as the new director, officer, and/or owner applies for and receives a firearms license. In these cases, the Firearms Licensing Office shall issue a temporary license while the renewal process is completed. The Certificate of Existence and the Certificate of Good Standing issued by the Department of State shall be attached to the application.

(e) The firearms dealer license shall be issued within sixty (60) days after the filing of application with the Firearms Licensing Office, without prejudice that the Commissioner may subsequently continue his investigation and revoke the license if there were legal grounds to do so.

Section 4.03.- Conditions on the Operations of Dealers; Proof of Transactions.

A natural or juridical person to whom a firearms dealer license has been issued may engage in the sale of firearms and ammunition or the business of dealing in firearms under the following conditions:

(a) The business shall be conducted only at the location designated in the license.

(b) Every firearms and/or ammunition transaction shall be recorded in the book kept by the dealer for such purposes and notified to the Electronic Registry. Every Dealer who holds a license issued under this Chapter that fails to keep the records and books required herein shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for six (6) months and by a fine of five thousand dollars (\$5,000).

(c) No Dealer may begin operations without having received a firearms dealer license, nor shall keep at such location any firearms or ammunition other than those he has been personally authorized to carry and bear, in accordance with the provisions of this Act;

(d) No dealer shall receive any firearm for repair, modification, cleaning, engraving, or polishing, or for any mechanical work without first requesting a firearms license or a temporary permit, nor accept under any circumstances a firearm with a defaced serial number. Neither shall a dealer receive a State-owned firearm for repair, modification, cleaning, engraving, or polishing, or for any mechanical work. A violation of this subsection by a dealer shall constitute an administrative violation punishable by a fine of ten thousand (10,000) dollars. In the case of defaced serial numbers, every violation of this Section shall constitute a felony and, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years. If there are aggravating circumstances, the fixed penalty established may be increased up to a maximum of fifteen (15) years; if there are mitigating circumstances, the penalty may be reduced to five (5) years. Failure to comply with this requirement shall result in the revocation of the firearms dealer license by the Commissioner.

(e) The firearms dealer license or a copy thereof shall be posted in a conspicuous place at the establishment. Failure to meet this requirement shall result in a civil fine of one thousand (1,000) dollars.

(f) The documents or records shall be kept at the business stated and described in the license, and shall be available during business hours for inspection by any official of the Department of Justice or law enforcement officer in the event of a criminal investigation. In the event of license revocation, as prescribed in this Chapter, or cessation of operations of the business, such documents or records shall be delivered immediately to the Commissioner.

(g) No firearms, ammunition, or replica thereof shall be displayed anywhere in a commercial establishment devoted to the sale of firearms, where they can be visible from outside of the establishment. Failure to meet this requirement may result in an administrative fine of five thousand (5,000) dollars.

Section 4.04.- Firearms Storage and Custody.

Every Dealer shall be required to implement the safety measures set forth 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 therefor or a complaint has been filed prompting the examination of the premises thereby waiving the aforementioned period, to:

- (a) Conduct an inventory of the firearms and ammunition and compare it with the Electronic Registry;
- (b) Inspect the 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 comply with the required safety measures, he shall have thirty (30) days to comply therewith, otherwise he shall deposit the firearms and ammunition he has 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 for the storage and custody of their firearms and ammunition a monthly fee to be determined by regulations. 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 firearms 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 send an invoice to the dealers periodically, as provided by regulations, stating the cost of storage and custody of their firearms shall be indicated, according to 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 holding a formal hearing, to revoke such dealer's license.

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

CHAPTER V

SECURITY AGENCIES TRANSPORTING VALUABLES

Section 5.01.- Special Long Gun License to Transport Valuables.

The Firearms Licensing Office may issue a special long gun license to transport valuables to security agencies engaged in the transportation of valuables on armored vehicles that apply therefor and are duly authorized to operate as such; such license authorizes them to purchase, possess, dispose of and keep at their place of business a depot for non-automatic long guns as well as ammunition to be used

solely and exclusively by security agents working for said agency who are assigned to the transportation of valuables on armored trucks and while discharging their duties.

Section 5.02.- Application Procedure.

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

(a) A Certificate of Existence and the Certificate of Good Standing issued by the Department of State; and

(b) An Income Tax Return Filing Certification (SC 6088) and a Debt Certification (SC 6096 issued by the Department of the Treasury.

The Chief Executive Officer of the applying security agency shall be required to hold a valid firearms license in order to apply for a special long gun license to transport valuables. Said officer shall be the custodian of all long guns authorized to him and shall be directly responsible for complying with the provisions of this Chapter.

Section 5.03.- Security Agency Regulations.

A security agency shall file for the Firearms Licensing Office's approval together with its application for special long gun license to transport valuables, regulations for the operation, handling, and control of the long guns it possesses, including, but not limited to, the conditions under which its security guards shall carry the long guns authorized to the security agency. The Commissioner shall prescribe by regulations the minimum requirements for the regulations of each security agency.

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

A special Long gun license to transport valuables issued under this Chapter shall be valid for three (3) years from the issue thereof and may be renewed annually for the same period of time. 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 including a one thousand five hundred-dollar (\$1,500) Internal Revenue stamp.

This special long gun license to transport valuables shall be valid only for the businesses stated and described in the license. Said license shall not be transferred to any other business or person and shall be automatically cancelled upon the dissolution of the corporation or partnership, the filing for liquidation under the U.S. Bankruptcy Code, or upon the substitution of the Chief Executive Officer who signed the original application; however, an application for said special license may be filed again as soon as the new Chief Executive Officer complies with the provisions of this Act. In these cases, the Firearms Licensing Office shall issue a temporary license for a period not to exceed thirty (30) days.

Section 5.05.- Long Gun and Ammunition Depot of the Security Agency.

Every application for a special long gun license to transport valuables shall be accompanied by proof that the security agency employs at least five (5) people for such purposes and that all hold a valid firearms license.

The premises where the long guns of a security agency applying for a special long gun license to transport valuables are stored shall also comply with all the provisions and safety requirements established for firearms dealer licenses, as well as any other requirement prescribed by the Commissioner through Regulations.

The special long gun license to transport valuables requested shall be issued once the Commissioner certifies that the applicant's premises meets the established safety requirements in addition to the requirements established in this Chapter. The applicant's business shall only operate at the designated premises and shall be subject to inspection by the Police Bureau or the Special Investigations Bureau and shall display the license at a conspicuous place in its premises. No firearms shall be kept at such premises other than those it is authorized to possess pursuant to the provisions of this Act.

Section 5.06.- Firearms and Ammunition Limit.

A special long gun license to transport valuables shall allow a security agency to have under its custody and control a specific number of long guns, such as semiautomatic shot guns and rifles registered to its name in the Electronic Registry. Security agencies may acquire up to two (2) long guns per each armored vehicle they own and devote to the transportation of valuables as certified by the Transport and Other Public Services Bureau.

Security agencies that hold the special long gun license to transport valuables provided in this Chapter are hereby authorized to purchase a reasonable amount of ammunition for the authorized long guns. Security agencies shall keep a perpetual inventory of the authorized long guns and ammunition, as well as a record of the daily movement thereof. These records shall be subject to inspection by the Police Bureau.

Section 5.07.- Agency's Security Guard Requirements for the Operation of Long Guns.

Every security guard working for a security agency engaged in the transportation of valuables may carry long guns owned by the security agency; provided that the security guard holds a valid firearms license and has completed the

long gun operation and handling course. Said course must be previously approved by the Commissioner. The course shall be offered by an instructor duly certified by the Police Bureau.

It is hereby provided that the cost of the long gun operation and handling course shall be defrayed by the security agency and, under no circumstances shall said cost be transferred to the security guard.

The security agency shall file with the Firearms Licensing Office a list of the security guards who hold a firearms license and have completed the long gun operation and handling course. The Commissioner shall prescribe by regulations all that pertains to compliance with this Section.

Any security guard who holds a valid firearms license and has completed a long gun operation and handling course may carry long guns while carrying out his job duties related to the transportation of valuables in armored vehicles, escort of armored vehicles, including supervision, vault and physical facility security, and internal security.

The owner of long guns for which a special long gun license to transport valuables is issued shall be the security agency. A special long gun license to transport valuables issued by the Firearms Licensing Office to a security agency shall not confer upon a security guard any right whatsoever on said firearm except for the right to carry it while performing his previously established job duties.

Section 5.08.- Security Agency Authority.

A security agency may seize immediately any firearm owned by such agency that is in the hands of a security guard who is employed by said agency at any time it deems pertinent. Moreover, if the agency believes that a guard is improperly operating such firearm, or if it has reasonable grounds to believe that such guard carrying a firearm poses a threat to his life or the life of third parties, the agency shall notify immediately the Commissioner for pertinent action or actions.

Section 5.09.- Grounds for Revoking or Denying the Renewal of a Special Long Gun License to Transport Valuables

Any of the following shall constitute grounds for revoking or denying the renewal of a special long gun license to transport valuables under this Chapter:

- (a) Fraud or deceit in obtaining a license.
- (b) A violation of any of the provisions of this Act or the regulations thereunder.
- (c) That the Chief Executive Officer of the security agency be convicted of any offense entailing the revocation thereof, as provided in this Act; and/or
- (d) That the firearms license of the Chief Executive Officer of a security agency be revoked on any grounds or his failure to renew the same.

Section 5.10.- Noncompliance by the Security Agencies Engaged in the Transportation of Valuables in Armored Vehicles.

Any security agency holding a special long gun license to transport valuables that fails to comply with the provisions of this Act, or that operates a firearms depot without being duly authorized therefor by the Commissioner shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than five thousand (5,000) dollars nor more than twenty-five thousand (25,000) dollars, in addition to having the special long gun license to transport valuables revoked without the possibility to reapply for such license. Moreover, the Commissioner shall direct that all firearms registered under the name of the security agency be seized.

Section 5.11.- Vicarious Liability.

Security agencies holding licenses to purchase, possess, dispose of, and keep a firearms and ammunition depot are vicariously liable for damages caused by a firearm owned by such agency, regardless of whether such damages were caused by

a person who was not authorized by the agency to carry the firearm or whether the person was acting knowingly or negligently, unless:

(a) The agency shows that damages were caused during the lawful discharge of the security guard duties, or that the damages were caused by the victim; or

(b) That the firearm that caused the damage has been stolen from the agency's firearms and ammunition depot, and it shows that it had taken all the safety measures available thereto in order to safeguard the firearms, that it notified the Police Bureau of the theft, and that all the provisions of this Act had been complied with.

Any agreement or contractual provision that is contrary to this Section shall be void and be deemed as not included.

CHAPTER VI

OFFENSES

Section 6.01.- Aggravation of Punishment.

Any person convicted of any violation of the provisions of this Act, whose conviction is associated and concurrent with another conviction under any of the provisions of Act No. 4 of June 23, 1971, as amended, known as the "Controlled Substances Act of Puerto Rico," except for Section 404 of said Act, or Act No. 33 of July 13, 1978, as amended, known as the "Act Against Organized Crime and Money Laundering of the Commonwealth of Puerto Rico," shall be sentenced to double the punishment provided for in this Act. Any terms of imprisonment imposed under this Act shall be served consecutively amongst each other as well as consecutively with those imposed under any other law. Furthermore, if a person has been previously convicted of any violation of this Act or any of the offenses mentioned in this Act, or uses a weapon in the commission of any offense, and as a

result of such violation, any person is physically or mentally harmed, the punishment set forth for the offense shall double. Any violation of this Act committed in a school or university zone shall entail double the punishment.

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

Section 6.02.- Manufacture, Import, Sale, and Distribution of Firearms.

A license issued under this Act shall be required to offer, sell, or offer for sale, or transfer any firearm, ammunition, or any part of a firearm on which the manufacturer places the firearm's serial number. A dealer license shall be required to engage in all of the above as well as to manufacture, rent, or import any firearm, ammunition, or part of a firearm on which the manufacturer places the firearm's serial number. Any violation of this Section shall constitute a felony and be punished by imprisonment for a fixed term of fifteen (15) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction, thus the full number of calendar years of the punishment imposed shall be served. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

Section 6.03.- Prohibition on Selling Firearms to Unlicensed Persons.

No dealer or person holding a valid firearms license shall deliver a firearm to a person who fails to show a valid Firearms License. Any person who knowingly sells, transfers, or otherwise facilitates firearms or ammunition to a person who does not hold a valid firearms license in Puerto Rico shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of fifteen (15) years

without the right to suspended sentence, be released on parole, or enjoy the benefits of any diversion program, commutation of sentence, or an alternative to incarceration recognized in this jurisdiction, thus the full number of calendar years of the punishment imposed shall be served. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years.

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

This offense shall not apply when a dealer rents a firearm or sells ammunition, within a shooting range, to a person older than twenty-one (21) years of age who holds and shows a government-issued photo I.D. as provided in Section 3.05 of this Act.

Section 6.04.- Trade of Automatic Firearms.

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

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

Section 6.05.- Carrying, Transporting, or Operating Firearms Without a License.

Any person who carries, transports, or operates any firearm without holding a valid firearms license, except as provided for shooting ranges or hunting locations, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty (20) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of five (5) years.

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

Any person who transports a firearm without holding a license therefor and fails to meet the requirements (i) and (ii) of the preceding paragraph, but meets requirements (iii), (iv), and (v), and is also able to show, by preponderance of the evidence, that he became the owner of such firearm upon inheritance or bequest, and that the decedent from whom he inherited or acquired the firearm held a firearms

license, shall be guilty of a misdemeanor and punished by a term of imprisonment not to exceed six (6) months or by a fine of not less than five hundred (500) dollars and not more than five thousand (5,000) dollars at the discretion of the Court. The Court, at its discretion, may impose community service in lieu of the established term of imprisonment.

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

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

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

Section 6.06.- Carry and Use of Bladed Weapons.

Any person who, without good cause uses a knuckle duster, a blackjack, a billy club, a ninja star, a knife, a poniard, a dagger, a sword, a sling, a swordstick, a harpoon, a curved knife, a stiletto, an ice pick, a hammer, a bat, a plank of wood, a shield, safety razor blades, a cudgel, a hypodermic needle, a syringe, or any other similar instrument that is deemed to be a bladed weapon, against another person, or shows it or uses it to commit, or to attempt to commit an offense, shall be guilty of

a felony and, upon conviction, shall be punished by imprisonment for a fixed term of three (3) years. If there should be aggravating circumstances, the fixed penalty established, may be increased to a maximum of six (6) years; if there should be mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day. The penalties established herein shall be imposed without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction.

Any person who possesses, carries, or conveys any of the weapons listed herein for their use as instruments proper to an art, sport, profession, occupation, or trade, or due to any health condition, disability, or defenselessness, is excluded from the application of this Section.

Section 6.07.- Bladed Weapon Manufacture and Distribution.

Any person who, without good cause related to an art, sport, profession, occupation, or trade, or due to any health condition, or disability, or defenselessness, manufactures, imports, offers, or sells, or offers for sale, rent, or transfer a knuckle duster, a blackjack, a billy club, a ninja star, a knife, a poniard, a dagger, a sword, a sling, a swordstick, a harpoon, a curved knife, a stiletto, an ice pick, or any other similar object that is deemed to be a bladed weapon shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of three (3) years. If there should be aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of six (6) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of one (1) year. The prohibition set forth in this Section extends to any person imprisoned for the commission of any crime.

Section 6.08.- Possession of Firearms without a License.

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

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

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

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

Any person who possesses a firearm without holding a license therefor and fails to meet the requirements (a) and (b) of the preceding paragraph, but meets requirements (c), (d), and (e), and is also able to show, by preponderance of the evidence, that he became the owner of such firearm upon inheritance or bequest, and

that the decedent from whom he inherited or acquired the firearm held a firearms license, shall be guilty of a civil infraction and punished by a fixed fine in the amount of two thousand five hundred (2,500) dollars.

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

Section 6.09.- Unlawful Carry, Possession, or Operation of Automatic or Semiautomatic Long Firearms, or Sawed-off Shotguns

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

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

Section 6.10.- Possession or Sale of Silencing Accessories.

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

Section 6.11.- Facilitating Firearms to Third Parties.

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

Section 6.12.- Firearm Serial Number or Owner's Name; Removal or Defacement.

All firearms, except for antique firearms, as defined in this Act, shall bear in a way so as not to be easily altered or effaced, the number of the dealer or trademark

under which the firearm is to be sold or the name of the importer, as well as the serial number engraved thereon.

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

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

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

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

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

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

Section 6.13.- Medical Assistance Reports on Wounded Persons.

Any person, including healthcare professionals, who tends to the healing of a bullet wound or a gun powder burn, as well as any other injury or wound resulting from discharging any firearm, regardless of where it occurs, shall report such incident to the Police Bureau. In the case of hospitals or similar institutions, the person shall notify the administrator or the person in charge of the institution, so that the latter, in turn, reports the incident to the authorities. The same procedure shall be followed when the presence of a projectile, ammunition, or any part thereof is

detected in the body of the person receiving medical attention. Failure to report the rendering of these services shall constitute a misdemeanor and, upon conviction, such person shall be punished by a fine of up to five thousand (5,000) dollars. The Commissioner shall investigate all reports on the treatment of such wounds, upon which he shall consult with the Department of Justice for the filing of criminal charges if warranted, and he shall keep a detailed record of their outcome in order to compile statistics on such reports.

Section 6.14.-Firing or Aiming Firearms.

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

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

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

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

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

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

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

Section 6.15.- Seizure of Property for Storing Prohibited Firearms;

The Secretary of Justice may seize any property, as this term is defined in Act No. 119-2011, as amended, known as the "Uniform Forfeiture Act of 2011," where any firearm or ammunition is stored, loaded, unloaded, transported, carried, or moved in violation of this Act. The procedure set forth in Act No. 119-2011, as amended, shall be followed for such purpose.

Section 6.16.- Firearms Within Reach of Minors

(a) Any person who negligently leaves a firearm or firearms within reach of a person under the age of eighteen (18) and such minor takes a firearm and inflicts serious bodily injury to or kills another person or himself, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a fixed

term of two (2) years. If there were aggravating circumstances, the fixed penalty thus established shall be increased to a maximum of five (5) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day if the event occurred with a lawfully possessed firearm. The Court may, at its discretion and after receiving the pre-sentence report, replace the term of imprisonment with community service. It shall be deemed an aggravating circumstance if the firearm used was unlawfully possessed.

(b) Any person who, with criminal intent, facilitates or places a firearm or ammunition in the possession of a person under the age of eighteen (18) so that the latter may possess, have in custody, conceal, or transport any such items shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years. If there should be any aggravating circumstances, the fixed punishment established herein may be increased up to a maximum of twenty-four (24) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of six (6) years.

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

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

Section 6.17- Unlawful Taking of Firearms or Ammunition, Theft.

Any person who intentionally and unlawfully takes a firearm or ammunition shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of ten (10) years without the right to suspended sentence, or to enjoy the benefits of any diversion program, or an alternative to incarceration recognized in this jurisdiction. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twenty (20) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of five (5) years. In the event that a person unlawfully takes more than one firearm or if the person is a repeat offender as provided in Article 73 of Act No. 146-2012, as amended, known as the "Penal Code of Puerto Rico," the punishment shall double.

Section 6.18- Alteration of Motor Vehicles to Conceal Firearms.

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

of three (3) years; if there should be mitigating circumstances the punishment may be reduced to a minimum of six (6) months and one (1) day.

Section 6.19.- Engaging in the Firearms and Ammunition Trade Without Holding a Dealer License.

Any natural or juridical person that engages in the business of dealing in firearms without holding a firearms dealer license shall be guilty of a felony and punished by imprisonment for a fixed term of fifteen (15) years. If there should be aggravating circumstances, the fixed punishment established may be increased up to a maximum of twenty-five (25) years; if there should be mitigating circumstances, the punishment may be reduced to a minimum of ten (10) years. Provided, that any adjustment, whether mechanical or cosmetic, made by persons holding firearms licenses or by owners holding a firearms licenses on their own firearms shall not constitute an offense whatsoever, if there is no intention to profit therefrom.

Section 6.20.- Discharging a Firearm from a Motor Vehicle.

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

Section 6.21.- Conspiring to Illegally Trafficking in Firearms and/or Ammunition.

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

Section 6.22.- Manufacture, Distribution, Possession, and Use of Ammunition; Importation of Ammunition

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

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

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

Section 6.23.- Sale of Ammunition to Unlicensed Persons.

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

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

This offense shall not apply when a dealer rents a firearm or sells ammunition, in a shooting range, to a person older than twenty-one (21) years of age who holds and shows a government-issued photo I.D., as provided in Section 3.05 of this Act, for the purpose of using them in said shooting range.

Section 6.24.- Purchase of Ammunition of a Different Caliber.

Any person who having a valid firearms license, purchases ammunition of a caliber that is different to that which can be used in the firearms registered in his name shall be guilty of a felony and, upon conviction, shall be punished with a penalty of imprisonment for a fixed term of six (6) years unless he rents a firearm of a different caliber than the firearms registered in his name in a gun shop with a shooting range to be used solely within such establishment. If there were aggravating circumstances, the fixed penalty established may be increased to a maximum of twelve (12) years; if there were mitigating circumstances, it may be reduced to a minimum of three (3) years.

Section 6.25.- Notice by Carrier, Warehouseman, Depository for the Receipt of Firearms; Penalties.

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

information of the firearms and/or ammunition he is transporting within the territorial limits of Puerto Rico, and provide it to the Puerto Rico Police Bureau. The Puerto Rico Police Bureau shall use the information provided to verify that such transport complies with the applicable laws and regulations of Puerto Rico. Said notification shall be made in accordance with the regulations adopted by the Puerto Rico Police Bureau to enforce the provisions of this Act.

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

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

Section 6.26.- Presumptions.

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

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

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

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

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

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

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

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

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

CHAPTER VII FINAL PROVISIONS

Section 7.01.- Hunting License.

Any person who possesses a hunting weapon, that is also a firearm, pursuant to Act No. 241-1999, as amended, known as the “New Wildlife Act of Puerto Rico,” shall register such firearms in the Electronic Registry created by virtue of this Act. Failure to register shall constitute a violation of Section 6.05, “Carrying, Transporting, or Operating Firearms without a License,” of this Act. Any other matter pertaining to the regulations and sport hunting shall be governed by the provisions of Act No. 241-1999, as amended, known as the “New Wildlife Act of Puerto Rico,” and the regulations adopted thereunder.

Section 7.02.- Pneumatic Weapon.

As provided by the United States Congress, 15 U.S.C.A. [sic] §5001, the section reserved for pneumatic weapons provisions applicable in Puerto Rico is hereby superseded; therefore, the sale or use thereof shall not be prohibited, except for the sale of pneumatic weapons to minors under the age of eighteen (18).

Section 7.03.- Warning in Ports and Airports.

The Director of the Puerto Rico Ports Authority shall conspicuously post signs, in English and in Spanish, in every inbound port and airports in Puerto Rico through which arriving passengers must pass. Such signs shall read as follows:

“ADVERTENCIA SOBRE ARMAS DE FUEGO

Toda persona, no autorizada a poseer armas bajo las leyes de Puerto Rico y que no posea un permiso válido para poseer o portar armas en un Estado, territorios, enclaves, posesiones o cualquier jurisdicción estadounidense, que traiga consigo o en su equipaje un arma de fuego, tendrá que notificarlo a la oficina de Seguridad de Puertos y a un agente del Negociado de la Policía a su llegada para solicitar una Licencia de Armas. El no cumplir con esta notificación podrá conllevar pena de reclusión. La oficina de Seguridad de Puertos y/o un agente del Negociado de la Policía le orientará sobre cómo proceder con su arma.”

“FIREARMS' WARNING

Every person, not authorized to have firearms under Puerto Rico laws, and who does not hold a valid weapons permit issued in any State, enclave, possession or territory of the United States of America, who brings a firearm with him/her or in his/her luggage, must give immediate notice to the Ports Authority Security Office and an officer of the Police Bureau of Puerto Rico upon arrival. Noncompliance with this notice may carry prison penalties. The Ports Authority Security Office and/or an Authorized Agent will inform you on how to proceed with your weapon.”

Section 7.04.- Educational Campaign.

The Commissioner shall conduct an educational campaign every year, from December 15 to January 7, to raise public awareness of the dangers of discharging a firearm into the air, of the fact that it constitutes an offense and the penalty it entails, and the importance of reporting such actions as well as to educate the people to not engage and/or actively or passively participate in such practice. In order to raise

awareness, data on the deaths and injuries caused by this practice in previous years shall be furnished as well as any other matter deemed pertinent. The Commissioner may enter into collaboration agreements with other government entities, as well as the private sector or nonprofit organizations to further the purposes of this advertising campaign.

Section 7.05.- Rulemaking Authority.

The Commissioner shall adopt regulations as necessary to comply with the provisions of this Act, within sixty (60) days after the approval thereof, in accordance with Act No. 38-2017, as amended.

The Commissioner shall file the adopted regulations with the Office of the Clerk of the House of Representatives and the Office of the Secretary of the Senate within that same term.

Section 7.06 Administrative Findings; Adjudication; Reconsideration.

Except as otherwise expressly provided, all determinations that must be made pursuant to this Act shall be governed by the provisions on informal hearings, adjudications, and reconsiderations established in Act No. 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act.”

Section 7.07.- Forms.

The Commissioner shall design and publish on the webpage of the Police Bureau all forms and instructions required under this Act for the implementation thereof within sixty (60) days after its approval.

Section 7.08.- Firearms Collections.

Nothing provided in this Act shall prevent a person from maintaining a firearms collection. In order to do so, the collector shall obtain a Firearms License in accordance with the provisions of this Act. Antique Firearms, as defined in this Act, lacking the manufacturer’s serial number shall be exempt from the registration requirement, as it is defined in this Act, but they shall be registered in the Electronic

Registry together with three (3) different photographs showing in detail their particular features. It shall not be required to make any marking or alternation whatsoever to an Antique Firearm. An antique Firearm used to commit any offense shall be deemed to be an unregistered firearm.

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

The Commissioner shall establish through regulations all that pertains to the receipt, custody, and disposition of firearms seized by or voluntarily surrendered to the Puerto Rico Police Bureau by persons holding a firearms license; or surrendered upon the passing of a licensed person when there is no estate, or when there is no interest therein; or upon the cancelation of the license of the licensed person. The Commissioner is empowered to sell, exchange, donate, or assign the firearms to federal, state, or municipal law enforcement agencies, as prescribed through regulations. The Commissioner is also empowered to sell firearms through a public bid or directly to licensed dealers or persons pursuant to this Act, as prescribed through regulations. The firearms and instruments seized in accordance with this Act shall remain under the custody of the Commissioner in the Puerto Rico Police Bureau's Weapons and Ammunition Depot, and those firearms voluntarily surrendered to the Puerto Rico Police Bureau by licensed persons; or surrendered upon the passing of an owner duly licensed under the provisions of this Act, shall not be sold, exchanged, donated, assigned, or destroyed until at least three (3) years have elapsed from the date they were deposited with the Puerto Rico Police Bureau's Weapons and Ammunition Depot. The proceeds from the sale thereof shall be allocated exclusively for the purchase of bullet-proof vests, uniforms, and shoes for the agents of the Puerto Rico 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 through regulations adopted for such purposes. Every illegal firearm, every legal firearm carried, possessed, or transported by an unlicensed person, and any other firearm or instrument listed under Section 6.09 of this Act shall be deemed to be a public nuisance and when any such firearm or instrument is seized it shall be delivered to the Commissioner for the disposal or destruction thereof, as prescribed through regulations adopted for such purposes.

Section 7.10.- Film Industry and Filmmakers.

Any natural or juridical person that intends to hold artistic events of any kind, regardless of the form and name thereof, such as films, documentaries, soap operas, plays, or artistic events where firearms replicas used and that may be mistaken for real firearms due to their physical appearance or use as real firearms shall notify the Commissioner in writing, thirty (30) days in advance, the use of firearm replicas, and the site, place, and time where such firearm replicas shall be used during any artistic event. Absent proper notice, the Commissioner may collect from the person who failed to notify, the actual costs incurred for responding to false alarms as a result of any event held where firearm replicas have been used. The Commissioner shall prescribe through regulations the notification process. The Commissioner shall prescribe through regulations the form and manner in which the use of real firearms shall be allowed, which firearms may only be introduced to the island through a licensed custodian in accordance with this Act. Likewise, any natural or juridical person that is a Puerto Rico resident shall have a licensed custodian in accordance with this Act.

Section 7.11.- Section 3 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“The protection of all wildlife and in particular the natural habitat of said species is hereby declared as the public policy of the Government of Puerto Rico. Government agencies and instrumentalities shall consult with the Department on any

matter, permit, or franchise that may have a foreseeable and significant impact on the wildlife. The Department may seek the advice and take into consideration the recommendations of agencies such as the Federal Forestry Service, the Planning Board, and the natural science departments of duly accredited academic institutions, concerning any proposal that may affect a critical natural habitat essential to vulnerable or endangered species. Any government organization or public entity that promotes the conservation of wildlife may request a particular species or its critical natural habitat to be designated as vulnerable or endangered, provided that scientific information is furnished for such purposes. The Department shall process such a request pursuant to the provisions of Act No. 38-2017, the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’

...”

Section 7.12.- Section 6 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 6.-

The following actions shall be deemed unlawful and subject to penalties as provided further in this Act:

a) ...

...

k) To carry or transport any sports hunting weapon outside of the hunting season, be it on the hunter, in the vehicle, or any other means of transportation, including an animal on which the hunter is or on any animal. In case said weapon must be transported for a purpose other than for sports hunting, it shall be required to obtain a written authorization from the Commissioner of the Police Bureau or to hold a valid firearms license, and the weapons must be registered in the Electronic Registry created under the ‘Puerto Rico Weapons Act of 2020.’

l) ...
...”

Section 7.13.- Section 7 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 7.- Game Preserve.

(a) The Secretary shall prescribe through regulations the relevant and necessary requirements for granting a permit to operate a game preserve, to ensure compliance with all the provisions of this Act.

(b) The owner, manager, or caretaker of a game preserve shall register in his name the hunting weapons to be used by game preserve clients. If the hunting weapon is also a firearm, it must be registered in the Electronic Registry created under the Puerto Rico Weapons Act of 2020. The Secretary shall establish the number of hunting weapons that may be registered for each game preserve. Game preserve clients shall not use, carry, or transport said hunting weapons outside of the limits of said game preserve whether on their person or in a vehicle.

...

e) The Secretary shall notify, in writing, the suspension or revocation of the authorization to operate any game preserve, stating the reasons therefor. The person affected by said determination shall return the permit to the Secretary by mail or in person within five (5) days after having been notified of the decision of the Secretary and shall immediately surrender the registered firearms to the Puerto Rico Police Bureau. Said person may also request an administrative hearing according to the procedure to be established further in this Act, so as to challenge the action of the Secretary.

f) ...
...”

Section 7.14.- Section 8 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 8.-

The Secretary may delegate any of the duties conferred by this Act, except for the duty to approve, amend, and repeal regulations to fulfill the purposes of this Act, pursuant to Act No. 38-2017, the ‘Government of Puerto Rico Uniform Administrative Procedure Act’.”

Section 7.15.- Section 11 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 11.- Registration of Hunting Weapons

a) The Secretary shall organize and maintain a registry of the hunting weapons registered in Puerto Rico, pursuant to the provisions of the ‘Puerto Rico Weapons Act.’ Any hunting weapon that is also a firearm shall be registered in the Electronic Registry created pursuant to the Puerto Rico Weapons Act of 2020.

b) All hunting weapon registration applications, including the transactions to transfer hunting weapons between hunting license holders, must be filed with the Department. The Secretary shall evaluate the hunting weapon registration application and shall proceed with the registration, if deemed pertinent, according to the procedures established in the ‘Puerto Rico Weapons Act,’ as applicable. The Secretary may not register any hunting weapon that is also a firearm if it has not been previously registered in the Electronic Registry created under the Puerto Rico Weapons Act of 2020. The transactions to transfer ownership of a hunting weapon that is also a firearm shall be carried out in accordance with the Puerto Rico Weapons Act of 2020.

c) The Secretary shall not proceed with the registration of a hunting weapon if the person applying for such registration has not previously obtained the appropriate hunting license or permit to operate a game preserve, as the case may be.

(d) No dealer in firearms or hunting weapons shall deliver a hunting weapon to a purchaser until the latter provides proof of holding a hunting license or permit to operate a game reserve issued by the Secretary as well as the appropriate written authorization from the Secretary to purchase said hunting weapon. If the hunting weapon is also a firearm, any firearm transfer shall comply with the firearm transfer procedure established in the Puerto Rico Weapons Act of 2020. The Regulations shall provide for the resolution of any conflicts between the new license and the currently held license.

e) ...

f) ...”

Section 7.16.- Section 13 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 13.- Sport Hunting License.

a) Sport hunting license.- Any person who applies for a sports hunting license shall meet the following requirements:

1. ...

2. To be eighteen (18) years-old. Minors who are at least fourteen (14) years-old may be issued a conditional sport hunting license, pursuant to the provisions of Section 16 of this Act.

3. ...

4. To be a person of proven moral probity in the judgement of the Secretary based on all the information furnished to such effects. The Secretary shall prescribe through regulations the procedure to obtain the information necessary to

fulfill this objective; however, a copy of a valid firearms license shall be deemed as sufficient evidence.

5. ...

6. To have a clean Criminal Record in the Puerto Rico Police Bureau.

7. ...

8. ...

b) Renewal of sport hunting license.- The Secretary may renew a sport hunting license after the applicant has filed with the Department the appropriate form provided for such purposes enclosing therewith a negative criminal record certificate and a sworn statement attesting that the conditions which existed at the time the original license was granted continue unaltered.

c) Denial of sport hunting license.- The Secretary shall refuse to issue or renew a sport hunting license in any of the following cases:

1. ...

2. ...

3. ...

d) ...

e) ...”

Section 7.17.- Section 14 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 14.

The Secretary shall periodically report to the Commissioner of the Puerto Rico Police Bureau a list of the hunting licenses and any other kind of license authorized pursuant to this Act that have expired, or that upon the expiration of the term provided herein have not been renewed, or licenses or renewals which have been revoked or denied.

a) Any person who, as of the date of effectiveness of this Act, has registered a hunting weapon and to whom the Secretary has revoked a hunting license or of any other kind, or whose license has expired pursuant to Section 12, or has failed to request a timely renewal thereof, must surrender said firearm to the General Police Headquarters or the local Police Station according to the procedure established in the Puerto Rico Weapons Act, as amended, and notify it to the Department.

b) The person thus affected by the determination of the Secretary, may petition for an administrative hearing, in accordance with the procedure provided in Act No. 38-2017, as amended, the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ The filing of a petition for an administrative hearing and/or a petition for review shall neither affect nor impair compliance with the provisions of subsection (a) of this Section. The filing of a petition for review shall neither exempt a person thus affected from complying with the provisions of subsection (a) of this Section.

(c) Upon the death of a person holding a hunting license, it shall be the duty of the heirs, administrator, executor, trustee, deputy administrator, agent, or person legally authorized to manage the estate to comply with the provisions of Section 2.10 of the Puerto Rico Weapons Act of 2020.”

Section 7.18.- Section 16 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 16.-

The Secretary may also issue the following classes of licenses or permits:

- a) ...
- b) ...
- c) ...

d) Conditional sport hunting licenses to minors fourteen (14) years of age or older, upon prior written authorization of the father or mother with parental rights or a legal guardian, who shall, in turn, hold a valid sport hunting license issued by the Secretary.

1. The sport hunting licenses authorized through this subsection shall be issued upon the payment of the fees and fulfillment of the requirements, as applicable to regular licenses. Sport hunting licenses shall have the same effective term and may be revoked on the same grounds as regular licenses or if the license of the parent, legal guardian, or custodian is revoked or is not renewed pursuant to the provisions of this Act. The revenues collected on account of the foregoing shall be deposited in the Special Wildlife Management Fund.

2. Minors holding said conditional licenses may use the hunting weapons registered in the name of their parents, legal guardians, or custodians. Minors may only carry hunting weapons that are also firearms within sport hunting locations.

e) Sport hunting license to a nonresident who holds or bears a valid hunting license in any State of the United States. Valid hunting licenses from foreign countries with requirements similar to those established for granting hunting licenses in Puerto Rico shall also be accepted. It shall be an essential prerequisite to engage in sport hunting in Puerto Rico for nonresidents to show evidence of having approved a hunter education course from a duly accredited institution with a content similar to the course developed by the Department. The revenues collected on this account shall be deposited in the Special Wildlife Management Fund.

1. A nonresident who meets the requirements of this paragraph shall be authorized to practice sport hunting in Puerto Rico, subject to the applicable provisions of this Act, within the first sixty (60) days of his arrival. If he remains in

Puerto Rico and wishes to continue hunting after said sixty (60)-day period has elapsed, he must meet the requirements of Section 13 of this Act.

2. A person holding a ‘sport hunting license to a non-resident’ may only carry hunting weapons that are also firearms within sport hunting locations.

3. If the firearm is imported, said firearm shall be registered as provided in this Act and in the Puerto Rico Weapons Act of 2020.

f) ...

g) ...

h) ...

i) ...”

Section 7.19.- Section 17 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 17.-

The conviction of an applicant for aggravated assault and battery shall not be an impediment for granting him a hunting license or a permit for operating a game reserve ten (10) years after the date the last sentence was served or fifteen (15) years, in the case of a felony. Neither shall it be an impediment for granting said licenses or permits one (1) year after the date the last sentence was served for the offenses of assault and battery or breach of the peace or if over one (1) year has elapsed since the date the applicant served his sentence for violations of this Act or the regulations promulgated thereunder or complied with the resolution or fine imposed by the Department or by the Federal Government for violations of any provision of the wildlife laws and regulations. However, any person who within a term of ten (10) years has violated any provision or regulation of the Wildlife Act, the Department, or the Federal Fishing and Wildlife Service more than once, may be denied the possibility of applying for a license or permit for a term of up to ten (10) years.

Should a person violate any wildlife laws or regulations for a second time, the hunting license may be denied permanently.”

Section 7.20.- Section 20 of Act No. 241-1999, as amended, is hereby amended to read as follows:

“Section 20.- Administrative Hearings.

Any person directly and adversely affected by actions, orders, or resolutions issued by the Secretary in relation to the issuance, renewal, or revocation of licenses or permits authorized by this Act may file a petition for an administrative hearing pursuant to the provisions of Act No. 38-2017, the ‘Government of Puerto Rico Uniform Administrative Procedure Act’.”

Section 7.21.- Validity of licenses issued under Act No. 404-2000, as amended; Transitory Clauses.

(a) All licenses and permits granted under Act No. 404-2000, as amended, known as the ‘Puerto Rico Weapons Act,’ shall continue to be valid until the expiration date of the firearms license granted with all the rights and obligations conferred by said Act.

(b) Any person holding a license granted under Act No. 404, *supra*, as of the date of effectiveness of this Act who wishes to have his license governed by the provisions of this Act, shall request a license renewal while the current license is still in effect, in accordance with the provisions of this Act on license renewal. Said renewed license shall keep the same number and be valid for the period established in this Act for the different renewals of the licenses granted hereunder.

(c) Any person holding a license issued under Act No. 404, *supra*, that expires after the effective date of this Act, shall renew said license in accordance with this Act if he wishes to keep his license current. Said renewed license shall keep the same number and be valid for the period established in this Act for the different renewals of the licenses granted hereunder.

(d) As of the effective date of this Act, the Firearms Licensing Office shall not accept applications for new licenses under Act No. 404, *supra*. The applications pending approval shall be issued under Act No. 404, *supra*, with all the rights and obligations conferred under said Act. Any pending application filed under Act No. 404, *supra*, that has been neither approved nor denied as of the effective date of this Act, shall not be approved and the applicant shall file the license application *de novo* pursuant to this Act. In such cases, the amount enclosed with the application that remained pending shall be credited.

(e) The Firearms Licensing Office shall continue to accept and process license renewals that expire before the effective date of this Act and shall be issued under Act No. 404, *supra*, with all of the rights and obligations conferred under this Act.

(f) The Firearms Licensing Office shall accept applications for new licenses and renewals under this Act from its effective date.

(g) Any person who holds an expired or revoked firearms license due to lack of renewal under Act No. 404, *supra*, may request a renewal pursuant to the provisions of this Act, upon payment of half the total amount of fines and/or penalties corresponding to the noncompliance with the renewal process, which shall not exceed five hundred dollars (\$500).

(h) Any person who holds a hunting license issued by the Secretary of the Department of Natural and Environmental Resources, under the provisions of Act No. 241-1999, as amended, known as the 'New Wildlife Act of Puerto Rico,' and who owns a hunting weapon that is also a firearm shall register said firearm in the Electronic Registry, unless previously registered. Owners of hunting weapons that are also firearms are hereby granted thirty (30) days from the approval of this Act to register said firearm in the Electronic Registry. The Commissioner shall prescribe through regulations all that pertains to the procedure of this registration requirement,

including the electronic criminal background check of the owner in the National Instant Criminal Background Check System (NICS). Noncompliance with the registration of hunting weapons that are also firearms in the Electronic Registry may result in the imposition of penalties for violations to the applicable offenses in this Act. The Secretary of the Department of Natural and Environmental Resources shall furnish the Police Bureau all the information recorded in its internal registry in order to verify said information and determine any noncompliance with the registration requirement imposed herein on owners of hunting weapons that are also firearms to register them in the Electronic Registry.

(i) The Police Bureau shall continue using the Electronic Registry created under Act No. 404, *supra*, adjusted to the provisions of this Act, whereby any transaction recorded therein, whether relating to licenses, permits, or firearms shall be kept in the Registry and shall not be required to be registered again.”

Section 7.22.- Amnesty.

A sixty (60)-day general amnesty is hereby declared, which shall take effect once the term provided to adopt the Regulations required herein elapses, for any person who has or possesses firearms or ammunition to dispose thereof lawfully by surrendering them voluntarily to the Police Bureau, without any criminal procedure whatsoever being initiated against said person. Any person who voluntarily surrenders to the Police Bureau any firearm unlawfully acquired, found without knowledge of its origin, or that otherwise unlawfully comes into his possession, thus constituting illegal possession, shall not be charged nor prosecuted for violating any statute or law that punishes such possession for being unlawful or inconsistent with the law. This amnesty herein established is strictly limited to the incidental possession of firearms for the subsequent surrender thereof. The Police Bureau, in

collaboration with other government entities and nonprofit organizations, shall establish collection centers authorized to receive firearms and ammunition pursuant to this Section. Collection centers are not allowed to operate past 6:00 pm.

The Government of Puerto Rico shall not file or facilitate the filing of criminal charges for the illegal possession or ownership of a firearm surrendered to the Police Bureau by persons who avail themselves of this amnesty and voluntarily surrender a firearm. In order to avail themselves of the benefits of the amnesty provided for in this Section, it shall be necessary for the interested party to invoke this Act or for said party to take the necessary steps to clearly indicate that the alleged beneficiary of this amnesty had the clear intention and desire to voluntarily surrender the pertinent weapon or firearms, and/or ammunition.

Prior and during the effectiveness of this amnesty, the Commissioner, through the media, shall raise the public's awareness of the amnesty and the process to avail themselves thereof in accordance with the provisions of this Act.

The Commissioner shall adopt regulations as necessary to render this amnesty feasible within ninety (90) days after the approval of this Act.

Section 7.23.- Severability Clause.

If any part, clause, paragraph, article, or section of this Act were held to be null or unconstitutional by a competent court, the holding to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, article, section, or part of this Act thus held to be null or unconstitutional.

Section 7.24.- Repealing Clause.

Act No. 404-2000, as amended, known as the "Puerto Rico Weapons Act" shall be repealed as of the effective date of this Act. However, the provisions of Act No. 404, *supra*, shall be applicable to licenses issued and renewed during its effectiveness until such licenses expire or are renewed under this Act.

Section 7.25.- Application of this Act in Time.

Any person who, prior to the effective date of this Act, engages in conduct that constitutes a violation of Act No. 404-2000, as amended, which is herein repealed, shall be subject to and prosecuted pursuant to the provisions of said Act, including the penalties and the imposition thereof. Provided, that all penalties of imprisonment imposed under this Act or Act No. 404-2000, as amended, may be eligible for parole by the Parole Board upon serving seventy-five percent (75%) of the term of imprisonment imposed.

No proceeding shall be instituted for offenses eliminated under this Act. Moreover, pending actions shall be dismissed, sentences shall be held void and persons shall be released as a result of such elimination. It shall be understood that an offense has been eliminated if the conduct for which a person would be charged does not constitute an offense under this Act. Any change or modification in the name or class of an offense shall not constitute the elimination thereof.

Any person who decides to continue holding a firearms license under Act No. 404-2000, as amended, known as the "Puerto Rico Weapons Act," shall be subject to all the rights and obligations conferred under said Act, including criminal conduct as classified in Act No. 404, *supra*.

Section 7.26.- Effectiveness.

This Act shall take effect on January 1, 2020, except for the provisions of Sections 7.21, 7.22, 7.23, 7.24, and 7.25 of this Act, which shall take effect immediately after its approval.