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# **The Puerto Rico Weapons Act Law #404 of September 11, 2000**

**As amended up to October 26, 2007**

Includes the following amendments

- Law Núm.: 27, Jan. 10, 2002; Núm.: 274 Dec. 8, 2002; Núm.: 125, May. 31, 2004; Núm.: 137, Jun. 03, 2004; Núm.: 89, Aug. 26, 2005; Num: 149, Oct. 26, 2007 -

## **Chapter I Preliminary Provisions**

### **Article 1.01-Title**

This Law shall be known as "The Puerto Rico Weapons Act"

### **Article 1.02-Definitions**

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

- (a) **Law enforcement agent (officer).** Means any member or officer of the Government of Puerto Rico or of the United States of America, as well as any other political subdivision of Puerto Rico or the United States, among whose duties are to make arrests, including, but without being limited to the members of the Rangers Corps of the Department of Natural and Environmental Resources, the Puerto Rico Police, Deputy Police, Municipal Police, Investigating Agents of the Special Investigations Bureau of the Department of Justice, Custodial Officials of the Corrections Administration, Custodial Officials of the Pretrial Services Office, the National Guard while in official duty or practice, the Custodial Officials of the Juvenile Institutions Administration, the Internal Security Corps of the Ports Authority, the Director of the Drugs and Narcotics Control Division and the Controlled Substances Inspectors of the Mental Health and Addiction Services Administration, the investigating agents of the Deputy Secretary Investigations Office of the Corrections System of the Department of Corrections and Rehabilitation, and the inspectors of the Public Service Commission, as well as the Marshals of the General Court of Justice of Puerto Rico and of the Federal Court with jurisdiction throughout Puerto Rico, and the internal revenue inspectors of the Department of the Treasury. -Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

- (b) **"Machine gun" or "automatic weapon".** Means a weapon of any description, regardless of its size and of the name by which it is designated or known, either loaded or unloaded, that is capable of firing a rapid and repeated or automatic stream of bullets contained in a magazine, ammunition belt or other receptacle, by a single pull of the trigger. The term "machine gun" also includes a submachine gun, as well as any other firearm provided with a device to automatically fire all or part of the bullets or ammunition contained in the magazine, belt or any combination of the parts of a firearm, destined to, and with the intention of converting, modifying or altering said weapon to make it a machine gun.
- (c) **Weapon.** Means any firearm, blade, or any other type of weapon regardless of its denomination.
- (d) **Sidearm.** Means a stabbing, cutting or thrusting weapon (cold steel) that can be used as an instrument of aggression capable of inflicting grave bodily injury.
- (e) **Firearm.** Means any weapon, regardless of the name by which it is known, designed to be or which may easily be converted to be or which is capable of discharging a bullet or ammunition by an explosive charge. This definition does not include those working tools such as, but not limited to, powder driven staplers, when used for work, in the arts or a trade. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (f) **Long barreled weapon (Rifle).** 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 through the discharge of gas or a mixture of compressed gasses, is capable of firing one (1) or more projectiles.
- (h) **Antique firearm.** Means:
- (A) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
  - (B) Any replica of any firearm described in subparagraph (A) if such replica:
    - (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or
    - (2) uses rim fire 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
    - (3) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading 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 incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

- (4) The term "fixed ammunition" means ammunition completely assembled as in a cartridge cases, propellant or powder, primer and bullet projectile. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (i) **Gunsmith (Dealer).** Means any natural or juridical person who, on his/her own or through agents or employees, purchases, or introduces for sale, exchanges, barter, offers for sale or displays for sale, or has for sale in his/her business establishment, any firearm or ammunition, or who performs any mechanical or cosmetic work for a third party on any firearm or ammunitions.
- (j) **Armor Piercing.** Means a projectile that can be used in a handgun that is constructed entirely (excluding the presence or traces of other substances) or of a combination of an alloy of tungsten, steel, iron, tin, bronze, cupric beryllium or degraded uranium; or a fully-shielded, greater than twenty-two (22) caliber bullet, designed and intended to be used in a hand gun and whose shielding weighs more than twenty-five percent of its total weight. It excludes the shotgun ammunition required by Federal or state environmental laws or hunting regulations for such purposes, a disintegrating bullet designed for target shooting, a projectile whose primary use determined by the Secretary of the Treasury of the United States for sports purposes, or any other projectile or nucleus of a projectile in which said Secretary finds that its main use is for industrial purposes, including a charge used in the digging of oil or gas wells.
- (k) **Home.** Means the part of a building that is used or occupied by a single person or family.
- (l) **Committee.** Means the Interagency Committee to Fight the Illegal Trafficking of Weapons, established in this Law.
- (m) **Shotgun.** Means a long-barreled firearm with one or more smooth bores, designed to be fired from the shoulder, which can fire cartridges of one (1) or more shots. It may be fed manually, or by a magazine or receptacle, and may be fired manually, automatically or semi-automatically. This definition includes sawed-off shotguns with barrels of less than 18 inches in length.
- (n) **Sports Shooting Federation.** Means any federation attached to the Puerto Rico Olympic Committee that represents the Olympic target shooting sport. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (o) **Weapons license.** Is the license issued by the Superintendent that authorizes the concessionaire to possess, carry and transport arms and ammunition, and, depending on their category, to carry firearms, target shooting or hunting.
- (p) **Ammunition.** Means any bullet, cartridge, projectile, pellet, or any load that is placed or can be placed in a firearm to be fired.
- (q) **Pistol.** Is any firearm that does not have a cylinder, which is fed manually or by a magazine, is not designed to be fired from the shoulder, and is capable of being fired semi-automatically or one shot at a time, depending on its class.
- (r) **Police.** Means the Puerto Rico Police.

- (s) **Carry.** Means the immediate possession or physical holding of a weapon, loaded or unloaded, on the person of the carrier, it being also understood when a weapon is not being transported pursuant to the provisions of this Law. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (t) **Revolver.** Means any firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired.
- (u) **Rifle.** Means any firearm designed to be fired from the shoulder, which fires one or more projectiles. It may be fed manually or automatically by a magazine or removable receptacle and fired manually or semi-automatically. The word "Rifle" also includes the word "Carbine".
- (v) **Secretary.** Means the Secretary of the Sports and Recreation Department.
- (w) **Superintendent.** Means the Puerto Rico Police Superintendent.
- (x) **Transportation.** Means the mediate or immediate possession of a weapon for the purpose of taking it from one place to another. Said transportation must be carried out by a person with a current weapons license and the weapon must be unloaded and transported inside a closed case whose contents are not visible and which may not be in plain sight.
- (y) **Vehicle.** Means any means that serves to transport persons or things by land, sea, or air.
- (z) **Category Change.** Means to incorporate or add permits on to a weapons license regardless of the category, to carry firearms, target shooting or hunting. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

## Chapter II Licenses and Regulations

### Article 2.01-Electronic Register

The Superintendent shall issue weapons and/or gunsmith licenses pursuant to the provisions of this Law, which shall allow the electronic registration of all transactions involving firearms and ammunition by the person who holds either of the above. It shall pertain to the Superintendent to provide, through regulations, the manner in which the Electronic Register system shall operate. The Superintendent shall ascertain that the system that is designed directly informs the police of every transaction made by a license holder. The Puerto Rico Police is granted a term of six (6) months from the approval of this Law to install this register. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

The weapons license shall be issued on an identification card, sufficiently small to be carried in a commonly used wallet, and shall contain, at least, a photograph of the petitioner, his/her complete name, date of birth, personal data and his/her weapons license number. It shall also contain the date of issue and expiration of the license, as

provided below. It shall also contain the mechanisms to access the Police Electronic Register system to ascertain its veracity and other relevant data, such as identification of its scope according to the categories of bearing, carrying the weapon, target shooting, hunting, or all categories. The license shall not contain the address of the petitioner, nor shall it mention the weapons or ammunition authorized for purchase, but the Police Electronic Register shall contain and furnish said information to its users. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

Provided, that until the police installs and makes the Electronic Register system available to gunsmiths, the Superintendent shall issue to every licensee a provisional identification card that contains, at least, a photograph of the licensee, his/her full name, date of birth, personal data, the license number and the caliber corresponding to the ammunition he/she is authorized to buy. It shall also contain the date of issue and expiration of the license, as provided below. The official identification card issued according to the provisions of this Law shall be the only document providing the legal authority to conduct the authorized activities. Once the Electronic Register system is duly implemented, the Superintendent may only issue the electronic identification card. If the system is not available at the time a transaction takes place, said transaction shall be conducted according to the procedure the Superintendent provides through regulations. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

## **Article 2.02-Weapons license**

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

- (1) Has reached the age of twenty-one (21) years.
- (2) Has a negative criminal record certificate issued not later than thirty (30) days prior to the date of the application and has not been accused of, nor is pending or in the process of trial for any of the crimes listed in Article 2.11 of this law or its equivalent, in Puerto Rico, the United States or abroad. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (3) Is not habitually inebriated or addicted to controlled substances.
- (4) Has not been declared mentally incompetent by a court.
- (5) Has not incurred or belonged to organizations involved in acts of violence, or directed to the overthrow of the constituted government.
- (6) Has not been dishonorably discharged from the armed forces, or removed from any of the law enforcement agencies of the Government of Puerto Rico or its municipalities. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (7) Is not under a court order which prohibits harassing, stalking, threatening, or proximity to an intimate partner, the children of the latter or to any person, and does not have a record of violence.
- (8) Is a citizen of the United States, or a legal resident of Puerto Rico.
- (9) Is not a person who, having been a citizen of the United States at a given time, has renounced said citizenship.

- (10) Has submitted a sworn statement attesting to compliance with fiscal laws; it being established that it shall be grounds to deny the issue of the license applied for or to revoke the same if the petitioner has failed to comply with the fiscal laws of the Commonwealth of Puerto Rico. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (11) Has purchased a one hundred (100) dollar internal revenue voucher payable to the Puerto Rico Police; provided that in those cases whereby the license is denied, the amount paid shall not be reimbursed. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (12) Must submit, together with the application, one (1) sworn statements from three (3) persons that are not related by consanguinity or affinity with the petitioner, and that, under penalty of perjury, attest to the fact that the petitioner enjoys a good reputation in the community, that he/she does not have a tendency to commit acts of violence, and that, therefore they have no objection to the petitioner owing firearms. This statement shall be made in the form provided by the Superintendent along with the application for a weapons license. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (13) Must submit the completed application, under oath, before a notary, accompanied by an impression of his/her fingerprints, taken by a technician of the Puerto Rico Police or a competent Federal or state government agency, and that includes two (2) color photographs, two (2) inches by two (2) inches in size, sufficiently recent as to depict the petitioner in his/her true aspect at the time of the application.
- (14) Must submit a negative certificate of debt from the Child Support Administration issued not later than thirty (30) days prior to the date of the application. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (b)** Every duly completed application, in duplicate, and, together with the documents and voucher indicated above, shall be filed with the General Police Headquarters or the local area Police station in which the applicant resides. The applicant shall retain a sealed copy for his/her records. Within the term of five (5) working days, the Superintendent shall issue a certification stating that the application and all the required documents have been submitted, or shall require compliance with the requirements for the application in order to issue the certification. After said certificate is issued, the Superintendent shall determine and certify in writing, within a term that shall not exceed one hundred and twenty (120) calendar days, that the applicant meets the requirements established in this Law for granting a weapons license. This may be achieved through an investigation in the files of any government agency in Puerto Rico, the United States, or abroad, to which he/she may have access (including the archives of the National Crime Information Center and the National Instant Criminal Background Check System, among others). Should the Superintendent's investigation result in a finding indicating that the person fails to meet all the requirements established in this Law, the weapons license shall not be granted, but without it constituting an impairment, and the applicant shall not be prevented from requesting said license again in the future. Should the Superintendent fail to issue a

determination within the above mentioned term of one hundred and twenty (120) days, he/she shall be bound to issue a special provisional permit in favor of the applicant, within a term of ten (10) calendar days. Said special provisional permit shall grant all the rights, privileges and prerogatives of a regular weapons license, for a term of sixty (60) calendar days, during which period the Superintendent must have reached a decision. If upon the conclusion of the effectiveness of said provisional permit, the Superintendent has not yet reached a decision as to the suitability of the applicant, said provisional permit shall automatically become a regular weapons license.

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

Any and all citizens to whom a weapons license or permit is granted shall be responsible for his/hers use of the license and weapons, holding harmless the Commonwealth of Puerto Rico, its departments, agencies and municipalities from any liability or responsibility for such individual use, except when vicariously responsible for the acts of its employees or agents. -Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

(d) The weapons license established in this section empowers the licensee to be the owner of a maximum of two (2) firearms, except as provided below, regarding acquisitions through inheritance, or when the licensee holds a target shooting or hunting permit, in which case there shall be no established limit. Provided that all licensees that poses fifteen (15) or more weapons shall be bound to maintain eighty (80) percent of them in a secure place under lock and key and attached to the real property in such manner that they cannot be easily removed. All licensees bound to comply with this security requirement must submit a sworn declaration of compliance to the Superintendent. The Superintendent shall impose an administrative fine of one thousand (1,000) dollars for each weapon removed from his/hers property not in compliance with the security measures herein established. This security measures and the corresponding fine shall apply to all persons that have in their possession fifteen or more weapons: all licensees shall exhibit in a visible prominent area to its clients a clearly legible notice of compliance with the security measures. The licensee is also empowered to acquire, buy, sell, donate, transfer, cede, hold, possess, have custody of, transport, bear and carry firearms, ammunition and any pertinent accessory, in every place under the jurisdiction of the Commonwealth of Puerto Rico; Provided, That: -Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

- (1) The firearms may be borne, carried, and transported in a hidden or non-ostentatious manner, and the Superintendent shall establish by regulation the

procedure by which a law enforcement agent, as defined in this Law, may issue a courtesy notice that will be prepared for this purpose, which shall be remitted to the weapons licensing division of the Puerto Rico Police Department where it shall be filed with the licensee's record. The Superintendent may impose a fine of up to two hundred (200) dollars for relapse behavior by licensees in their ostentatious carrying, conveying or transporting weapons, as well as the revision procedure of the same, at the petition of the affected party to whom the fine is imposed. Within a term not greater than forty five (45) days the Superintendent shall hold an administrative hearing to uphold, revise, modify or purge the imposed fine; --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

- (2) Unless the licensee also holds a permit to carry weapons, the weapon may not be carried by the licensee on his/her person; and that to be able to transport said weapon without a carry permit, the weapon must be unloaded and transported inside a closed case whose contents are not visible and which may not be in plain sight. Provided, that in the case of private security guards who hold a permit to carry, are uniformed and in the exercise of their duties, they may carry the weapon in plain sight; --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (3) That the firearms or ammunitions may only be donated, sold, transferred, ceded, or left in custody or otherwise transferred to the control or dominion of those persons who hold a weapons or gunsmith license, or to any of the persons mentioned in article 2.04 of this Law; --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (4) The licensee may only transport one (1) firearm at a time, except those licensees who also hold target shooting or hunting permits, who shall not be limited as to the number of firearms to be carried on their person while on the premises of an authorized gun club or in those places in which the hunting sport is practiced, pursuant to the applicable laws;
- (5) That the licensee shall only purchase ammunition of the caliber used by the weapons that he/she owns registered to his/her name;
- (6) That this license does not authorize the licensee to engage in the business of purchasing and selling firearms and ammunition, limiting the purchase and sale thereof to his/her personal weapons and ammunition; and --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004
- (7) That the licensee may visit an authorized gun club once a year, and pay the required fees, to train in the use and handling of his/her weapons; provided, that for this purpose, the Superintendent shall authorize the purchase of fifty (50) rounds of ammunition in addition to those allowed by this Law, which ammunition must be used in their totality at the gun club which the licensee has attended.

(e) Within the term of forty five (45) days from the date the weapons license is received, which may be extended for thirty (30) additional days if requested within the original term, all licensee shall file a certification issued by an authorized official of a gun club authorized in Puerto Rico, if he/she has not previously filed it with the Puerto Rico Police

General Headquarters, personally or by certified mail with acknowledgement of receipt, to the effect that the petitioner has approved a course in the correct and safe use and handling of firearms in consistency with this Law. If the applicant fails to do so, he/she shall incur an administrative fault and be sanctioned with a fine of one hundred (100) dollars for each month in arrears, up to a maximum of six (6) months, at the end of which the license shall be revoked and seized, together with any weapon and ammunition the petitioner has acquired. For these purposes, the Superintendent shall authorize the purchase of up to a maximum of five hundred (500) rounds of ammunition in addition to those allowed by this Law. Said ammunition shall have to be used completely by the licensee during the training for certification. The provisions of this subsection shall not impair the provisions of subsection (d) (7) of this section. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; August 26, 2005, Law Num.: 89, ef. August 26, 2005

The Superintendent shall hear any and all claims from licensees who for reasons of health or special circumstances, beyond his/hers control, are unable to comply with the required certification. In all instances that the Superintendent grants an extension, the new term for compliance shall commence ten (10) days after conclusion of the circumstances that led to the extension, are no longer extant. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004.

**(f)** The Puerto Rico Police shall issue duplicates of the weapons license as needed by a petitioner within the term of thirty (30) calendar days of having been requested, upon payment of fifty (50) dollars in an Internal Revenue voucher for each duplicate. In the event there is a change in the category of the license, the cost for the change in category shall be twenty (20) dollars.

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

Every five (5) years, on the fifth anniversary of the date of issue of the weapons license, the petitioner shall be bound to renew his/her license, by executing a sworn statement addressed to the Superintendent of Police, upon payment of the Internal Revenue vouchers in the denomination provided in [this section], stating that the circumstances that gave rise to the original granting are the same, or indicating the manner in which they have changed. This renewal may be made within six (6) months before, or thirty (30) days after the date the weapons license has expired. Failure to renew said license after the above mentioned thirty (30) days, shall entail an administrative fine of fifty (50) dollars per month up to a maximum of six (6) months, amount which must be paid as a requirement for renewal. If the license is not renewed within six (6) months, the Superintendent shall revoke the same and seize the weapons and ammunition, but the licensee may renew and reinstate his/her license within up to six (6) additional months after the revocation or seizure, whichever is later, through the payment of twice the amount of the accrued fine. None of the above shall prevent a person whose license has

been revoked through failure to act, from *de novo* applying for another license which shall be granted, provided he/she has paid any fines pending, in which case, he/she may recover the seized weapons if the Superintendent has not yet disposed of them. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

It is hereby provided, that in the event the licensee is residing outside of Puerto Rico on the anniversary for the renewal of the license, or during the renewal period indicated above, it shall not expire until thirty (30) days after the licensee returns to Puerto Rico. – Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

It is further provided that in the event the licensee is a pregnant female at the anniversary for license renewal or during the renewal period aforementioned, said renewal period shall not expire until ninety (90) days after giving birth. In all instances that pregnant female is bound, under the provisions of this Law, to submit a training certification; the term for compliance shall commence ninety (90) days after the birth. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

The Superintendent shall notify every licensee by mail to his/her mailing address, the date on which his/her license must be renewed, six (6) months prior to its expiration date. The Superintendent shall make available through the area police stations, the gunsmiths, and the Internet, all the forms needed to execute the renewal. Once the license has been renewed, the Superintendent shall issue the new license upon payment of the renewal fee, within the following thirty (30) calendar days, unless there is just cause to delay doing so. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

Every licensee shall inform the Superintendent of his/her change of residential or mailing address within thirty (30) days of the change, under penalty of an administrative fine of two hundred (200) dollars, which shall be paid as a requirement for renewing the license. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(g)** A person may surrender his/her weapons license at any time to the Police for its cancellation, and shall simultaneously surrender his/her weapons to the Police or shall transfer them to another person who holds a valid weapons or gunsmith license. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

**(h)** The ownership of a firearm shall not be requires in order to apply and obtain a weapons license and its categories. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 2.03- Transfer of Funds**

The Department of the Treasury shall transfer to the Superintendent all funds collected by reason of the Internal Revenue voucher included in the application required under articles 2.02, 2.05, 3.02, 3.04, 4.02, 4.04 and 7.04 of this Law, as well as the total of all sums collected by reason of administrative fines as set forth in different articles of this Law. These funds shall be used exclusively for all matters directly pertaining to the continuous and uninterrupted operation of the Electronic Registry and the process for issuing weapons licenses, and to defray the cost of any campaign deemed necessary in order to educate the public on safe handling and use of firearms and the legislation pertinent thereto. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

## **Article 2.04- Procedure for licensing government officials**

The Governor, legislators, mayors, secretaries, directors and heads of agencies of the Government of Puerto Rico, Commonwealth and Federal judges, Commonwealth and Federal prosecuting attorneys and minors' advocates, the Superintendent, members of the police force, the officials, agents and employees of the government of Puerto Rico who because of their office and the duties they perform are required to carry weapons, as well as every law enforcement officer, may carry weapons. Former governors, former legislators, former superintendents, former Commonwealth and Federal judges, former Commonwealth and Federal prosecuting attorneys, former minors' advocates, former mayors of Puerto Rico as well as former law enforcement officers, provided they have retired honorably and are not prohibited by this Law to possess firearms and who, in the case of former law enforcement officers, have served in that capacity for not less than ten (10) years, may also carry weapons. The members of the United States Armed Forces and the Puerto Rico National Guard may also carry weapons assigned to them by their respective bodies without a license while engaged in the official duties of their office. To such ends, the Superintendent shall establish an expedited procedure whereby the above mentioned officials, with the exception of the law enforcement officers, and the Superintendent him/herself, shall be granted a weapons license with its corresponding carry permit. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

Those Law enforcement officers and government officials and employees who are authorized to carry and train with weapons belonging to the Commonwealth of Puerto Rico or to the Federal Government, may register in their weapons licenses with carry permit, the caliber of their official weapons so as to be able to purchase and use ammunition, with the prior authorization of the head or director of the corresponding agency and pursuant with the provisions of this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

## **Article 2.05- Concealed Carry Permits Issued by the Court**

(a) The competent Part of the Court of First Instance shall give authorization to the Superintendent to include in the weapons license of the petitioner, a permit to bear, transport and carry without identifying any particular weapon, any legally possessed pistol or revolver, unless there exist justifiable cause to deny it, upon a hearing, if so requested by the Prosecuting Attorney's Office, to any person who holds a weapons license and shows that he/she fears for his/her safety. The petitioner shall file together with his/her application for a permit to carry weapons, a receipt for an Internal Revenue voucher for the amount of two hundred and fifty (250) dollar drawn to the order of the Superintendent and said voucher must have been previously presented to the Superintendent, together with a certificate issued by an authorized official of a gun club in Puerto Rico, to the effect that the petitioner has passed a course in the correct use and handling of firearms. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

The requirements for issuing a weapons license provided in section 2.02 of this Law shall be considered by the court when evaluating the granting of the permit to carry weapons.

The permit to carry weapons issued by the court may be renewed concurrently with the procedure to renew the weapons license by presenting to the Superintendent, an Internal Revenue voucher of one hundred (100) dollars in favor of the Superintendent and a sworn petition indicating that the circumstances that gave rise to the original granting of the license still prevail at the time the application is presented. In the event there is any change, said change shall be justified before the renewal is granted. The Superintendent shall notify the renewal of the permit to carry weapons to the court within a term of thirty (30) days. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

A sworn statement must be included to the effect that all the requirements established in article 2.02 of this Law are met and that the entire contents of the application are true and correct. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

**(b)** The permit to carry weapons granted herein shall have a term subject to the effectiveness of the weapons license and may be renewed for consecutive terms of five (5) years together with the weapons license. In the event the permit is denied, the amounts paid in vouchers shall not be reimbursable. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(c)** As part of the application for the renewal of a weapons license and the permit to carry weapons, a person shall submit to the Superintendent a new certificate on the use, handling and safety measures of firearms, certified by a gun club. For such a purpose, the Superintendent shall authorize the purchase of a maximum of up to two hundred and fifty (250) rounds of ammunition in addition to those allowed by this Law, which must be completely used up in the gun club that the licensee has attended during his/her training for certification. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

Every law enforcement officer who because of his/her duties is assigned a weapon shall receive an annual training on the use and handling of said weapon offered by officials of or personnel contracted by the agencies that employ them and who are qualified to certify the use, handling and safety measures of a firearm. It shall be the duty of the agency that employs said official to submit a certification to the Superintendent indicating that the training herein established has taken place. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

Those licensees who fail to comply with the requirement of the aforementioned certification may not carry a weapon until they are certified, under penalty of an administrative fine of five hundred (500) dollars; in the event of a second violation of the provisions of this paragraph, the Superintendent shall also revoke the permit to carry weapons without the need of a Court authorization. In the case of law enforcement officers, after a grace period of 60 days has concluded, the agencies may not be able to use uncertified personnel pursuant to this section in functions that require using and/or carrying weapons. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(d)** The permit to carry weapons shall be incorporated by the Superintendent to the weapons license of the licensee, stating the category to carry weapons as established in

Section 2.02(f) of this law, within ten (10) calendar days following the delivery of the authorization of the court by the licensee.

### **Article 2.06- Weapons License; Carry Permit; Persons exempt from payment of the Internal Revenue voucher**

If interested in obtaining a weapons license or any of the permits provided provide for in this Law, the following persons shall be exempt from payment of the Internal Revenue vouchers and stamps required under articles 2.02, 2.05 and 3.04 respectively: –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

- (1) Persons with Physical disabilities that practice the shooting sport, as certified by the Olympic Committee;
- (2) The Government official listed under article 2.04 of this Law;
- (3) The Commonwealth official, agents and employee who, by reason of their charge and duties in their employment, are required to carry arms;
- (4) Former governors, former legislators, former superintendents, former Commonwealth and Federal judges, former Commonwealth and Federal prosecuting attorneys, former minors' advocates and former mayors of Puerto Rico provided they have retired honorably; and–Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (5) Former law enforcement officers provided they have retired honorably and have served in that capacity for more than ten (10) years. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

### **Article 2.07- Felony Charges; Seizure of Weapons**

Upon a finding of probable cause for the arrest of any person to whom a weapons license has been granted, for the commission of any of the crimes specified in article 2.11 of this Law or for violations of the provisions of this Law, the court shall temporarily suspend the license until the final determination of the criminal procedure. Provided, further, that the Court shall order the immediate seizure of all weapons and ammunition of the licensee for their custody in the Police Weapons and Ammunition Depot. Upon a final and binding determination that the accused is not guilty, the Judge shall order the immediate return of the weapons license and all weapons and ammunition. All weapons and ammunition returned must be in the same condition they were when seized. The licensee shall be exempted from the payment of the storage fees. Should the judicial action result in a final and binding conviction, the Superintendent shall permanently revoke the license and shall confiscate all weapons and ammunition.

### **Article 2.08- Gunsmith license; Transactions report**

(a) No person shall operate as a gunsmith, or trade in firearms and ammunition, unless he/she holds a gunsmith license issued by the Secretary of the Department of the Treasury. Said licenses shall expire one (1) year after their date of issue and shall again

be subject to the formalities and application requirements of this Law. The gunsmith licenses shall be subject to approval and certification by the Police, upon prior inspection of the safety measures required in the building where the establishment is located. The application for the renewal of a license shall be submitted thirty (30) days prior to its expiration date. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

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

**(c)** A gunsmith who holds a license issued pursuant to this Law, may acquire a weapon registered under the provisions of this Law in the weapons register, by purchasing said weapons from the person who has registered the same in his/her name, provided said person holds a weapons license issued pursuant to this Law. When any sale of firearms or ammunition is made, said transaction must be reported through the electronic system established by this Law. If said system is not available at the time of the transaction, both the vendor and the buyer must notify said sale to the Superintendent in writing with return receipt requested, both by means of the same one form provided by the latter for such purpose. In the event of multiple weapons sales, more than one (1) at a time or more than one (1) weapon to the same buyer within a period of thirty (30) consecutive days and if the electronic system is not available at time of sale, the gunsmith, within twenty four (24) hours of such sale, shall notify the Superintendent by means of fax and telephone and shall register in his/hers books the name and identification number of the person who receives the information. Likewise, the same procedure applies upon unitary sale of more than six hundred (600) units of ammunitions to a licensee holding shooting or hunting permit. Should the telephone and fax communication fail, the notification shall be by certified mail with return receipt requested or hand carried.

**(d)** When a gunsmith, to the best of his/her judgment, detects abnormalities in the licensee's license or the sale is NICS denied or prohibited by Federal Law, the gunsmith shall immediately notify, by fax or telephone, the Superintendent or the persons so designated to the gunsmiths. The Superintendent shall immediately proceed to investigate the licensee in order to determine if the cancellation of the license and criminal charges are warranted.

All infringement of the provisions of paragraph (a) of this section shall constitute a felony, and upon conviction, shall be punished by imprisonment for a fixed term of six (6) years. If there were aggravating circumstances the established fixed penalty 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. It is provided that mechanical or cosmetic adjustments by and between persons holding weapons license shall not constitute transgression of law.

All infringement of the provisions of paragraphs (c) and (d) of this section shall be sanctioned with an administrative fine that shall not exceed five hundred (500) dollars for not giving notice on first infringement and two thousand (2,000) for subsequent violations, provided that upon a third infringement the Superintendent may choose to impose the fine or initiate proceeding to revoke the gunsmith license and should a consequent offense occur, the Superintendent shall cancel the gunsmith license. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 2.09- Gunsmith license; Requirements for Petition**

(a) Every person who wants to obtain or relocate the location of a gunsmith license shall file an application before the Secretary of the Department of the Treasury, sworn to before a notary, on the form, which shall be provided by the Secretary of the Treasury for such purpose, together with an Internal Revenue voucher of five hundred (500) dollars. After the application is approved by the Secretary of the Treasury, it shall be remitted to the Puerto Rico Police Superintendent. No license shall be issued pursuant to this section if it is shown that the petitioner, who must be a United States citizen, does not meet the requirements established in subsection (a) of Article 2.02 of this Law.

(b) No gunsmith license shall be issued under this section unless the Police has investigated all the statements in the application beforehand, and unless the Police archives and other accessible archives (including the archives of the National Crime Information Center and the National Instant Criminal Background Check System) have been examined in order to determine if the petitioner has any prior conviction. No license whatsoever shall be issued unless all the provisions of this Section are complied with, or if the statements in the application are not true.

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

(d) When the petitioner is a corporation or partnership, no license whatsoever shall be issued if any official of the corporation or a director of the partnership, who must be a United States citizen, does not meet the requirements established in subsection (a) of Article 2.02 of this Law.

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

#### **Article 2.10- Gunsmith; Operating Conditions; Transaction Evidence.**

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

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

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

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

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

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

Failure to comply with this requirement shall bring about the imposition of an administrative fine of five thousand (5,000) dollars.

(e) A record shall be kept of each weapon sold and each sale of ammunition in books intended for this purpose that shall be printed in the manner prescribed by the Superintendent, who shall furnish these books to the gunsmiths upon payment of the

corresponding costs, as provided through regulations. The record of the sale shall be signed in person by the buyer and by the person who made the sale, in the presence of each other; and said record shall state the date, day and hour of the sale; caliber, make, model and manufacturer's number of the weapon, the caliber, make and amount of ammunition, and the name and number on the weapons license. The vendor shall record the description of the ammunition, the amount sold, and the date, day and hour of the sale, on the form provided by the Superintendent. Likewise, the electronic register shall contain documentary evidence of any weapon or munitions sold. The Superintendent must provide access to the electronic register to any person, partnership, society or corporation that has been issued a gunsmith license for the sole purpose of allowing the registration of the transactions to be conducted and ascertain that they are carried out according to the provisions of this Law. The Superintendent shall have the obligation of keeping the register organized in a manner that will, at any time, expedite corroboration of the amount of ammunition acquired by each license holder and may not authorize the sale of calibers different from those registered in the name of the licensee. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(f)** When the ammunitions sold are as described in the second paragraph of Article 6.01 of this Law, the vendor shall keep a special record thereof in the books and forms intended for this purpose, that shall be printed in the manner prescribed by the Superintendent, which is also provided above in subsection (e) of this section, showing the name of the buyer, the description of the ammunition and the date, day and hour of the sale. Said register shall also contain the following: --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

- (1)** A description of each weapon, including: (i) the manufacturer thereof; (ii) the serial number that is engraved thereon; (iii) the caliber of the weapon; and (iv) the model and type of the weapon. In the case of the wholesale sale of weapons of the same caliber, model and type, the gunsmith may group said sales in his records, provided that they are made on the same date and to a single buyer.
- (2)** The name and address of each person from whom the weapon was received for sale in the armory, along with the date of acquisition.
- (3)** The name, license number and address of the natural or juridical person to whom it was sold, and the date of delivery.

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

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

**(h)** No weapons, ammunition or imitations thereof shall be displayed in any part of a business establishment dedicated to the sale of weapons, where they can be seen from the outside of the establishment. Failure to comply with this requirement may bring about the imposition of an administrative fine of five thousand (5,000) dollars. Provided, that

in cases of failure by the gunsmiths to observe safety measures, or the measures provided in this section on two (2) or more occasions, the Superintendent, upon written notice, may revoke the license. If the person does not agree, he/she may file an action for review pursuant to Law 170 of August 12, 1988, as amended.

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

### **Article 2.11- Grounds for Denial of License**

The Superintendent shall not issue a weapons license nor shall the Secretary of the Department of the Treasury issue a gunsmith license, or if they have been issued, they shall be revoked and the Superintendent shall attach the license and the arms and ammunitions of any person who has been convicted in or outside of Puerto Rico, for any felony or attempted felony, for conduct constituting domestic violence as typified in Law 54 of August 15, 1989, as amended, for conduct constituting stalking as typified in Law 284 of August 21, 1999, as amended, nor for conduct constituting mistreatment of minors as typified in Law 342 of December 16, 1999, as amended. Provided, further, that no license shall be issued to any person who has a mental illness that disqualifies him/her to possess a weapon; a habitual drunkard, or one addicted to the use of narcotics or drugs; or any person who has renounced his/her American citizenship, or has been dishonorably discharged from the Armed Forces of the United States, or removed from any agency of law and order of the Government of Puerto Rico, or any person who has been convicted of any violation of the provisions of this Law or the former weapons Law.

### **Article 2.12- Firearms Registry; Loss and Surrender of Firearms; Death of the Licensee**

(a) The firearms registry created in the General Police Headquarters, shall be adjusted in its organization and performance, to the provisions of this Law, and shall be kept in a computerized, systematic and orderly fashion so that the search for information can be expedited. This registry must be duly safeguarded.

(b) Any legally owned firearm after this act becomes effective, shall be registered in the registry of weapons, in the event that it has not previously been registered. The Superintendent shall hand the licensee a certificate of said registration.

(c) Any person who owns or has a legally authorized weapon or ammunition under his/her control and loses the same, or the same disappears, or is stolen or commandeered, shall notify it, by filing a complaint at the Police district or precinct in which he/she resides, or at the nearest Police station, immediately upon he/she becomes aware of the

loss, disappearance or theft or illegal appropriation. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor, and upon conviction shall be punished with a fine of up to a maximum of five thousand (5,000) dollars for each firearm or per every five hundred (500) rounds of ammunition, or fraction thereof, that he/she fail to report. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

The Superintendent shall thoroughly investigate all reports of loss, disappearance, theft or illegal appropriation and shall keep a detailed register of the outcome for statistic purpose on all loss, disappearance, theft or illegal appropriation of firearms and ammunition. Should the complaint result intentionally false, the Superintendent shall notify the Prosecuting Attorney's Office for the consequent pursuant criminal charges. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

(d) When a person who is duly authorized to possess weapons dies, it shall be he duty of every administrator, executor, or trustee, or any of these who acts as such in Puerto Rico, and of any assistant manager, agent or person who is legally authorized to administer the estate, to notify the Superintendent of the demise within thirty (30) days from the date of death. The notification shall state the name, residence and personal data of the deceased. Failure to notify this fact shall constitute a misdemeanor, and shall be punished with the payment of a fine that shall not exceed five hundred (500) dollars. The Superintendent shall establish the necessary procedure for the receipt, storage, or provide custody of said weapons, which may be done by a licensee or a gunsmith designated by the administrator, executor, or trustee, and/or disposition of said weapons, while the inheritance is distributed. Should the weapons be adjudicated to an heir who is eligible to obtain a weapons license and said license is issued to him/her, said weapon or weapons shall be given to him/her; provided, that if said heir owns the maximum number of weapons permitted in this Law, the Superintendent shall grant an authorization to possess the weapon acquired though inheritance, according to the form established by the latter through regulations. If said license is denied, or the sale of said weapon at public auction is directed, it may only be acquired, by public auction, by a person with a weapons license in force, or by a gunsmith duly authorized by this Law, and if it is not thus acquired, said weapon shall be delivered to the Superintendent to be confiscated as provided in this Law. Provided furthermore, that the Superintendent shall not deliver any weapon that, prior to the death of its owner, was not duly registered pursuant to the provisions of subsection (b) of this section. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

(e) Any acquisition, purchase, sale, donation, assignment or any other means of transferring the ownership of a firearm or ammunition, must be conducted before a person with a gunsmith license so as to be properly registered in the electronic register and in the books of the latter, pursuant to the provisions of Article 2.10 of this Law. The aforementioned means of ownership transfer may also be conducted between licensees through the weapons transfer forms provided by the Superintendent, within the five (5) days following the transaction thereof, so it may be duly noted and corrected in the electronic register. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

### **Article 2.13- Grounds to empower law enforcement officers to seize weapons**

Any law enforcement officer shall seize the license, firearms and ammunitions owned by a licensee when he/she has grounds to believe that the licensee has made, or shall make illegal use of said firearms and ammunitions to harm other persons; has threatened to commit a crime; has expressed the intention of committing suicide; has repeatedly demonstrated negligence or carelessness in handling the firearm; when it is deemed that the holder has a mental condition, is considered to be a habitual drunkard, or is addicted to controlled substances; or in any other situation of grave risk or danger that justifies this emergency measure. A law enforcement officer shall also seize the license, weapons and ammunitions when the holder thereof is arrested for committing a felony or a misdemeanor that implies violence. Upon petition of the party whose weapon was seized, filed within the fifteen (15) work days after the firearm was seized, the Superintendent shall hold an administrative hearing within a term of not more than forty-five (45) days to sustain, revise or modify the seizing performed by the law enforcement officer. The Superintendent shall issue his/her decision within a term of not more than forty-five (45) days from the date of said formal administrative hearing, and if the Superintendent's decision is favorable to the injured party, he shall order the immediate return of the seized weapon or weapons. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 2.14- Assault Semiautomatics Weapons; Manufacture, import, distribution, possession and transfer**

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

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

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

- (1) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all AK models);
- (2) Action Arms Israeli Military Industries UZI and Galil;
- (3) Beretta Ar70 (SC-70);
- (4) Colt AR-15;
- (5) Fabrique National FN/FAL, FN/LAR, and FNC;

- (6) SWD M-10, M-11, M-11/9, and M-12;
- (7) Steyr AUG;
- (8) INTRATEC tec-9, tec-dc9 AND tec-22;
- (9) Revolving cylinder shotguns such as (or similar to) the Street Sweeper and Striker 12.

Also are considered as semiautomatic assault weapon:

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

- (A) Folding or telescopic butt;
- (B) Pistol grip that clearly overlaps the trigger action;
- (C) Bayonet mount;
- (D) Flash suppressor or is spiral grooves ready to receive a flash suppressor; or
- (E) Grenade launcher, excluding flare launchers.

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

- (A) A magazine or clip that is fixed on the pistol outside of the pistol grip;
- (B) A barrel with spiral grooves on the front which is capable of accepting an extension to the barrel, a flash suppressor, a hand grip in front of the weapon or a silencer;
- (C) A cover that can be fixed covering all or part of the barrel, allowing whoever fires the weapon to hold it with the hand that is not pulling the trigger, without getting burned;
- (D) A manufactured unloaded weight in excess of fifty (50) ounces; or
- (E) A semiautomatic version of an automatic weapon.

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

- (A) A collapsible or telescopic breech;
- (B) A pistol grip that clearly overlaps the trigger action;
- (C) A fixed ammunition magazine or clip that holds more than five (5) cartridges; or
- (D) Is capable of receiving a removable magazine or clip.

(c) 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 a right to suspended sentence, to parole, or to enjoy the benefit of a diversion program or option to imprisonment recognized in this jurisdiction, having to serve out the entire impose sentence in natural calendar years. If there were aggravating circumstances the fixed penalty can be increased to a maximum of thirty-six (36) years; should there be mitigating circumstances, it could be reduced to a minimum of eighteen (18) years. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

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

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

### **Article 2.15- Interagency Committee against Illegal Traffic of Weapons**

The Interagency Committee Against the illegal Traffic of Firearms is hereby established, without prejudice or impairment to the obligations and powers that rest on the Superintendent. This Committee shall be chaired by the Attorney General and compose by the Police Superintendent; the Secretary of the Treasury; the Secretary of the Department of State; the Secretary of Education; the Secretary of Transportation; the Secretary of Corrections and Rehabilitation; the Executive Director of the Drugs and Narcotics Control Office; the Executive Director of the Courts Administration and the Executive Director of the Ports Authority; a spokesman for the Target Shooting Sport and a spokesman for the Hunting Sport both certified by the Puerto Rico shooting and hunting federations respectively and appointed by the Secretary of the Sports and Recreations Department; and a spokesman for the public interest who shall be selected and appointed by consensus of the official who make up the committee. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; December 08, 2002, Law Num.: 274, ef. December 08, 2002; May 31, 2004, Law Num.: 125, ef. May 31, 2004

The Committee is primarily charged with the evaluation of the illegal use and import traffic of firearms and ammunitions in Puerto Rico, with aim to identify and disarticulate the points, places and circumstances that are propitious to the illegal traffic and introduction of these firearms and ammunitions.

It shall also be the responsibility of the Committee to design effective coordinated action plans to achieve the purposes listed above, and to improve the weapons and ammunitions registration and control systems in Puerto Rico.

The Committee shall examine, review and make the pertinent recommendations to the Governor of Puerto Rico and the Legislature on the legislative measures, provisions or norms that should be subject to revision, repeal, or adjustment, in order to fight the importing and illegal traffic of arms and ammunitions.

The Committee shall adopt regulations for its internal operations and their decisions shall be adopted by majority vote.

The Committee shall give priority and establish viable and adequate mechanisms to identify the method and frequency that arms and ammunitions are imported to Puerto Rico, and their origin. The Committee shall also take measures or state its recommendations for the maritime transportation companies and the moving companies to compile and make reliable information available to the Committee on the traffic, importing and exporting of arms and ammunitions that will facilitate the fulfillment of the objectives of this Law.

It shall be the obligation of the Secretary of Justice, as chairperson and on behalf of the Committee, to render an annual report to the Legislature with his recommendations on the adoption of said regulations on or before the 31st day of January of each year.

### **Article 2.16- Trace and Analysis Center**

The Superintendent shall establish a Tracking and Analysis Center in the General Police Headquarters, through regulations, to investigate the origin of every weapon that is recovered or is found to be in the possession of a person, illegally.

## **Chapter III Target Shooting Permit**

### **Article 3.01- Obligations and Empowerment of the Secretary Superintendent**

The secretary shall have the following duties, powers, functions and obligations with respect to the shooting sport in Puerto Rico.

- (a) Promote the development of the target shooting sport in Puerto Rico, by cooperating to this end with the gun clubs, federations and organization existing or with those that may be organized in the future, by all means within his/hers reach. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (b) Certify that a person is a bona fide participant in the shooting sport in order that the Superintendent may consider granting a shooting permit.
- (c) Certify that an entity is bona fide shooting club or federation in order that the Superintendent may consider granting the corresponding permit.
- (d) Organize and celebrate annual shooting championships with the firearms permitted by this Law.
- (e) Appoint range officers, judges and score keepers for the championships; select and provide trophies and medals, or diplomas that shall be awarded to the winners.
- (f) Declare the annual "National Champions" in each category from the scores of each championship and publish the scores of the first top six (6) participants in each category. The champion title shall be held by the winner of each category until the next championship is celebrated. It shall not be required to tie or surpass the previous championship score to win the new title.
- (g) Attend or delegate on a person of his choice, all the target shooting contests that are held in Puerto Rico under the auspices of any gun club or organization, when he deems it convenient or is requested to do so by the sponsoring club.

- (h) Given the nature of the tourism industry in Puerto Rico, to cooperate with the shooting clubs and organization in holding international invitational shooting championships and tournaments. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

On his/her part the Superintendent shall have the following duties, powers, functions and obligations with respect to the shooting sport in Puerto Rico:

- (a) Issue a shooting permit to all applicants holding a weapons license that comply and meet the requirements of this Law; providing that state and municipal police as well as physically impaired persons shall be exempt from the internal revenue payment required by this Law; a corresponding note to this effect shall be made on the licensees' license and in the central registry of police.
- (b) Revoke shooting permits as provided for in this Law, giving notice to the affected parties.
- (c) Shall keep a registry with the name, age, address, license and federation stamp number of all licensees holding shooting permits, in addition inform the Secretary the cancellation of valid shooting permits for non-renewal of federation stamps as required by this Law.
- (d) Issue license to shooting clubs holding a favorable recommendation from the Secretary.
- (e) Revoke shooting club licenses as provided by this Law and notifying the interested parties.
- (f) Shall keep a registry with the name, address and circumstances of shooting clubs that have obtained the corresponding license under this Law.
- (g) Shall keep a registry with the name, address and license number issued to each shooting club.
- (f) At the request of the gun club or organization sponsoring tournament where competitors from abroad shall participate, expediently issue provisional shooting permits to participants from other jurisdictions with no further requirements than those provided by article 3.05 of this Law. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 3.02- Gun Club License; Regulations**

(A) Gun club licenses shall only be granted to those clubs engaged in the target shooting sport that are constituted according to the provisions of this Law. The application for the license shall be made by the owner, or the president and secretary of the target shooting sport club or organization, and the license issued to such effect shall allow the practice of the sport in the site or sites designated for such purpose by the Secretary for only two (2) years. Every club or organization that is engaged in, or wishes to engage in the target shooting sport, shall furnish the following data on the application for a license:

- (1) Name of the club or organization;
- (2) The location of the target shooting range;

- (3) Description of the facilities available at the time the permit for the practice of the sport is requested;
- (4) A list, in duplicate, of the names of the owners of the club or all the directors and officers, including the mailing and residential address; age, and occupation of each, as well as a sworn statement that the club has more than twenty-five members;
- (5) In the case of a corporation or partnership, a certificate that it has been duly constituted under the laws of Puerto Rico;
- (6) An Internal Revenue voucher in favor of the Puerto Rico Police for two hundred (200) dollars, as payment for the application fee; –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (7) A certification of affiliation to the Sports Shooting Federation, and –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (8) A full public liability insurance policy, which shall be kept in effect, in an amount that shall not be less than three hundred thousand (300,000) dollars for damages or bodily injury (including death), and property, or third party damages. Said insurance policy shall be issued by a company duly authorized by the Commissioner of Insurance of Puerto Rico to do business in Puerto Rico.

(B) In the cases of applications for the renewal of the gun club license, the club must meet all the requirements stated in paragraph (A) above, except that the cost of the renewal fee shall be of one hundred (100) dollars. The license thus renewed shall also be effective for two (2) years.

(C) The Superintendent may deny the original license or the renewal requested by any club or organization, if the application does not meet the requirements of paragraph (A) of this section.

### **Article 3.03- Gun club licenses; Revocation**

No club devoted to the target shooting sport may operate in Puerto Rico without the corresponding license issued by the Superintendent, pursuant to the procedure established in article 3.02 of this Law. Provided, that the licenses of those clubs are subject to being revoked for the fact of allowing persons who do not have the permits contemplated in this Law to shoot firearms, without impairing the other causes for the revoking of licenses established in this Law. Those persons who are devoted solely and exclusively to the practice or competition of target shooting with pneumatic weapons in gun clubs, shall not be required to hold any license or permit whatsoever. In this case, they shall be required to be members or partners of a gun club and of a shooting federation or organization.

### **Article 3.04- Target-shooting permits.**

(A) Any person who holds a weapons license issued pursuant to this Law, may request the Superintendent to issue a target shooting permit. He/she shall provide all the information required in the application forms prepared for these purposes by the Superintendent, under oath before a notary, which shall at least require an internal revenue voucher of twenty five (25) dollars, a two (2) inch by two (2) inch photograph,

and a stamp from a sports shooting federation. The Superintendent shall issue the requested permit within the term of thirty (30) working days after receiving the application unless there is just cause for it to be denied. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(B)** No target shooting permit shall be issued to any person whosoever who is not a member of a gun club or organization and a shooting federation duly recognized by the Secretary.

**(C)** The target shooting permits shall expire together with the weapons license of the licensee, and may be renewed according to the procedure established in the above subsections. The application for the renewal of such permits shall be executed together with the renewal of the weapons license through a sworn statement and its cost shall amount to ten (10) dollars payable with an Internal Revenue voucher in favor of the Puerto Rico Police. After six (6) months from the expiration date of the weapons license, the petitioner shall be bound to initiate the process indicated in subsection (A) of this section. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(D)** The holder of a target shooting permit shall keep in effect his/her affiliation to a gun club duly recognized by the Secretary and to a Sports Shooting Federation during the effective term of said permit. If this requirement is not met, the target shooting permit shall be automatically revoked. This particular revocation does not entail the cancellation of the corresponding weapons license and shall not impede the interested party from *de novo* requesting a target shooting permit on a subsequent date. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(E)** The target shooting permit shall be incorporated by the Superintendent to the weapons license of the licensee, stating the target shooting category as established in subsection 2.02(f) of this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(F)** The target shooting permit shall empower the holder to transport an unlimited number of firearms and ammunition, and to fire weapons in the target shooting facilities or ranges and participate in any championship, competition or tournament sponsored by any gun club or organization, provided he/she fulfills the right to participate required by the organizing entity; Provided, that the official of the club in charge of the registrations shall refuse the use of the facilities to any person who does not present his/her weapons license with the target shooting category and evidence of being an active member of a gun club, or the permits contemplated in this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(G)** Upon certification of the Sports Shooting Federation, the Superintendent may issue a target shooting permit for the effective term of the weapons license of the father, mother, tutor or person in charge of those minors who engage in the sport of shooting firearms, provided they have reached the age of seven (7) and have the authorization of the father, mother, tutor or person in charge, provided that he/she also has a target shooting permit. The father, mother, tutor or person in charge of the minor shall submit, together with the application for a target shooting license, a sworn statement in which he/she assumes responsibility for any damages that may be caused by the minor while he/she uses the target shooting weapons. The father, mother, tutor or person in charge of the minor who signs the sworn statement must have a target shooting permit in force. The minor may

only use and handle target shooting weapons in a gun club, provided he/she is accompanied by, and under the direct supervision of his/her father, mother, tutor or person in charge. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

The application for a permit for minors shall also include a twenty-five (25) dollar Internal Revenue voucher and two (2) photographs, two (2) inches by two (2) inches, one of which shall be attached to the special target shooting license, which shall be printed on a blue background, be sufficiently small to be carried in a regular wallet, be laminated, and contain, in addition to the minor's photograph, his/her full name, date of birth, the number of the permit and a Federation seal. It shall not bear the address of the petitioner nor a description or mention of any weapon. It shall also contain the date of issue of the license and the date the card shall be renewed. This special target shooting license may be renewed for additional five (5) year periods upon compliance with the requirements established in the above paragraph and the payment of a fee of ten (10) dollars in and Internal Revenue voucher. However, no renewal of this special license shall extend the date of effectiveness beyond one hundred and twenty (120) days after the date the minor reaches the age of twenty one (21) year. The application for renewal shall be made on the form provided by the Superintendent for such a purpose. The Superintendent shall issue the permit thus requested within a term of ten (10) days after receiving the application, unless there is just cause for its denial. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

The minor shall always use the firearm in the presence of and under the supervision of his/her father, mother, tutor, person in charge or custodian certified by the Sports Shooting Federation. No minor may practice the target shooting sport with firearms unless he/she holds the permit provided in this Law.

### **Article 3.05- Temporary Target Shooting Permits**

**(A)** Any sportsperson domiciled outside of Puerto Rico who wishes to come to Puerto Rico to practice or compete in target shooting sports events shall apply for a temporary target shooting permit. The temporary target shooting permits shall be applied for before the weapons and ammunition enter the jurisdiction of Puerto Rico, through a form to such effects, which shall contain a recent photograph of each shooter, his/her essential data, passport number should he/she be a foreign citizen, the number of the weapons license or its equivalent issued by the authority with jurisdiction to issue said licenses in the place of residence of the applicant and if said document is issued in said place of residence, the number of weapons he/she brings, their type, caliber, brand and serial number, if any. -- Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(B)** In all cases that involve only one invited shooter, the procedure shall be the same as the above. In all cases it shall be necessary to include with the documents provided, the date of arrival to the Island, the place of lodging, and the day of his/her departure.

**(C)** As an exception to the Weapons Act in any of the above cases in which the person arrives in Puerto Rico without ammunition, he/she may purchase those needed according to the calibers he/she has indicated in his/her application for a permit, indicating the number of the provisional permit granted by the Superintendent. The armory (gunsmith)

shall proceed with the sale, leaving a record thereof and notify the Puerto Rico Police in the same manner and through the same means that have been established by this Law for such purposes. Provided, that any unused ammunition must be returned to the armory (gunsmith) that sold the same, and be reimbursed for their cost minus twenty five (25) percent of said cost that may be retained by the armory (gunsmith) to defray the cost of the service provided. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

### **Article 3.06- Canceling of Shooting Permits**

The Superintendent shall cancel the shooting permit of any person whose weapons license is revoked. The Superintendent shall also cancel the permit of any shooter who evinces disorderly or negligent conduct in any shooting competition, tournament or championship, or that attempts to participate in them in a state of drunkenness, or demonstrates mental disability, or who takes part or is implied in any movement to overthrow by force, violence or any illegal means the Government of the United States or Puerto Rico, or any political subdivision of said governments or that fails to pay the federate seal.

## **Chapter IV Security Agencies That Transport Valuables in Armored Vehicles**

### **Article 4.01- Special licenses**

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

### **Article 4.02- Procedure for applying**

Any security agency that wishes to obtain the license provided in the preceding Article shall file with the Superintendent an application by means of a statement sworn before a notary, accompanied by an Internal Revenue voucher for the amount of five hundred (500) dollars. The applicant shall specify the physical and mailing address of its office.

The Chief Executive Officer of the agency applying for the license shall have to obtain a weapons license with carry and target shooting categories and comply with each and every procedure and condition required by articles 2.02, 2.05 and 3.04 of this Law. Said officer shall be the custodian of the long barrel weapons authorized to him/her and be directly responsible for the faithful compliance with the provisions of this Chapter, as well as with the provisions of this Law applicable to licensees.

### **Article 4.03- Agency Regulations**

The security agency shall submit for the approval of the Superintendent, together with their application for a license, regulations for the use, handling and control of the long barrel weapons in their possession, to include but not be limited to, the conditions under which their agents shall carry the long barrel weapons authorized for the agency. The Superintendent shall establish through regulations the minimum requirements that the regulations of every security agency must contain.

### **Article 4.04- Effective term of the Special License; Transfer of the Special License**

The special license issued under the provisions of this Chapter shall be valid for a term of one (1) year as of its date of issue and may be renewed annually for the same term. The application for renewal shall be filed with the Superintendent at least thirty (30) days prior to its date of expiration accompanied by an Internal Revenue voucher in favor of the Puerto Rico Police in the amount of five hundred (500) dollars.

The special license shall be valid only for those businesses mentioned and described in the license. Said license may not be transferred to any other business or to any other person and shall be automatically cancelled when the corporation or partnership is dissolved or when an application for liquidation has been filed under the Federal Bankruptcy Act or the Chief Executive Officer who signed the original application has been substituted, even though said special license may be *de novo* applied for as the new Chief Executive Officer complies with the provisions of this Law. In this case the Superintendent may issue a temporary license for a term of not more than thirty (30) days.

### **Article 4.05- Long barrel weapons depot and ammunition dump of the Agency**

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

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

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

**Article 4.06- Limit to the number of Weapons**

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

**Article 4.07- Requirements for agency employees as to the use of long barreled weapons**

Any agent working for a security agency devoted to the transportation of valuables may carry long barreled weapons property of the security agency if his/her weapons license includes a permit to carry a weapon after having received and passed a course previously approved by the Superintendent on the use and handling of every type of weapon that may be carried. The course must be offered by an instructor and a gun club duly authorized by the Puerto Rico Police.

It is hereby provided that the cost for the training of the employees shall be defrayed by the security agency and may not be transferred under any circumstances to the candidate.

The security agency must file with the Superintendent an application with the name and personal data of every employee who has qualified for carrying a long barreled weapon while engaged in the transportation of valuables in armored vehicles, certifying that they have attended and passed the aforementioned course on the use and handling of long barreled weapons. To such ends, the Superintendent shall issue a special license for said security agents.

If authorized to carry the weapon, the security agent may only use the weapons described in the special license of the security agency, subject to the conditions imposed in the limited license, if any.

Once the application filed by the security agency has been approved, the Superintendent shall issue an authorization so that said employees may be able to carry weapons of the security agency during their working hours and while duly wearing the uniform of the authorized security agency.

**Article 4.08- Limitations of the license**

Any license issued by the Superintendent to a security agent authorizing said agent to carry on his person a long barrel weapons, shall be deemed to be strictly limited to cover the functions related to the transportation of valuables in armored vehicles and to escorting armored vehicles, including the supervision of the vault's security of and the physical premises as well as internal security.

The owner of the firearms for which a special license is issued shall be the security agency in whose favor the license is issued. The authorization issued by the Superintendent to the security agency shall not give the security agent any right whatsoever on said weapon beyond the right to carry the same while in the performance of his or her duties.

#### **Article 4.09- Powers of the security agency**

The security agency may immediately seize any firearm of its property held by a security agent employed by said agency at any time deemed pertinent. Furthermore, should the agency believe that said agent is using said weapon wrongly, or when it has grounds to believe that the fact that the agent carries the weapon endangers his or her life or the life of third parties, the agency shall immediately notify said action to the Superintendent for the corresponding action or actions.

#### **Article 4.10- Reasons for Revoking or Refusing to Renew a Special License**

Any of the following reasons shall be cause for revoking or refusing to renew a special license under this Chapter:

- (a) Fraud or deceit in obtaining the license.
- (b) Violation of any of the provisions of this Law and its regulations.
- (c) If the holder of a special license or any director or official of the security agency has been convicted on any crime that entails the revocation of the same, as provided in this Law.
- (d) Violation of any of the provisions of Law Num. 54 of August 15, 1989 as amended.

#### **Article 4.11- Noncompliance of the security agencies engaged in the transportation of valuables in armored vehicles.**

The custodian of firearms and/or the security agency that holds a special license issued to those security agencies engaged in the transportation of valuables in armored vehicles that fails to comply with any of the provisions of this chapter, or operates a weapons depot without being duly authorized by the Superintendent, shall incur a felony and if convicted shall be sanctioned with a fine of not less than five thousand (5,000) dollars nor of more than twenty-five thousand (25,000) dollars and have all licenses obtained by virtue of the provisions of this Law cancelled without the possibility of being newly applied for and the Superintendent shall order that all weapons registered in their name be immediately seized

#### **Article 4.12- Vicarious liability**

Those security agencies that have been conferred licenses to purchase, possess, dispose of and maintain a weapons depot and an ammunition dump are by civil law vicariously liable for the damages that may be caused by a weapon they own, regardless of whether

they have been caused by a person not authorized by the agency to carry the weapon or whether the person has acted intentionally or negligently; except:

- (a) When the agency proves that the damages were caused in the legitimate exercise of the functions of its agent or that said damages were provoked by the victim; or
- (b) When the firearm that caused the damages has been stolen from the weapons depot or ammunition dump of the agency and the latter proves that it had taken all security measures possible for the custody of its weapons, and notified the Puerto Rico Police of the theft and complied with all the provisions of this chapter.

Any agreement and contractual provision that contravenes the provisions of this section shall be null and void and be deemed as not having been executed.

#### **Article 4.13- Ammunition**

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

### **Chapter V Weapons**

#### **Article 5.01- Manufacture, Import, Sale and Distribution of Weapons**

A license issued pursuant to the requirements set forth in this Law shall be needed to manufacture, import, offer, sell or have available for sale, rent, or transfer of any firearm, ammunition, receiver frame or that part of a firearm where the manufacturer places the serial number of the firearm. Any infraction of this section shall constitute a felony and shall be sanctioned with a penalty of imprisonment for a fixed term of fifteen (15) years without a right to suspended sentence, parole, or to enjoy the benefit of a diversion program or option to imprisonment recognized in this jurisdiction, having to serve out the entire imposed sentence in natural calendar years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of twenty-five (25) years; if there were mitigating circumstances, it may be reduced to a minimum of ten (10) years. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 5.02- Prohibition of the sale to unlicensed persons**

No gunsmith shall deliver a weapon to a buyer unless he/she can show a weapons license in effect. When the buyer of the weapon is a hunter or shooter authorized to own

firearms, the sale and delivery thereof shall be made in the same manner that is indicated in this Law.

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

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

### **Article 5.03- Trade in Automatic Firearms**

Any person who sells or has for sale, offers, delivers, rents, lends or otherwise disposes of any firearms that can be fired automatically, regardless of whether said weapon is classified as a machine gun or otherwise, shall be guilty of a felony, and upon conviction shall be punished with a penalty of imprisonment for a fixed term of twenty-four (24) years without a right to suspended sentence, parole, or to enjoy the benefit of a diversion program or option to imprisonment recognized in this jurisdiction, having to serve out the entire impose sentence in natural calendar years. If there were aggravating circumstances, the fixed penalty thus established could be increased to a maximum of thirty six (36) years; if there were mitigating circumstances, it could be reduced to a minimum of eighteen (18) years. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

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

### **Article 5.04- Carrying and Use of Firearms without a License**

Any person, who transports any firearm or any part thereof without having a weapons license or carries any firearm without the corresponding permit to carry weapons, shall incur a felony and upon conviction shall be sanctioned with a penalty of imprisonment for a fixed term of ten (10) years. Should he/her commit any other statutory offense while behaving as described in this subsection, the term shall be without a right to suspended sentence, parole, or to enjoy the benefit of a diversion program or option to imprisonment acknowledged in this jurisdiction, having to serve out the entire impose sentence in natural calendar years. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of twenty (20) years; should there be mitigating circumstances, it may be reduced to a minimum of five (5) years. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

When the weapon is pneumatic, a pistol or an electrical shock device, or is a toy or an imitation of a weapon and is carried or transported with the intention of committing a crime, or is used to commit a crime, the penalty shall be imprisonment for a fixed term of five (5) years. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of ten (10) years; should there be mitigating

circumstances, it may be reduced to a minimum of one (1) year. –Amended October 26, 2007, Law Num.: 149, ef. October 26, 2007

It shall be deemed as a mitigating circumstance when the firearm is unloaded and the person does not have ammunition within reach. It shall be furthermore deemed as a mitigating circumstance of the crime established in the first paragraph of this Chapter when there is no proof of intent to commit a crime.

Notwithstanding the above, when a person transports any firearm or any part thereof without having a weapons license in force or does not have it on his/her person but while incurring in such conduct does not commit any other statutory offense, and is a person never convicted of violating this Law or Law 348 of December 21, 1999, Law 17 of March 11, 1915, or Law 27 of January 10, 2002, or any of the offenses set forth in article 2.11 of this Law, shall then incur a misdemeanor and upon conviction, shall be punished with a penalty of imprisonment for a term of not more than six (6) months, a fine that shall not exceed five thousand (5,000) dollars or both penalties at the discretion of the court. The court, at its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 5.05- Carrying and Use of Bladed Weapons and Others**

Any person who, without justified motive uses against another person brass knuckle, blackjack, truncheon, ninja star, knife, dagger, sword, sling, bludgeon, harpoon, curved knife, stiletto, pneumatic weapon, ice pick, or any other similar object that may be deemed to be a bladed weapon, including safety razor blades, cudgels and hypodermic needles, or syringes with needles or similar instruments, or unsheathes, shows, or uses to commit, or attempts to commit a crime, shall be guilty of a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of three (3) years. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of six (6) years; should there be mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day. The penalties here established shall be without right to suspended sentence, parole, or to enjoy the benefit of a diversion program or option to imprisonment recognized in this jurisdiction, having to serve out the entire imposed sentence in natural calendar years. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

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, trade or due to any health condition, or disability, or defenselessness, is excluded from the application of this section.

#### **Article 5.05A- Manufacture, Possession and Distribution of Bladed Weapons**

Any person who, without justified motive related to an art, sport, profession, occupation, trade, or due to any health condition or disability, manufactures, imports, offers, sells, owns or has for sale, rent or transfer a brass knuckle, blackjack, truncheon, bludgeon, ninja star, knife, dagger, sword, sling, cudgel, harpoon, curved knife, stiletto, ice pick, or

any other similar object deemed to be a bladed weapon shall incur a felony and if convicted be sanctioned with a fixed term of imprisonment of three (3) years. Should there be aggravating circumstances, the fixed penalty established may be increase to a maximum of six (6) years; should there be mitigating circumstances, it may be reduced to a minimum of one (1) year plus one (1) day.

The prohibition established in this article shall extend to any person imprisoned for the commission of any crime. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 5.06- Possession of Weapons without License.**

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

Notwithstanding the above, when a person incurs conduct prohibited in this section without the intention of committing a crime with his/her own unlicensed firearm, and is a person that has never been convicted for violation of this Law, Law 348 of December 21, 1999, Law 17 of March 11, 1915, or Law 27 of January 10, 2002, or any of the crimes enumerated in article 2.11 of this Law, and the weapon has not been reported stolen or illegally appropriated, he/she shall incur a misdemeanor and upon conviction, shall be punished with a penalty of imprisonment for a term of not more than six (6) months, a fine that shall not exceed five thousand (5,000) dollars or both penalties at the discretion of the court. The court, at its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

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

#### **Article 5.07- Possession or Illegal use of Automatic Weapons or Sawed-off Shotgun**

Any person who, without the authorization granted by this Law, carries, owns or uses a semiautomatic long barreled weapon, a machine gun, carbine or rifle as well as any modification thereof, or any other weapon that can be fired automatically, or a shotgun whose barrel has been sawed off to less of eighteen (18) inches, and which can cause grave bodily harm, shall incur a felony, and upon conviction shall be punished with imprisonment for a fixed term of twenty-four (24) years, without the right to a suspended sentence, to be released on parole, or to enjoy the benefits of any diversion program, benefits or option to the term of imprisonment recognized in this jurisdiction, having to

serve out the entire impose sentence in natural calendar years. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

Should there were aggravating circumstances, the fixed penalty established herein may be increased to a maximum of thirty-six (36) years; should there were mitigating circumstances, it may be reduced to a minimum of eighteen (18) years.

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

#### **Article 5.08- Possession or Sale of Silencing Devices**

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

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

#### **Article 5.09- Furnishing of Arms to Third Parties**

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

#### **Article 5.10- Serial Number or Name of Owner on Firearm; Removal or Mutilation**

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

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

- (a) Willfully removes, mutilates, permanently covers, alters or erases the serial number or the name of the owner of any weapon.
- (b) Knowingly buys, sells, receives, alienates, transfers, bears or holds any weapon whose serial number or the name of the owner has been removed, mutilated, permanently covered, altered or erased.

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

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

### **Article 5.11- Presumptions**

The possession of a firearm by a person who does not have a weapons license shall be deemed as *prima facie* evidence of the fact that said person possesses the weapon with the intention of committing a crime. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

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

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

The possession by any person of a weapon whose serial number or the name of the owner, has been removed, mutilated, permanently covered, altered or erased, shall be deemed as *prima facie* evidence of the fact that said person possesses the weapon with the intention of committing a crime. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

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

The presence of 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 facilitate firearms illegally, provided said persons do not have a weapons license, a gunsmith license or a target shooting or hunting club license. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

The presence of a machine gun or any other automatic weapon or any armor piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute *prima facie* evidence of its illegal possession by its owner or possessor of said building or vehicle, and by those persons who occupy the room, house, building, or structure in which said machine gun, automatic weapon or sawed-off shotgun is found, and who have the mediate or immediate possession thereof. This presumption shall not be applicable in those cases in which a public service vehicle is involved which at that time had been transporting paying passengers or when it is shown that incidental or emergency transportation is involved. –Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

The presence of a machine gun or any other automatic weapon or any armor piercing ammunition in any room, house, residence, establishment, office, structure or vehicle, shall constitute *prima facie* evidence of the fact that the owner or possessor of said building or vehicle possesses the weapon or the ammunition with the intention of committing a crime. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

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

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

#### **Article 5.12- Notice by carrier, warehouseman, or depository for the receipt of weapons; penalties.**

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

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

The violation of any obligation established herein shall constitute a felony which shall be punished with imprisonment for a fixed term of twelve (12) years, and a fine of not less than two thousand (2,000) dollars nor more than ten thousand (10,000) dollars. If there were aggravating circumstances, the fixed penalty thus established can be raised to a maximum of twenty four (24) years, if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

#### **Article 5.13- Storage and Custody of Firearms in Weapons and Ammunitions Depots**

Every gunsmith shall be bound to implement the safety measures required by the Police by regulations for the storage or custody of firearms and ammunition. The Police shall examine the gunsmiths' places of business every three (3) months, which, if they do not meet the required safety measures, shall have thirty (30) days to comply with them, or if not, they shall deposit the firearms and ammunition they have for sale, for their custody and storage in the vault of another gunsmith or in the Weapons and Ammunition Depot

of the Puerto Rico Police, within the term determined by the Superintendent, until the deficiency is corrected.

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

The Superintendent, or the person in charge of the Weapons and Ammunition Depot, shall remit an invoice to the gunsmiths, as provided by regulations, in which the cost of storage and custody of their weapons shall be indicated, according to the gunsmith's use of the Weapons and Ammunition Depot during said month. Failure of the gunsmith to pay it shall be sufficient motive for the Superintendent, after a formal hearing, to revoke the license that he has issued to him/her.

The firearms of those citizens who have a weapons license, who want their arms to be kept temporarily in the Weapons and Ammunition Depot as a safety measure, may be stored by the payment of a fee, without impairing said citizen's option to keep their firearms in the private establishments of the gunsmiths.

#### **Article 5.15- Reports of Medical Assistance to Injured Persons**

Any person, including health professionals, who treats a bullet wound or a burn produced by gunpowder, as well as any other wound caused by the firing of any firearm, whether in, or outside of a hospital, clinic, sanitarium or other similar institution, shall notify said case immediately to the police district or precinct in whose jurisdiction the service has been provided. In the event it is in a hospital or similar institution, the person shall notify the case to the administrator or person in charge of the institution, to notify the authorities. Failure to notify the rendering of this service shall constitute a misdemeanor and upon conviction thereof, the person shall be punished with a fine of up to five thousand (5,000) dollars.

The Superintendent shall investigate every report of treatments, and shall proceed to file criminal charges if justified, and shall keep a detailed register of the results thereof, in order to keep a statistical record of the reports of medical treatments.

#### **Article 5.15- Firing or Pointing Weapons**

(A) Any person shall be found guilty of a felony and punished with a penalty of imprisonment for a fixed term of five (5) years, who, except in cases of self defense or defense of third parties, or actions in the performance of official duties or legitimate sports activities:

- (1) Willfully fires any weapon in a public place or any other place where there is any person who could be harmed, even though he/she causes no harm whatsoever to any person, or
- (2) Intentionally, although without malice aforethought, points a weapon towards a person, even though he/she causes no harm whatsoever to any person.

If there were aggravating circumstances, the penalty thus established could be increased to a maximum of ten (10) years, if there were mitigating circumstances, it could be reduced to a minimum of one (1) year.

**(B)** Every person who, except in case of self-defense, or of third parties, or of acts in the performance of official functions or legitimate sports activities, incurs in any of the acts described above, using a pneumatic weapon, shall be guilty of a felony with a penalty of imprisonment for a fixed term of three (3) years. If there were aggravating circumstances, the penalty thus established may be increased to a maximum of six (6) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) months and one (1) day.

#### **Article 5.16- Receipt, Custody and Disposal of Weapons deposited voluntarily or seized by the Police; Destruction of Weapons deemed to be a Public Nuisance**

The Superintendent shall establish, through regulations, that which regards the receipt, custody and disposal of those weapons that are voluntarily deposited by persons who have a license, or seized by the Police; or relinquished upon the death of a holder of a license; or upon the canceling of the grantee's license.

The Superintendent is authorized to sell, exchange, donate or cede the weapons to federal, state or municipal law enforcement agencies, or to other jurisdictions. He/she may also sell the weapons to gunsmiths or a person with a weapons license issued under the provisions of this chapter, as provided by regulations.

The weapons or instruments seized pursuant to this section shall be stored by the Superintendent in the Weapons and Ammunitions Depot of the Police.

However, every machine gun, sawed-off shotgun, or any other weapon or instrument specified in article 5.05 of this Law, that is carried, possessed or transported illegally, shall be deemed to be a public nuisance. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

When any of these weapons or instruments is seized, it shall be delivered to the Superintendent who shall deal with its disposal and destruction, pursuant to the regulations promulgated to such effects. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

#### **Article 5.17- Collections of Weapons**

Nothing of the herein provided shall impede the preservation and keeping of collections of private weapons possessed by the owners thereof as a decoration or a rarity or the collections of antique weapons. In order to keep any type of weapon included in this

section, it shall first be necessary for the collector to obtain a target shooting or hunting permit, under the provisions of this Law.

Antique firearms, as defined in this Law, that lack a manufacturer's serial number shall be exempt from the requirement of registration, as defined in this Law, but their existence shall be reported to the Weapons Register of the Puerto Rico Police along with three (3) different photographs detailing their particulars for the corresponding notation of their existence in the record of the licensee with shooting permit. Provided that, if the antique firearm is used in the commission of a crime it shall be considered as an unregistered firearm. It is also provided that under no circumstances shall it be required to mark, modify or alter the antique firearm in any way. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 5.18- Transporting of Forbidden Weapons; Seizure**

The Secretary of Justice shall seize any property, as this term is defined in Law 93 of July 13, 1988, as amended, known as the "Uniform Seizure Act of 1988", wherein any weapon is stored, loaded, unloaded, transported, carried or transferred, or in which it is found to be stored, loaded, unloaded, transported, taken or transferred in violation of this Law.

The procedure established by Law 93 *supra*, shall be followed for the seizure and disposal thereof.

### **Article 5.19- Weapons within Reach of Minors**

Any person who negligently leaves a firearms or pneumatic weapon within reach of a person who is under eighteen (18) years of age who does not hold a target shooting or hunting license, and who takes the weapon and harms another person or him/herself, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of 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.

### **Article 5.20- Illegal appropriation of Weapons or Ammunition; Theft**

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

If the parson illegally appropriates, regardless of the means used for said purpose, more than one firearm, or if the person has a criminal record for having been convicted of a felony, the penalty shall be doubled. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

## **Chapter VI Ammunition**

### **Article 6.01- Manufacture, Distribution, Possession and Use**

It shall be necessary to hold a weapons, target shooting, hunting or gunsmith license, as the case may be, to manufacture, request the manufacture of, import, offer, purchase, sell or have for sale, keep, store, deliver, lend, transfer or otherwise dispose of or, own, use, carry or transport ammunition according to the requirements of this Law. It shall likewise be necessary to have a permit issued by the police to purchase gunpowder. Any infraction of this section shall constitute a felony, and shall be sanctioned with a fixed term of imprisonment of six (6) years. Should there be aggravating circumstances, the fixed penalty established hereby shall be increased to a maximum of twelve (12) years; should there be mitigating circumstances, it may be reduced to a minimum of three (3) years. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

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

### **Article 6.02- Sale by Gunsmith to Non-Licensees; limit in amount.**

A person holding a weapons or gunsmith license may not sell ammunition to persons who do not present a weapons license or the permits set forth in this Law. The sale of ammunition shall be limited exclusively to the type of ammunition used by the weapon or weapons that the purchaser has registered to his name. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

Any infraction of the provisions of the preceding paragraph shall constitute a felony and be sanctioned with a fixed term of imprisonment of five (5) years. Should there be aggravating circumstances, the fixed penalty thus established may be increased to a maximum of eight (8) years; should there be extenuating circumstances, it may be reduced to a minimum of three (3) years and one (1) day. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

A person who holds a weapons license, except in the target shooting or hunting categories, may only own a maximum of fifty (50) rounds per calendar year for each weapon he/she owns. If said person wishes to exchange the ammunition, whether by replacing the same or the acquiring new ammunition due to having used or lost some of it, he/she shall resort to the district or police precinct where he/she resides. The Police shall grant him/her an authorization to replace the ammunition in the amount established in this paragraph. In those cases in which the person wishes to acquire new ammunition

because he/she has used or lost some of it, he/she shall report the circumstances under which he/she used or lost said ammunition. In order for the replacement of the ammunition to be granted, the circumstances under which it is to be used shall involve activities that are allowed and legitimate under our body of laws and the provisions of this Law. The ammunition surrendered shall be impounded by the police.

Any infraction of the provisions of the preceding paragraph shall constitute a misdemeanor and be sanctioned with a term of imprisonment not to exceed six (6) months, a fine not to exceed five thousand (5,000) dollars, or both penalties at the discretion of the court. The court, at its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

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

#### **Article 6.03- Purchase of Ammunition of a Different Caliber**

Any person who having a valid weapons license, purchases ammunition of a caliber that is different to those that can be used in the firearms registered to his/her name, shall incur a felony, and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of six (6) years. If there were aggravating circumstances, the fixed penalty thus 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.

## **Chapter VII FINAL PROVISIONS**

#### **Article 7.01- Hunting licensees**

All matters that refer to the licensing, regulating and control of the sport of hunting shall be governed by the provisions of Law 241 of August 15, 1999, known as the New Wildlife Act of Puerto Rico. However, the Superintendent shall see to the registration of all weapons and ammunition transactions of the holders of hunting licenses in the electronic register, pursuant to the provisions of this Law.

#### **Article 7.02- Pneumatic weapons**

By provision of the Congress of the United States, 15 U.S.C.A. §5001, legislation on pneumatic weapons in Puerto Rico is preempted, therefore, the sale or use thereof cannot be prohibited, except their sale to minors under eighteen (18) years or age.

### **Article 7.03- Aggravation of Penalties**

Any person convicted for any of the provisions of this Law, and said conviction is associated to, and is concurrent with another conviction of any of the provisions of Law 4 of June 23, 1971, as amended, known as the "Controlled Substances Act of Puerto Rico", with the exception of section 404 thereof, or of Law 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 sanctioned with double the penalty provided in this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

Any penalty of imprisonment imposed under this Law shall be served consecutively with each other or consecutively with any other term of imprisonment imposed pursuant to any other law. In addition, if the person was previously convicted for any offense against this Law or any of the offenses listed under article 2.11 of this Law, or uses a weapon in the commission of any crime and as a result of such offense any person suffers physical or mental damages, the penalty established for the offense shall be doubled. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 7.04- Conversion of licenses; Terms; Rights; Pending**

(A) Every license in force to have and possess a firearm, to practice target shooting, or to carry weapons, or any public official license, must be converted to a weapons license with its corresponding category, if any, pursuant to the provisions of this Law, on or before the end of a term of six (6) months from the date of effectiveness of this Law. The conversion of the hunting license is a voluntary act of its holder and may be done at any time according to the provisions of this Law. The target shooting licenses held by minors under twenty-one (21) years of age shall be converted into target shooting license for minors and said conversion shall be free of cost. Provided, that until they are converted, these shall be governed under the provisions of the Laws under which they were issued. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002; June 03, 2004, Law Num.: 137, ef. June 03, 2004

It is hereby provided that once the conversion of a license to a weapons license is applied for, the original license shall not expire until the weapons license is granted, or is canceled because the grantee who requests the conversion does not qualify, pursuant to this Law.

It is further provided that every weapon previously registered under another license, shall automatically be registered under the weapons license, when said license is converted to a weapons license.

(B) Every application for conversion of a license filed with the Superintendent, as established in this Law, shall include an internal revenue voucher in the amount of fifty (50) dollars, plus one (1) dollar for each legally registered weapon held by the petitioner.

(C) In the case of licenses pending investigation that have been applied for by persons but not yet issued: --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

- (1) License to have and possess: The Superintendent shall hand the documents of the application for the petitioner to submit his application pursuant to the provisions of this Law. Provided, that the if the petitioner paid the corresponding fees according to Law No. 17 of January 19, 1951, as amended, he/she shall not have to pay the fees established in this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (2) Target-shooting license: The Superintendent shall hand the documents of the application for the petitioner to submit his/her application pursuant to the provisions of this Law. Provided, that the petitioner shall submit an internal revenue voucher for the difference in the amount between the application fee provided in this Law and those established in Law No. 75 of June 13, 1993, as amended. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002
- (3) Hunting license: Will be governed by the provisions of Law 241 of August 15, 1999, known as the New Wildlife Act of Puerto Rico. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

**(D)** Any special license issued to a security agency engaged in the transportation of valuables in armored vehicles or to its agents, issued pursuant to the provisions of Law No. 348 of December 21, 1999, shall retain its validity until its expiration, when it must be renewed according to the provisions of this Law. --Amended January 10, 2002, Law Num.: 27, ef. January 10, 2002

#### **Article 7.05- Notices in ports and airports**

The Director of the Puerto Rico Ports Authority shall place visible signs in Spanish and English in all the airports and ports of entry to Puerto Rico next to where the arriving travelers must pass, that state the following:

##### **"ADVERTENCIA SOBRE ARMAS DE FUEGO**

"Toda persona que traiga consigo o en su equipaje un arma de fuego, tendrá que notificarlo a la Policía de Puerto Rico a su llegada. El no cumplir esta notificación conlleva pena de reclusión. La Policía le orientara sobre como proceder con su arma."

##### **"FIREARMS WARNING**

"Every person bringing a firearm with him/her or in his/her luggage must give notice to the Puerto Rico Police upon arrival. Noncompliance with giving this notice shall bring about a penalty of imprisonment. The Police will inform you on how to proceed with your weapon."

#### **Article 7.06- Educational Publicity Campaign**

From the 1<sup>st</sup> to the 31<sup>st</sup> of December of each year, the Superintendent shall carry out an educational publicity campaign, to warn the public on the danger of firing shots into the air, the type of crime that is committed and the penalty it involves. To create an

awareness of this, he shall provide information on the damage, deaths and injuries caused in previous years by this custom of shooting, as well as any other matter he/she deems pertinent.

It is hereby provided as a ministerial duty of the Secretary of the Department of Education of Puerto Rico to include in the elementary, middle and high school curricula in public and private institution, minimal courses on the precautions that children and adults must take to avoid accidents with firearms, including the dangers of shots into the air and exposure to the same. --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 7.07- Administrative findings; Adjudication; Reconsideration**

Unless otherwise expressly provided, all determinations that must be made pursuant to this Law shall be governed by the provisions concerning informal hearings, adjudications and reconsiderations, as established in Law 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures of the Commonwealth of Puerto Rico."

#### **Article 7.08- Review**

Any party that is adversely affected by an order or final resolution by virtue of the provisions of this Law, who has exhausted all administrative remedies, may file a request for review with the Circuit Court of Appeals pursuant to Law 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico". --Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 7.09- Regulations**

The Superintendent, as well as the Secretary, and the Secretary of the Treasury, shall establish all those regulations directed by this Law for the implementation of the provisions of this Law, within six (6) months following its approval, and pursuant to Law 170 of August 12, 1988, as amended, known as the "Administrative Procedures Act of the Commonwealth of Puerto Rico".

#### **Article 7.10- Forms**

The Superintendent, as well as the Secretary, and the Secretary of the Treasury shall create all those forms required by this Law for its implementation within six (6) months following its approval.

#### **Article 7.11- Moratorium and Amnesty**

(A) A period of moratorium of one hundred and eighty (180) days is hereby established, counting from the effectiveness of the amendment of 2004 to this Law, for each person who has become an owner of a firearm or of ammunitions by inheritance, or by any legal manner certified by means of a sworn statement before a notary public, or has possessed a firearm or ammunitions legally, but has permitted the authorization to own said weapon

to lapse, to request a weapons license by virtue of this Law and for the registration of said firearm or ammunitions, if the person does not have a weapons license, without any legal procedure being initiated for such illegal possession. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

**(B)** A general amnesty of ninety (90) days counting from the effectiveness of the amendment of 2004 to this Law is hereby declared for any person who has or possesses a firearm or ammunitions illegally, to dispose of it legally by turning it over to the Police, without any legal procedure whatsoever being initiated against said person. Any person who voluntarily turns in a firearm acquired illegally, found, purchased, given, loaned or rented, to the Police; or that otherwise comes in to his/her possession and which constitutes illegal possession or ownership, shall not be charged nor prosecuted for violating any statute or law that penalizes such illegal possession or ownership. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

The Government of Puerto Rico shall not initiate any type of investigation nor file, nor shall file criminal charges for the illegal possession or ownership of a firearm turned over to the Police by the persons who avail themselves of this amnesty and voluntarily turn over a firearm pursuant to this Law. Provided, That in order to avail themselves of the benefits of the amnesty decreed by virtue of this Law, it shall be necessary for the interested party to invoke this chapter or for said party to perform affirmative actions that clearly indicate that the presumptive beneficiary of this amnesty had the manifested intention and desire to voluntarily turn over the pertinent weapon or firearm, or ammunitions.

During the effectiveness of this moratorium and amnesty, the Superintendent shall carry out an extensive public campaign, through the written press, radio and television to raise public awareness about the existence of the moratorium and amnesty and the severe penalties of imprisonment to which any person who possesses weapons and amunitions without a weapons license or unregistered weapons is exposed to, even if possessing a weapons license, as well as any other matter he/she deems pertinent. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 7.12- Filmmaking and Filmmakers**

Any natural or judicial person who makes or intends to make films, documentaries, soap opera, plays, etc., in which firearms that are not real or are fictitious, air guns or guns that fire blanks, gas guns, or any gun as defined in this Law, shall inform the Superintendent in writing of the date of the introduction and the use of the weapons and shall describe their series, if any, as well as the location and the time of use of the weapons in the film documentaries, soap opera, plays or similar activities. This notice shall be made ten (10) days before the beginning of the filming, under penalty of an administrative fine of up to five hundred (500) dollars per unreported incidence, as provided herein. The Superintendent shall determine the procedure for the notification by means of regulations. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

### **Article 7.13- Severance Clause**

If any clause, paragraph, article, section or part of this Law were found unconstitutional by a competent court, the judgment pronounced to such effect shall not effect, prejudice, nor invalidate the remainder thereof. The effect of said judgment shall be limited to the clause, paragraph, article, section or part thereof that has been declared unconstitutional.

#### **Article 7.14- Laws Repealed**

Except for what is provided in article 7.04 if this Law, Law 17 of January 19, 1951, as amended, Law 75 of June 13, 1953, as amended and Law 348 of December 21, 1999 are hereby repealed. –Amended June 03, 2004, Law Num.: 137, ef. June 03, 2004

#### **Article 7.15- Effectiveness**

This Law shall take effect March 1, 2001; with the exception of article 7.09 and 7.10 of this Law, which shall take effect immediately after its approval.

### **Warning and Clarification by the Author:**

**All of the above text is a mere compilation and part translation by the author and DOES NOT in any way represent an official legal document of the Law. The author DOES NOT WARRANT THE VALIDITY OR ACCURACY and asumes no responsibility for the same. For the official version refer to [“Laws of Puerto Rico Annotated”](#)**