

State Laws and Published Ordinances – Puerto Rico

Current through the 2011 Legislative Session and various acts from 2012 to the present.

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Title 8 – Public Welfare and Charitable Institutions
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Subchapter II – Protective Orders and Procedural Aspects

Section 621. Protective orders.

Any person who has been the victim of domestic abuse or conduct which constitutes said offense as classified in this chapter or in the Penal Code of the Commonwealth of Puerto Rico or in any other special law, within the context of an intimate relationship, as defined in § 602(m) of this title, may resort to the court and request a restraining order *motu proprio*, through legal counsel, or through a law enforcement officer without the need of having made previous reports or complaints.

When the court so deems or has issued a [restraining or anti-stalking order], the court shall immediately order the defendant to surrender to the Puerto Rico Police for custody, any firearm belonging to the defendant for which a license to bear or own or carry firearms, or for target-shooting or hunting or of any other kind, as the case may be. The order to surrender any firearm, as well as the suspension of any kind of firearm license, shall take effect compulsorily. Likewise, when such an order is issued by a court, the same shall have the effect of suspending the license to own or bear any firearm of any kind, such as, but not limited to, those used for target-shooting or hunting or otherwise, even when said firearm is part of the gear used by the accused in his/her profession. Said restriction shall apply at the very least for the same period of time the order is in effect. Any infringement of the terms of the [restraining order] which results in a conviction shall entail the permanent revocation of any kind of license to own a firearm which the defendant may hold, at which time, any firearms belonging to him/her shall be seized. The objective of this statute is to eliminate the possibility for the accused to be able to use any firearm to inflict bodily harm or to threaten or intimidate the petitioner or the members of his/her family unit.

Title 13 – Taxation and Finance
Subtitle 17 – Internal Revenue Code of 2011
Part IV – Excise Taxes

Chapter 1035 – Retail and Wholesale Licensing Fees for Certain Goods and Other Businesses or Activities

Section 31717. Restrictions and requirements; Weapons and ammunition dealers.

(a) The Secretary shall not issue a license to deal in weapons and ammunition, as those terms are defined in §§ 455 et seq. of Title 25, to establishments located in a person's home or residence, or in any type of vehicle or mobile establishment. Nor shall he/she issue licenses to establishments located in rural zones, unless there is a commercial area with proper sites for such purposes in the zone. Furthermore, the Secretary shall not issue any license to deal in weapons and ammunition when the building where the establishment is located does not meet the security standards required by regulations of the Puerto Rico Police for the protection of said weapons and ammunition against theft, fire, improper use, or any other risk to life and property.

(b) Inspection. At least once a year, the Puerto Rico Police shall inspect the establishments engaged in the dealing of weapons and ammunition to determine if they meet the safety standards required by regulations. The Superintendent of the Puerto Rico Police shall issue a certificate to the Secretary approving or disapproving the security measures taken by the dealer within ten (10) days from the date of said inspection. He/she shall also send a copy of the certificate to the dealer.

(c) Weapons and Ammunitions Depot. The required security measures established in subsection (b) of this section shall not apply to firearm dealers who have deposited all the weapons and ammunition they possess for sale in the Weapons and Ammunition Depot established in §§ 458l of Title 25. These merchants shall present a certificate from the Puerto Rico Police to the Secretary certifying that all the weapons they possess for sale have been turned over to the Depot, in lieu of the certificate on security measures.

(d) Negative certification. A denied security certificate, as required by subsection (b) of this section, as well as noncompliance with any one of the security measures by a dealer who has not deposited all the weapons and ammunition for sale at the Police Weapons and Ammunition Depot, or the lack of a Police certificate stating that the dealer has turned in his/her weapons for sale at the Depot, shall be sufficient cause to deny issuance or renewal of the license.

Title 24 – Health and Sanitation
Part V – Controlled Substances
Chapter 111 – Controlled Substances Act of Puerto Rico
Subchapter V – Administrative and Other Provisions

Section 2516. Suspension or revocation of license to drive motor vehicles and license to carry firearms.

No person who has been convicted of a crime under this chapter or of any law of the United States or of any state, in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as that of any foreign country and no person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to

drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of 5 years after serving the sentence imposed for said conviction or after the date of the declaration. Officers or public employees in charge of issuing said license shall be prevented from extending them whenever any of the circumstances expressed above may concur in the applicant [sic] for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs, shall immediately be cancelled by the corresponding authority.

In the case of participants of the rehabilitation program under the jurisdiction of drug courts, judges may have discretion to release the prohibition contained in the first paragraph of this section, provided the participant shows the court that he is reasonably complying with conditions imposed upon same and that said person needs said license to lawfully comply with them.

As used in this section, the phrase "**who has been convicted for any crime**" shall include the act of driving a motor vehicle under the effect[s] of controlled substances and any violation to the Federal Controlled Substances Act (Comprehensive Drug Abuse Prevention and Control Act of 1970, Title II). It also includes the determination in all cases in which minors are accused as adults or minors, as well as the determinations of a Court of First Instance, Minors Part, that the minor has incurred an offense.

Said term of suspension of not less than 6 months shall also be applicable to minors who have not yet obtained their driver's license, not having the age established by law. The suspension shall [begin from] the date the minor applies for the issue of the license.

The term of suspension or cancellation of said driver's license shall be concurrent with any term of imprisonment imposed; however, if the penalty imposed on the person convicted or who has incurred an offense is less than 6 months, then the term of suspension or cancellation of license must be completed out of prison.

Title 25 – Internal Security
Subtitle 1 – Generally
Part V – Regulation of Firearms, Explosives, and Other Dangerous Devices
Chapter 51A – Puerto Rico Arms Act of 2000
Subchapter I – Preliminary Provisions

Section 455. Definitions.

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

(a) Law enforcement officer. Means any member or officer of the Government of Puerto Rico or of the United States of America, as well as 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, the 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.

(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 magazine 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.

(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 firing a round or rounds of ammunition by an explosive charge. This definition does not include working tools such as, but not limited to, nail guns, when used for work, in the arts or a trade.

(f) Rifle. Means any shotgun, rifle or firearm designed to be fired from the shoulder.

(h)

(1) Antique firearm. Means any firearm with a rifle matchlock, flintlock, or percussion cap mechanism made in or before 1898, or

(2) any replica of a firearm described in clause (1) above, if said replica:

(A) Is not designed or redesigned to use rimfire or conventional centerfire ammunition.

(B) Uses rimfire or conventional centerfire ammunition no longer made in the United States and which cannot be found through normal and ordinary business channels.

(C) Any muzzle loading rifle, muzzle loading shotgun or muzzle loading pistol designed to be used with black gunpowder, or a substitute of black gunpowder, and which is unable to fire fixed ammunition. For the purposes of this clause, the term "antique firearm" shall not include any firearm that includes a frame or receiver, any firearm converted into a muzzle loading weapon, or any muzzle loading weapon that may be converted to be capable of firing fixed ammunition by means replacing the barrel, the bolt, the breech lock, or any combination thereof.

(D) The term "**fixed ammunition**" shall mean that which is completely assembled, meaning it is equipped with casing, gun powder, primer and slug.

(i) Gunsmith. Means any natural or juridical person who, on his/her own or through agents or employees, purchases, or introduces for sale, changes, exchanges, 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 ammunition.

(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 22 caliber bullet, designed and intended to be used in a handgun and whose shielding weighs more than 25% 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. Is the part of a building that is used or occupied by a single person or family.

(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 1 or more shots. It may be fed manually, or by a magazine or receptacle, and may be fired manually, automatically or semiautomatically. This definition includes sawed-off shotguns with barrels of less than 18 inches in length.

(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 semiautomatically or 1 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 chapter.

(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 1 or more projectiles. It may be fed manually or automatically by a magazine or removable receptacle and fired manually or semiautomatically. The word "rifle" also includes the word "carbine".

(w) Superintendent. Means the Puerto Rico Police Superintendent.

(z) Category change. Means to incorporate permits to a firearms license, regardless of its category, carrying, hunting or target shooting.

Subchapter II. Licenses and Regulations

Section 456. Electronic register.

The Superintendent shall issue weapons and/or gunsmith licenses pursuant to the provisions of this chapter, which shall be designed to expedite 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, and to ensure 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 6 months from the date of effectiveness of this act to install this register.

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.

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 chapter 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.

Section 456a. Weapons license

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

- (1) Has reached the age of 21 years.
- (2) Has a negative criminal record certificate issued not later than 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 § 456j of this title or its equivalent, in Puerto Rico, the United States or abroad.
- (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.
- (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 who 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.
- (11) Has purchased a \$100 internal revenue stamp payable to the Puerto Rico Police; Provided, That in those cases whereby the license is denied, the amount paid shall not be reimbursed.
- (12) Has submitted, together with the application, 1 sworn statement from 3 persons that are not related by consanguinity or affinity to 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 owning firearms. This statement shall be made in the form provided by the Superintendent along with the application for a weapons license.

(13) Has submitted 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 2 color photographs, 2 inches by 2 inches in size, sufficiently recent as to depict the petitioner in his/her true aspect at the time of the application.

(14) Has submitted a negative certification of debt from the Child Support Administration, issued not later than 30 days prior to the date of the application.

(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 law enforcement agency of the area in which the applicant resides. The applicant shall retain a sealed copy for his/her records. Within the term of 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 120 calendar days, that the applicant meets the requirements established in this chapter 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 chapter, the weapons license shall not be granted, but without it constituting an impairment, 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 120 days, he/she shall be bound to issue a special provisional permit in favor of the applicant, within a term of 10 calendar days. Said special provisional permit shall grant all the rights, privileges and prerogatives of a regular license to carry weapons, for a term of 60 calendar days, during which period the Superintendent [should reach] 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 disrupting 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 conducted or not, this shall not be an impediment for the license to be remitted under 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 chapter, 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 chapter.

Any citizen to whom a license and/or permit is issued shall be responsible for the use of the licenses and the handling of the weapons, releasing the Commonwealth of Puerto Rico, its departments, agencies and municipalities from any liability for said individual use, except when these are vicariously liable for the acts of their employees or agents.

(d) The weapons license established in this section empowers the licensee to be the owner of a maximum of 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 any licensee who owns 15 weapons or more shall be bound to maintain 80% of these locked in a safe place fixed to the real property in such a manner that the weapons cannot be easily removed. Any licensee under the obligation to fulfill the safety requirement shall submit to the Superintendent a sworn statement attesting to the fact that he/she is in compliance with the safety requirement. The Superintendent shall impose an administrative fine of \$1,000 for each weapon property of the licensee that is removed due to noncompliance with the safety measures established herein. These safety requirements and the corresponding fine shall apply to any person who has more than 15 weapons in his/her possession: all licensees shall display in a conspicuous area visible to the clientele a clearly legible announcement notifying of this requirement. The license also empowers the licensee to acquire, buy, sell, donate, transfer, assign, hold, possess, have custody of and transport, bear and carry firearms, ammunition and any pertinent accessory anywhere under the jurisdiction of the Commonwealth of Puerto Rico; Provided, That:

(1) The firearms may be borne, carried, and transported in a hidden or unobtrusive manner, and the Superintendent shall provide by regulations, the procedure for any law enforcement officer as described herein, to issue a courtesy ticket which shall be prepared to such effect, which shall be remitted to the Puerto Rico Police Weapons License Office, to be filed with the record of the licensee. The Superintendent may impose a fine of up to \$200 for recidivism in carrying or transporting arms in an ostentatious or conspicuous manner, as well as the procedure for the revision of the same, at the request of the interested party upon whom the fine is imposed. The Superintendent shall hold an administrative hearing within a term of not more than 45 days to uphold, review, modify or eliminate the imposed fine.

(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 permit to carry, 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.

(3) That the firearms or ammunition may only be donated, sold, transferred, assigned, left in the custody, or otherwise conveyed by the transfer of the control or command of the same to persons who own a weapons or gunsmith license or to any of the persons mentioned in §456c of this title.

(4) The licensee may only transport one 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) The licensee shall only purchase ammunition of the caliber used by the weapons that he/she owns registered to his/her name.

(6) This license does not authorize the licensee to engage in the business of purchasing and selling firearms, limiting the purchase and sale thereof to his/her personal weapons.

(7) That this weapons license does not authorize the licensee to engage in the business of purchasing and selling firearms or ammunition, limiting the purchase and sale of the same to his/her personal firearms and ammunition.

(e) Within the term of 45 days from the date the weapons license is received, which may be extended for 30 additional days if requested within the original term, any licensee shall file a certification issued by an authorized official of a gun club authorized in Puerto Rico, if he/she has not filed it before 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 pursuant to this chapter. If the applicant fails to do so, he/she shall incur an administrative fault of \$100 for each month in arrears, for up to a maximum of months, at the end of which the license shall be revoked and seized, as well as any weapon and ammunition the petitioner has acquired. For these purposes, the Superintendent shall authorize the purchase of up to a maximum of 500 rounds of ammunition in addition to those allowed by this chapter. Said ammunition shall have to be used completely by the petitioner during the training for certification. The provisions of this subsection shall not impair the provisions of subsection (d)(7) of this section.

The Superintendent shall handle any claim from the persons who for health reasons or special circumstances beyond their control are unable to comply with the certification duty imposed herein. In any case in which the Superintendent grants an extension, the new term for compliance with the requirements shall begin 10 days after the circumstances that led to the extension are no longer extant.

(f) The Puerto Rico Police shall issue the duplicates of weapons license cards that a licensee may want within a term of thirty (30) calendar days upon request after having paid \$50 in internal revenue vouchers per duplicate. In case of a change in license category, the cost for the category change shall be \$20.

Every weapons license shall have the date on which it must be updated, which shall be 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 chapter, under penalty that the weapons license be revoked and an administrative fine of \$500 be imposed for shooting in a gun club or hunting, bearing, carrying or transporting weapons. After 6 months have elapsed from the due date, he/she may only sell his/her firearms to a person with a dealer license.

Every 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 provided in § 2.02 of this Act, stating that the circumstances that gave rise to the original granting remain the same, or indicating the manner in which they have changed. This renewal may be made within 6 months before, or 30 days after the date the weapons license has expired. Failure to renew said weapons license after the abovementioned 30 days, shall entail an administrative fine of 50 per month for up to a maximum of 6 months, [the] amount which must be paid as a requirement for renewal. If the weapons license is not renewed within 6 months, the Superintendent shall revoke the same and seize the weapons and ammunition; Provided, That] the licensee may renew and reinstate his/her license within up to 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 though 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.

It is hereby provided that in the event the licensee is residing outside of Puerto Rico on the date the renewal of the license is due, or during the renewal period indicated above, the license shall not expire within the 30 days of the licensee's return to Puerto Rico.

It is further provided that if the licensee happens to be a woman, and if she were pregnant on the date the renewal of the license is due or during the period of renewal mentioned above, said period shall not expire until 90 days have elapsed

after the birth. In any case in which a pregnant women is bound, under the provisions of this chapter, to submit a training certificate, the term to submit the same shall begin 90 days after the birth.

The Superintendent shall notify every licensee by mail to his/her mailing address, the date on which his/her license must be renewed, 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 30 calendar days, unless there is just cause to delay doing so.

Every licensee shall inform the Superintendent of his/her change of residential or mailing address within 30 days of the change, under penalty of an administrative fine of \$200, which shall be paid as a requirement for renewing the license.

(g) A person may at any time surrender his/her weapons license to the Police for its cancellation, and also surrender his/her weapons to the Police, or transfer the same to another person who owns a weapons or gunsmith license in force.

(h) It shall not be a requirement to own any firearms to obtain a weapons license and its categories.

Section 456d. Permits

(a) The competent Part of the Court of First Instance shall grant authorization to the Superintendent to include in the petitioner's identification card a permit to bear, transport and carry, without identifying any particular weapon, any legally owned pistol or revolver, unless there is just cause to deny said permit, with prior notification to the Department of Justice and upon a hearing before the same if so required by the latter, to any person who holds a weapons license and demonstrates that he/she fears for his/her safety. The petitioner shall include, along with his/her application for a permit to carry firearms, a \$250 internal revenue voucher drawn to the order of the Superintendent, which voucher shall have been previously submitted to the Superintendent together with a certification issued by an authorized official of a gun club in Puerto Rico, stating that the petitioner has passed a course in the correct and safe use and handling of firearms.

The requirements for issuing a weapons license provided in § 456a of this title shall be considered by the court when evaluating the granting of the permit to carry a weapon.

The permit to carry a weapon issued by the court may be renewed, concurrently with the weapons license renewal by presenting before the Superintendent, a \$100 voucher drawn to the order 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 court of the renewal of the permit to carry a weapon within 30 days.

A sworn statement must be included stating that all requirements established in § 456a of this title are met and that the entire contents of the application are true and correct.

(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 5 years together with the weapons license. In the event the permit is denied, the amounts paid in vouchers shall not be reimbursable.

(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 250 rounds of ammunition in addition to those allowed by this Act, which must be completely used up in the gun club attended by the licensee during his/her training for certification.

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.

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 \$500; 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.

(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 subsection (f) of § 456a of this title within 10 calendar days following the presentation of the authorization of the court by the licensee.

Section 456f. Felony charges; seizure of weapons.

Upon a finding of probable cause for the arrest of any person to whom a license to carry weapons has been granted, for the commission of any of the crimes specified in § 456j of this title, or of violations of the provisions of this chapter, the

court shall provisionally 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 seize all weapons and ammunition.

Section 456g. Gunsmith license; report of transactions

(a) No person may be engaged in business as a gunsmith or trader of firearms and ammunition, unless he/she holds a gunsmith license issued by the Secretary of the Department of the Treasury. Said licenses shall expire 1 year after their date of issue and shall again be subject to the formalities and application requirements of this chapter. 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 30 days prior to its expiration date.

(b) Each transaction regarding the introduction of weapons into Puerto Rico by dealers, or to the sale of weapons and ammunition between dealers, must be informed through the electronic system established in this chapter. 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 chapter, may acquire a weapon registered under the provisions of this chapter in the weapons register, by purchasing said weapon from the person who has registered the same in his/her name, provided said person holds a weapons license issued pursuant to this chapter. When any sale of firearms or ammunition is made, said transaction must be reported through the electronic system established by this chapter. If said system is not available at the time of the transaction, the vendor and the buyer must notify this fact to the Superintendent in writing with return receipt requested, both on the same form provided by the latter for such purposes. In the case of a multiple weapons sale, more than 1 at a time or more than 1 weapon to the same person within a period of 30 consecutive days, and if the electronic system is unavailable, the gunsmith, within 24 hours after delivering the weapons, shall notify the Superintendent by facsimile and by telephone, and shall register in his/her books the name and identification number of the person who received the information. Likewise, the same procedure shall be followed when carrying out any unitary sale of over 600 units of ammunition to any person with a weapons license for target shooting or hunting. If communication via facsimile and telephone is not achieved, the notification shall be made by certified mail with return receipt requested or in person.

(d) When any gunsmith, to his/her best judgment, detects abnormalities in the identification card of a licensee, or if the weapons delivery is denied or prohibited by federal provisions of law, said gunsmith shall immediately notify the Superintendent, or the person who is duly designated by the same, by facsimile and telephone and notify the gunsmiths. The Superintendent shall immediately proceed to investigate the licensee to determine whether the cancellation of the license and the filing of criminal charges are warranted.

Any infringement against the provisions set forth in subsection (a) above shall constitute a felony punished with imprisonment for a fixed term of 6 years. If there are aggravating circumstances, the established fixed penalty may be increased to up to a maximum of 12 years; if there are extenuating circumstances, it may be reduced to a minimum of 3 years. Provided, that mechanical or cosmetic adjustment work between persons who are weapons license holders shall constitute no felony at all. Any infringement against the provisions set forth in subsections (c) and (d) above shall be sanctioned with an administrative fine that shall not exceed \$500 for failing to notify on the first infringement, and \$2,000 for subsequent infringements; Provided, That should a third infringement arise, the Superintendent may decide to impose the fine or to initiate the procedure for the cancellation of the gunsmith license and, should another offense occur, the Superintendent shall then proceed to cancel the gunsmith license.

Section 456h. Requirements

(a) Every person who wants to obtain or transfer the location of a weapons 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 \$500. 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 § 456a of this title.

(b) No dealer 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, subagency, 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 § 456a of this title.

(e) In every case, the dealer license must be issued within 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.

Section 456i. Conditions for operations of gunsmiths; evidence of transactions.

A person, partnership or corporation to which a gunsmith license has been issued may engage in the sale of weapons 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 dealers that have not been certified by the police to have met the safety measures pursuant to this chapter shall not initiate operations until they have met them, nor can they keep weapons and ammunition in said place, other than those that the dealer is authorized to own and carry pursuant to the provisions of this chapter. Any infraction of this subsection by the dealer shall constitute a misdemeanor, which shall be punished by a fine of not less than \$5,000 nor more than \$50,000, 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 dealer 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 dealer shall constitute a misdemeanor and shall be sanctioned by a fine of \$10,000. Failure to comply with this requirement shall bring about the revocation of the license by the Superintendent.

(c) The license of the dealer 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 \$5,000.

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

"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 \$5,000.

(e) A record shall be kept of each weapon sold and of each sale of ammunition in books provided 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 chapter. 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.

(f) When the ammunition sold is as described in the second paragraph of § 459 of this title, the vendor shall keep a special register 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 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:

(1) A description of each weapon, including:

- (A)** The manufacturer thereof;
- (B)** the serial number that is engraved thereon;
- (C)** the caliber of the weapon, and
- (D)** the model and type of the weapon.

In the case of the wholesale sale of weapons of the same caliber, model and type, the dealer 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 outside of the establishment. Failure to comply with this requirement may bring about the imposition of an administrative fine of \$5,000. Provided, that in cases of failure by the dealers to observe safety measures, or the measures provided in this section on 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 §§ 2101 et seq. of Title 3.

(i) Any dealer 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 12 years, and a penalty of a fine that shall not exceed \$100,000. If there were aggravating circumstances, the fixed penalty established herein may be increased to a maximum of 24 years; if there were mitigating circumstances, it can be reduced to a minimum of 6 years. In addition, the Superintendent shall revoke any weapons or dealer license held by this person.

Section 456j. Denial of license.

The Superintendent shall not issue a weapons license nor shall the Secretary of the Department of the Treasury issue a dealer 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 §§ 601 et seq. of Title 8 [, for conduct constituting stalking as typified in §§ 4013 et seq. of Title 33, or for conduct constituting abuse of minors as typified in Act No. 342 of December 16, 1999]; 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 chapter or the former Weapons Act (former §§ 411—454 of this title).

Section 456k. Registry of weapons; loss, surrender or transfer of firearms; death of the license holder

(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 is illegally appropriated, shall notify this fact by filing a complaint at the police district or precinct in which he/she resides, or at the nearest police station, immediately upon becoming aware of the loss, disappearance, theft or illegal appropriation. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor and, if convicted, shall be punished with a fine of up to a maximum of \$5,000 per weapon or per every 500 rounds of ammunition, or fraction thereof, that he/she failed to report. Every person who owns or has a legally authorized weapon under his/her control and loses it, or it disappears, or is stolen, shall notify it by filing a complaint at the district or precinct in which he/she resides, or at the nearest police station, as soon as he/she is aware of the loss, disappearance or

theft. If he/she does not comply with this obligation, he/she shall be guilty of a misdemeanor, and shall be punished with a fine of up to a maximum of \$5,000 upon conviction.

The Superintendent shall investigate every loss, disappearance, theft or illegal appropriation report, and shall keep a detailed register of the result of the same for the purpose of gathering statistics on the loss, disappearance, theft or illegal appropriation of weapons or ammunition reports. If the information submitted by the complainant is intentionally false, the Superintendent shall notify this fact to the Department of Justice for the filing of criminal charges.

(d) When a person who is duly authorized to possess weapons dies, it shall be the duty of every administrator, executor, or trustee, or any of these who acts as such in Puerto Rico, and of any assistant administrator, agent or person who is legally authorized to administer the estate, to notify the Superintendent of the demise within 30 days from the date of death. The notification shall state the name, residence and personal details 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 \$500. The Superintendent shall establish what is needed to receive, store, or provide custody of said weapons, which may be done by a person with a weapons license or a gun shop designated by the administrator, executor or trustee and/or disposal of said weapons, while the inheritance is distributed. If the weapons are 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 chapter, the Superintendent shall grant an authorization to possess the weapons acquired through inheritance, according to the form established by the Superintendent through regulations. If said license is denied, or the sale of said weapon at public auction is indicated, it may only be acquired by a person with a weapons license in force, by public auction, or by a gunsmith duly authorized by this chapter, and if it is not thus acquired, said weapon shall be delivered to the Superintendent to be confiscated as provided in this chapter. Provided, further, that the Superintendent shall not deliver any weapon that, prior to the death of its owner, was not duly registered pursuant to subsection (b) of this section.

(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 § 456i of this title. The aforementioned means of ownership transfer may also be conducted between licensees through the weapons transfer forms provided by the Superintendent within the 5 days following the issue thereof, so it may be duly noted and corrected in the electronic register.

Section 456l. Grounds to empower law enforcement officers to seize weapons.

Any law enforcement officer shall seize the license, weapon and ammunition owned by a licensee when he/she has grounds to believe that the licensee has made or shall make illegal use of said weapon and ammunition to harm other persons; has threatened to commit a crime; has stated the intent to commit suicide; has repeatedly demonstrated negligence or carelessness in handling the weapon; 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 serious risk or danger that justifies this emergency measure. A law enforcement officer shall also seize the license, weapons and ammunition when the holder thereof is arrested for committing a felony or a misdemeanor that implies violence. Upon the petition of the party from whom the weapon is seized, filed within 15 work days after the weapon is seized, the Superintendent shall hold an administrative hearing within a term of not more than 45 days to sustain, review or modify the seizing performed by the law enforcement officer. The Superintendent shall issue his/her decision within a term of not more than 45 days from the date of said formal administrative hearing, and if the Superintendent's decision is favorable to the injured party, he/she shall order the immediate return of the seized weapon or weapons.

Section 456m. Semiautomatics

(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 [sic] by persons whose license contains the category of target shooting, hunting or who hold a dealer license, of those assault weapons that exist legally within the nation of the United States of America, on the date this act becomes effective, or
- (2)** the manufacture, importing, sale or delivery by licensed dealers, to be used by the police officers of the government[s] of Puerto Rico or the United States, or for the use of the armed forces of the United States 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)** ActionArms 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.

(c) Also considered as a semiautomatic assault weapon, is:

(1) A semiautomatic rifle that is retrofitted by a magazine or removable receptacle which contains 2 or more 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

(E) grenade launcher, excluding flare launchers.

(2) A semiautomatic pistol that can be backloaded by a magazine or removable receptacle which has more than 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) an unloaded manufacturing weight in excess of 50 ounces, or

(E) a semiautomatic version of an automatic weapon.

(3) A semiautomatic shotgun that has 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 5 cartridges, or

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

(d) Any person who violates the provisions of this section shall be guilty of a felony and upon conviction shall be punished by imprisonment for a fixed term of 24 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased up to a maximum of 36 years; should there be extenuating circumstances, it may be reduced to a minimum of 18 years.

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 chapter, shall not constitute a crime.

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

Subchapter IV – Security Agencies that Transport Valuables in Armored Vehicles

Section 457f. 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.

Section 457j. Long barreled weapons depot and ammunition dump.

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 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 barreled 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.

Section 457k. 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 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.

Section 457r. 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. Provided, further, 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.

Subchapter V – Weapons

Section 458. Manufacture, importation, sale and distribution of weapons.

It shall be necessary to hold a license issued pursuant to the requirements set forth in this chapter to manufacture, import, offer, sell or have available for sale, rent or transfer any firearms or ammunition, or that portion or part of a firearm on which the manufacturer of the same places the serial number of the firearm. Any infraction of this section shall constitute a felony and be punished with imprisonment for a fixed term of 15 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased up to a maximum of 25 years; should there be extenuating circumstances, it may be reduced to a minimum of 10 years.

Section 458a. Prohibition of sale to unlicensed persons.

No dealer 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 chapter.

A dealer 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 15 years. If there were aggravating circumstances, the penalty established may be increased to a maximum of 25 years; if there were mitigating circumstances, it could be reduced to a minimum of 10 years.

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

Section 458b. Trade in automatic firearms.

Any person who sells or has for sale, or offers, delivers, rents, lends or otherwise disposes of any firearms that may 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 24 years, without the right to suspended sentence, to parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment acknowledged in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed. Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of 36 years; should there be extenuating circumstances, it may be reduced to a minimum of 18 years.

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.

Section 458e. Possession without a 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 5 years. Should there be aggravating circumstances, the penalty established may be increased to a maximum of 10 years; should there be mitigating circumstances, it may be reduced to a minimum of 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 the person has never been convicted for a violation of this chapter, Act No. 348 of December 21, 1999, §§ 1476–1482 of Title 32, or Act No. 27 of January 10, 2002, or any crimes provided under § 456j of this title, and the weapon has not been reported as stolen or illegally appropriated, he/she shall be guilty of a misdemeanor and upon conviction shall be punished with a penalty of imprisonment for a term of not more than 6 months, a fine that shall not exceed \$5,000 or both penalties at the discretion of the court. The court, in its discretion, may impose the penalty of rendering community services in lieu of the established penalty of imprisonment.

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 chapter, he/she shall not be guilty of any crime. If he/she has not requested its renewal within the established term, he/she shall incur an administrative fault and shall have to pay 3 times the accrued cost of the renewal fee.

Section 458f. Possession or illegal use of long barreled weapons semi-automatic and automatic weapons or sawed-off shotgun.

Any person who, without the authorization of this chapter, carries, owns or uses a semi-automatic long-barrelled weapon, a machine gun, carbine or rifle, as well as any modification thereof, or any other weapon that can be fired automatically, or a sawed-off shotgun of less than 18 inches, and which can cause grave bodily harm, shall be guilty of a felony, and upon conviction shall be punished with imprisonment for a fixed term of 24 years, without the right to a suspended sentence, to be released on parole, or enjoy the benefits of any diversion program, benefits or option for the term of imprisonment recognized in this jurisdiction, having to serve in calendar years the total amount of the penalty imposed.

Should there be aggravating circumstances, the fixed penalty established may be increased to a maximum of 36 years; should there be mitigating circumstances, it may be reduced to a minimum of 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.

Section 458g. 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 12 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

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

Section 458h. 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 12 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

Section 458i. Serial number or name of owner on firearm; removal or mutilation.

Every weapon shall have the name of the dealer 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 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 dealer or an agent or representative of said dealer, 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 24 years; if there were mitigating circumstances, it may be reduced to a minimum of 6 years.

Section 458j. 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.

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 as 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.

The possession by any person of a weapon 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 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.

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.

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.

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 law enforcement officers in the compliance of their official duties.

Section 458k. 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 dealer license. Within 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 dealer 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 12 years, and a fine of not less than \$2,000 nor more than \$10,000. If there were aggravating circumstances,

the fixed penalty thus established can be raised to a maximum of 24 years, if there were mitigating circumstances, it can be reduced to a minimum of 6 years.

Section 458p. Collections of weapons.

None of the provisions of this chapter shall impede the preservation and keeping of collections of private weapons possessed by the owners thereof as a decoration or curios or the collections of weapons as antiques. 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 chapter.

Antique firearms, as defined in this chapter, that lack a manufacturer's serial number shall be exempted from the requirement of registration, as defined in this chapter, but their existence shall be reported to the Weapons Register of the Puerto Rico Police along with 3 different photographs detailing their particulars for the corresponding notation of their existence in the record of the license holder with a weapons license and a target 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.

Section 458r. Weapons within reach of minors.

(a) Any person who negligently leaves a firearms or automatic weapon within reach of a person who is under 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 2 years. If there were aggravating circumstances, the fixed penalty thus established, shall be increased to a maximum of 5 years; if there were mitigating circumstances, it can be reduced to a minimum of 6 months and 1 day.

(b) Any person who intentionally provides or delivers a firearm or ammunitions thereof to a person under the age of eighteen (18) who does not hold a target shooting or hunting license for the possession and transport thereof, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years. If there were aggravating circumstances, the fixed penalty thus established shall 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. If the minor were to cause harm to another person or to him/herself with said firearm or commits a delinquent act while in possession of a firearm, the person who intentionally provided the firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years, without the right to a suspended sentence or parole or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of thirty (30) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

(c) When the firearm is not legally registered under the name of the person in possession thereof, whether it is a firearm prohibited under the provisions of this chapter, or with a defaced serial number, or that it is otherwise illegal to own or possess, any person who intentionally provides said firearm to a person under the age of eighteen (18) to possess or transport the same, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twelve (12) years, without the right to a suspended sentence or parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of twenty-four (24) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years. If the minor causes harm to another person or to him/herself with said firearm or commits a delinquent act while in possession of a firearm, the person who intentionally provided said firearm shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a fixed term of twenty (20) years, without the right to a suspended sentence or parole, or to enjoy the benefits of a diversion program or to benefits or alternatives to imprisonment. If there were aggravating circumstances, the fixed penalty thus established shall increase to a maximum of thirty (30) years; if there were mitigating circumstances, it can be reduced to a minimum of six (6) years.

(d) Subsections (a) through (c) of this section shall not apply in the event that a minor is in possession of a firearm in a situation of legitimate self- defense or defense of third parties, or of imminent danger, in which case a prudent and reasonable person would understand that if it were possible for an authorized person of legal age to gain access to the firearm, it would have been a lawful action; when the minor's father, mother, or legal guardian who is the authorized owner of a legally registered firearm allows said minor to have such firearm accessible, unloaded, and locked in the presence and under direct and continuous supervision of such father, mother, or legal guardian.

Section 458s. Illegal appropriation of weapons or ammunition; theft.

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

If the person 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.

Subchapter VI – Ammunition

Section 459. 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 chapter. 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 6 years. Should there be aggravating circumstances, the fixed penalty established hereby shall be increased to a maximum of 12 years; should there be mitigating circumstances, it may be reduced to a minimum of 3 years.

It shall be deemed as an aggravating circumstance at the time of imposing sentence to incur in [sic] 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 already 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.

Section 459a. Sale of ammunition to persons without a license; limit in the amount of ammunition.

A person with a weapons or gunsmith license may not sell ammunition to persons who do not show a weapons license or the permits set forth in this chapter. 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.

Any violation of the provisions set forth in the preceding paragraph shall constitute a felony and shall be punished by imprisonment for a fixed term of 5 years. Should there be aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 8 years; should there be extenuating circumstances, it may be reduced to a minimum of 3 years and 1 day.

A person who holds a weapons license, except in the target shooting or hunting categories, may only own a maximum of 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 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 whereby 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 chapter. 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 6 months, a fine not to exceed \$5,000, 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.

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

Section 459b. Purchase of different caliber.

Any person who having a valid weapons license, purchases ammunition of a caliber that is different to that which 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 6 years. If there were aggravating circumstances, the fixed penalty thus established may be increased to a maximum of 12 years; if there were mitigating circumstances, it may be reduced to a minimum of 3 years.

Title 33 – Penal Code

Subtitle 3 – Penal Code of 1974 – Special Part

Chapter 251 – Crimes Against the Person

Section 4015. Issuance of restraining orders.

(b) When the court determines that there are sufficient motives to believe that the petitioner has been the victim of stalking, the same may issue a protection order and order the defendant to surrender to the Puerto Rico Police for

custody, whether on a temporary, indefinite or permanent basis, any firearm in relation to which the defendant has been issued a license to bear and own or to carry firearms or for target-shooting, or both, as the case may be, and the court shall order the suspension of the firearms license of the defendant under the same terms.