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Part I
(Part II begins on page 6201)

Agencies in this issue—

Agriculture Department
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Insurance Administration
Federal Maritime Commission
Federal Railroad Administration
Food and Drug Administration
General Services Administration
Geological Survey
Indian Affairs Bureau
Internal Revenue Service
Interstate Commerce Commission
Maritime Administration
Packers and Stockyards Administration
Post Office Department
Public Health Service
Securities and Exchange Commission
Tariff Commission

Detailed list of Contents appears inside.





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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that in the National Endowment for the Humanities one position of Program Officer, Division of State-Based Programs, and one additional position of Program Officer, Division of Fellowships and Stipends, are excepted under Schedule A until June 30, 1971. Effective on publication in the FEDERAL REGISTER (4–2–71), subparagraph (8) is added and subparagraph (15) is added to paragraph (b) of § 213.3182 as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(8) Until June 30, 1971, two Program Officers, Division of Fellowships and Stipends.

* * * * *

(15) Until June 30, 1971, one Program Officer, Division of State-Based Programs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–4444 Filed 4–1–71;8:45 am]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary

PART 1—ADMINISTRATIVE REGULATIONS

Subpart D—Claims

COLLECTION STANDARDS

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (Public Law 89–508, 80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR ch. II, 31 F.R. 13381), § 1.52 (c), Subpart D, Part 1, Subtitle A, Title 7, Code of Federal Regulations, is amended to insert "$400" in lieu of "$250". § 1.52(c), as so amended, is revised to read as follows:

§ 1.52 Claims collection standards.

* * * * *

(c) *Designation.* The head of each agency of the Department, and such persons as may be designated by him for such purpose, with respect to claims of his agency is authorized to perform all of the duties and exercise all of the authority of the Secretary under the Federal Claims Collection Act of 1966, the aforementioned Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this section: *Provided,* That with respect to claims of $400 or more, exclusive of interest, the head of each such agency may, if he considers it necessary or advisable to do so, direct that no compromise shall be effected or collection action terminated or suspended under authority of such Act and regulations, except with the advice and counsel of the Office of the General Counsel of the U.S. Department of Agriculture.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (4–2–71).

Done at Washington, D.C., this 29th day of March 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–4552 Filed 4–1–71;8:46 am]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54) as set forth below:

Statement of considerations. On July 1, 1971, program records, including billings for the programs administered by the Poultry Division, Consumer and Marketing Service, will be under an automatic data processing system. To adjust to this system, the billings in the voluntary rabbit grading regulations are amended to provide for an approximate 28-day billing period rather than the present monthly period. In order to begin and end billings at the close of each fiscal year, there will be one billing period less than 28 days and one billing period more than 28 days. This change will not increase or decrease charges on an annual basis for the graders' salary. It will distribute billings for such salaries on 13 rather than 12 billings per year.

The 10-percent charge based on the regular rate charge for each grader in excess of one regular grader is deleted from the regulations.

The present wording indicating that a "27-percent factor charge" is added to graders' salaries for various fringe benefits and related servicing costs has been changed to provide for an established factor to be added to cover these benefits and costs. This provides for flexibility in charging for fringe benefits and related costs when State employees are utilized. The charge for fringe benefits and related costs for Federal employees has been raised to 28½ percent due to increased premiums for life insurance and health insurance. The fringe benefits for Federal employees consist of Social Security or retirement, annual and sick leave, health and life insurance, additional salary and travel costs to furnish relief services, severance pay, accident payments, certain moving costs, and administrative staff servicing costs amounting to 28½ percent of the base salary billed. The fringe benefits for State employees licensed to grade under Federal supervision vary depending upon the State laws and regulations.

Presently, the administrative charges for grading rabbits are based on the volume of product handled in the plant. The amendments provide for an administrative charge based on 25 percent of the graders' total salary costs rather than on the volume of product handled to make the administration of this limited program more feasible. Several other minor changes have been made for the sake of clarity.

The amendments are as follows:

1. In § 54.108, paragraph (a) and subparagraphs (3), (6), and (8) are amended to read:

§ 54.108 Continuous grading performed on a resident basis.

* * * * *

(a) *Charges.* The charges for grading of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading

service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the period in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 45 days from the date of billing. Such charge shall not be less than $5.

* * * * *

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate used for billing will be that of the grader(s) assigned to the plant. The regular rate charge will then be determined by adding an established factor to the base salary rate to cover the cost to C&MS for such items as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, additional salary and travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

* * * * *

(6) A charge of 10 percent of: (i) The premium pay, (ii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

* * * * *

(8) An administrative service charge equal to 25 percent of the graders' total salary costs. A minimum charge of $50 will be made each billing period.

* * * * *

2. Section 54.109 is amended to read:

§ 54.109 Fees or charges for grading service or inspection service performed under cooperative agreement.

Fees or charges to be made to an applicant for any grading service or inspection service which differ from those listed in §§ 54.100 through 54.108 shall be provided for by a cooperative agreement.

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), shall be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rulemaking would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 30th day of March 1971 to become effective on July 1, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-4569 Filed 4-1-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-8-AD; Amdt. 39-1181]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models Series Airplanes

There is an error in the computed ground time to lift-off in the plot of the takeoff flight path, takeoff power, in the approved airplane flight manuals for the Lockheed Models 49, 149, 649, 749, 1049, and 1649 series airplanes that results in an erroneous and unsafe obstacle clearance profile computation of the takeoff flight path. Since this condition is likely to exist in other airplane flight manuals for the same model series of airplanes, an airworthiness directive is being issued to require an airplane flight manual revision correcting the computed time to lift-off in the plot of the takeoff flight path, takeoff power, on Lockheed Models 49, 149, 649, 749, 1049, and 1649 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED AIRCRAFT CORPORATION. Applies to Lockheed Models 49, 149, 649, 749, 1049, and 1649 series airplanes certificated in all categories.

Compliance required prior to the first flight after May 3, 1971, unless already accomplished.

To provide for an acceptable obstacle clearance profile when computing the takeoff flight path, accomplish the following:

(a) Revise the airplane flight manuals by adding to the airplane flight manuals listed in this subparagraph the following note to the lower right hand portion of the specified page and adjacent to that portion showing the ground time.

NOTE: To obtain correct ground time, multiply ground time by 1.42.

Lockheed model	Lockheed report No.	Page identification
49-46	5817	Section II, Page 17, Figure 14. Appendix I, Part 2, Page 78, Figure 11.
149-46	5817	Appendix V, Page 21, Figure 13.
49-46		Appendix VI, Page 6, Figure 6. Appendix VI, Page 14, Figure 14.
649-79	6028	Section II, Page 2-21, Figure 20.
649A-79		Appendix I, Part 1, Page 1-24, Figure 17.
749-79		Appendix I, Part 2, Page 1-50, Figure 45.
749A-79		Appendix III, Page III-12, Figure 11. Appendix V, Page V-12, Figure 11.
749-79	6028	Appendix III, Supplement A, Page IIIA-12, Figure 11.
749A-79		
1049-54	7787	Appendix II, Page II-17, Figure II-14.
1049C-55	9154	Supplement A, Section III, Part 2, Page A-32.1, Figure A-25.
1049E-55		Supplement A, Section III, Part 3, Page A-54.1, Figure A-47. Supplement A, Section III, Part 4, Page A-77, Figure A-70.
1049C	9153	Supplement A, Section III, Part 2, Page A-35, Figure A-29, Sheet 2.
1049E		Supplement A, Section III, Part 3, Page A-57, Figure A-51, Sheet 2. Supplement B, Section III, Part 2, Page B-37, Figure B-29, Sheet 2. Supplement B, Section III, Part 3, Page B-59, Figure B-51, Sheet 2.
	9153	Supplement B, Section III, Part 4, Page B-83, Figure B-74, Sheet 2. Supplement C, Section III, Part 3, Page C-35, Figure C-29, Sheet 2. Supplement C, Section III, Part 4, Page C-56A, Figure C-52, Sheet 2. Supplement E, Section III, Part 2, Page E-31, Figure E-24, Sheet 2. Supplement E, Section III, Part 3, Page E-57, Figure E-48, Sheet 2.
1049G-82	10051	Section IV, Part II, Page 4-38, Figure 4-34. Section IV, Part II, Page A4-38, Figure 4-34. Section IV, Part III, Page 4-59, Figure 4-54. Section IV, Part III, Page A4-59, Figure 4-54. DA-1 Supplement, Part 2, Page 33, Figure 29. DA-1 Supplement, Part 3, Page 54, Figure 50.
	10052	Section IV, Part II, Page 4-39, Figure 4-34. Section IV, Part II, Page A4-39, Figure 4-34. Section IV, Part II, Page B4-39, Figure 4-34. Section IV, Part II, Page C4-39, Figure 4-34. Section IV, Part III, Page 4-61, Figure 4-55. Section IV, Part III, Page A4-61, Figure 4-55. DA-1 Supplement, Section III, Part 2, Page 33, Figure 29. DA-1 Supplement, Section III, Part 3, Page 54, Figure 50. DA-3 Supplement, Section III, Part 2, Page 31, Figure 27. DA-3 Supplement, Section III, Part 3, Page 52, Figure 48.

Lockheed model	Lockheed report No.	Page identification
1049D	11020	Section IV, Part 2, Page A4-39, Figure 4-35.
1049H		Section IV, Part 2, Page B4-39, Figure 4-35.
		Section IV, Part 2, Page C4-39, Figure 4-35.
		Section IV, Part 2, Page D4-39, Figure 4-35.
		Section IV, Part 2, Page E4-39, Figure 4-35.
		Section IV, Part 2, Page F4-39, Figure 4-35.
		Section IV, Part 3, Page A4-61, Figure 4-56.
		Section IV, Part 3, Page B4-61, Figure 4-56.
		Section IV, Part 3, Page C4-61, Figure 4-56.
		DA-1 Supplement, Section III, Part 2, Page A33, Figure 29.
		DA-1 Supplement, Section III, Part 3, Page A54, Figure 50.
		DA-1 Supplement, Section III, Part 2, Page 33, Figure 29.
		DA-1 Supplement, Section III, Part 3, Page 54, Figure 50.
		DA-3 Supplement, Section III, Part 2, Page 31, Figure 27.
		DA-3 Supplement, Section III, Part 2, Page A31, Figure 27.
		DA-3 Supplement, Section III, Part 2, Page B31, Figure 27.
		DA-3 Supplement, Section III, Part 3, Page 52, Figure 48.
		DA-3 Supplement, Section III, Part 3, Page A52, Figure 48.
		DA-3 Supplement, Section III, Part 3, Page B52, Figure 48.
1649A-98	11560	Section IV, Part 2, Page 4-31, Figure 4-23, Sheet 1.
		Section IV, Part 2, Page 4-31, Figure 4-23, Sheet 1.
		Section IV, Part 3, Page 4-52, Figure 4-43.
		Appendix II, Page II-29, figure II-26.

(b) For the airplane flight manuals listed in this subparagraph there is a note in the top central portion of the page stating:

"These lines and this grid are used only in the determination of airplane height and distance at end of 2-minute period."

Add to this note the following:

Correction. At the end of 2-minute period. correct the airplane height by subtracting 100 feet and the airplane distance by subtracting 3,000 feet.

Lockheed model	Lockheed report No.	Page identification
1049C	9153	Section III, Supplement D, Part 2, Page D-39, Figure D-34, Sheet 2.
1049E		Section III, Supplement D, Part 3, Page D-61, Figure D-55, Sheet 2.

(c) Reference this Airworthiness Directive in the airplane flight manual at the time of accomplishment.

This amendment becomes effective April 3, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 24, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-4493 Filed 4-1-71;8:45 am]

[Docket No. 10972; Amdt. No. 750]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC, 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 29, 1971.

Philadelphia, Pa.—Philadelphia International Airport; LOC (BC) Runway 27, Amdt. 1; Canceled.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective April 29, 1971.

Cordova, Alaska—Cordova Mile 13 Airport; LFR-A, Amdt. 12; Revised.
Cordova, Alaska—Cordova Mile 13 Airport; LFR-B, Amdt. 13; Revised.
Farewell, Alaska—Farewell Airport; LFR-A, Amdt. 10; Revised.

3. Section 97.23 is amended by establishing, revising, or cancling the following VOR-VOR/DME SIAPs, effective April 29, 1971.

Arlington, Tex.—Arlington Airport; VOR Runway 34, Amdt. 2; Canceled.
Bay Minette, Ala.—Bay Minette Municipal Airport; VOR Runway 8, Original; Established.
Bellingham, Wash.—Bellingham Municipal Airport; VOR-A, Original; Canceled.
Bellingham, Wash.—Bellingham Municipal Airport; VOR Runway 16, Original; Canceled.
Bellingham, Wash.—Bellingham Municipal Airport; VOR 1 Runway 16, Original; Established.
Bellingham, Wash.—Bellingham Municipal Airport; VOR 2 Runway 16, Original; Established.
Bermuda Dunes, Calif.—Bermuda Dunes Airport; VOR Runway 29, Original; Established.
Bethel, Alaska—Bethel Municipal Airport; VOR Runway 18, Amdt. 5; Revised.
Bethel, Alaska—Bethel Municipal Airport; VOR Runway 36, Amdt. 5; Revised.
Cheyenne, Wyo.—Cheyenne Municipal Airport; VOR-1, Amdt. 8; Canceled.
Cheyenne, Wyo.—Cheyenne Municipal Airport; VOR-A, Original; Established.
Dallas, Tex.—Addison Airport; VOR Runway 15, Amdt. 11; Revised.
Dallas, Tex.—Addison Airport; VOR Runway 33, Amdt. 10; Revised.
Dallas, Tex.—Dallas-Garland Airport; VOR-1, Amdt. 5; Canceled.
Dallas, Tex.—Dallas Love Field; VOR Runway 18, Amdt. 14; Revised.
Dallas, Tex.—Dallas Love Field; VOR Runway 36, Amdt. 6; Revised.
Dallas, Tex.—Redbird Airport; VOR Runway 13, Amdt. 1; Revised.
Dallas, Tex.—Redbird Airport; VOR Runway 31, Amdt. 4; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; VOR Runway 13, Amdt. 11; Revised.
Fort Worth, Tex.—Oak Grove Airport; VOR-1, Amdt. 2; Canceled.
Hanksville, Utah—Hanksville Airport (FAA Site 54); VOR-A, Amdt. 6; Revised.
Hobbs, N. Mex.—Crossroads Intercontinental Airport; VOR-A, Original; Established.
Hot Springs, Ark.—Memorial Field; VOR Runway 5, Amdt. 7; Revised.
Hutchinson, Kans.—Hutchinson Municipal Airport; VOR Runway 3, Amdt. 13; Revised.
Lamar, Colo.—Lamar Municipal Airport; VOR Runway 18, Amdt. 4; Revised.
Liberty, N.C.—Causey Airport; VOR Runway 2, Original; Established.
Lincoln, Calif.—Lincoln Municipal Airport; VOR A, Original; Established.
Malden, Mo.—Malden Municipal Airport; VOR Runway 31R, Amdt. 3; Revised.
Marysville, Calif.—Yuba County Airport; VOR Runway 14, Amdt. 4; Revised.
Marysville, Calif.—Yuba County Airport; VOR Runway 32, Amdt. 5; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective April 29, 1971.

Mason City, Iowa—Mason City Municipal Airport; VOR Runway 35, Amdt. 10; Revised.
Middleton Island, Alaska—Middleton Island, Airport; VOR Runway 19, Amdt. 3; Revised.
Moses Lake, Wash.—Grant County Airport; VOR Runway 14L, Amdt. 4; Revised.
Moses Lake, Wash.—Grant County Airport; VOR Runway 32R, Amdt. 8; Revised.

Nashville, Tenn.—Nashville Metropolitan Airport; VOR Runway 31, Amdt. 18; Revised.
Novato, Calif.—Gnoss Field; VOR-A, Original; Established.
Pocahontas, Ark.—Pocahontas Municipal Airport; VOR Runway 36, Original; Established.
Saginaw, Mich.—Tri-City Airport; VOR Runway 5, Amdt. 8; Revised.
Shelbyville, Tenn.—Bomar Field; VOR Runway 36, Amdt. 8; Revised.
Ukiah, Calif.—Ukiah Municipal Airport; VOR-1, Amdt. 5; Canceled.
Ukiah, Calif.—Ukiah Municipal Airport; VOR A, Original; Established.
Vernal, Utah—Vernal Airport; VOR Runway 34, Amdt. 3; Revised.
Waco, Tex.—Waco Municipal Airport; VOR Runway 14, Amdt. 12; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 24, Amdt. 7; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 36, Amdt. 8; Revised.
Yankton, S. Dak.—Chan Gurney Municipal Airport; VOR Runway 13, Amdt. 2; Revised.
Yankton, S. Dak.—Chan Gurney Municipal Airport; VOR Runway 31, Original; Established.
Arlington, Tex.—Arlington Municipal Airport; VOR/DME Runway 34, Original; Established.
Crescent City, Calif.—Jack McNamara Field; VOR/DME Runway 11, Amdt. 4; Revised
Crescent City, Calif.—Jack McNamara Field; VOR/DME Runway 35, Amdt. 4; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; VOR/DME Runway 35, Amdt. 2; Revised.
Gallatin, Tenn.—Gallatin Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Lancaster, S.C.—Lancaster Airport; VOR/DME-A, Original; Established.
Marlin, Tex.—Marlin Municipal Airport; VOR/DME-A, Original; Established.
Mason City, Iowa—Mason City Municipal Airport; VORTAC Runway 17, Amdt. 5; Revised.
Mason City, Iowa—Mason City Municipal Airport; VORTAC Runway 35, Original; Established.
Nashville, Tenn.—Nashville Metropolitan Airport; VOR/DME Runway 13, Amdt. 2; Revised.
Smyrna, Tenn.—Smyrna Airport; VOR/DME Runway 32, Amdt. 2; Revised.
Waco, Tex.—Waco Municipal Airport; VOR/DME Runway 32, Amdt. 4; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VORTAC Runway 30, Amdt. 5; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective March 25, 1971.

San Diego, Calif.—San Diego International Lindbergh Field; LOC Runway 9, Amdt. 1; Canceled.

5. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective April 29, 1971.

Columbus, Miss.—Golden Triangle Regional Airport; LOC Runway 18, Original; Established.
Dallas, Tex.—Dallas Love Field; LOC (BC) Runway 31R, Amdt. 18; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; LOC (BC) Runway 31, Amdt. 15; Revised.
Fort Worth, Tex.—Meacham Field; LOC (BC) Runway 35, Amdt. 14; Revised.
Hutchinson, Kans.—Hutchinson Municipal Airport; LOC (BC) Runway 31, Amdt. 7; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 6L/R, Amdt. 1; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; LOC (BC) Runway 11R, Amdt. 15; Canceled.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; LOC (BC) Runway 22, Amdt. 8; Canceled.
Nashville, Tenn.—Nashville Metropolitan Airport; LOC (BC) Runway 20R, Amdt. 7; Revised.
Saginaw, Mich.—Tri-City Airport; LOC (BC)/DME Runway 23, Original; Established.
San Diego, Calif.—San Diego International Lindbergh Field; LOC (BC)-A, Amdt. 12; Revised.
Waco, Tex.—Waco Municipal Airport; LOC (BC) Runway 36, Amdt. 2; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 29, 1971.

Bethel, Alaska—Bethel Municipal Airport; NDB Runway 18, Amdt. 6; Revised.
Cheyenne, Wyo.—Cheyenne Municipal Airport; NDB Runway 26, Amdt. 5; Revised.
Dallas, Tex.—Dallas Love Field; NDB Runways 13L/13R, Amdt. 5; Revised.
Dallas, Tex.—Dallas Love Field; NDB Runway 31L, Amdt. 4; Revised.
Dallas, Tex.—Dallas Love Field; NDB Runway 31R, Amdt. 8; Revised.
Dallas, Tex.—Redbird Airport; NDB Runway 35, Amdt. 1; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; NDB Runway 13, Amdt. 16; Revised.
Fort Worth, Tex.—Meacham Field; NDB Runway 17, Amdt. 3; Revised.
Fort Worth, Tex.—Meacham Field; NDB Runway 35, Amdt. 4; Revised.
Hot Springs, Ark.—Memorial Field; NDB Runway 5, Amdt. 2; Canceled.
Hot Springs, Ark.—Memorial Field; NDB Runway 5, Original; Established.
Hutchinson, Kans.—Hutchinson Municipal Airport; NDB Runway 13, Amdt. 6; Revised.
Middleton Island, Alaska—Middleton Island Airport; NDB-A, Amdt. 3; Revised.
Nashville, Tenn.—Nashville Metropolitan Airport; NDB Runway 2L, Amdt. 19; Revised.
Saginaw, Mich.—Tri-City Airport; NDB Runway 5, Amdt. 2; Revised.
San Diego, Calif.—San Diego International/Lindbergh Field; NDB-A, Amtd. 1; Revised.
Waco, Tex.—Waco Municipal Airport; NDB Runway 18, Amdt. 7; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; NDB Runway 12, Amdt. 10; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 25, 1971.

San Diego, Calif.—San Diego International/Lindbergh Field; ILS Runway 9, Original; Established.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 29, 1971.

Cheyenne, Wyo.—Cheyenne Municipal Airport; ILS Runway 26, Amdt. 23; Revised.
Dallas, Tex.—Dallas Love Field; ILS Runway 13L, Amdt. 17; Revised.
Dallas, Texas.—Dallas Love Field; ILS Runway 31L, Amdt. 6; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; ILS Runway 13, Amdt. 15; Revised.
Fort Worth, Tex.—Meacham Field; ILS Runway 17, Amdt. 21; Revised.
Hot Springs, Ark.—Memorial Field; ILS Runway 5, Original; Established.
Hutchinson, Kans.—Hutchinson Municipal Airport; ILS Runway 13, Amdt. 7; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 4; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 11R (BC), Original; Established.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 22 (BC) Original; Established.
Nashville, Tenn.—Nashville Metropolitan Airport; ILS Runway 2L, Amdt. 21; Revised.
Philadelphia, Pa.—Philadelphia International Airport; ILS Runway 9, Amdt. 20; Revised.
Philadelphia, Pa.—Philadelphia International Airport; ILS Runway 27, Original; Established.
Saginaw, Mich.—Tri-City Airport; ILS Runway 5, Amdt. 4; Revised.
Waco, Tex.—Waco Municipal Airport; ILS Runway 18, Amdt. 4; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; ILS Runway 12, Amdt. 10; Revised.

9. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective April 29, 1971.

Nashville, Tenn.—Nashville Metropolitan Airport; Radar-1, Amdt. 11; Revised.
Ontario, Calif.—Ontario International Airport; Radar-1, Amdt. 4; Revised.
Philadelphia, Pa.—Philadelphia International Airport; Radar-1, Amdt. 12; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 24, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-4495 Filed 4-1-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Fruit Cocktail Identity Standard; Confirmation of Effective Date of Order Listing Slightly Sweetened Water as Optional Packing Medium

In the matter of amending the identity standard for canned fruit cocktail (§ 27.40) to list slightly sweetened water as an optional packing medium:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 6, 1971 (36

F.R. 2554). Accordingly, the amendments promulgated thereby will become effective April 7, 1971.

Dated: March 23, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4535 Filed 4-1-71;8:45 am]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Conditions for Investigational Use of Methadone for Maintenance Programs for Narcotic Addicts

A notice was published in the FEDERAL REGISTER of June 11, 1970 (35 F.R. 9014), proposing establishment (21 CFR 130.44) of acceptable guidelines for programs for the investigation of methadone in the maintenance treatment of narcotic addicts. The guidelines of the Bureau of Narcotics and Dangerous Drugs, Department of Justice, were also proposed June 11, 1970 (35 F.R. 9015).

In response, a substantial number of comments were received from the medical community through the American Medical Association, Student American Medical Association, American Psychiatric Association, National Academy of Sciences-National Research Council, known authorities in the treatment of drug addiction, and from individuals and municipalities currently operating methadone maintenance programs.

The majority of the comments are in the form of objections to provisions of the protocol and the regulation, as follows:

1. The criteria in the protocol for the exclusion of subjects from the studies: Pregnancy, psychosis, serious physical diseases, and persons less than 18 years of age.

2. The requirement in the protocol that no more than a 3-day supply be given to a subject at one time.

3. The necessity for making records available to the Food and Drug Administration and to the Bureau of Narcotics and Dangerous Drugs and the lack of a guarantee of confidentiality of patient records.

4. The requirement that one of the objectives of the studies be a return to the drug-free state.

5. The requirement that the dosage level be limited to 160 milligrams per day.

6. The necessity of obtaining prior approval from the Bureau of Narcotics and Dangerous Drugs.

7. The requirements for weekly urine analysis and other laboratory tests and examinations.

8. The classification of the use of methadone in the maintenance treatment of narcotic addicts as an investigational use.

9. The regulation being overly restrictive and not in the best interest of the public.

The Commissioner of Food and Drugs, having considered the comments and having met with representatives of interested groups, associations, and individuals for further discussion, finds that:

1. The majority of the comments are a result of interested persons interpreting the proposal as restricting investigators to the suggested protocol. This is a misinterpretation since the protocol is intended only as a guide to assist the profession, municipalites, organizations, and other groups who are interested in sponsoring programs for the investigation of methadone in the maintenance treatment of narcotic addicts. It is not intended that every methadone program be confined to the limits of this protocol. Modification of the protocol and completely different protocols will be accepted, provided they can be justified by the sponsor. Modifications and completely different protocols consistent with public welfare and safety will be approved.

2. Since the suggested protocol is intended as an aid to those who wish to sponsor programs for the investigation of methadone in the maintenance treatment of narcotic addicts, it is recognized that it would be to the benefit of the Food and Drug Administration, the Bureau of Narcotics and Dangerous Drugs, and the sponsors of the investigations to have a suggested protocol that would be acceptable to the majority of sponsors while satisfying the requirements of the two aforementioned agencies. Accordingly, the following revisions have been made in the regulation as adopted below:

a. The provision of the protocol "Criteria for exclusion from the program" has been changed to "Patients requiring special consideration." Pregnancy, psychosis, serious physical disease, and being less than 18 years of age are not reasons for automatic eliminations from a program but are conditions that merit special considerations which are detailed.

b. A provision has been added to the protocol to permit the investigator to exceed the dosage of 160 milligrams per day when the investigator finds it essential to do so and describes the considerations leading to such dosage levels in his protocol.

c. The requirement for laboratory examinations at 6-month intervals has been changed to 1-year intervals.

d. The objectives of the study have been clarified.

3. The remaining comments concerning the protocol and not mentioned above deal primarily with problems that can be met by submission of a modified protocol to be judged on individual merit.

4. Regarding the objection that the recordkeeping requirements and the necessity for making records available to the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs could violate the confidential relationship between the patient and the physician: The Federal Food, Drug, and Cosmetic Act provides for promulgating regulations that require the sponsor of the drug investigations to maintain adequate records and that these records be made available to authorized personnel of the Food and Drug Administration. These records must be adequate in the event that followup on adverse reaction information requires identification of the patient. The Bureau of Narcotics and Dangerous Drugs is authorized to have access to these records under the Harrison Narcotic Act.

5. Methadone used in the maintenance treatment of narcotic addicts is an investigational use drug because, despite recent research gains, there remains inadequate evidence of long-term safety and of long-term effectiveness for this use to permit general marketability of methadone for maintenance treatment under the Federal Food, Drug, and Cosmetic Act standards for new drugs.

6. It is necessary that prior approval for methadone maintenance programs be obtained from the Bureau of Narcotics and Dangerous Drugs as well as the Food and Drug Administration because of this drug's potential for abuse. The Bureau of Narcotics and Dangerous Drugs' approval will be based on the existence of adequate control procedures to prevent diversion of the drug into illicit channels. Since the applications will be submitted only to the Food and Drug Administration and reviewed simultaneously by the two agencies, the inconvenience to the sponsor and the delay of approval will be minimal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 130:

§ 130.44 Conditions for investigational use of methadone for maintenance programs for narcotic addicts.

(a) There is widespread interest in the use of methadone for the maintenance treatment of narcotic addicts. Though methadone is a marketed drug approved through the new-drug procedures for specific indications, its use in the maintenance treatment of narcotic addicts is an investigational use for which substantial evidence of long-term safety and effectiveness is not yet available under the Federal Food, Drug, and Cosmetic Act standards for the general marketability of new drugs. In addition, methadone is a controlled narcotic subject to the provisions of the Harrison Narcotic Act and has been shown to have significant potential for abuse. In order to assure that the public interest is adequately protected, and in view of the uniqueness of this method of treatment, it is necessary that a methadone maintenance program be closely monitored to prevent diversion of the drug into illicit channels and to assure the development of scientifically useful data. Accordingly, the Food and Drug Administration and the Bureau of Narcotic and Dangerous Drugs conclude that prior to the use of methadone in the maintenance treatment of narcotic addicts, advance approval of both agencies is required. The approval will be based on a review of a Notice of Claimed Investigational Exemption for

a New Drug submitted to the Food and Drug Administration and reviewed concurrently by the Food and Drug Administration for scientific merit and by the Bureau of Narcotics and Dangerous Drugs for drug control requirements.

(b) No person may sell, deliver, or otherwise dispose of methadone for use in the maintenance treatment of narcotic addicts until a study providing for such use has had the advance approval of the Commissioner of Food and Drugs on the basis of a Notice of Claimed Investigational Exemption for a New Drug justifying such studies.

(c) An abbreviated Notice of Claimed Investigational Exemption for a New Drug shall be submitted in four copies to the U.S. Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852. Forms entitled "Notice of Claimed Investigational Exemption for Methadone for Use in the Maintenance Treatment of Narcotic Addicts," suitable for such a submission may be obtained from the above address. The submission should be signed by the person in charge of the maintenance program who will be regarded as the responsible party and sponsor for the exemption. (If the sponsor is a manufacturer or distributor of the drug, the regulations as outlined in § 130.3 should be followed, except where the guidelines set forth below in this section are appropriate.) The notice shall contain the following:

(1) Name of sponsor, address, and date and the name of the investigational drug, which is methadone.

(2) A description of the form in which the drug is purchased (for example, bulk powder or tablet or other oral dosage form), the name and address of the manufacturer or supplier, and a statement that the drug meets the requirements of the United States Pharmacopeia or the National Formulary if recognized therein. If it is in an oral form designed to minimize its potential for abuse, and is not recognized in the U.S.P. or N.F., assurance that the drug meets adequate specifications for its intended use should be provided. This information may be obtained from the manufacturer. If bulk powder is used, a statement detailing how it is to be formulated, the name and qualifications of the person formulating the dosage form, and the address of where the formulating will take place if it is to take place at any location other than the principal address of the sponsor.

(3) The name, address, and a summary of the scientific training and experience of each investigator, and all other professional personnel having major responsibility in the research and rehabilitative effort, and individuals charged with monitoring the progress of the investigation and evaluating the safety and effectiveness of the drug if the monitor is other than a physician-sponsor. An investigator, other than a physician-sponsor (and investigators immediately responsible to a physician-sponsor and named in his submission) who has signed a form FD–1571 or the form entitled "Notice of Claimed Investigational Exemption for Methadone for Use in Maintenance Treatment of Narcotic Addicts," is required to sign a form FD–1573, obtainable from the Food and Drug Administration.

(4) A description of the facilities available to the sponsor to perform the required tests including the name of any hospital, institution, or clinical laboratory facility to be employed in connection with the investigation.

(5) A statement regarding the number of subjects to be included in the program.

(6) A statement of the protocol. The following is an acceptable protocol; however, it is not to be construed that this protocol must be adhered to in order to obtain clearance by the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs. This protocol is intended primarily as a guide for investigators who wish guidance in what said agencies consider acceptable. Investigators who wish to do so may submit modifications of this protocol or other protocols; these will be judged on their merits.

PROTOCOL

A. *Objectives.* 1. To evaluate the safety of long term methadone administration at varying dosage.

2. To evaluate the efficacy of oral methadone per se in decreasing the craving for other narcotic drugs and in minimizing their euphoriant effect.

3. To evaluate the efficacy of methadone as a pharmacological moiety in facilitating social rehabilitation of narcotic addicts.

4. To determine which addicts are capable of returning to an enduring drug-free state.

B. *Admission criteria.* 1. Documented history of physiological dependence on one or more opiate drugs, the duration of which is to be stated.

2. Confirmed history of one or more failures of treatment for their physiological dependence on opiates.

3. Evidence of current physiological dependence on opiates.

An exception to the third criterion (current physiological dependence on opiates) is allowable in exceptional circumstances for certain subjects for whom methadone maintenance may be initiated a short time prior to or upon release from an institution. This procedure should be justified on the basis of a history of previous relapses. In these circumstances, appropriate descriptions of the facilities, procedures, and qualifications of the personnel of the institution are to be included in the application filed by the sponsor.

Subjects who wish to do so may be transferred from one approved program to another.

C. *Patients requiring special consideration*—1. *Pregnant patients.* Safe use of methadone in pregnancy has not been established. There is limited documented clinical experience with pregnant patients treated with methadone, and animal reproduction studies have not been done. It is therefore preferable that pregnant patients be hospitalized and withdrawn from narcotics. If such a course is not feasible, pregnant patients may be included provided the patient is informed of the possible hazard. To minimize the risk of physiological dependence of the new born, or other complications, pregnant women should be maintained on minimal dosage. The investigator should promptly report to the Food and Drug Administration the condition of each infant born to a mother in a methadone maintenance program.

2. *Patients with serious physical illness.* Patients with serious concomitant physical illness are to be included in methadone maintenance program only when comprehensive medical care is available. Such patients require careful observation for any adverse effects of methadone and interactions with other medications. The investigator should promptly report adverse effects and evidence of interactions to the Food and Drug Administration.

3. *Psychotic patients.* Psychotic patients may be included in methadone maintenance programs when adequate psychiatric consultation and care is available. Administration of concomitant psychotropic agents requires careful observation for possible drug interaction. Such occurrences should be promptly reported.

Investigators who intend to include in their programs patients in categories 1, 2, and/or 3 above should so state in their protocols and should give assurance of appropriate precautions.

4. *Patients less than 18 years of age.* It is imperative that adolescents be afforded the benefit of other treatment modalities whenever possible and that those with minimal histories of physiological dependence be excluded from methadone maintenance programs. Investigators who wish to include adolescents in the program are therefore required to submit special protocols for this purpose. These protocols should state in detail the number of such patients to be treated, the alternative treatment methods available, the criteria for selection, the screening procedures, and the ancillary procedures to be employed.

D. *Admission evaluation.* 1. Recorded history to include age, sex, history of arrests and convictions, educational level, employment history, and past and present history of drug abuse of all types.

2. Medical history of significant illnesses.

3. History of prior psychiatric evaluation and/or treatment.

4. Assessment of the degree of physical dependence on and psychic craving for narcotics and other drugs, and evaluation of the attitudes toward and motivations for participation in the program.

5. Formal psychiatric examination in subjects with a prior history of psychiatric treatment and in those in whom there is a question of psychosis and/or competence to give informed consent.

6. Physical examination.

7. Chest X-ray.

8. Laboratory examinations to include complete blood count, routine urinalysis, liver function studies (including SGOT, alkaline phosphatase, and total protein and albumin globulin ratio), blood urea nitrogen, and serologic test for syphilis.

E. *Procedure*—1. *Dosage and administration.* The methadone is to be administered in an oral form so formulated as to minimize misuse by parenteral injection. The initial dosage is to be low; for example, 20 milligrams per day. Subsequently, the dosage is to be adjusted individually, as tolerated and as required, up to 160 milligrams per day. In exceptional cases, investigators may find it essential to exceed this dosage to obtain the intended effect. If such cases are encountered, the initial protocol or an amended protocol should include the maximum dosage to be administered, the number of patients for whom such dosage is required, and a description of the considerations leading to such dosage levels. The methadone is to be administered under the close supervision of the investigator or responsible persons designated by him. Initially, the subject is to receive the medication under observation each day. After demonstrating adherence to the program, the subject may be permitted twice weekly observed medication intake with no more than a 3-day supply routinely allowed in his possession. Additional medication may

be provided in exceptional circumstances, such as illness, family crisis, or necessary travel, where hardship would result from requiring the customary observed medication intake for the specific period in question.

2. *Urinalysis.* Urine collection is to be supervised; urine specimens are to be analyzed for methadone, morphine, quinine, cocaine, barbiturates, and amphetamines; urine specimens are to be pooled or selected randomly for analysis at intervals not exceeding 1 week.

3. *Rehabilitative measures.* Rehabilitative measures as indicated may include individual and/or group psychotherapy, counseling, vocational guidance, and job and educational placement.

4. *Abnormalities.* There shall be adequate investigation and appropriate management (including necessary referral and consultation) of any abnormalities detected on the basis of history, physical examination, or laboratory examination at the time of admission to the program or subsequently, including evaluation and treatment of intercurrent physical illness with observation for complications which might result from methadone.

5. *Repeated examinations.* Physical examination, chest X-ray, and laboratory examinations conducted at the time of admission are to be repeated annually.

6. *Discontinuation and followup.* Consideration is to be given to discontinuing the drug for participants who have maintained satisfactory adjustment over an extended period of time. In such cases, followup evaluation is to be obtained periodically.

7. *Records.* Adequate records are to be kept for each participant on each aspect of the treatment program, including adverse reactions and the treatment thereof.

F. *Other special procedures.* Within the limitations of personnel, facilities, and funding available and in the interest of increasing knowledge of the safety and efficacy of the drug itself, the following procedures are suggested as worthwhile, to be carried out at baseline and periodically in randomly selected subjects: EKG, EEG, measures of respiratory, cardiovascular, and renal function, psychological test battery, and simulated driving performance.

G. *Voluntary and involuntary terminations.* Subjects who have demonstrated continued frequent abuse of narcotics or other drugs, alcoholism, criminal activity, or persistent failure to adhere to the requirements of the program are ordinarily to be terminated and their records should reflect that they are treatment failures. If they are continued indefinitely in the program, the reasons for so doing should be stated in the protocol.

H. *Results.* 1. Evaluation of the safety of the drug administered over prolonged periods of time is to be based on results of physical examination, laboratory examinations, adverse reactions, and results of special procedures when these have been carried out.

2. Evaluation of effectiveness or rehabilitation is to be based on such criteria as:

a. Arrest records.

b. Extent of alcohol abuse.

c. Extent of drug abuse.

d. Occupational adjustment verified by employers or records of earnings.

e. Social adjustment verified whenever possible by family members or other reliable persons.

f. Withdrawal from methadone and achievement of an enduring drug-free status.

3. Evaluations are to be recorded at predetermined intervals; for example, monthly for the first 3 months, at 6 months, and at 6-month intervals thereafter.

I. *Evaluation group.* Whenever possible, a locally oriented independent evaluation committee of professionally trained and qualified persons not directly involved in the project nor organized by the sponsor will inspect facilities, interview personnel and selected patients, and review individuals' records and the periodic analysis of the data.

(d) The sponsor shall assure that adequate and accurate records are kept of all observations and other data pertinent to the investigation on each individual treated. The sponsor shall make the records available for inspection by authorized agents of the Food and Drug Administration. The Bureau of Narcotics and Dangerous Drugs is also authorized to inspect these records under the Harrison Narcotic Act.

(e) The sponsor is required to maintain adequate records showing the dates, quantity, and batch or code marks of the drug used. These records must be retained for the duration of the investigation.

(f) The sponsor shall monitor the progress of the investigations and evaluate the evidence relating to the safety and effectiveness of the drug. Accurate progress reports of the investigation and significant findings shall be submitted to the Food and Drug Administration at intervals not exceeding periods of 1 year. All reports of the investigation shall be retained for the duration of the investigation.

(g) The sponsor shall promptly notify the Food and Drug Administration of any findings associated with the use of the drug that may suggest significant hazards, contraindications, side effects, and precautions pertinent to the safety of the drug.

(h) The physician-sponsor or individual investigators in admitting addicts to the investigational treatment program are required to give to the addict an accurate description of the limitations as well as the possible benefits which the addict may derive from the program.

(i) The physician-sponsor or each individual investigator of this program shall certify that the drug will be used and administered only to subjects under his personal supervision or under the supervision of personnel directly responsible to him; a statement to this effect shall be included in the notice. The signing of the form "Notice of Claimed Investigational Exemption for Methadone for Use in the Maintenance Treatment of Narcotics Addicts" by a physician-sponsor or the form FD–1573 by an investigator will satisfy this requirement.

(j) The physician-sponsor or each individual investigator shall certify that all participants will be informed that drugs are being used for investigational purposes, and will obtain the informed consent of the subjects and shall include a statement to this effect in the notice. The signing of the forms as indicated in paragraph (i) of this section will satisfy this requirement.

(k) Failure to conform to the protocol for which approval has been received from the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs will be a basis for termination of the claimed investigational exemption.

(l) The sponsor of a "Notice of Claimed Investigational Exemption for a New Drug" already on file with the Food and Drug Administration should review and amend his submission to bring it into accord with the acceptable protocol where appropriate within 60 days after the effective date of this section. All differences in his protocol from the suggested protocol should be justified.

(m) Provisions under the Harrison Narcotic Act enforced by the Department of Justice are applicable to this use of methadone.

Effective date. This order is effective upon publication in the FEDERAL REGISTER (4–2–71).

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: March 25, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–4553 Filed 4–1–71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 **List of designated areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska		Nenana				Apr. 2, 1971.
California	San Mateo	Belmont				Do.
Do	do	Millbrae				Do.
Do	Tulare	Porterville				Do.
Hawaii	Kauai					Do.
Iowa	Dubuque	Dubuque	I 061 2430 03 through I 061 2430 12	Iowa Natural Resources Council, Grimes Bldg., Des Moines, IA 50319. Iowa Insurance Department, State Office Building, Des Moines, IA 50319.	City Engineering Department, City Hall, Dubuque, IA 52001.	Do.
Massachusetts	Middlesex	Bedford				Do.
Minnesota	Washington	Bayport				Do.
Do	Carver	Carver				Do.
Do	Chippewa	Montevideo				Do.
Do	Ramsey	St. Paul				Do.
New Jersey	Ocean	Barnegat Light	I 34 029 0150 02	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Borough Hall, Borough of Barnegat Light, West 10th St., Barnega Light, NJ 08006.	Do.
Do	do	Beach Haven Borough.	I 34 029 0200 02	do	Office of the Borough Clerk, Municipal Bldg., Bay and Engleside Ave., Beach Haven, NJ 08008.	Do.
Do	do	Harvey Cedars Borough.	I 34 029 1302 02	do	Borough Hall, 76th St. and Boulevard, Harvey Cedars, NJ 08040.	Do.
Do	do	Ship Bottom Borough.	I 34 029 3060 02	do	Office of the Borough Clerk, Borough Hall, 17th and Boulevard, Ship Bottom, NJ 08008.	Do.
Do	do	Surf City Borough.	I 34 029 3300 02	do	Office of the Borough Clerk, Borough Hall, Surf City, NJ 08040.	Do.
Oregon	Clackamas	Unincorporated areas.				Do.
South Carolina	Charleston	Folly Beach	I 45 019 0875 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Building Official, 17 Center St., Folly Beach, SC 29439.	Do.
Do	do	Isle of Palms	I 45 019 1225 03 I 45 019 1225 04	do	City Hall, City of Isle of Palms, 1301 Palm Blvd., Isle of Palms, SC 29451.	Do.
Do	do	Mount Pleasant	I 45 019 1710 02 I 45 019 1710 03	do	Office of the Clerk/Treasurer, The Town of Mount Pleasant, 305 Church St., Mount Pleasant, SC 29464.	Do.
Do	do	Sullivan's Island	I 45 019 2515 03	do	Office of the Township Clerk, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, SC 29482.	Do.
South Dakota	Pennington	Rapid City				Do.
Tennessee	Campbell	LaFollette				Do.
Texas	Johnson	Cleburne				Do.
Do	Harris	Pasadena				Do.
Wisconsin	Wood	Biron				Do.
Do	Jefferson	Unincorporated areas.				Do.
Do	St. Croix	do				Do.
Do	Marathon	Rothschild				Do.
Do	do	Wausau				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: April 1, 1971.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.71-4527 Filed 4-1-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of flood hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska		Nenana				Apr. 2, 1971.
California	San Mateo	Belmont				Do.
Do	do	Millbrae				Do.
Do	Tulare	Porterville				Do.
Hawaii	Kauai					Do.
Iowa	Dubuque	Dubuque	H 061 2430 03 through H 061 2430 12	Iowa Natural Resources Council, Grimes Bldg., Des Moines, IA 50319. Iowa Insurance Department, State Office Bldg., Des Moines, IA 50319.	City Engineering Department, City Hall, Dubuque. IA 52001.	May 15, 1970.
Massachusetts	Middlesex	Bedford				Apr. 2, 1971.
Minnesota	Washington	Bayport				Do.
Do	Carver	Carver				Do.
Do	Chippewa	Montevideo				Do.
Do	Ramsey	St. Paul				Do.
New Jersey	Ocean	Barnegat Light	H 34 029 0150 02	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Borough Hall Borough of Barnegat Light, West 10th St., Barnegat Light, NJ 08006.	June 5, 1970.
Do	do	Beach Haven Borough	H 34 029 0200 02	do	Office of the Borough Clerk, Municipal Bldg., Bay and Engleside Ave., Beach Haven, NJ 08008.	June 16, 1970.
Do	do	Harvey Cedars Borough.	H 34 029 1320 02	do	Borough Hall, 76th St., and Boulevard, Harvey Cedars, NJ 08040.	May 26, 1970.
Do	do	Ship Bottom Borough.	H 34 029 3060 02	do	Office fo the Borough Clerk, Borough Hall, 17th and Boulevard, Ship Bottom, NJ 08008.	Do.
Do	do	Surf City Borough.	H 34 029 3300 02	do	Office of the Borough Clerk, Borough Hall, Surf City, NJ 08040.	Do.
Oregon	Clackamas	Unincorporated areas.				Apr. 2, 1971.
South Carolina	Charleston	Folly Beach	H 45 019 0875 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Building Official, 17 Center St., Folly Beach, SC 29439.	Sept. 8, 1970.
Do	do	Isle of Palms	H 45 019 1225 03 H 45 019 1225 04	do	City Hall, City of Isle of Palms, 1301 Palm Blvd., Isle of Palms, SC 29451.	Sept. 1, 1970.
Do	do	Mount Pleasant	H 45 019 1710 02 H 45 019 1710 03	do	Office of the Clerk/Treasurer, The Town of Mount Pleasant, 305 Church St., Mount Pleasant, SC 29464.	Feb. 9, 1971.
Do	do	Sullivan's Island	H 45 019 2515 03	do	Office of the Township Clerk, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, SC 29482.	Sept. 18, 1970.
South Dakota	Pennington	Rapid City				Apr. 2, 1971.
Tennessee	Campbell	LaFollette				Do.
Texas	Johnson	Cleburne				Do.
Do	Harris	Pasadena				Do.
Wisconsin	Wood	Biron				Do.
Do	Jefferson	Unincorporated area.				Do.
Do	St. Croix	do				Do.
Do	Marathon	Rothschild				Do.
Do	do	Wausau				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: April 1, 1971.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.71-4528 Filed 4-1-71;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 111—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

Adjudication of Claims of Former Mixed-Blood Members; Correction

MARCH 29, 1971.

The document adding a new Part 111 to Subchapter J, Chapter I, of Title 25 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 13, 1971, at 36 F.R. 4870, is corrected by changing "personality" to "personalty" and "reality" to "realty" in § 111.1(e).

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-4536 Filed 4-1-71;8:45 am]

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Mont.

On page 19578 of the FEDERAL REGISTER of December 24, 1970, there was published a notice of intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1972 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

Section 221.12 is amended to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1972 and subsequent years until further notice, are hereby fixed as follows:

For the assessable non-district area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$3.72
For the assessable area under constructed works on certain tracks of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	2.39
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.40
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works per acre	.20
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.85

JAMES O. JACKSON,
Superintendent, Crow Agency.

[FR Doc.71-4537 Filed 4-1-71;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Mont.

On pages 19578 and 19579 of the FEDERAL REGISTER of December 24, 1970, there was published a notice of intention to modify §§ 221.13a, 221.13b, and 221.13c, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. Purpose of this assessment is to establish the assessment charges for the season 1972 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are included in the irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Mont., and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.72 per acre is hereby fixed for the season of 1972 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(26 F.R. 6713, July 27, 1961)

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Mont., and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.72 per acre is hereby fixed for the season of 1972 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve the portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents ($0.20) per acre is hereby fixed for the season of 1972 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

(26 F.R. 6713, July 27, 1961)

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Mont., and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.72 per acre is hereby fixed for the season of 1972 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents ($0.20) per acre is hereby fixed for the season of 1972 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitutions to that portion of the project within the confines

and under the jurisdiction of the Upper Little Horn Irrigation District.

(26 F.R. 6713, July 27, 1961)

JAMES O. JACKSON,
Superintendent, Crow Agency.

[FR Doc.71-4538 Filed 4-1-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7100]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Revision of Corporate Rates and Related Provisions Pursuant to Revenue Act of 1964 and Imposition and Extensions of Tax Surcharge

Correction

In F.R. Doc. 71-3782 appearing at page 5325 in the issue of Saturday, March 20, 1971, the following changes should be made in § 1.51-1:

1. In paragraph (d)(1)(ii) the fourth line of example 2 should read "Since the entire fiscal year begins after the".

2. In paragraph (d)(1)(ii) the 14th line of example 3 should read "cember 31, 1969 and before July 1, 1970".

3. In paragraph (d)(2) the citation "section 15(a)(1)(A)" in the penultimate line should read "section 51(a)(1)(A)".

4. In paragraph (e)(2) the formula in paragraph (c) of example 2 appears with an addition sign (+) above the line on the left side of the equation and this should appear as a multiplication sign (×).

[Treasury Decision 7076]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Administering and Dispensing Requirements

On June 11, 1970, there was published in the FEDERAL REGISTER, 35 F.R. 9015, 9016, a notice of proposed rule making amending §151.411 of Title 26 of the Code of Federal Regulations in order to make clear the conditions upon which practitioners may administer or dispense narcotic drugs in the course of conducting clinical investigations in the development of methadone maintenance rehabilitation programs. Essentially, the proposal would require that practitioners obtain approval prior to the initiation of such an investigation by submission of a Notice of Claimed Investigational Exemption for a New Drug to the Food and Drug Administration which would then be reviewed concurrently by that agency for scientific merit and by the Bureau of Narcotics and Dangerous Drugs for drug control requirements.

This proposal was published in conjunction with a notice of proposed rule making published by the Commissioner of Food and Drugs for addition of a new section to Part 130 of Title 21 of the Code of Federal Regulations. Among other matters this notice contained acceptable criteria and guidelines agreed upon by the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs for the conduct of clinical investigations of this nature. Since the original publication of both of these notices, two extensions of 30 days each have been granted for the receipt of additional written comments. After extensive review of the written comments received, both agencies have agreed upon certain alterations in the proposed criteria and guidelines which are designed to facilitate further research and to accommodate the diverse needs and interests of the scientific community. These changes have been effected by appropriate modification of the new section to be added to Part 130 of Title 21 of the Code of Federal Regulations published elsewhere in this issue of the FEDERAL REGISTER. Inasmuch as the bulk of comments received concern the criteria and guidelines appearing originally in that proposal, no modifications of the proposed amendment to § 151.411 of Title 26 of the Code of Federal Regulations as published on June 11, 1970, have been undertaken.

As previously set forth, it is recognized that the investigational use of methadone, a class "A" narcotic drug requiring the prolonged maintenance of narcotic dependence as part of a total rehabilitation effort, has shown promise in the management and rehabilitation of selected narcotic addicts. In addition, it is a drug which has been shown to have a significant potential for abuse. The amendment which follows is designed to clarify the conditions under which it may be used for the specific investigational purpose indicated until such time as the results of present and future clinical investigations may indicate the necessity for reevaluation of current uses and control mechanisms. It does not authorize the prescribing of narcotic drugs for any such purpose, see 26 CFR 151.392. Moreover, it does not affect any other uses of narcotic drugs, or waive any requirements concerning the control, security, use, transfer, or distribution of narcotic drugs imposed by other Federal narcotic laws or regulations. The amendment shall become effective as of the date of this publication; however, those practitioners currently engaged in the operation of a bona fide clinical investigation shall have a period of 60 days in which to submit or resubmit a Notice of Claimed Investigational Exemption for approval.

Accordingly, under the authority previously cited in the notice of proposed rule making published in the FEDERAL REGISTER on June 11, 1970, 35 F.R. 9015, 9016, the word "Dispensing" preceding § 151.411 of Part 151 of Title 26 of the Code of Federal Regulations is hereby deleted and § 151.411 is amended to read as follows:

§ 151.411 Administering and dispensing.

(a) Practitioners may administer or dispense narcotic drugs to bona fide patients pursuant to the legitimate practice of their profession without prescriptions or order forms.

(b) The administering or dispensing of narcotic drugs to narcotic drug dependent persons for the purpose of continuing their dependence upon such drugs in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program shall be deemed to fall within the meaning of the term "in the course of professional practice" in sections 4704(b)(2) and 4705(c)(1) of title 26 of the United States Code: *Provided*, That approval is obtained prior to the initiation of such a program by submission of a Notice of Claimed Investigational Exemption for a New Drug to the Food and Drug Administration which will be reviewed concurrently by the Food and Drug Administration for scientific merit and by the Bureau of Narcotics and Dangerous Drugs for drug control requirements; and provided further that the clinical investigation thereafter accords with such approval; see 21 CFR 130.44. The prescribing of narcotic drugs is not authorized for any such purposes.

Effective date. This Treasury decision shall be effective when published in the FEDERAL REGISTER (4-2-71).

Dated: March 25, 1971.

[SEAL] JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

RANDOLPH W. THROWER,
Commissioner, Internal Revenue Service, Department of of the Treasury.

Approved: March 25, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71-4554 Filed 4-1-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CHARITABLE CONTRIBUTIONS DEDUCTION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 549, 564), such regulations are amended as follows:

PARAGRAPH 1. Section 1.61-3 is amended by revising paragraph (a) to read as follows:

§ 1.61-3 Gross income derived from business.

(a) *In general.* In a manufacturing, merchandizing, or mining business, "gross income" means the total sales, less the cost of goods sold, plus any income from investments and from incidental or outside operations or sources. Gross income is determined without subtraction of depletion allowances based on a percentage of income, and without subtraction of selling expenses, losses, or other items not ordinarily used in computing cost of goods sold. The cost of goods sold should be determined in accordance with the method of accounting consistently used by the taxpayer. For special rules for determining cost of goods sold in the case of property contributed to a charitable organization, see paragraph (c)(4) of § 1.170A-1.

* * * * *

PAR. 2. Section 1.170 is amended by revising the heading of such section, subsection (e) of section 170, and the historical note to read as follows:

§ 1.170 Statutory provisions; charitable, etc., contributions and gifts (before amendment by Tax Reform Act of 1969).

* * * * *

(e) *Special rule for charitable contributions of certain property.* The amount of any charitable contribution taken into account under this section shall be reduced by the amount which would have been treated as gain to which section 617(d)(1), 1245(a), or 1250(a) applies if the property contributed had been sold at its fair market value (determined at the time of such contribution).

* * * * *

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117); secs. 10, 11, and 12, Technical Amendments Act 1958 (72 Stat. 1609-10); sec. 7(a), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002); sec. 13(d), Rev. Act 1962 (76 Stat. 1034); sec. 2, Act of Oct. 23, 1962 (Public Law 87-858, 76 Stat. 1134); secs. 209 and 231(b), Rev. Act 1964 (78 Stat. 43, 100); sec. 1(b)(1), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); as in effect before amendment by secs. 101(j)(2), 201(a)(1) and (2)(A), and 201(h), Tax Reform Act 1969 (83 Stat. 526, 549, 558, 565)]

PAR. 3. Immediately after § 1.170 the following new section is inserted:

§ 1.170-0 Effective dates.

Except as otherwise provided in this section, the provisions of § 1.170 and §§ 1.170-1 through 1.170-3 are applicable to contributions paid in taxable years beginning before January 1, 1970, and all references therein to sections of the Code are to sections of the Internal Revenue Code of 1954 prior to the amendments made by section 201(a) of the Tax Reform Act of 1969 (83 Stat. 549). Except as otherwise provided therein, §§ 1.170A through 1.170A-11 are applicable to contributions paid in taxable years beginning after December 31, 1969. In a case where a provision in §§ 1.170A through 1.170A-11 is applicable to a contribution paid in a taxable year beginning before January 1, 1970, such provision shall apply to the contribution and §§ 1.170-1 through 1.170-3 shall not apply to the contribution.

PAR. 4. The headings of § 1.170-1 and § 1.170-2 are revised to read as follows:

§ 1.170-1 Charitable, etc., contributions and gifts; allowance of deduction (before amendment by Tax Reform Act of 1969).

* * * * *

§ 1.170-2 Charitable deductions by individuals; limitations (before amendment by Tax Reform Act of 1969).

* * * * *

PAR. 5. Section 1.170-3 is amended by revising the heading thereof and paragraph (a) to read as follows:

§ 1.170-3 Contributions or gifts by corporations (before amendment by Tax Reform Act of 1969).

(a) *In general.* The deduction by a corporation in any taxable year for charitable contributions, as defined in section 170(c), is limited to 5 percent of its taxable income for the year computed without regard to:

(1) The deduction for charitable contributions,

(2) The special deductions for corporations allowed under part VIII (except section 248), subchapter B, chapter 1 of the Code,

(3) Any net operating loss carryback to the taxable year under section 172,

(4) The special deduction for Western Hemisphere trade corporations under section 922, and

(5) Any capital loss carryback to the taxable year under section 1212(a)(1).

A contribution by a corporation to a trust, chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals is deductible only if the contribution is to be used in the United States or its possessions for those purposes. See section 170(c)(2). For the purposes of section 170, amounts excluded from the gross income of a corporation under section 114 (relating to sports programs conducted for the American National Red Cross) are not to be considered contributions or gifts. For reduction or disallowance of certain charitable, etc., deductions, see paragraphs (c)(2), (e), and (f) of § 1.170-1.

* * * * *

PAR. 6. There are inserted immediately after § 1.170-3 the following new sections:

§ 1.170A Statutory provisions; charitable, etc., contributions and gifts (after amendment by Tax Reform Act of 1969).

SEC. 170. *Charitable, etc., contributions and gifts*—(a) *Allowance of deduction*—(1) *General rule.* There shall be allowed as a deduction any charitable contribution (as defined in subsection (c)) payment of which is made within the taxable year. A charitable contribution shall be allowable as a deduction only if verified under regulations prescribed by the Secretary or his delegate.

(2) *Corporations on accrual basis.* In the case of a corporation reporting its taxable income on the accrual basis, if—

(A) The board of directors authorizes a charitable contribution during any taxable year, and

(B) Payment of such contribution is made after the close of such taxable year and on or before the 15th day of the third month following the close of such taxable year,

then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the Secretary or his delegate shall by regulations prescribe.

(3) *Future interests in tangible personal property.* For purposes of this section, payment of a charitable contribution which consists of a future interest in tangible personal property shall be treated as made only when all intervening interests in, and rights to the actual possession or enjoyment of, the property have expired or are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b). For purposes of the preceding sentence, a fixture which is intended to be severed from the real property shall be treated as tangible personal property.

(b) *Percentage limitations*—(1) *Individuals.* In the case of an individual, the deduction provided in subsection (a) shall be limited as provided in the succeeding subparagraphs.

(A) *General rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

(iii) An organization the principal purpose or functions of which are the providing of medical or hospital care or medical education or medical research, if the organization is a hospital, or if the organization is a medical research organization directly engaged in the continuous active conduct of medical research in conjunction with a hospital, and during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

(iv) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public, and which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in clause (ii) of this subparagraph and which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions,

(v) A governmental unit referred to in subsection (c)(1),

(vi) An organization referred to in subsection (c)(2) which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function contituting the basis for its exemption under section 501(a)) from a governmental unit referred to in subsection (c)(1) or from direct or indirect contributions from the general public,

(vii) A private foundation described in subparagraph (E), or

(viii) An organization described in section 509(a) (2) or (3),

shall be allowed to the extent that the aggregate of such contributions does not exceed 50 percent of the taxpayer's contribution base for the taxable year.

(B) *Other contributions.* Any charitable contribution other than a charitable contribution to which subparagraph (A) applies shall be allowed to the extent that the aggregate of such contributions does not exceed the lesser of—

(i) 20 percent of the taxpayer's contribution base for the taxable year, or

(ii) The excess of 50 percent of the taxpayer's contribution base for the taxable year over the amount of charitable contributions allowable under subparagraph (A) (determined without regard to subparagraph (D)).

(C) *Unlimited deduction for certain individuals.* Subject to the provisions of subsections (f)(6) and (g), the limitations in subparagraphs (A), (B), and (D), and the provisions of subsection (e)(1)(B), shall not apply, in the case of an individual for a taxable year beginning before January 1, 1975, if in such taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds the transitional deduction percentage (determined under subsection (f)(6) of the taxpayer's taxable income for such year, computed without regard to—

(i) This section,

(ii) Section 151 (allowance of deductions for personal exemption), and

(iii) Any net operating loss carryback to the taxable year under section 172.

In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year. In the case of a separate return for the taxable year by a married individual who previously filed a joint return with a former deceased spouse for any of the 10 preceding taxable years, the amount of charitable contributions and taxes paid for any such preceding taxable year, for which a joint return was filed with the former deceased spouse, shall be determined in the same manner as if the taxpayer had not remarried after the death of such former spouse.

(D) *Special limitation with respect to contributions of certain capital gain property*—

(i) In the case of charitable contributions of capital gain property to which subsection (e)(1)(B) does not apply, the total amount of contributions of such property which may be taken into account under subsection (a) for any taxable year shall not exceed 30 percent of the taxpayer's contribution base for such year. For purposes of this subsection, contributions of capital gain property to which this paragraph applies shall be taken into account after all other charitable contributions.

(ii) If charitable contributions described in subparagraph (A) of capital gain property to which clause (i) applies exceeds 30 percent of the taxpayer's contribution base for any taxable year, such excess shall be treated, in a manner consistent with the rules of subsection (d)(1), as a charitable contribution of capital gain property to which clause (i) applies in each of the 5 succeeding taxable years in order of time.

(iii) At the election of the taxpayer (made at such time and in such manner as the Secretary or his delegate prescribes by regulations), subsection (e)(1) shall apply to all contributions of capital gain property (to which subsection (e)(1)(B) does not otherwise apply) made by the taxpayer during the taxable year. If such an election is made, clauses (i) and (ii) shall not apply to contributions of capital gain property made during the taxable year, and, in applying subsection (d)(1) for such taxable year with respect to contributions of capital gain property made in any prior contribution year for which an election was not made under this clause, such contributions shall be reduced as if subsection (e)(1) had applied to such contributions in the year in which made.

(iv) For purposes of this subparagraph, the term "capital gain property" means, with respect to any contribution, any capital asset the sale of which at its fair market value at the time of the contribution would have resulted in gain which would have been long-term capital gain. For purposes of the preceding sentence, any property which is property used in the trade or business (as defined in section 1231(b)) shall be treated as a capital asset.

(E) *Certain private foundations.* The private foundations referred to in subparagrph (A)(vii) and subsection (e)(1)(B) are—

(i) A private operating foundation (as defined in section 4942(j)(3)),

(ii) Any other private foundation (as defined in section 509(a)) which, not later than the 15th day of the third month after the close of the foundation's taxable year in which contributions are received, makes qualifying distributions (as defined in section 4942(g), without regard to paragraph (3) thereof), which are treated, after the application of section 4942(g)(3), as distributions out of corpus (in accordance with section 4942(h)) in an amount equal to 100 percent of such contributions, and with respect to which the taxpayer obtains adequate records or other sufficient evidence from the foundation showing that the foundation made such qualifying distributions, and

(iii) A private foundation all of the contributions to which are pooled in a common fund and which would be described in section 509(a)(3) but for the right of any substantial contributor (hereafter in this clause called "donor") or his spouse to designate annually the recipients, from among organizations described in paragraph (1) of section 509(a), of the income attributable to the donor's contribution to the fund and to direct (by deed or by will) the payment, to an organization described in such paragraph (1), of the corpus in the common fund attributable to the donor's contribution; but this clause shall apply only if all of the income of the common fund is required to be (and is) distributed to one or more organizations described in such paragraph (1) not later than the 15th day of the third month after the close of the taxable year in which the income is realized by the fund and only if all of the corpus attributable to any donor's contribution to the fund is required to be (and is) distributed to one or more of such organizations not later than 1 year after his death or after the death of his surviving spouse if she has the right to designate the recipients of such corpus.

(F) *Contribution base defined.* For purposes of this section, the term "contribution base" means adjusted gross income

(computed without regard to any net operating loss carryback to the taxable year under section 172).

(2) *Corporations.* In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

(A) This section,

(B) Part VIII (except section 248),

(C) Any net operating loss carryback to the taxable year under section 172,

(D) Section 922 (special deduction for Western Hemisphere trade corporations), and

(E) Any capital loss carryback to the taxable year under section 1212(a)(1).

(c) *Charitable contribution defined.* For purposes of this section, the term "charitable contribution" means a contribution or gift to or for the use of—

(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

(2) A corporation, trust, or community chest, fund, or foundation—

(A) Created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;

(B) Organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals;

(C) No part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(D) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B).

(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

(A) Organized in the United States or any of its possessions, and

(B) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term "charitable contributions" also means an amount treated under subsection (h) as paid for the use of an organization described in paragraph (2), (3), or (4).

(d) *Carryovers of excess contributions*—(1) *Individuals*—(A) *In general.* In the case of an individual, if the amount of charitable contributions described in subsection (b)(1)(A) payment of which is made within a taxable year (hereinafter in this paragraph referred to as the "contribution year") exceeds 50 percent (30 percent, in the case of a contribution year beginning before January 1, 1970) of the taxpayer's contribution base for such year, such excess shall be treated as a charitable contribution described in subsection (b)(1)(A) paid in each of the 5 succeeding taxable years in order of time, but, with respect to any such succeeding taxable year, only to the extent of the lesser of the two following amounts:

(i) The amount by which 50 percent of the taxpayer's contribution base for such succeeding taxable year exceeds the sum of the charitable contributions described in subsection (b)(1)(A) payment of which is made by the taxpayer within such succeeding taxable year (determined without regard to this subparagraph) and the charitable contributions described in subsection (b)(1)(A) payment of which was made in taxable years before the contribution year which are treated under this subparagraph as having been paid in such succeeding taxable year; or

(ii) In the case of the first succeeding taxable year, the amount of such excess, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess not treated under this subparagraph as a charitable contribution described in subsection (b)(1)(A) paid in any taxable year intervening between the contribution year and such succeeding taxable year.

(B) *Special rule for net operating loss carryovers.* In applying subparagraph (A), the excess determined under subparagraph (A) for the contribution year shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases the net operating loss deduction for a taxable year succeeding the contribution year.

(2) *Corporations*—(A) *In general.* Any contribution made by a corporation in a taxable year (hereinafter in this paragraph referred to as the "contribution year") in excess of the amount deductible for such year under subsection (b)(2) shall be deductible for each of the 5 succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) The excess of the maximum amount deductible for such succeeding taxable year under subsection (b)(2) over the sum of the contributions made in such year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this subparagraph for such succeeding taxable year; or (ii) in the case of the first succeeding taxable year, the amount of such excess contribution, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess contribtuion not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

(B) *Special rule for net operating loss carryovers.* For purposes of subparagraph (A), the excess of—

(i) The contributions made by a corporation in a taxable year to which this section applies, over

(ii) The amount deductible in such year under the limitation in subsection (b)(2), shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increasing a net operating loss carryover under section 172 to a succeeding taxable year.

(e) *Certain contributions of ordinary income and capital gain property*—(1) *General rule.* The amount of any charitable contribution of property otherwise taken into account under this section shall be reduced by the sum of—

(A) The amount of gain which would not have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), and

(B) In the case of a charitable contribution—

(i) Of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described in subsection (c)), or

(ii) To or for the use of a private foundation (as defined in section 509(a)), other than a private foundation described in subsection (b)(1)(E),

50 percent (62½ percent, in the case of a corporation) of the amount of gain which would have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution).

For purposes of applying this paragraph (other than in the case of gain to which section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a) applies), property which is property used in the trade or business (as defined in section 1231(b)) shall be treated as a capital asset.

(2) *Allocation of basis.* For purposes of paragraph (1), in the case of a charitable contribution of less than the taxpayer's entire interest in the property contributed, the taxpayer's adjusted basis in such property shall be allocated between the interest contributed and any interest not contributed in accordance with regulations prescribed by the Secretary or his delegate.

(f) *Disallowance of deduction in certain cases and special rules*—(1) *In general.* No deduction shall be allowed under this section for a contribution to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

(2) *Contributions of property placed in trust*—

(A) *Remainder interest.* In the case of property transferred in trust no deduction shall be allowed under this section for the value of a contribution of a remainder interest unless the trust is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664), or a pooled income fund (described in section 642(c)(5)).

(B) *Income interests, etc.* No deduction shall be allowed under this section for the value of any interest in property (other than a remainder interest) transferred in trust unless the interest is in the form of a guaranteed annuity or the trust instrument sepcifies that the interest is a fixed percentage distributed yearly of the fair market value of the trust property (to be determined yearly) and the grantor is treated as the owner of such interest for purposes of applying section 671. If the donor ceases to be treated as the owner of such an interest for purposes of applying section 671, at the time the donor ceases to be so treated, the donor shall for purposes of this chapter be considered as having received an amount of income equal to the amount of any deduction he received under this section for the contribution reduced by the discounted value of all amounts of income earned by the trust and taxable to him before the time at which he ceases to be treated as the owner of the interest. Such amounts of income shall be discounted to the

date of the contribution. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subparagraph.

(C) *Denial of deduction in case of payments by certain trusts.* In any case in which a deduction is allowed under this section for the value of an interest in property described in subparagraph (B), transferred in trust, no deduction shall be allowed under this section to the grantor or any other person for the amount of any contribution made by the trust with respect to such interest.

(D) *Exception.* This paragraph shall not apply in a case in which the value of all interests in property transferred in trust are deductible under subsection (a).

(3) *Denial of deduction in case of certain contributions of partial interests in property*—(A) *In general.* In the case of a contribution (not made by a transfer in trust) of an interest in property which consists of less than the taxpayer's entire interest in such property, a deduction shall be allowed under this section only to the extent that the value of the interest contributed would be allowable as a deduction under this section if such interest had been transferred in trust. For purposes of this subparagraph, a contribution by a taxpayer of the right to use property shall be treated as a contribution of less than the taxpayer's entire interest in such property.

(B) *Exceptions.* Subparagraph (A) shall not apply to a contribution of—

(i) A remainder interest in a personal residence or farm, or

(ii) An undivided portion of the taxpayer's entire interest in property.

(4) *Valuation of remainder interest in real property.* For purposes of this section, in determining the value of a remainder interest in real property, depreciation (computed on the straight line method) and depletion of such property shall be taken into account, and such value shall be discounted at a rate of 6 percent per annum, except that the Secretary or his delegate may prescribe a different rate.

(5) *Reduction for certain interest.* If, in connection with any charitable contribution, a liability is assumed by the recipient or by any other person, or if a charitable contribution is of property which is subject to a liability, then, to the extent necessary to avoid the duplication of amounts, the amount taken into account for purposes of this section as the amount of the charitable contribution—

(A) Shall be reduced for interest (i) which has been paid (or is to be paid) by the taxpayer, (ii) which is attributable to the liability, and (iii) which is attributable to any period after the making of the contribution, and

(B) In the case of a bond, shall be further reduced for interest (i) which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and (ii) which is attributable to any period before the making of the contribution.

The reduction pursuant to subparagraph (B) shall not exceed the interest (including interest equivalent) on the bond which is attributable to any period before the making of the contribution and which is not (under the taxpayer's method of accounting) includible in the gross income of the taxpayer for any taxable year. For purposes of this paragraph, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(6) *Partial reduction of unlimited deduction*—(A) *In general.* If the limitations in subsections (b)(1) (A) and (B) do not apply because of the application of subsection (b)(1)(C), the amount otherwise allowable as a deduction under subsection (a) shall be reduced by the amount by which the taxpayer's taxable income computed without regard to this subparagraph is less than the transitional income percentage (determined under subparagraph (C)) of the taxpayer's adjusted gross income. However, in no case shall a taxpayer's deduction under this section be reduced below the amount allowable as a deduction under this section without the applicability of subsection (b)(1)(C).

(B) *Transitional deduction percentage.* For purposes of applying subsection (b)(1)(C), the term "transitional deduction percentage" means—

(i) In the case of a taxable year beginning before 1970, 90 percent, and

(ii) In the case of a taxable year beginning in—

	Percent
1970	80
1971	74
1972	68
1973	62
1974	56

(C) *Transitional income percentage.* For purposes of applying subparagraph (A), the term "transitional income percentage" means, in the case of a taxable year beginning in—

	Percent
1970	20
1971	26
1972	32
1973	38
1974	44

(g) *Application of unlimited charitable contribution deduction*—(1) *Allowance of deduction for taxable years beginning after December 31, 1963.* If the taxable year begins after December 31, 1963—

(A) Subsection (b)(1)(C) shall apply only if the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes); and

(B) For purposes of subsection (b)(1)(C), the amount of the charitable contributions for the taxable year (and for all prior taxable years beginning after December 31, 1963) shall be determined without the application of subsection (d)(1) and solely by reference to charitable contributions described in paragraph (2).

If the taxpayer elects to have subsection (b)(1)(C) apply for the taxable year, then for such taxable year subsection (a) shall apply only with respect to charitable contributions described in paragraph (2), and no amount of charitable contributions made in the taxable year or any prior taxable year may be treated under subsection (d)(1) as having been made in the taxable year or in any succeeding taxable year.

(2) *Qualified contributions.* The charitable contributions referred to in paragraph (1) are—

(A) Any charitable contribution described in subsection (b)(1)(A);

(B) [Deleted.]

(C) Any charitable contribution, not described in subsection (b)(1)(A), to an organization described in subsection (c)(2) which meets the requirements of paragraph (3) with respect to such charitable contributions; and

(D) Any charitable contribution payment of which is made on or before the date of the enactment of the Revenue Act of 1964 [February 26, 1964].

(3) *Organizations expending at least 50 percent of donor's contributions.* An organization shall be an organization referred to in paragraph (2)(C), with respect to any charitable contribution, only if—

(A) Not later than the close of the third year after the organization's taxable year in which the contribution is received (or before such later time as the Secretary or his delegate may allow upon good cause shown by such organization), such organization expends an amount equal to at least 50 percent of such contribution for—

(i) The active conduct of the activities constituting the purpose or function for which it is organized and operated,

(ii) Assets which are directly devoted to such active conduct,

(iii) Contributions to organizations which are described in subsection (b)(1)(A) or in paragraph (2)(B) [sic] of this subsection, or

(iv) Any combination of the foregoing; and

(B) For the period beginning with the taxable year in which such contribution is received and ending with the taxable year in which subparagraph (A) is satisfied with respect to such contribution, such organization expends all of its net income (determined without regard to capital gains and losses) for the purposes described in clauses (i), (ii), (iii), and (iv) of subparagraph (A).

If the taxpayer so elects (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect to contributions made by him to any organization, then, in applying subparagraph (B) with respect to contributions made by him to such organization during his taxable year for which such election is made and during all his subsequent taxable years, amounts expended by the organization after the close of any of its taxable years and on or before the 15th day of the third month following the close of such taxable year shall be treated as expended during such taxable year.

(4) *Disqualified transactions.* An organization shall be an organization referred to in subparagraph (B) [sic] or (C) of paragraph (2) only if at no time during the period consisting of the organization's taxable year in which the contribution is received its 3 preceding taxable years, and its 3 succeeding taxable years, such organization—

(A) Lends any part of its income or corpus to,

(B) Pays compensation (other than reasonable compensation for personal services rendered) to,

(C) Makes any of its services available on a preferential basis to,

(D) Purchases more than a minimal amount of securities or other property from, or

(E) Sells more than a minimal amount of securities or other property to,

the donor of such contribution, any member of his family (as defined in section 267(c)(4)), any employee of the donor, any officer or employee of a corporation in which he owns (directly or indirectly) 50 percent or more in value of the outstanding stock, or any partner or employee of a partnership in which he owns (directly or indirectly) 50 percent or more of the capital interest or profits interest. This paragraph shall not apply to transactions occurring on or before the date of the enactment of the Revenue Act of 1964 [February 26, 1964].

(h) *Amounts paid to maintain certain students as members of taxpayer's household*—(1) *In general.* Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 152, or a relative of the taxpayer) as a member of his household during the period that such individual is—

(A) A member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (c) to

implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

(B) A full-time pupil or student in the 12th or any lower grade at an educational institution (as defined in section 151(e)(4)) located in the United States,

shall be treated as amounts paid for the use of the organization.

(2) *Limitations*—(A) *Amount.* Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

(B) *Compensation or reimbursement.* Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in his household during the period described in paragraph (1).

(3) *Relative defined.* For purposes of paragraph (1), the term "relative of the taxpayer" means an individual who, with respect to the taxpayer, bears any of the relationships described in paragraphs (1) through (8) of section 152 (a).

(4) *No other amount allowed as deduction.* No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of his household under a program described in paragraph (1)(A) except as provided in this subsection.

(i) *Disallowance of deduction in certain cases.* For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (64 Stat. 996; 50 U.S.C. 790).

(j) *Other cross references.* (1) For charitable contributions of estates and trusts, see section 642(c).

(2) For nondeductibility of contributions by common trust funds, see section 584.

(3) For charitable contributions of partners, see section 702.

(4) For charitable contributions of nonresident aliens, see section 873.

(5) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U.S.C. 1115b).

(6) For treatment of gifts for benefit of the library of the Post Office Department as gifts to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U.S.C. 393).

(7) For treatment of gifts accepted by the Secretary of State under the Foreign Service Act of 1946 as gifts to or for the use of the United States, see section 1021(e) of that Act (60 Stat. 1032; 22 U.S.C. 809(e)).

(8) For treatment of gifts of money accepted by the Attorney General for credit to the "Commissary Funds Federal Prisons" as gifts to or for the use of the United States, see section 2 of the Act of May 15, 1952 (66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479, 31 U.S.C. 725s–4).

[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117); secs. 10, 11, and 12, Technical Amendments Act 1958 (72 Stat. 1609–10); sec. 7(a), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1002); sec. 13(d), Rev. Act 1962 (76 Stat. 1043); sec. 2, Act of Oct. 23, 1962 (Public Law 87–858, 76 Stat. 1134); secs. 209 and 231 (b), Rev. Act 1964 (78 Stat. 43, 100); sec. 1(b)(1), Act of Sept. 12, 1966 (Public Law 89–570, 80 Stat. 762); secs. 101(j)(2), 201(a)(1) and (2)(A), and 201(h), Tax Reform Act 1969 (83 Stat. 526, 549, 558, 565)]

§ 1.170A–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *In general*—(1) *Allowance of deduction.* Any charitable contribution (as defined in section 170(c)) actually paid during the taxable year is allowable as a deduction in computing taxable income, irrespective of the method of accounting employed or of the date on which the contribution is pledged. However, charitable contributions by corporations may under certain circumstances be deductible even though not paid during the taxable year, as provided in section 170(a)(2) and § 1.170A–11. Subject to the provisions of section 170(d) and §§ 1.170A–10 and 1.170A–11, certain excess charitable contributions made by individuals and corporations shall be treated as paid in certain succeeding taxable years. The deduction is subject to the limitations of section 170(b) and § 1.170A–8 or § 1.170A–11 and is subject to verification by the district director. For rules relating to the determination of, and the deduction for, amounts paid to maintain certain students as members of the taxpayer's household and treated under section 170(h) as paid for the use of an organization described in section 170(c)(2), (3), or (4), see § 1.170A–2. For the reduction of any charitable contributions for interest on certain indebtedness, see section 170(f)(5) and § 1.170A–3. For a special rule relating to the computation of the amount of the deduction with respect to a charitable contribution of certain ordinary income or capital gain property, see section 170(e) and § 1.170A–4. For rules for postponing the time for deduction of a charitable contribution of a future interest in tangible personal property, see section 170(a)(3) and § 1.170A–5. For rules with respect to transfers in trust and of partial interests in property see section 170(f)(2) and (3), § 1.170A–6, and § 1.170A–7. For definition of the term "section 170(b)(1)(A) organization", see § 1.170A–9.

(2) *Information required in support of deductions*—(i) *In general.* In connection with claims for deductions for charitable contributions, taxpayers shall state in their income tax returns the name of each organization to which a contribution was made and the amount and date of the actual payment of each contribution. If a contribution is made in property other than money, the taxpayer shall state the kind of property contributed, for example, used clothing, paintings, or securities, the method utilized in determining the fair market value of the property at the time the contribution was made, and whether or not the amount of the contribution was reduced under section 170(e). If a taxpayer makes more than one cash contribution to an organization during the taxable year, then in lieu of listing each cash contribution and the date of payment the taxpayer may state the total cash payments made to such organization during the taxable year. A taxpayer who elects under paragraph (d)(2) of § 1.170A–8 to apply section 170(e)(1) to his contributions and carryovers of 30-percent capital gain property must file a statement with his return indicating that he has made the election and showing the contributions in the current year and carryovers from preceding years to which it applies. For the definition of the term "30-percent capital gain property", see paragraph (d)(3) of § 1.170A–8.

(ii) *Contribution by individual of property other than money.* If an individual taxpayer makes a charitable contribution of an item of property other than money and claims a deduction in excess of $200 in respect of his contribution of such item, he shall attach to his income tax return the following information with respect to such item:

(*a*) The name and address of the organization to which the contribution was made.

(*b*) The date of the actual contribution.

(*c*) A description of the property in sufficient detail to identify the particular property contributed, including in the case of tangible property the physical condition of the property at the time of contribution, and, in the case of securities, the name of the issuer, the type of security, and whether or not such security is regularly traded on a stock exchange or in an over-the-counter market.

(*d*) The manner of acquisition, as, for example, by purchase, gift, bequest, inheritance, or exchange, and the approximate date of acquisition of the property by the taxpayer or, if the property was created, produced, or manufactured by or for the taxpayer, the approximate date the property was substantially completed.

(*e*) The fair market value of the property at the time the contribution was made, the method utilized in determining the fair market value, and, if the valuation was determined by appraisal, a copy of the signed report of the appraiser.

(*f*) The cost or other basis, adjusted as provided by section 1016, of property, other than securities, held by the taxpayer for a period of less than 5 years immediately preceding the date on which the contribution was made and, when the information is available, of property, other than securities, held for a period of 5 years or more preceding the date on which the contribution was made.

(*g*) In the case of property to which section 170(e) applies, the cost or other basis, adjusted as provided by section 1016, the reduction by reason of section 170(e)(1) in the amount of the charitable contribution otherwise taken into account, and the manner in which such reduction was determined.

(*h*) The terms of any agreement or understanding entered into by or on behalf of the taxpayer which relates to

the use, sale, or disposition of the property contributed, as, for example, the terms of any agreement or understanding which—

(1) Restricts temporarily or permanently the donee's right to dispose of the donated property,

(2) Reserves to, or confers upon, anyone other than the donee organization or other than an organization participating with such organization in cooperative fund raising, any right to the income from such property, to the possession of the property, including the right to vote securities, to acquire such property by purchase or otherwise, or to designate the person to have such income, possession, or right to acquire, or

(3) Earmarks contributed property for a particular charitable use, such as the use of donated furniture in the reading room of the donee organization's library.

(i) The total amount claimed as a deduction for the taxable year due to the contribution of the property and, if less than the entire interest in the property is contributed during the taxable year, the amount claimed as a deduction in any prior year or years for contributions of other interests in such property, the name and address of each organization to which any such contribution was made, the place where any such property which is tangible property is located or kept, and the name of any person, other than the organization to which the property giving rise to the deduction was contributed, having actual possession of the property.

(iii) *Statement from donee organization.* Any deduction for a charitable contribution must be substantiated, when required by the district director, by a statement from the organization to which the contribution was made indicating whether the organization is a domestic organization, the name and address of the contributor, the amount of the contribution, the date of actual receipt of the contribution, and such other information as the district director may deem necessary. If the contribution includes an item of property, other than money or securities which are regularly traded on a stock exchange or in an over-the-counter market, which the donee deems to have a fair market value in excess of $200 at the time of receipt, such statement shall also indicate for each such item its location if it is retained by the organization, the amount received by the organization on any sale of the property and the date of sale or, in case of any other disposition of the property, the method of disposition. In the case of any contribution of tangible personal property, the statement shall indicate the use of the property by the organization and whether or not it is used for a purpose or function constituting the basis for the donee organization's exemption from income tax under section 501 or, in the case of a governmental unit, whether or not it is used for exclusively public purposes.

(b) *Time of making contribution.* Ordinarily, a contribution is made at the time delivery is effected. The unconditional delivery or mailing of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery or mailing. If a taxpayer unconditionally delivers or mails a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery or, if such certificate is received in the ordinary course of the mails, on the date of mail. If the donor delivers the stock certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation. For rules relating to the date of payment of a contribution consisting of a future interest in tangible personal property, see section 170(a)(3) and § 1.170A–5.

(c) *Value of a contribution in property.* (1) If a charitable contribution is made in property other than money, the amount of the contribution is the fair market value of the property at the time of the contribution reduced as provided in section 170(e)(1) and paragraph (a) of § 1.170A–4.

(2) The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. If the contribution is made in property of a type which the taxpayer sells in the course of his business, the fair market value is the price which the taxpayer would have received if he had sold the contributed property in the usual market in which he customarily sells, at the time and place of the contribution and, in the case of a contribution of goods in quantity, in the quantity contributed. The usual market of a manufacturer or other producer consists of the wholesalers or other distributors to or through whom he customarily sells, but if he sells only at retail the usual market consists of his retail customers.

(3) If a donor makes a charitable contribution of property, such as stock in trade, at a time when he could not reasonably have been expected to realize its usual selling price, the value of the gift is not the usual selling price but is the amount for which the quantity of property contributed would have been sold by the donor at the time of the contribution.

(4) Any costs and expenses pertaining to the contributed property which were incurred in taxable years preceding the year of contribution and are properly reflected in the opening inventory for the year of contribution must be removed from inventory and are not a part of the cost of goods sold for purposes of determining gross income for the year of contribution. Any costs and expenses pertaining to the contributed property which are incurred in the year of contribution and would, under the method of accounting used, be properly reflected in the cost of goods sold for such year are to be treated as part of the cost of goods sold for such year. If costs and expenses incurred in producing or acquiring the contributed property are, under the method of accounting used, properly deducted under section 162 or other section of the Code, such costs and expenses will be allowed as deductions for the taxable year in which they are paid or incurred, whether or not such year is the year of the contribution. Any such costs and expenses which are treated as part of the cost of goods sold for the year of contribution, and any such costs and expenses which are properly deducted under section 162 or other section of the Code, are not to be treated under any section of the Code as resulting in any basis for the contributed property. Thus, for example, the contributed property has no basis for purposes of determining under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4 the amount of gain which would have been recognized if such property had been sold by the donor at its fair market value at the time of its contribution. The amount of any charitable contribution for the taxable year is not to be reduced by the amount of any costs or expenses pertaining to the contributed property which was properly deducted under section 162 or other section of the Code for any taxable year preceding the year of the contribution. This subparagraph applies only to property which was held by the taxpayer for sale in the course of a trade or business. The application of this subparagraph may be illustrated by the following examples:

Example (1). In 1970, A, an individual using the calendar year as the taxable year and the accrual method of accounting, contributed to a church property from inventory having a fair market value of $600. The closing inventory at the end of 1969 properly included $400 of costs attributable to the acquisition of such property, and in 1969 A properly deducted under section 162 $50 of administrative and other expenses attributable to such property. Under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4, the amount of the charitable contribution allowed for 1970 is $400 ($600−[$600−$400]). Pursuant to this subparagraph, the cost of goods sold to be used in determining gross income for 1970 may not include the $400 which was included in opening inventory for that year.

Example (2). The facts are the same as in example (1) except that the contributed property was acquired in 1970 at a cost of $400. The $400 cost of the property is included in determining the cost of goods sold for 1970, and $50 is allowed as a deduction for that year under section 162. A is not allowed any deduction under section 170 for the contributed property, since under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4 the amount of the charitable contribution is reduced to zero ($600−[$600−$0]).

Example (3). In 1970, B, an individual using the calendar year as the taxable year and the accrual method of accounting, contributed to a church property from inventory having a fair market value of $600. Under § 1.471–3(c), the closing inventory at the end of 1969 properly included $450 costs attributable to the production of such property, including $50 of administrative and other indirect expenses which, under his method of

accounting, was properly added to inventory rather than deducted as a business expense. Under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4, the amount of the charitable contribution allowed for 1970 is $450 ($600−[$600−$450]). Pursuant to this subparagraph, the cost of goods sold to be used in determining gross income for 1970 may not include the $450 which was included in opening inventory for that year.

Example (4). The facts are the same as in example (3) except that the contributed property was produced in 1970 at a cost of $450, including $50 of administrative and other indirect expenses. The $450 cost of the property is included in determining the cost of goods sold for 1970. B is not allowed any deduction under section 170 for the contributed property, since under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4 the amount of the charitable contribution is reduced to zero ($600−[$600−$0]).

Example (5). In 1970, C, a farmer using the cash method of accounting and the calendar year as the taxable year, contributed to a church a quantity of grain which he had raised having a fair market value of $600. In 1969, C paid expenses of $450 in raising the property which he properly deducted for such year under section 162. Under section 170(e)(1)(A) and paragraph (a) of § 1.170A–4, the amount of the charitable contribution in 1970 is reduced to zero ($600−[$600−$0]). Accordingly, C is not allowed any deduction under section 170 for the contributed property.

Example (6). The facts are the same as in example (5) except that the $450 expenses incurred in raising the contributed property were paid in 1970. The result is the same as in example (5), except the amount of $450 is deductible under section 162 for 1970.

(5) Transfers of property to an organization described in section 170(c) which bear a direct relationship to the taxpayer's trade or business and which are made with a reasonable expectation of financial return commensurate with the amount of the transfer may constitute allowable deductions as trade or business expenses rather than as charitable contributions. See section 162 and the regulations thereunder.

(d) *Purchase of an annuity.* (1) In the case of an annuity or portion thereof purchased from an organization described in section 170(c), there shall be allowed as a deduction the excess of the amount paid over the value at the time of purchase of the annuity or portion purchased.

(2) The value of the annuity or portion is the value of the annuity determined in accordance with paragraph (e)(1)(iii)(*b*)(2) of § 1.101–2.

(3) For determining gain on any such transaction constituting a bargain sale, see section 1011(b) and § 1.1011–2.

(e) *Transfers subject to a condition or power.* If as of the date of a gift a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an interest in property passes to, or is vested in, charity on the date of the gift and the interest would be defeated by the subsequent performance of some act or the happening of some event, the possibility of occurrence of which appears on the date of the gift to be so remote as to be negligible, the deduction is allowable. For example, A transfers land to a city government for as long as the land is used by the city for a public park. If on the date of the gift the city does plan to use the land for a park and the possibility that the city will not use the land for a public park is so remote as to be negligible, A is entitled to a deduction under section 170 for his charitable contribution.

(f) *Contribution of certain easements.* See section 14, of the Wild and Scenic Rivers Act (Public Law 90–542, 82 Stat. 918) for provisions relating to the claim and allowance of the value of certain easements as a charitable contribution under section 170.

(g) *Contributions of services.* No deduction is allowable under section 170 for a contribution of services. However, unreimbursed expenditures made incident to the rendition of services to an organization contributions to which are deductible may constitute a deductible contribution. For example, the cost of a uniform without general utility which is required to be worn in performing donated services is deductible. Similarly, out-of-pocket transportation expenses necessarily incurred in performing donated services are deductible. Reasonable expenditures for meals and lodging necessarily incurred while away from home in the course of performing donated services also are deductible. For the purposes of this paragraph, the phrase "while away from home" has the same meaning as that phrase is used for purposes of section 162 and the regulations thereunder.

(h) *Exceptions.* (1) Section 170 does not apply to contributions by estates and trusts for which a deduction is allowed by section 642(c) and the regulations thereunder.

(2) No deduction shall be allowed under section 170 for a charitable contribution to or for the use of an organization or trust described in section 508(d) or 4948(c)(4), subject to the conditions specified in such sections and the regulations thereunder.

(3) For disallowance of deductions for contributions to or for the use of communist controlled organizations, see section 11(a) of the Internal Security Act of 1950, as amended (50 U.S.C. 790).

(4) For denial of deductions for charitable contributions as trade or business expenses and rules with respect to treatment of payments to organizations other than those described in section 170(c), see section 162 and the regulations thereunder.

(5) No deduction shall be allowed under section 170 for amounts paid to an organization—

(i) A substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or

(ii) Which participates in, or intervenes in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

For purposes of determining whether an organization is attempting to influence legislation or is engaging in political activities, see section 501(c)(3) and the regulations thereunder.

(6) No deduction shall be allowed under section 170 for expenditures for lobbying purposes, the promotion or defeat of legislation, etc. See also the regulations under section 162.

(7) No deduction for charitable contributions is allowed in computing the taxable income of a common trust fund or of a partnership. See sections 584(d)(3) and 703(a)(2)(D). However, a partner's distributive share of charitable contributions actually paid by a partnership during its taxable year may be allowed as a deduction in the partner's separate return for his taxable year with or within which the taxable year of the partnership ends, to the extent that the aggregate of his share of the partnership contributions and his own contributions does not exceed the limitations in section 170(b).

(8) For charitable contributions paid by a citizen of the United States entitled to the benefits of section 931, see section 931(d) and the regulations thereunder.

(9) For charitable contributions paid by a nonresident alien individual, see sections 873, 876, and 877, and the regulations thereunder.

(i) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969.

§ 1.170A–2 Amounts paid to maintain certain students as members of the taxpayer's household.

(a) *In general.* (1) The term "charitable contributions" includes amounts paid by the taxpayer during the taxable year to maintain certain students as members of his household which, under the provisions of section 170(h) and this section, are treated as amounts paid for the use of an organization described in section 170(c)(2), (3), or (4), and such amounts, to the extent they do not exceed the limitations under section 170(h)(2) and paragraph (b) of this section, are contributions deductible under section 170. In order for such amounts to be so treated, the student must be an individual who is neither a dependent (as defined in section 152) of the taxpayer nor related to the taxpayer in a manner described in any of the paragraphs (1) through (8) of section 152(a), and such individual must be a member of the taxpayer's household pursuant to a written agreement between the taxpayer and an organization described in section 170(c)(2), (3), or (4) to implement a program of the organization to provide educational opportunities for pupils or students placed in private homes by such organization. Furthermore, such amounts must be paid to maintain such individual during the period in the taxable year he is a

member of the taxpayer's household and is a full-time pupil or student in the 12th or any lower grade at an educational institution, as defined in section 151(e)(4) and § 1.151–3, located in the United States. Amounts paid outside of such period, but within the taxable year, for expenses necessary for the maintenance of the student during the period will qualify for the charitable contributions deduction if the other limitation requirements of the section are met.

(2) For purposes of subparagraph (1) of this paragraph, amounts treated as charitable contributions include only those amounts actually paid by the taxpayer during the taxable year which are directly attributable to the maintenance of the student while he is a member of the taxpayer's household and is attending an educational institution on a full-time basis. This would include amounts paid to insure the well-being of the individual and to carry out the purpose for which the individual was placed in the taxpayer's home. For example, a deduction under section 170 would be allowed for amounts paid for books, tuition, food, clothing, transportation, medical and dental care, and recreation for the individual. Amounts treated as charitable contributions under this section do not include amounts which the taxpayer would have expended had the student not been in the household. They would not include, for example, amounts paid in connection with the taxpayer's home for taxes, insurance, interest on a mortgage, repairs, etc. Moreover, such amounts do not include any depreciation sustained by the taxpayer in maintaining such student or students in his household, nor do they include the value of any services rendered on behalf of such student or students by the taxpayer or any member of the taxpayer's household.

(3) For purposes of section 170(h) and this section, an individual will be considered to be a full-time pupil or student at an educational institution only if he is enrolled for a course of study prescribed for a full-time student at such institution and is attending classes on a full-time basis. Nevertheless, such individual may be absent from school due to special circumstances and still be considered to be in full-time attendance. Periods during the regular school term when the school is closed for holidays, such as Christmas and Easter, and for periods between semesters are treated as periods during which the pupil or student is in full-time attendance at the school. Also, absences during the regular school term due to illness of such individual shall not prevent him from being considered as a full-time pupil or student. Similarly, absences from the taxpayer's household due to special circumstances will not disqualify the student as a member of the household. Summer vacations between regular school terms are not considered periods of school attendance.

(4) When claiming a deduction for amounts described in section 170(h) and this section, the taxpayer must submit with his return a copy of his agreement with the organization sponsoring the individual placed in the taxpayer's household, together with a summary of the various items for which amounts were paid to maintain such individual, and a statement as to the date the individual became a member of the household and the period of his full-time attendance at school and the name and location of such school. Substantiation of amounts claimed must be supported by adequate records of the amounts actually paid. Due to the nature of certain items, such as food, a record of amount spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

(b) *Limitations.* Section 170(h) and this section shall apply to amounts paid during the taxable year only to the extent that the amounts paid in maintaining each pupil or student do not exceed $50 multiplied by the number of full calendar months in the taxable year that the pupil or student is maintained in accordance with the provisions of this section. For purposes of such limitation if 15 or more days of a calendar month fall within the period to which the maintenance of such pupil or student relates, such month is considered as a full calendar month. To the extent that such amounts qualify as charitable contributions under section 170(c), the aggregate of such amounts plus other contributions made during the taxable year for the use of an organization described in section 170(c) is deductible under section 170 subject to the limitation provided in section 170(b)(1)(B) and paragraph (c) of § 1.170A–8.

(c) *Compensation or reimbursement.* Amounts paid during the taxable year to maintain a pupil or student as a member of the taxpayer's household as provided in paragraph (a) of this section, shall not be taken into account under section 170(h) and this section, if the taxpayer receives any money or other property as compensation or reimbursement for any portion of such amounts. The taxpayer will not be denied the benefits of section 170(h) if he prepays an extraordinary or nonrecurring expense, such as a hospital bill or vacation trip, at the request of the individual's parents or the sponsoring organization and is reimbursed for such prepayment. The value of services performed by the pupil or student in attending to ordinary chores of the household will generally not be considered to constitute compensation or reimbursement. However, if the pupil or student is taken into the taxpayer's household to replace a former employee of the taxpayer or gratuitously to perform substantial services for the taxpayer, the facts and circumstances may warrant a conclusion that the taxpayer received reimbursement for maintaining the pupil or student.

(d) *No other amount allowed as deduction.* Except to the extent that amounts described in section 170(h) and this section are treated as charitable contributions under section 170(c) and, therefore, deductible under section 170(a), no deduction is allowed for any amount paid to maintain an individual, as a member of the taxpayer's household, in accordance with the provisions of section 170(h) and this section.

(e) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). The X organization is an organization described in section 170(c)(2) and is engaged in a program under which a number of European children are placed in the homes of U.S. residents in order to further the children's high school education. In accordance with paragraph (a) of this section, the taxpayer, A, who reports his income on the calendar year basis, agreed with X to take two of the children, and they were placed in the taxpayer's home on January 2, 1970, where they remained until January 21, 1971, during which time they were fully maintained by the taxpayer. The children enrolled at the local high school for the full course of study prescribed for 10th grade students and attended the school on a full-time basis for the spring semester starting January 18, 1970, and ending June 3, 1970, and for the fall semester starting September 1, 1970, and ending January 13, 1971. The total cost of food paid by A in 1970 for himself, his wife, and the two children amounted to $1,920, or $40 per month for each member of the household. Since the children were actually full-time students for only 8½ months during 1970, the amount paid for food for each child during that period amounted to $340. Other amounts amounts paid during the 8½-month period for each child for laundry, lights, water, recreation, and school supplies amounted to $160. Thus, the amounts treated under section 170(h) and this section as paid for the use of X would, with respect to each child, total $500 ($340+$160), or a total for both children of $1,000, subject to the limitations of paragraph (b) of this section. Since, for purposes of such limitations, the children were full-time students for only 8 full calendar months during 1970 (less than 15 days in January 1970), the taxpayer may treat only $800 as a charitable contribution made in 1970, that is, $50 multiplied by the 8 full calendar months, or $400 paid for the maintenance of each child. Neither the excess payments nor amounts paid to maintain the children during the period before school opened and for the period in summer between regular school terms is taken into account by reason of section 170(h). Also, because the children were full-time students for less than 15 days in January 1971 (although maintained in the taxpayer's household for 21 days), amounts paid to maintain the children during 1971 would not qualify as a charitable contribution.

Example (2). A religious organization described in section 170(c)(2) has a program for providing educational opportunities for children it places in private homes. In order to implement the program, the taxpayer, H, who resides with his wife, son, and daughter of high school age in a town in the United States, signs an agreement with the organization to maintain a girl sponsored by the organization as a member of his household while the child attends the local high school for the regular 1970–71 school year. The child is a full-time student at the school during the school year starting September 6, 1970, and ending June 6, 1971, and is a member of the taxpayer's household during that period. Although the taxpayer pays $200 during the school period falling in 1970, and $240 during the school period falling in 1971, to maintain the child, he cannot claim either amount as a charitable contribution because the child's parents, from time to time during the school year, send butter, eggs, meat, and vegetables to H to help defray the expenses

of maintaining the child. This is considered property received as reimbursement under paragraph (c) of this section. Had her parents not contributed the food, the fact that the child, in addition to the normal chores she shared with the taxpayer's daughter, such as cleaning their own rooms and helping with the shopping and cooking, was responsible for the family laundry and for the heavy cleaning of the entire house while the taxpayer's daughter had no comparable responsibilities would also preclude a claim for a charitable contributions deduction. These substantial gratuitous services are considered property received as reimbursement under paragraph (c) of this section.

Example (3). A taxpayer resides with his wife in a city in the eastern United States. He agrees, in writing, with a fraternal society described in section 170(c)(4) to accept a child selected by the society for maintenance by him as a member of his household during 1971 in order that the child may attend the local grammar school as a part of the society's program to provide elementary education for certain children selected by it. The taxpayer maintains the child, who has as his principal place of abode the home of the taxpayer, and is a member of the taxpayer's household, during the entire year 1971. The child is a full-time student at the local grammar school for 9 full calendar months during the year. Under the agreement, the society pays the taxpayer $30 per month to help maintain the child. Since the $30 per month is considered as compensation or reimbursement to the taxpayer for some portion of the maintenance paid on behalf of the child, no amounts paid with respect to such maintenance can be treated as amounts paid in accordance with section 170(h). In the absence of the $30 per month payments, if the child qualifies as a dependent of the taxpayer under section 152(a)(9), that fact would also prevent the maintenance payments from being treated as charitable contributions paid for the use of the fraternal society.

(f) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969.

§ 1.170A–3 Reduction of charitable contribution for interest on certain indebtedness.

(a) *In general.* Section 170(f)(5) requires that the amount of a charitable contribution be reduced for certain interest to the extent necessary to avoid the deduction of the same amount both as an interest deduction under section 163 and as a deduction for charitable contributions under section 170. The reduction is to be determined in accordance with paragraphs (b) and (c) of this section.

(b) *Interest attributable to postcontribution period.* In determining the amount to be taken into account as a charitable contribution for purposes of section 170, the amount determined without regard to section 170(f)(5) or this section shall be reduced by the amount of interest which has been paid, or is to be paid, by the taxpayer, which is attributable to any liability connected with the contribution, and which is attributable to any period of time after the making of the contribution. The deduction otherwise allowable for charitable contributions under section 170 is required to be reduced pursuant to section 170(f)(5) and this section only if, in connection with a charitable contribution, a liability is assumed by the recipient of the contribution or by any other person or if the charitable contribution is of property which is subject to a liability. Thus, if a charitable contribution is made in property and the transfer is conditioned upon the assumption of a liability by the donee or by some other person, the contribution must be reduced by the amount of any interest which has been paid, or will be paid, by the taxpayer, which is attributable to the liability, and which is attributable to any period after the making of the contribution. The adjustment referred to in this paragraph must also be made where the contributed property is subject to a liability and the value of the property reflects the payment by the donor of interest with respect to a period of time after the making of the contribution.

(c) *Interest attributable to precontribution period.* If, in connection with the charitable contribution of a bond, a liability is assumed by the recipient or by any other person, or if the bond is subject to a liability, then, in determining the amount to be taken into account as a charitable contribution under section 170, the amount determined without regard to section 170(f)(5) and this section shall, without regard to whether any reduction may be required by paragraph (b) of this section, also be reduced for interest which has been paid, or is to be paid, by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and which is attributable to any period before the making of the contribution. However, the reduction referred to in this paragraph shall be made only to the extent that such reduction does not exceed the interest (including bond discount and other interest equivalent) receivable on the bond, and attributable to any period before the making of the contribution which is not, by reason of the taxpayer's method of accounting, includible in the taxpayer's gross income for any taxable year. For purposes of section 170(f)(5) and this section the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). On January 1, 1970, A, a cash basis taxpayer using the calendar year as the taxable year, contributed to a charitable organization real estate having a fair market value and adjusted basis of $10,000. In connection with the contribution the charitable organization assumed an indebtedness of $8,000 which A had incurred. On December 31, 1969, A prepaid one year's interest on that indebtedness for 1970, amounting to $960, and took an interest deduction of $960 for such amount. The amount of the gift, determined without regard to this section, is $2,960 ($10,000 less $8,000, the outstanding indebtedness, plus $960, the amount of prepaid interest). In determining the amount of the deduction for the charitable contribution, the value of the gift ($2,960) must be reduced by $960 to eliminate from the computation of such deduction that portion thereof for which A has been allowed an interest deduction.

Example (2). (a) On January 1, 1970, B, an individual using the cash receipts and disbursements method of accounting, purchased for $9,950 a 5½ percent $10,000, 20-year M Corporation bond, the interest on which was payable semiannually on June 30 and December 31. The M Corporation had issued the bond on January 1, 1960, at a discount of $720 from the principal amount. On December 1, 1970, B donated the bond to a charitable organization, and, in connection with the contribution, the charitable organization assumed an indebtedness of $7,000 which B had incurred to purchase and carry the bond.

(b) During the calendar year 1970 B paid accrued interest of $330 on the indebtedness for the period from January 1, 1970, to December 1, 1970, and has taken an interest deduction of $330 for such amount. No portion of the bond discount of $36 a year ($720 divided by 20 years) has been included in B's income, and of the $550 of annual interest receivable on the bond, he included in income only the June 30, 1970, payment of $275.

(c) The market value of the bond on December 1, 1970, was $9,902. Such value reflects the issue price of $9,280 plus $393 (a proportionate part of the original bond discount, i.e., $36 a year for 10 years and 11 months) plus $229 (the interest receivable which had accrued from July 1 to December 1, 1970).

(d) The amount of the charitable contribution determined without regard to this section is $2,902 ($9,902, the value of the property on the date of gift, less $7,000, the amount of the liability assumed by the charitable organization). In determining the amount of the allowable deduction for charitable contributions, the value of the gift ($2,902) must be reduced to eliminate from the deduction that portion thereof for which B has been allowed an interest deduction. Although the amount of such interest deduction was $330, the reduction required by this section is limited to $262, since the reduction is not in excess of the amount of interest income on the bond ($229 of accrued interest plus $33, the amount of bond discount attributable to the 11-month period B held the bond).

(e) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969.

§ 1.170A–4 Reduction in amount of charitable contributions of certain appreciated property

(a) *Amount of reduction.* Section 170(e)(1) requires that the amount of the charitable contribution which would be taken into account under section 170(a) without regard to section 170(e) shall be reduced before applying the percentage limitations under section 170(b)—

(1) In the case of a contribution by an individual or by a corporation of ordinary income property, as defined in paragraph (b)(1) of this section, by the amount of gain (hereinafter in this section referred to as ordinary income) which would have been recognized as

gain which is not long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization,

(2) In the case of a contribution by an individual of section 170(e) capital gain property, as defined in paragraph (b)(2) of this section, by 50 percent of the amount of gain (hereinafter in this section referred to as long-term capital gain) which would have been recognized as long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization, and

(3) In the case of a contribution by a corporation of section 170(e) capital gain property, as defined in paragraph (b)(2) of this section by 62½ percent of the amount of gain (hereinafter in this section referred to as long-term capital gain) which would have been recognized as long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization.

Section 170(e)(1) and this paragraph do not apply to reduce the amount of the charitable contribution where, by reason of the transfer of the contributed property, ordinary income or capital gain is recognized by the donor in the same taxable year in which the contribution is made. Thus, where income or gain is recognized under section 453(d) upon the transfer of an installment obligation to a charitable organization, or under section 454(b) upon the transfer of an obligation issued at a discount to such an organization, or upon the assignment of income to such an organization, section 170(e)(1) and this paragraph do not apply if recognition of the income or gain occurs in the same taxable year in which the contribution is made. Section 170(e)(1) and this paragraph apply to a charitable contribution of an interest in ordinary income property or section 170(e) capital gain property which is described in paragraph (b) of § 1.170A–6 or paragraph (b) of § 1.170A–7.

(b) *Definitions and other rules.* For purposes of this section—

(1) *Ordinary income property.* The term "ordinary income property" means property any portion of the gain on which would not have been long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization. Such term includes, for example, property held by the donor primarily for sale to customers in the ordinary course of his trade or business, a work of art created by the donor, a manuscript prepared by the donor, letters and memorandums prepared by or for the donor, a capital asset held by the donor for not more than 6 months, section 306 stock, and stock to which section 341(a) or 1248(a) applies. The term does not include an income interest in respect of which a deduction is allowed under section 170(f)(2)(B) and paragraph (c) of § 1.170A–6.

(2) *Section 170(e) capital gain property.* The term "section 170(e) capital gain property" means property any portion of the gain on which would have been treated as long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization and which—

(i) Is contributed to or for the use of a private foundation, as defined in section 509(a) and the regulations thereunder, other than a private foundation described in section 170(b)(1)(E),

(ii) Constitutes tangible personal property contributed to or for the use of a charitable organization, other than a private foundation to which subdivision (i) of this subparagraph applies, which is put to an unrelated use by the charitable organization within the meaning of subparagraph (3) of this paragraph, or

(iii) Constitutes property not described in subdivision (i) or (ii) of this subparagraph which is 30-percent capital gain property to which an election under paragraph (d)(2) of § 1.170A–8 applies.

For purposes of this subparagraph a fixture which is intended to be severed from real property shall be treated as tangible personal property.

(3) *Unrelated use*—(i) *In general.* The term "unrelated use" means a use which is unrelated to the purpose or function constituting the basis of the charitable organization's exemption under section 501 or, in the case of a contribution of property to a governmental unit, the use of such property by such unit for other than exclusively public purposes. For example, if a painting contributed to an educational institution is used by that organization for educational purposes by being placed in its library for display and study by art students, the use is not an unrelated use; but if the painting is sold and the proceeds used by the organization for educational purposes, the use of the property is an unrelated use. If furnishings contributed to a charitable organization are used by it in its offices and buildings in the course of carrying out its functions, the use of the property is not an unrelated use. The use by a trust of tangible personal property contributed to it for the benefit of a charitable organization is an unrelated use if the use by the trust is one which would have beeen unrelated if made by the charitable organization.

(ii) *Proof of use.* For purposes of applying subparagraph (2)(ii) of this paragraph, a taxpayer who makes a charitable contribution of tangible personal property to or for the use of a charitable organization or governmental unit may treat such property as not being put to an unrelated use by the donee if—

(*a*) He establishes that the property is not in fact put to an unrelated use by the donee, or

(*b*) At the time of the contribution or at the time the contribution is treated as made, it is reasonable to anticipate that the property will not be put to an unrelated use by the donee.

(4) *Property used in trade or business.* For purposes of applying subparagraphs (1) and (2) of this paragraph, property which is used in the trade or business, as defined in section 1231(b), shall be treated as a capital asset, except that any gain in respect of such property which would have been recognized if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization shall be treated as ordinary income to the extent that such gain would have constituted ordinary income by reason of the application of section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a).

(5) *Nonresident alien individuals and foreign corporations.* The reduction in the case of a nonresident alien individual or a foreign corporation shall be determined by taking into account the gain which would have been recognized and subject to tax under chapter 1 of the Code if the property had been sold or disposed of within the United States by the donor at its fair market value at the time of its contribution to the charitable organization. However, the amount of such gain which would have been subject to tax under section 871(a) or 881 (relating to gain not effectively connected with the conduct of a trade or business within the United States) if there had been a sale or other disposition within the United States shall be treated as long-term capital gain. Thus, a charitable contribution by a nonresident alien individual or a foreign corporation of property the sale or other disposition of which within the United States would have resulted in gain subject to tax under section 871(a) or 881 will be reduced only as provided in section 170(e)(1)(B) and paragraph (a)(2) or (3) of this section, but only if the property contributed is described in subdivision (i), (ii), or (iii) of subparagraph (2) of this paragraph. A charitable contribution by a nonresident alien individual or a foreign corporation of property the sale or other disposition of which within the United States would have resulted in gain subject to tax under section 871(a) or 881 will in no case be reduced under section 170(e)(1)(A) and paragraph (a)(1) of this section.

(c) *Allocation of basis and gain*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph—

(i) If a taxpayer makes a charitable contribution of less than his entire interest in appreciated property, whether or not the transfer is made in trust, as, for example, in the case of a transfer of appreciated property to a pooled income fund described in section 642(c)(5) and § 1.642(c)–5, and is allowed a deduction under section 170 for a portion of the fair market value of such property, then for purposes of applying the reduction rules of section 170(e)(1) and this section to the contributed portion of the property the taxpayer's adjusted basis in such property at the time of the contribution shall be allocated under section 170(e)(2) between the contributed portion of the property and the noncontributed portion.

(ii) The adjusted basis of the contributed portion of the property shall be that

portion of the adjusted basis of the entire property which bears the same ratio to the total adjusted basis as the fair market value of the contributed portion of the property bears to the fair market value of the entire property.

(iii) The ordinary income and the long-term capital gain which shall be taken into account in applying section 170(e)(1) and paragraph (a) of this section to the contributed portion of the property shall be the amount of gain which would have been recognized as ordinary income and long-term capital gain if such contributed portion had been sold by the donor at its fair market value at the time of its contribution to the charitable organization.

(2) *Bargain sale.* (i) If there is a bargain sale of property to the charitable organization and if section 1011(b) and § 1.1011–2 apply, there shall be allocated to the contributed portion of the property the portion of the adjusted basis which is not allocated under such sections to the noncontributed portion of the property for purposes of determining gain from the sale. For purposes of applying section 170(e)(1) and paragraph (a) of this section to the contributed portion of the property in such a case, there shall be allocated to the contributed portion the amount of gain which is not recognized on the bargain sale but which would have been recognized as ordinary income or long-term capital gain if such contributed portion had been sold by the donor at its fair market value at the time of its contribution to the charitable organization.

(ii) If there is a bargain sale of property to the charitable organization and if section 1011(b) and § 1.1011–2 do not apply, the taxpayer's adjusted basis of the entire property shall be allocated to the noncontributed portion of the property in accordance with paragraph (e) of § 1.1001–1 for purposes of determining gain from the sale. In such case, no portion of the adjusted basis shall be allocated to the contributed portion of the property.

(iii) The term "bargain sale", as used in this subparagraph, means a transfer of property which is in part a sale or exchange of the property and in part a charitable contribution, as defined in section 170(c), of the property.

(3) *Ratio of ordinary income and capital gain.* For purposes of applying subparagraphs (1)(iii) and (2) of this paragraph, the amount of ordinary income (or long-term capital gain) which would have been recognized if the contributed portion of the property had been sold by the donor at its fair market value at the time of its contribution shall be that amount which bears the same ratio to the ordinary income (or long-term capital gain) which would have been recognized if the entire property had been sold by the donor at its fair market value at the time of its contribution as (i) the fair market value of the contributed portion at such time bears to (ii) the fair market value of the entire property at such time. In the case of a bargain sale, the fair market value of the contributed portion for purposes of subdivision (i) is the amount determined by subtracting from the fair market value of the entire property the amount realized on the sale.

(4) *Donee's basis of property acquired.* The adjusted basis of the contributed portion of the property as determined under subparagraph (1) or (2) of this paragraph, shall be used by the donee in applying to the contributed portion such provisions as section 514(a)(1), relating to adjusted basis of debt-financed property; section 1015(a), relating to basis of property acquired by gift; section 4940(c)(4), relating to capital gains and losses in determination of net investment income; and section 4942(f)(2)(B), relating to net short-term capital gain in determination of tax on failure to distribute income. The fair market value of the contributed portion of the property at the time of the contribution shall not be used by the donee as the basis of such contributed portion.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). (a) On July 1, 1970, C, an individual, makes the following charitable contributions, all of which are made to a church except in the case of the stock (as indicated):

Property	Fair market value	Adjusted basis	Recognized gain if sold
Ordinary income property	$50,000	$35,000	$15,000
Stock held more than 6 months contributed to—			
(1) A church	25,000	21,000	4,000
(2) A private foundation not described in section 170(b)(1)(E)	15,000	10,000	5,000
Tangible personal property held more than 6 months (put to unrelated use by church)	12,000	6,000	6,000
Total	102,000	72,000	30,000

(b) After making the reductions required by paragraph (a) of this section, the amount of charitable contributions allowed (before application of section 170(b) limitations) is as follows:

Property	Fair market value	Reduction	Contribution allowed
Ordinary income property	$50,000	$15,000	$35,000
Stock contributed to—			
(1) The church	25,000		25,000
(2) The private foundation	15,000	2,500	12,500
Tangible personal property	12,000	3,000	9,000
Total	102,000	20,500	81,500

(c) If C were a corporation, rather than an individual, the amount of charitable contributions allowed (before application of section 170(b) limitations) would be as follows:

Property	Fair market value	Reduction	Contribution allowed
Ordinary income property	$50,000	$15,000	$35,000
Stock contributed to—			
(1) The church	25,000		25,000
(2) The private foundation	15,000	3,125	11,875
Tangible personal property	12,000	3,750	8,250
Total	102,000	21,875	80,125

Example (2). On March 1, 1970, D, an individual, contributes to a church intangible property to which section 1245 applies which has a fair market value of $60,000 and an adjusted basis of $10,000. At the time of the contribution D has used the property in his business for more than 6 months. If the property had been sold by D at its fair market value at the time of its contribution, it is assumed that under section 1245 $20,000 of the gain of $50,000 would have been treated as ordinary income and $30,000 would have been long-term capital gain. Under paragraph (a)(1) of this section, D's contribution of $60,000 is reduced by $20,000.

Example (3). The facts are the same as in example (2) except that the property is contributed to a private foundation not described in section 170(b)(1)(E). Under paragraph (a) (1) and (2) of this section, D's contribution is reduced by $35,000 (100 percent of the ordinary income of $20,000 and 50 percent of the long-term capital gain of $30,000).

Example (4). (a) In 1971, E, an individual calendar-year taxpayer, contributes to a church stock held for more than 6 months which has a fair market value of $90,000 and an adjusted basis of $10,000. In 1972, E also contributes to a church stock held for more than 6 months which has a fair market value of $20,000 and an adjusted basis of $10,000. E's contribution base for 1971 is $200,000; and for 1972, is $150,000. E makes no other charitable contributions for these 2 taxable years.

(b) For 1971 the amount of the contribution which may be taken into account under section 170(a) is limited by section 170(b)(1)(D)(i) to $60,000 ($200,000×30%), and A is allowed a deduction for $60,000. Under section 170(b)(1)(D)(ii), E has a $30,000 carryover to 1972 of 30-percent capital gain property, as defined in paragraph (d)(3) of § 1.170A–8. For 1972 the amount of the charitable contributions deduction is $45,000 (total contributions of $50,000 [$30,000+$20,000] but not to exceed 30% of $150,000).

(c) Assuming, however, that in 1972 E elects under section 170(b)(1)(D)(iii) and paragraph (d)(2) of § 1.170A–8 to have section 170(e)(1)(B) apply to his contributions and carryovers of 30-percent capital gain property, he musts apply section 170(d)(1) as if section 170(e)(1)(B) had applied to the contribution for 1971. If section 170(e)(1)(B) had applied in 1971 to his contributions of 30-percent capital gain property, E's contribution would have been reduced from $90,000 to $50,000, the reduction of $40,000 being 50 percent of the gain of $80,000 ($90,000−$1,000) which would have been recognized as long-term capital gain if the property had been sold by E at its fair market value at the time of its contribution to the church. Accordingly, by taking the election into account, E has no carryover of 30-percent capital gain property to 1972 since the charitable contributions deduction of $60,000 allowed for 1971 in respect of that

property exceeds the reduced contribution of $50,000 for 1971 which may be taken into account by reason of the election. The charitable contributions deduction of $60,000 allowed for 1971 is not reduced by reason of the election.

(d) Since by reason of the election E is allowed under paragraph (a)(2) of this section a charitable contributions deduction for 1972 of $15,000 ($20,000−[($20,000−$10,000)×50%]) and since the $30,000 carryover from 1971 is eliminated, it would not be to E's advantage to make the election under section 170(b)(1)(D)(iii) in 1972.

Example (5). In 1970, F, an individual calendar-year taxpayer, sells to a church for $4,000 ordinary income property with a fair market value of $10,000 and an adjusted basis of $4,000. F's contribution base for 1970 is $20,000, and F makes no other charitable contributions in 1970. Thus, F makes a charitable contribution to the church of $6,000 ($10,000−$4,000), which under paragraph (a)(1) of this section is reduced to zero $6,000−$6,000). Since without regard to section 1011(b) no deduction is allowable under section 170 by reason of the sale, section 1011(b) does not apply for purposes of allocating a portion of the adjusted basis to the bargain sale and paragraph (c) of this section does not apply for purposes of allocating a portion of the adjusted basis to the contributed portion of the property. Accordingly, no gain is recognized to F on the sale, and under section 1012 the basis of the property to the church is $4,000.

Example (6). In 1970, G, an individual calendar-year taxpayer, sells to a church for $6,000 ordinary income property with a fair market value of $10,000 and an adjusted basis of $4,000. G's contribution base for 1970 is $20,000, and G makes no other charitable contributions in 1970. Thus, G makes a charitable contribution to the church of $4,000 ($10,000−$6,000), which under paragraph (a)(1) of this section is reduced to zero ($4,000−$6,000). Since without regard to section 1011(b) no deduction is allowable under section 170 by reason of the sale, section 1011(b) does not apply for purposes of allocating basis to the bargain sale and paragraph (c) of this section does not apply for purposes of allocating a portion of the adjusted basis to the contributed portion of the property. Accordingly, F recognizes on the sale a gain of $2,000 ($6,000−$4,000), and under section 1012 the basis of the property to the church is $6,000.

Example (7). In 1970, H, an individual calendar year taxpayer, sells to a church for $2,000 stock held for not more than 6 months which has an adjusted basis of $4,000 and a fair market value of $10,000. H's contribution base for 1970 is $20,000, and H makes no other charitable contributions in 1970. Thus, H makes a charitable contribution to the church of $8,000 ($10,000−$2,000). Without regard to section 1011(b), H is allowed a deduction under section 170 of $2,000 ($8,000−[$10,000−$8,000]), and, as a consequence, section 1011(b) must be applied to the bargain sale. Under paragraph (a)(1) of this section, H's contribution of $8,000 is reduced by the amount of $4,800 ($8,000−[$4,000×$8,000/$10,000]) of ordinary income. The reduced contribution of $3,200 consists of the portion ($4,000×$8,000/$10,000) of the adjusted basis not allocated to the noncontributed portion of the property, as provided in paragraph (c)(2)(i) of this section. Under sections 1012 and 1015(a) the basis of the property to the church is $5,200 ($2,000+$3,200).

Example (8). In 1970, F, an individual calendar-year taxpayer, sells for $4,000 to a private foundation not described in section 170(b)(1)(E) property to which section 1245 applies which has a fair market value of $10,000 and an adjusted basis of $4,000. F's contribution base for 1970 is $20,000, and F makes no other charitable contributions in 1970. At the time of the sale, F has used the property in his business for more than 6 months. Thus, F makes a charitable contribution of $6,000 ($10,000−$4,000), which is 60 percent of the value of the property. The amount realized on the bargain sale is 40 percent ($4,000/$10,000) of the value of the property. If the property had been sold by F at its fair market value at the time of its contribution, it is assumed that under section 1245, $4,000 of the gain of $6,000 ($10,000−$4,000 adjusted basis) would have been treated as ordinary income and $2,000 would have been long-term capital gain. Without regard to section 1011(b), F is allowed a reduction under section 170 of $1,000 ($6,000−[$4,000 ordinary income+$1,000 long-term capital gain]), and, as a consequence, section 1011(b) must be applied to the bargain sale. Accordingly, in applying section 1011(b) to the bargain sale, adjusted basis in the amount of $1,600 ($4,000×40%) is allocated to the sale, and F's recognized gain of $2,400 ($4,000−$1,600) consists of $1,600 ($4,000×40%) of ordinary income and $800 ($2,000×40%) of long-term capital gain. Under paragraph (a) of this section, F's contribution of $6,000 is reduced by the sum of $2,400 ($4,000×60%) of ordinary income and $600 ([$2,000×60%]×50%) of long-term capital gain. The reduced contribution of $3,000 consists of $2,400 ($4,000×60%) of adjusted basis and $600 ([$2,000×60%]×50%) of long-term capital gain not used as a reduction under section 170(e)(1)(B)(ii). Under sections 1012 and 1015(a) the basis of the property to the private foundation is $6,400 ($4,000+$2,400).

Example (9). On January 1, 1970, A, an individual, transfers to a charitable remainder annuity trust described in section 664(d)(1) stock which he has held for more than 6 months and which has a fair market value of $250,000 and an adjusted basis of $50,000, an irrevocable remainder interest in the property being contributed to a private foundation not described in section 170(b)(1)(E). The trust provides that an annuity of $12,500 a year is payable to A at the end of each year for 20 years. By reference to Table B of § 20.2031–10(f) of this chapter (Estate Tax Regulations) the figure in column (4) opposite 20 years is .311805. Therefore, the fair market value of the gift to charity is $77,951.25 ($250,000×.311805), and the adjusted basis allocable to such contribution is $15,590.25 ($50,000×$77,951.25/$250,000). Under paragraph (a)(2) of this section, A's contribution is reduced by $31,180.50 (50%×[$77,951.25−$15,590.25]).

Example (10). (a) On July 1, 1970, B, a calendar-year individual taxpayer, sells to a church for $75,000 intangible property to which section 1245 applies which has a fair market value of $250,000 and an adjusted basis of $75,000. Thus, B makes a charitable contribution to the church of $175,000, which is 70 percent ([$250,000−$75,000]/$250,000) of the value of the property. The amount realized on the bargain sale is 30 percent ($75,000/$250,000) of the value of the property. At the time of sale B has used the property in his business for more than 6 months. B's contribution base for 1970 is $500,000, and B makes no other charitable contributions in 1970. If the property had been sold by B at its fair market value at the time of its contribution, it is assumed that under section 1245 $105,000 of the gain of $175,000 ($250,000−$75,000) would have been treated as ordinary income and $70,000 would have been long-term capital gain. Without regard to section 1011(b), B is allowed a deduction under section 170 of $70,000 ($175,000−$105,000 ordinary income), and, as a consequence, section 1011(b) must be applied to the bargain sale. Accordingly, in applying section 1011(b) to the bargain sale, adjusted basis in the amount of $22,500 ($75,000×30%) is allocated to the sale, and B's recognized gain of $52,500 ($75,000−$22,500) consists of $31,500 ($105,000×30%) of ordinary income and $21,000 ($70,000×30%) of long-term capital gain.

(b) Under paragraph (a)(1) of this section B's contribution of $175,000 is reduced by $73,500 ($105,000×70%) of ordinary income to $101,500 (consisting of $52,500 [$75,000×70%] of adjusted basis allocated to the contributed portion and $49,000 [$70,000×70%] of long-term capital gain allocated to the contributed portion). Under sections 1012 and 1015(a) the basis of the property to the church is $127,500 ($75,000+$52,500).

(e) *Effective date.* This section applies only to contributions paid after December 31, 1969, except that, in the case of a charitable contribution of a letter, memorandum, or property similar to a letter or memorandum (as described in § 1.1221(c)(2)), it applies to contributions paid after July 25, 1969.

§ 1.170A–5 Future interests in tangible personal property.

(a) *In general.* (1) A contribution consisting of a transfer of a future interest in tangible personal property shall be treated as made only when all intervening interests in, and rights to the actual possession or enjoyment of the property—

(i) Have expired, or

(ii) Are held by persons other than the taxpayer or those standing in a relationship to the taxpayer described in section 267(b) and the regulations thereunder, relating to losses, expenses, and interest with respect to transactions between related taxpayers.

(2) Section 170(a)(3) and this section have no application in respect of a transfer of an undivided present interest in property. For example, a contribution of an undivided one-quarter interest in a painting with respect to which the donee is entitled to possession during 3 months of each year shall be treated as made upon the receipt by the donee of a formally executed and acknowledged deed of gift. However, the period of initial possession by the donee may not be deferred in time for more than 1 year.

(3) Section 170(a)(3) and this section have no application in respect of a transfer of a future interest in intangible personal property or in real property. However, a fixture which is intended to be severed from real property shall be treated as tangible personal property. For example, a contribution of a future interest in a chandelier which is attached to a building is considered a contribution which consists of a future interest in tangible personal property if the transferor intends that it be detached from the building at or prior to the time when the chartiable organization's right to possession or enjoyment of the chandelier is to commence.

(4) For purposes of section 170(a)(3) and this section, the term "future interest" has generally the same meaning as it has when used in section 2503 and § 25.2503–3 of this chapter (Gift Tax Regulations); it includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession, or enjoyment at some future date or time. The term "future interest" includes situations in which a donor purports to give tangible personal property to a charitable organization, but has an understanding, arrangement, agreement, etc., whether written or oral, with the charitable organization which has the effect of reserving to, or retaining in, such donor a right to the use, possession, or enjoyment of the property.

(5) In the case of a charitable contribution of a future interest to which section 170(a)(3) and this section apply, the other provisions of section 170 and the regulations thereunder are inapplicable to the contribution until such time as the contribution is treated as made under section 170(a)(3).

(b) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). On December 31, 1970, A, an individual who reports his income on the calendar year basis, conveys by deed of gift to a museum, title to a painting, but reserves to himself the right to the use, possession, and enjoyment of the painting during his lifetime. At the time of the gift the value of the painting is $90,000. Since the contribution consists of a future interest in tangible personal property in which the donor has retained an intervening interest, no contribution is considered to have been made in 1970.

Example (2). Assume the same facts as in example (1) except that on December 31, 1971, A relinquishes all of his right to the use, possession, and enjoyment of the painting and delivers the painting to the museum. Assuming that the value of the painting has increased to $95,000, A is treated as having made a charitable contribtuion of $95,000 in 1971.

Example (3). Assume the same facts as in example (1) except A dies without relinquishing his right to the use, possession, and enjoyment of the painting. Since A did not relinquish his right to the use, possession, and enjoyment of the property during his life, A is treated as not having made a charitable contribution of the painting for income tax purposes.

Example (4). Assume the same facts as in example (1) except A, on December 31, 1971, transfers his interest in the painting to his son, B, who reports his income on the calendar year basis. Since the relationship between A and B is one described in section 267(b), no contribution of the remainder interest in the painting is considered to have been made in 1971.

Example (5). Assume the same facts as in example (4). Also assume that on December 31, 1972, B conveys to the museum the interest measured by A's life. B has made a charitable contribution of the present interest in the painting conveyed to the museum. In addition, since all intervening interests in, and rights to the actual possession or enjoyment of the property, have expired, a charitable contribution of the remainder interest is treated as having been made by A in 1972. Such remainder interest is valued according to Table A(1) in § 20.2031–10(f) of this chapter (Estate Tax Regulations), determined by subtracting the value of B's interest measured by A's life expectancy in 1972, and B receives a deduction in 1972 for the life interest measured by A's life expectancy and valued according to Table A(1) in such section.

Example (6). On December 31, 1970, C, an individual who reports his income on the calendar year basis, transfers a valuable painting to a pooled income fund described in section 642(c)(5), which is maintained by a university. C retains for himself for life an income interest in the painting, the remainder interest in the painting being contributed to the university. Since the contribution consists of a future interest in tangible personal property in which the donor has retained an intervening interest, no charitable contribution is considered to have been made in 1970.

Example (7). On January 15, 1972, D, an individual who reports his income on the calendar year basis, transfers a capital asset held for more than 6 months consisting of a valuable painting to a pooled income fund described in section 642(c)(5), which is maintained by a university, and retains an income interest in such painting for E for life. E is an individual not standing in a relationship to D described in section 267(b). The remainder interest in the property is contributed by D to the university. The trustee of the pooled income fund puts the painting to an unrelated use within the meaning of paragraph (b)(3) of § 1.170A–4. Accordingly, D is allowed a deduction under section 170 in 1972 for the present value of the remainder interest in the painting, after reducing such amount under section 170(e)(1)(B)(i) and paragraph (a)(2) of § 1.170A–4. This reduction in the amount of the contribution is required since under paragraph (b)(3) of that section the use by the pooled income fund of the painting is a use which would have been an unrelated use if it had been made by the university.

(c) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969.

§ 1.170A–6 Charitable contributions in trust.

(a) *In general.* No deduction is allowed under section 170 for the charitable contribution of any interest in property which is less than the donor's entire interest in the property and which is transferred in trust unless the transfer meets the requirements of paragraph (b) or (c) of this section. If the donor's entire interest in the property is transferred in trust and is contributed to a charitable organization described in section 170(c), a deduction is allowed under section 170. See section 170(f)(2) and (f)(3)(B), and paragraph (b)(1) of § 1.170A–7.

(b) *Charitable contribution of a remainder interest in trust*—(1) *In general.* No deduction is allowed under section 170 for a charitable contribution of a remainder interest in property which is less than the donor's entire interest in the property and which the donor transfers in trust unless the trust is—

(i) A pooled income fund described in section 642(c)(5) and § 1.642(c)–5,

(ii) A charitable remainder annuity trust described in section 664(d)(1) and § 1.664–2, or

(iii) A charitable remainder unitrust described in section 664(d)(2) and § 1.664–3.

(2) *Value of a remainder interest.* The fair market value of a remainder interest in a pooled income fund shall be computed under § 1.642(c)–6. The fair market value of a remainder interest in a charitable remainder annuity trust shall be computed under § 1.664–2. The fair market value of a remainder interest in a charitable remainder unitrust shall be computed under § 1.664–4. However, see section 170(e) and paragraph (a) of § 1.170A–4 for reduction in the amount of a charitable contribution of a remainder interest in appreciated property.

(c) *Charitable contribution of an income interest in trust*—(1) *In general.* No deduction is allowed under section 170 for a charitable contribution of an income interest in property which is less than the donor's entire interest in the property and which the donor transfers in trust unless the income interest is either an annuity trust interest or a unitrust interest, as defined in subparagraph (2) of this paragraph, and the grantor is treated as the owner of such interest for purposes of applying section 671, relating to grantors and others treated as substantial owners. See section 4947(a)(2) for the application to such income interests in trust of the provisions relating to private foundations and section 508(e) for rules relating to provisions required in the governing instruments.

(2) *Definitions.* For purposes of this paragraph—

(i) The term "annuity trust interest" means an irrevocable right to receive a guaranteed annuity.

(ii) The term "unitrust interest" means the irrevocable right pursuant to the terms of the trust instrument to receive not less often than annually an amount equal to a fixed percentage of the net fair market value of the trust assets determined annually. In computing the net fair market value of the trust assets there shall be taken into account all accrued assets and accrued liabilities. The net fair market value of the trust assets may be determined on any one date during the taxable year of the trust or by taking the average of valuations made on more than one date during the taxable year of the trust as long as the same valuation date or dates and methods are used each year.

(3) *Valuation of income interest.* (i) The deduction allowed by section 170(f) for a charitable contribution of an annuity trust interest is limited to the fair market value of such interest on the date of contribution, as computed under § 20.2031–10 of this chapter (Estate Tax Regulations).

(ii) The deduction allowed under section 170(f) for a charitable contribution of a unitrust interest is limited to the fair market value of the unitrust interest on the date of contribution. The fair market value of the unitrust interest shall be determined by subtracting (*a*) the present value of all interests in the property

transferred other than the unitrust interest from (b) the fair market value of the property transferred. For such purposes the present value of all interests other than the unitrust interest shall be determined under § 1.664–4 by treating such interests as a remainder interest in a charitable remainder unitrust.

(iii) The deduction shall not be allowed in the case of a transfer in trust conveying an income interest if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest. However, in such case, a deduction shall be allowed for the minimum amount that it appears the charity will receive. For example, assume that the taxpayer contributes in trust a 9-year irrevocable income interest in $20,000 cash to a church and provides that the remainder will revert to himself. The trust instrument provides that the church will receive a guaranteed annuity of $4,000 a year, payable annually at the end of each year. Even though the donor is treated as the owner of this trust under section 671, he is not allowed a deduction under this section for the fair market value of the annuity since it is improbable that the charity will receive the beneficial enjoyment of the income interest. However, the donor is allowed a deduction under this section of $20,000, which is the minimum amount it appears the charity will receive and which is less than the fair market value of $27,206.80 ($4,000 × 6.8017) of such an annuity of $4,000 payable for 9 years, as computed under Table B in § 20.2031–10(f) of this chapter (Estate Tax Regulations).

(iv) See paragraph (b)(1) of § 1.170A–4 for rule that the term "ordinary income property" for purposes of section 170(e) does not include an income interest in respect of which a deduction is allowed under section 170(f)(2)(B) and this paragraph.

(4) *Recapture upon termination of treatment as owner.* If for any reason the donor of an income interest in property ceases at any time before the termination of such interest to be treated as the owner of such interest for purposes of applying section 671, as for example, where he dies before the termination of such interest, he shall for purposes of this chapter be considered as having received on the date he ceases to be so treated an amount of income equal to (i) the amount of any deduction he received under section 170 for the contribution of such interest reduced by (ii) the discounted value of all amounts of income earned by the trust which were paid to the charitable organization to which the income interest was contributed and which were taxable to him by reason of section 671 before the time at which he ceases to be treated as the owner of the interest. The discounted value of the income so taxable to him shall be computed by discounting the amounts of income so earned and paid by the trust in each taxable year to the date on which the contribution was made. The discounted value shall be the amount determined by treating the amounts of income so earned and paid in each such year as a contribution of a remainder interest after a term of years equal to the nearest whole number of years between the date of contribution and the last day of the taxable year in which the income was earned by the trust and paid to the charitable organization or, in the case of the taxable year of termination, the date of termination. For this purpose the rules and tables of § 20.2031–10 of this chapter (Estate Tax Regulations) shall be used. If the donor is treated as the owner of an amount of income which is not taxable to him because it is excluded from income under a provision of the Code, for example, interest excluded from income under section 103, such amount shall be treated as income taxable to the donor for purposes of applying this subparagraph.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1970, A contributes to a church in trust a 9-year irrevocable income interest in property and provides that the remainder will revert to himself. Both A and the trust report income on a calendar year basis. The fair market value of the property placed in trust is $10,000. The trust instrument provides that the church will receive a guaranteed annuity of $500 a year. By reference to Table B of § 20.2031–10(f) of this chapter, it is found that the figure in column (2) opposite 9 years is 6.8017. The present value of the annuity is therefore $3,400.85 ($500 × 6.8017). Since section 671 is applicable to this trust and A is taxable on the trust income, A's charitable contribution for 1970 is $3,400.85.

Example (2). On January 1, 1970, B contributes to a church in trust a 9-year irrevocable income interest in property and provides that the remainder will revert to himself. Both B and the trust report income on a calendar year basis. The fair market value of the property placed in trust is $10,000. The trust instrument provides that the trust will pay to the church at the end of each taxable year of the trust 5 percent of the fair market value of all property in the trust at the beginning of the taxable year of the trust. By reference to Table F of § 1.664–4(b)(5), the adjusted payout rate is 4.717 percent (5% × 0.943396). The present value of the remainder interest is $6,473.75, computed by reference to Table D of § 1.664–4(b)(5) as follows:

Factor at 4.6 percent for 9 years	0.654539
Factor at 4.8 percent for 9 years	.642292
Difference	.012247

Interpolation adjustment:

$$\frac{4.717\% - 4.6\%}{0.2\%} = \frac{x}{0.012247}$$

$$x = 0.007164$$

Factor at 4.6 percent for 9 years	0.654539
Less: Interpolation adjustment	.007164
Interpolated factor	.647375
Present value of remainder interest ($10,000 × 0.647375)	$6,473.75

Therefore, the present value of the income interest and B's charitable contribution for 1970 is $3,526.25 ($10,000 − $6,473.75).

Example (3). On January 1, 1970, C contributes to a church in trust a 9-year irrevocable income interest in property and provides that the remainder interest will revert to himself. Both C and the trust report income on a calendar year basis. The fair market value of the property placed in trust is $10,000. The trust instrument provides that the church will receive a guaranteed annuity of $500 per year. C's charitable contribution for 1970 is $3,400.85, determined as provided in example (1). The trust earned income of $600 in 1970, $400 in 1971, and $500 in 1972, all of which was taxable to C and all paid to the church. On December 31, 1972, C died and ceased to be treated as the owner of the income interest under section 671. By reference to Table B of § 20.2031–10(f) of this chapter, these amounts are discounted as follows:

Year	Amount	Factor from column (4) Table B	Discounted value
1970	$600	0.943396	$566.04
1971	400	.889996	356.00
1972	500	.839619	419.81
Total			1,341.85

Therefore, C must include in income for 1972 the amount of $2,059 ($3,400.85 − $1,341.85).

(d) *Denial of deduction for certain contributions by a trust.* No deduction shall be allowed under section 170 to the grantor of an income interest in trust, or to any other person, for the amount of any charitable contribution made by a trust with respect to an income interest in trust for which a deduction was allowed by reason of section 170(f)(2)(B) and paragraph (c) of this section.

(e) *Effective date.* This section applies only to transfers in trust made after July 31, 1969.

§ 1.170A–7 Contributions not in trust of partial interests in property.

(a) *In general.* (1) In the case of a charitable contribution, not made by a transfer in trust, of any interest in property which consists of less than the donor's entire interest in such property, no deduction is allowed under section 170 unless the interest is an interest described in paragraph (b) of this section. See section 170(f)(3)(A). For purposes of section 170 and this section, a contribution of the right to use property which the donor owns, for example, a rent-free lease, shall be treated as a contribution of less than the taxpayer's entire interest in property.

(2) A deduction is allowed for a partial interest in property if such interest is the taxpayer's entire interest in the property, such as an income interest or a remainder interest. Thus, if securities are given to A for life, with the remainder over to B, and B makes a charitable contribution of his remainder interest to an organization described in section 170(c), a deduction is allowed under section 170 for the present value of B's remainder interest in the securities. If, however, the property in which such partial interest exists was divided in order to create such interest and thus avoid section 170(f)(3)(A), the deduction will not be allowed. Thus, for example, assume that a taxpayer desires to contribute to a charitable organization an income interest in property held by him, which is not of a type described in

paragraph (b)(2) of this section. If the taxpayer transfers the remainder interest in such property to his son and immediately thereafter contributes the income interest to a charitable organization, no deduction shall be allowed under section 170 for the contribution of the taxpayer's entire interest consisting of the retained income interest.

(3) A deduction shall not be disallowed under section 170(f)(3)(A) and this section merely because the interest which passes to, or is vested in, the charity may be defeated by the performance of some act or the happening of some event, if on the date of the gift it appears that the possibility that such act or event will occur is so remote as to be negligible. See paragraph (e) of § 1.170A–1.

(b) *Contributions of certain partial interests in property for which a deduction is allowed.* A deduction is allowed under section 170 for a contribution not in trust of a partial interest which is less than the donor's entire interest in property and which qualifies under one of the following subparagraphs:

(1) *Undivided portion of donor's entire interest.* (i) A deduction is allowed under section 170 for a charitable contribution of an undivided portion of a donor's entire interest in property. Thus, if a taxpayer owns 100 acres of land and makes a contribution of 50 acres to a charitable organization, the charitable contribution is allowed as a deduction under section 170. Also, a deduction is allowed under section 170 for a contribution of property to a charitable organization whereby such organization is given the right, as a tenant in common with the donor, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property.

(ii) For purposes of this subparagraph a charitable contribution of an open space easement in gross in perpetuity shall be considered a contribution of an undivided portion of the donor's entire interest in property to which section 170(f)(3)(A) does not apply. For this purpose an easement in gross is a mere personal interest in, or right to use, the land of another; it is not supported by a dominant estate but is attached to, and vested in, the person to whom it is granted. Thus, for example, a deduction is allowed under section 170 for the value of a restrictive easement gratuitously conveyed to the United States in perpetuity whereby the donor agrees to certain restrictions on the use of his property, such as, restrictions on the type and height of buildings that may be erected, the removal of trees, the erection of utility lines, the dumping of trash, and the use of signs.

(iii) For purposes of this subparagraph a charitable contribution in perpetuity of an interest in porperty where the donor retains the exclusive right to exploit the property commercially shall be considered a contribution of an undivided portion of the donor's entire interest in property to which section 170(f)(3)(A) does not apply. Thus, for example, a deduction is allowed for an immediate and perpetual gift of an interest in original historic motion picture films to a charitable organization where the donor retains the exclusive right to make reproductions of such films and to exploit such reproductions commercially.

(2) *Partial interests in property which would be deductible in trust.* A deduction is allowed under section 170 for a charitable contribution of a partial interest in property which is less than the donor's entire interest in the property and which would be deductible under section 170(f)(2) and § 1.170A–6 if such property had been transferred in trust.

(3) *Contribution of a remainder interest in a personal residence.* A deduction is allowed under section 170 for a charitable contribution of an irrevocable remainder interest in a personal residence which is not the donor's entire interest in such property. Thus, for example, if a taxpayer contributes to an organization described in section 170(c) a remainder interest in a personal residence and by legal instrument retains an estate in such property for life or for a term of years, a deduction is allowed under section 170 for the value of such remainder interest not transferred in trust. For purposes of section 170(f)(3)(B)(i) and this subparagraph, the term "personal residence" means property used by the taxpayer as his principal residence within the meaning of paragraph (c)(3) of § 1.1034–1.

(4) *Contribution of a remainder interest in a farm.* A deduction is allowed under section 170 for a charitable contribution of an irrevocable remainder interest in a farm which is not the donor's entire interest in such property. Thus, for example, if a taxpayer directly contributes to an organization described in section 170(c) a remainder interest in a farm and by legal instrument retains an estate in such farm for life or for a term of years, a deduction is allowed under section 170 for the value of such remainder interest not transferred in trust. For purposes of section 170(f)(3)(B)(i) and this subparagraph, the term "farm" means a farm within the meaning of § 1.175–3 which is used by the taxpayer in the business of farming.

(c) *Valuation of a partial interest in property.* The amount of the deduction under section 170 in the case of a charitable contribution of a partial interest in property to which paragraph (b) of this section applies is the fair market value of the partial interest at the time of the contribution. (See § 1.170A–1(c).) In the case of a charitable contribution of a remainder interest in real property which is not transferred in trust, the fair market value of such interest shall be computed in accordance with the regulations under section 2031 in Part 20 of this chapter (Estate Tax Regulations). In the case of a charitable contribution of a remainder interest in the form of a remainder interest in a pooled income fund, a charitable remainder annuity trust, or a charitable remainder unitrust, the fair market value of the remainder interest shall be computed as provided in paragraph (b)(2) of § 1.170A–6. For reduction in the amount of a charitable contribution of a remainder interest in appreciated property, see section 170(e)(1) and paragraph (a) of § 1.170A–4.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). A, an individual owning a 10-story office building, donates the rent-free use of the top floor of the building for the year 1971 to a charitable organization. Since A's contribution consists of a partial interest to which section 170(f)(3)(A) applies, he is not entitled to a charitable contributions deduction for the contribution of such partial interest.

Example (2). In 1971, B contributes to a charitable organization an undivided one-half interest in 100 acres of land, whereby as tenants in common they share in the economic benefits from the property. The present value of the contributed property is $50,000. Since B's contribution consists of an undivided portion of his entire interest in the property to which section 170(f)(3)(B) applies, he is allowed a deduction in 1971 for his charitable contribution of $50,000.

Example (3). In 1971, D loans $10,000 in cash to a charitable organization and does not require the organization to pay any interest for the use of the money. Since D's contribution consists of a partial interest to which section 170(f)(3)(A) applies, he is not entitled to a charitable contributions deduction for the contribution of such partial interest.

(e) *Effective date.* This section applies only to contributions made after July 31, 1969.

§ 1.170A–8 Limitations on charitable deductions by individuals.

(a) *In general.* An individual's charitable contributions deduction is subject to 20-, 30-, and 50-percent limitations unless the individual qualifies for the unlimited charitable contributions deduction under section 170(b)(1)(C). For a discussion of these limitations and examples of their application, see paragraphs (b) through (f) of this section. If a husband and wife make a joint return, the deduction for contributions is the aggregate of the contributions made by the spouses, and the limitations in section 170(b) and this section are based on the aggregate contribution base of the spouses. A charitable contribution by an individual to an organization described in section 170(c) is deductible even though all, or some portion, of the funds of the organization may be used in foreign countries for charitable or educational purposes.

(b) *50-percent limitation.* An individual may deduct charitable contributions made during a taxable year to any one or more section 170(b)(1)(A) organizations, as defined in § 1.170A–9, to the extent that such contributions in the aggregate do not exceed 50 percent of his contribution base, as defined in section 170(b)(1)(F) and paragraph (e) of this section, for the taxable year. However, see paragraph (d) of this section for a limitation on the amount of charitable contributions of 30-percent capital gain property. To qualify for the 50-percent limitation the contributions must

be made "to", and not merely "for the use of", one of the specified organizations. A contribution of an income interest in property, whether or not such interest is transferred in trust, for which a deduction is allowed under section 170 (f) (2) (B) or (3) shall be considered as made "for the use of" rather than "to" the charitable organization. A contribution of a remainder interest in property, whether or not such interest is transferred in trust, for which a deduction is allowed under section 170(f) (2) (A) or (3), shall be considered as made "to" the charitable organization except that, if such interest is transferred in trust and, pursuant to the terms of the trust instrument, the interest contributed is, upon termination of the predecessor estate, to be held in trust for the benefit of such organization, the contribution shall be considered as made "for the use of" such organization. Thus, for example, assume that A transfers property to a charitable remainder annuity trust described in section 664(d) (1) which is required to pay to B for life an annuity equal to 5 percent of the initial fair market value of the property transferred in trust. The trust instrument provides that after B's death the remainder interest in the trust shall be transferred to X Church. The contribution by A of the remainder interest shall be considered as made "to" X Church. However, if in the trust instrument A had directed that after B's death the remainder interest is to be held in trust for the benefit of X Church, the contribution shall be considered as made "for the use of" X Church. A contribution to an organization referred to in section 170(c) (2), other than a section 170(b) (1) (A) organization which is a section 170(b) (1) (A) organization. For provisions relating to the carryover of contributions in excess of 50-percent of an individual's contribution base see section 170(d) (1) and paragraph (b) of § 1.170A–10.

(c) *20-percent limitation.* (1) An individual may deduct charitable contributions made during a taxable year—

(i) To any one or more charitable organizations described in section 170(c) other than section 170(b) (1) (A) organizations, as defined in § 1.170A–9, and,

(ii) For the use of any charitable organization described in section 170(c), to the extent that such contributions in the aggregate do not exceed the lesser of the limitations under subparagraph (2) of this paragraph.

(2) For purposes of subparagraph (1) of this paragraph the limitations are—

(i) 20 percent of the individual's contribution base, as defined in paragraph (e) of this section, for the taxable year, or

(ii) The excess of 50 percent of the individual's contribution base, as so defined, for the taxable year over the total amount of the charitable contributions allowed under section 170(b) (1) (A) and paragraph (b) of this section, determined by first reducing the amount of such contributions under section 170(e) (1) and paragraph (a) of § 1.170A–4 but without applying the 30-percent limitation under section 170(b) (1) (D) (i) and paragraph (d) (1) of this section.

However, see paragraph (d) of this section for a limitation on the amount of charitable contributions of 30-percent capital gain property. If an election under section 170(b) (1) (D) (iii) and paragraph (d) (2) of this section applies to any contributions of 30-percent capital gain property made during the taxable year or carried over to the taxable year, the amount allowed for the taxable year under paragraph (b) of this section with respect to such contributions for purposes of applying subdivision (ii) of this subparagraph shall be the reduced amount of such contributions determined by applying paragraph (d) (2) of this section.

(d) *30-percent limitation*—(1) *In general.* An individual may deduct charitable contributions of 30-percent capital gain property, as defined in subparagraph (3) of this paragraph, made during a taxable year to or for the use of any charitable organization described in section 170(c) to the extent that such contributions in the aggregate do not exceed 30-percent of his contribution base, as defined in paragraph (e) of this section, subject, however, to the 50- and 20-percent limitations prescribed by paragraphs (b) and (c) of this section. For purposes of applying the 50-percent and 20-percent limitations described in paragraphs (b) and (c) of this section, charitable contributions of 30-percent capital gain property paid during the taxable year, and limited as provided by this subparagraph, shall be taken into account after all other charitable contributions paid during the taxable year. For provisions relating to the carryover of certain contributions of 30-percent capital gain property in excess of 30-percent of an individual's contribution base, see section 170 (b) (1) (D) (ii) and paragraph (c) of § 1.170A–10.

(2) *Election by an individual to have section 170(e) (1) (B) apply to contributions*—(i) *In general.* (*a*) An individual may elect under section 170(b) (1) (D) (iii) for any taxable year to have the reduction rule of section 170(e) (1) (B) and paragraph (a) of § 1.170A–4 apply to all his charitable contributions of 30-percent capital gain property made during such taxable year or carried over to such taxable year from a taxable year beginning after December 31, 1969. If such election is made such contributions shall be treated as contributions of section 170(e) capital gain property in accordance with paragraph (b) (2) (iii) of § 1.170A–4. The election may be made with respect to contributions of 30-percent capital gain property carried over to the taxable year even though the individual has not made any contribution of 30-percent capital gain property in such year. If such an election is made, section 170(b) (1) (D) (i) and (ii) and subparagraph (1) of this paragraph shall not apply to such contributions made during such year. However, such contributions must be reduced as required under section 170(e) (1) (B) and paragraph (a) of § 1.170A–4.

(*b*) If there are carryovers to such taxable year of charitable contributions of 30-percent capital gain property made in preceding taxable years beginning after December 31, 1969, the amount of such contributions in each such preceding year shall be reduced as if section 170(e) (1) (B) had applied to them in the preceding year and shall be carried over to the taxable year and succeeding taxable years under section 170(d) (1) and paragraph (b) of § 1.170A–10 as contributions of property other than 30-percent capital gain property. For purposes of applying the immediately preceding sentence, the percentage limitations under section 170(b) for the preceding taxable year and for any taxable years intervening between such year and the year of the election shall not be redetermined and the amount of any deduction allowed for such years under section 170 in respect of the charitable contributions of 30-percent capital gain property in the preceding taxable year shall not be redetermined. However, the amount of the deduction so allowed under section 170 in the preceding taxable year must be subtracted from the reduced amount of the charitable contributions made in such year in order to determine the excess amount which is carried over from such year under section 170(d) (1). If the amount of the deduction so allowed in the preceding taxable year equals or exceeds the reduced amount of the charitable contributions, there shall be no carryover from such year to the year of the election.

(*c*) An election under this subparagraph may be made for each taxable year in which charitable contributions of 30-percent capital gain property are made or to which they are carried over under section 170(b) (1) (D) (ii). If there are also carryovers under section 170(d) (1) to the year of the election by reason of an election made under this subparagraph for a previous taxable year, such carryovers under section 170(d) (1) shall not be redetermined by reason of the subsequent election.

(ii) *Husband and wife making joint return.* If a husband and wife make a joint return of income for a contribution year and one of the spouses elects under this subparagraph in a later year when he files a separate return, or if a spouse dies after a contribution year for which a joint return is made, any excess contribution of 30-percent capital gain property which is carried over to the election year from the contribution year shall be allocated between the husband and wife as provided in paragraph (d) (4) (i) and (iii) of § 1.170A–10. If a husband and wife file separate

returns in a contribution year, any election under this subparagraph in a later year when a joint return is filed shall be applicable to any excess contributions of 30-percent capital gain property of either taxpayer carried over from the contribution year to the election year. The immediately preceding sentence shall also apply where two single individuals are subsequently married and file a joint return. A remarried individual who filed a joint return with his former spouse for a contribution year and thereafter files a joint return with his present spouse shall treat the carryover to the election year as provided in paragraph (d)(4)(ii) of § 1.170A–10.

(iii) *Manner of making election.* The election under subdivision (i) of this subparagraph shall be made by attaching to the income tax return for the election year a statement indicating that the election under section 170(b)(1)(D)(iii) and this subparagraph is being made. If there is a carryover to the taxable year of any charitable contributions of 30-percent capital gain property from a previous taxable year or years, the statement shall show a recomputation, in accordance with this subparagraph and § 1.170A–4, of such carryover, setting forth sufficient information with respect to the previous taxable year or any intervening year to show the basis of the recomputation. The statement shall indicate the district director, or the director of the internal revenue service center, with whom the return for the previous taxable year or years was filed, the name or names in which such return or returns were filed, and whether each such return was a joint or separate return.

(3) *30-percent capital gain property defined.* If there is a charitable contribution of a capital asset which, if it were sold by the donor at its fair market value at the time of its contribution, would result in the recognition of long-term capital gain and if the amount of such contribution is not required to be reduced under section 170(e)(1)(B), such capital asset shall be treated as "30-percent capital gain property" for purposes of section 170 and the regulations thereunder. For such purposes any property which is property used in the trade or business, as defined in section 1231(b), shall be treated as a capital asset. For the treatment of such property as section 170(e) capital gain property, see paragraph (b)(3)(iii) and (4) of § 1.170A–4.

(e) *Contribution base defined.* For purposes of section 170 the term "contribution base" means adjusted gross income under section 62, computed without regard to any net operating loss carryback to the taxable year under section 172. See section 170(b)(1)(F).

(f) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). B, an individual, reports his income on the calendar-year basis and for 1970 has a contribution base of $100,000. During 1970 he makes charitable contributions of $70,000 in cash, of which $40,000 is given to section 170(b)(1)(A) organizations and $30,000 is given to other organizations described in section 170(c). Accordingly, B is allowed a charitable contributions deduction of $50,000 (50% of $100,000), which consists of the $40,000 contributed to section 170(b)(1)(A) organizations and $10,000 of the $30,000 contributed to the other organizations. Under paragraph (c) of this section, only $10,000 of the $30,000 contributed to the other organizations is allowed as a deduction since such contribution of $30,000 is allowed to the extent of the lesser of $20,000 (20% of $100,000) or $10,000 ([50% of $100,000] − $40,000 (contributions allowed under section 170(b)(1)(A) and paragraph (b) of this section)). Under section 170(b)(1)(D)(ii) and (d)(1) and § 1.170A–10, B is not allowed a carryover to 1971 or to any other taxable year for any of the $20,000 ($30,000 − $10,000) not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

Example (2). C, an individual, reports his income on the calendar-year basis and for 1970 has a contribution base of $100,000. During 1970 he makes charitable contributions of $40,000 in 30-percent capital gain property to section 170(b)(1)(A) organizations and of $30,000 in cash to other organizations described in section 170(c). The 20-percent limitation in section 170(b)(1)(B) and paragraph (c) of this section is applied before the 30-percent limitation in section 170(b)(1)(D)(i) and paragraph (d) of this section; accordingly section 170(b)(1)(B)(ii) limits the deduction for the $30,000 cash contribution to $10,000 ([50% of $100,000] − $40,000). The amount of the contribution of 30-percent capital gain property is limited by section 170(b)(1)(D)(i) and paragraph (d) of this section to $30,000 (30% of $100,000). Accordingly, C's charitable contributions deduction for 1970 is limited to $40.000 ($10,000 + $30,000). Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, C is allowed a carryover to 1971 of $10,000 $40,000). The amount of the contribution of tions of 30-percent capital gain property. C is not allowed a carryover to 1971 or to any other taxable year for any of the $20,000 cash ($30,000 − $10,000) not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

Example (3). (a) D, an individual, reports his income on the calendar-year basis and for 1970 has a contribution base of $100,000. During 1970 he makes charitable contributions of $70,000 in cash, of which $40,000 is given to section 170(b)(1)(A) organizations and $30,000 is given to other organizations described in section 170(c). During 1971 D makes charitable contributions to a section 170(b)(1)(A) organization of $12,000, consisting of cash of $1,000 and $11,000 in 30-percent capital gain property. His contribution base for 1971 is $10,000.

(b) For 1970, D is allowed a charitable contributions deduction of $50,000 (50% of $100,000), which consists of the $40,000 contributed to section 170(b)(1)(A) organizations and $10,000 of the $30,000 contributed to the other organizations. Under paragraph (c) of this section, only $10,000 of the $30,000 contributed to the other organizations is allowed as a deduction since such contribution of $30,000 is allowed to the extent of the lesser of $20,000 (20% of $100,000) or $10,000 ([50% of $100,000] − $40,000 (contributions allowed under section 170(b)(1)(A) and paragraph (b) of this section)). D is not allowed a carryover to 1971 or to any other taxable year for any of the $20,000 ($30,000 − $10,000) not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

(c) For 1971, D is allowed a charitable contributions deduction of $4.000, consisting of $1,000 cash and $3,000 of the 30-percent capital gain property (30% of $10,000). Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, D is allowed a carryover to 1972 of $8,000 ($11,000 − $3,000) in respect of his contribution of 30-percent capital gain property in 1971.

Example (4). (a) E, an individual, reports his income on the calendar-year basis and for 1970 has a contribution base of $100,000. During 1970 he makes charitable contributions of $70,000 in cash, of which $40,000 is given to section 170(b)(1)(A) organizations and $30,000 is given to other organizations described in section 170(c). During 1971 E makes charitable contributions to a section 170(b)(1)(A) organization of $14,000 consisting of cash of $3,000 and $11,000 in 30-percent capital gain property. His contribution base for 1971 is $10,000.

(b) For 1970, E is allowed a charitable contributions deduction of $50,000 (50% of $100,000), which consists of the $40,000 contributed to section 170(b)(1)(A) organizations and $10,000 of the $30,000 contributed to the other organizations. Under paragraph (c) of this section, only $10,000 of the $30,000 contributed to the other organizations is allowed as a deduction since such contribution of $30,000 is allowed to the extent of the lesser of $20,000 (20% of $100,000) or ($10,000 ([50% of $100,000] − $40,000 (contributions allowed under section 170(b)(1)(A) and paragraph (b) of this section)). E is not allowed a carryover to 1971 or to any other taxable year for any of the $20,000 ($30,000 − $10,000) not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

(c) For 1971, E is allowed a charitable contributions deduction of $5,000 (50% of $10,000), consisting of $3,000 cash and $2,000 of the $3,000 (30% of $10,000) 30-percent capital gain property which is taken into account. This result is reached because, as provided in section 170(b)(1)(D)(i) and paragraph (d)(1) of this section, cash contributions are taken into account before charitable contributions of 30-percent capital gain property. Under section 170(b)(1)(D)(ii) and (d)(1) and paragraph (c) of § 1.170A–10, E is allowed a carryover of $9,000 ([$11,000 − $3,000] plus [$6,000 − $5,000]) to 1972 in respect of his contribution of 30-percent capital gain property in 1971.

Example (5). In 1970, C, a calendar-year individual taxpayer, contributes to a church the amount of $8,000, consisting of $3,000 in cash and $5,000 in 30-percent capital gain property. In 1970, C also makes a charitable contribution of $8,000 in 30-percent capital gain property to an organization described in section 170(c)(3). C's contribution base for 1970 is $20,000. Accordingly, C is allowed a charitable contributions deduction for 1970 of $9,000, which consists of $3,000 cash and $6,000 of the $13,000 of 30-percent capital gain property. C's deduction for contributions of 30-percent capital gain property is limited by section 170(b)(1)(D)(i) and paragraph (d) of this section to $6,000 (30% of $20,000). C is not allowed to carry over to 1971 or to any other year the remaining $7,000 because his contributions of 30-percent capital gain property for 1970 to section 170(b)(1)(A) organizations amount only to $5,000 and do not exceed $6,000 (30% of $20,000). Thus, the requirement of section 170(b)(1)(D)(ii) is not satisfied.

Example (6). During 1971, D, a calendar-year individual taxpayer, makes a charitable contribution to a church of $8,000, consisting of $5,000 in cash and $3,000 in 30-percent capital gain property. For such year, D's contribution base is $10,000. Accordingly, D is allowed a charitable contributions deduction for 1971 of $5,000 (50% of $10,000) of cash. Under section 170(d)(1) and paragraph (b) of § 1.170A–10, D is allowed a carryover to 1972 of his $3,000 contribution of 30-percent capital gain property, even though such amount does not exceed 30 percent of his contribution base for 1971.

Example (7). In 1970, E, a calendar-year individual taxpayer, makes a charitable contribution to a section 170(b)(1)(A) organization in the amount of $10,000, consisting of $8,000 in 30-percent capital gain property and of $2,000 (after reduction under section 170(e)) in other property. E's contribution base of 1970 is $20,000. Accordingly, E is allowed a charitable contributions deduction for 1970 of $8,000, consisting of the $2,000 of property the amount of which was reduced under section 170(e) and $6,000 (30% of $20,000) of the 30-percent capital gain property. Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, E is allowed to carry over to 1971 $2,000 ($8,000−$6,000) of his contribution of 30-percent capital gain property.

Example (8). In 1972, F, a calendar-year individual taxpayer, makes a charitable contribution to a section 170(b)(1)(A) organization of $4,000, consisting of $1,000 in cash and $3,000 in 30-percent capital gain property. In addition, F makes a charitable contribution in 1972 of $2,000 in cash to an organization described in section 170(c)(4). F also has a carryover from 1971 under section 170(d)(1) of $2,000 (none of which consists of contributions of 30-percent capital gain property) and a carryover from 1971 under section 170(b)(1)(D)(ii) of $3,000 of contributions of 30-percent capital gain property. F's contribution base for 1972 is $10,000. Accordingly, F is allowed a charitable contributions deduction for 1972 of $5,000 (50% of $10,000), which consists of $1,000 of cash, $3,000 of 30-percent capital gain property contributed in 1972, and $1,000 of the $2,000 carryover from 1971 under section 170(d)(1). Under section 170(b)(1)(B) and paragraph (c) of this section, the contribution of $2,000 to the section 170(c)(4) organization is not allowed as a deduction for 1972 or any other year. Under section 170(d)(1) and paragraph (b) of § 1.170A–10, F is allowed a carryover to 1973 from 1971 of $4,000 ($9,000−$5,000), consisting of $3,000 of contributions of 30-percent capital gain property and $1,000 of contributions of other than 30-percent capital gain property.

Example (9). (a) In 1970, A, a calendar-year individual taxpayer, makes a charitable contribution to a church of 30-percent capital gain property having a fair market value of $60,000 and an adjusted basis of $10,000. A's contribution base for 1970 is $50,000, and he makes no other charitable contributions in that year. A does not elect for 1970 under paragraph (d)(2) of this section to have section 170(e)(1)(B) apply to such contribution. Accordingly, under section 170(b)(1)(D)(i) and paragraph (d) of this section, A is allowed a charitable contributions deduction for 1970 of $15,000 (30% of $50,000). Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, A is allowed a carryover to 1971 of $45,000 ($60,000−$15,000) for his contribution of 30-percent capital gain property.

(b) In 1971, A makes a charitable contribution to a church of 30-percent capital gain property having a fair market value of $11,000 and an adjusted basis of $10,000. A's contribution base for 1971 is $60,000, and he makes no other charitable contributions in that year. A elects for 1971 under paragraph (d)(2) of this section to have section 170(e)(1)(B) and § 1.170A–4 apply to his contribution of $11,000 in that year and to his carryover of $45,000 from 1970. Accordingly, he is required to recompute his carryover from 1970 as if section 170(e)(1)(B) had applied to his contribution of 30-percent capital gain property in that year.

(c) If section 170(e)(1)(B) had applied in 1970 to his contribution of 30-percent capital gain property, A's contribution would have been reduced from $60,000 to $35,000, the reduction of $25,000 being 50 percent of the gain of $50,000 ($60,000−$10,000) which would have been recognized as long-term capital gain if the property had been sold by A at its fair market value at the time of the contribution in 1970. Accordingly, by taking the election under paragraph (d)(2) of this section into account, A has a recomputed carryover to 1971 of $20,000 ($35,000−$15,000) of his contribution of 30-percent capital gain property in 1970. However, A's charitable contributions deduction of $15,000 allowed for 1970 is not recomputed by reason of the election.

(d) Pursuant to the election for 1971, the contribution of 30-percent capital gain property for 1971 is reduced from $11,000 to $10,500, the reduction of $500 being 50 percent of the gain of $1,000 ($11,000−$10,000) which would have been recognized as long-term capital gain if the property had been sold by A at its fair market value at the time of its contribution in 1971.

(e) Accordingly, A is allowed a charitable contributions deduction for 1971 of $30,000 (total contributions of $30,500 [$20,000+$10,500] but not to exceed 50% of $60,000).

(f) Under section 170(d)(1) and paragraph (b) of § 1.170A–10, A is allowed a carryover of $500 ($30,500−$30,000) to 1972 and the 3 succeeding taxable years. The $500 carryover, which by reason of the election is no longer treated as a contribution of 30-percent capital gain property, is treated as carried over under paragraph (b) of § 1.170A–10 from 1970 since in 1971 current year contributions are deducted before contributions which are carried over from preceding taxable years.

Example (10). The facts are the same as in example (9) except that A also makes a charitable contribution in 1971 of $2,000 cash to a private foundation not described in section 170(b)(1)(E) and that A's contribution base for that year is $62,000, instead of $60,000. Accordingly, A is allowed a charitable contributions deduction for 1971 of $31,000, determined in the following manner. Under section 170(b)(1)(A) and paragraph (b) of this section, A is allowed a charitable contributions deduction for 1971 of $30,500, consisting of $10,500 of property contributed to the church in 1971 and of $20,000 (carryover of $20,000 but not to exceed [($62,000×50%)−$10,500]) of contributions of property carried over to 1971 under section 170(d)(1) and paragraph (b) of § 1.170A–10. Under section 170(b)(1)(B) and paragraph (c) of this section, A is allowed a charitable contributions deduction for 1971 of $500 ([50% of $62,000]−[$10,500+$20,000]) of cash contributed to the private foundation in that year. A is not allowed a carryover to 1972 or to any other taxable year for any of the $1,500 ($2,000−$500) cash not deductible in 1971 under section 170(b)(1)(B) and paragraph (c) of this section.

Example (11). The facts are the same as in example (9) except that A's contribution base for 1970 is $120,000. Thus, before making the election under paragraph (d)(2) of this section for 1971, A is allowed a charitable contributions deduction for 1970 of $36,000 (30% of $120,000) and is allowed a carryover to 1971 of $24,000 ($60,000−$36,000). By making the election for 1971, A is required to recompute the carryover from 1970, which is reduced from $24,000 to zero, since the charitable contributions deduction of $36,000 allowed for 1970 exceeds the reduced $35,000 contribution for 1970 which may be taken into account by reason of the election for 1971. Accordingly, A is allowed a deduction for 1971 of $10,500 and is allowed no carryover to 1972, since the reduced contribution for 1971 ($10,500) does not exceed the limitation of $30,000 (50% of $60,000) for 1971 which applies under section 170(d)(1) and paragraph (b) of § 1.170A–10. A's charitable contributions deduction of $36,000 allowed for 1970 is not recomputed by reason of the election. Thus, it is not to A's advantage to make the election under paragraph (d)(2) of this section.

Example (12). (a) B, an individual, reports his income on the calendar-year basis and for 1970 has a contribution base of $100,000. During 1970 he makes charitable contributions of $70,000, consisting of $50,000 in 30-percent capital gain property contributed to a church and $20,000 in cash contributed to a private foundation not described in section 170(b)(1)(E). For 1971, B's contribution base is $40,000, and in that year he makes a charitable contribution of $5,000 in cash to such private foundation. During the years involved B makes no other charitable contributions.

(b) The amount of the contribution of 30-percent capital gain property which may be taken into account for 1970 is limited by section 170(b)(1)(D)(i) and paragraph (d) of this section to $30,000 (30% of $100,000). Accordingly, under section 170(b)(1)(A) and paragraph (b) of this section B is allowed a deduction for 1970 of $30,000 of 30-percent capital gain property (contribution of $30,000 but not to exceed $50,000 [50% of $100,000]). No deduction is allowed for 1970 for the contribution in that year of $20,000 of cash to the private foundation since section 170(b)(1)(B)(ii) and paragraph (c) of this section limit the deduction for such contribution to $0 ([50% of $100,000]−$50,000, the amount of the contribution of 30-percent capital gain property).

(c) Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, B is allowed a carryover to 1971 of $20,000 ($50,000−[30% of $100,000]) of his contribution in 1970 of 30-percent capital gain property. B is not allowed a carryover to 1971 or to any other taxable year for any of the $20,000 cash contribution in 1970 which is not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

(d) The amount of the contribution of 30-percent capital gain property which may be taken into account for 1971 is limited by section 170(b)(1)(D)(i) and paragraph (d) of this section to $12,000 (30% of $40,000). Accordingly, under section 170(b)(1)(A) and paragraph (b) of this section B is allowed a deduction for 1971 of $12,000 of 30-percent capital gain property (contribution of $12,000 but not to exceed $20,000 [50% of $40,000]). No deduction is allowed for 1971 for the contribution in that year of $5,000 of cash to the private foundation, since section 170(b)(1)(B)(ii) and paragraph (c) of this section limit the deduction for such contribution to $0 ([50% of $40,000]−$20,000).

(e) Under section 170(b)(1)(D)(ii) and paragraph (c) of § 1.170A–10, B is allowed a carry-over to 1972 of $8,000 ($20,000−[30% of $40,000]) of his contribution in 1970 of 30-percent capital gain property. B is not allowed a carryover to 1972 or to any other taxable year for any of the $5,000 cash contribution for 1971 which is not deductible under section 170(b)(1)(B) and paragraph (c) of this section.

(g) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969.

§ 1.170A–9 Definition of section 170 (b)(1)(A) organization. [Reserved]

§ 1.170A–10 Charitable contributions carryovers of individuals.

(a) *In general.* Section 170(d)(1), relating to carryover of charitable contributions in excess of 50 percent of contribution base, and section 170(b)(1)(D)(ii), relating to carryover of charitable contributions in excess of 30 percent of contribution base, provide for excess charitable contributions carryovers by individuals of charitable contributions to section 170(b)(1)(A) organizations described in § 1.170A–9. These carryovers shall be determined as provided in paragraphs (b) and (c) of this section. No excess charitable contributions carryover shall be allowed with respect to contributions "for the use of", rather than "to", section 170(b)(1)(A) organizations or with respect to contributions "to" or "for the use of" organizations which are not section 170(b)(1)(A) organizations. The carryover provisions apply with respect to contributions made during a taxable year in excess of the applicable percentage limitation even though the taxpayer elects under section 144 to take the standard deduction in that year instead of itemizing the deductions allowable in computing taxable income for that year. For provisions requiring a reduction of the excess charitable contribution computed under paragraph (b)(1) or (c)(1) of this section when there is a net operating loss carryover to the taxable year, see paragraph (d)(1) of this section. The provisions of section 170(b)(1)(D)(ii) and (d)(1) and this section do not apply to contributions by an estate or trust for which a deduction is allowed under section 642(c), relating to deductions for amounts paid or permanently set aside for a charitable purpose.

(b) *50-percent charitable contributions carryover of individuals*—(1) *Computation of excess of charitable contributions made in a contribution year.* Under section 170(d)(1), subject to certain conditions and limitations, the excess of—

(i) The amount of the charitable contributions made by an individual in a taxable year (hereinafter in this paragraph referred to as the "contribution year") to section 170(b)(1)(A) organizations described in § 1.170A–9, over

(ii) 50 percent of his contribution base, as defined in section 170(b)(1)(F), for such contribution year,

shall be treated as a charitable contribution paid by him to a section 170(b)(1)(A) organization in each of the 5 taxable years immediately succeeding the contribution year in order of time. However, such excess to the extent it consists of contributions of 30-percent capital gain property, as defined in § 1.170A–8(d)(3), shall be subject to the rules of section 170(b)(1)(D)(ii) and paragraph (c) of this section in the years to which it is carried over. A charitable contribution made in a taxable year beginning before January 1, 1970, to a section 170(b)(1)(A) organization and carried over to a taxable year beginning after December 31, 1969, under section 170(b)(5) (before its amendment by the Tax Reform Act of 1969) shall be treated in such taxable year beginning after December 31, 1969, as a charitable contribution of cash subject to the limitations of this paragraph, whether or not such carryover consists of contributions of 30-percent capital gain property, as defined in § 1.170A–8(d)(3). The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that H and W (husband and wife) have a contribution base for 1970 of $50,000 and for 1971 of $40,000 and file a joint return for each year. Assume further that in 1970 they make a charitable contribution in cash of $26,500 to a church and $1,000 to X (not a section 170(b)(1)(A) organization) and in 1971 they make a charitable contribution in cash of $19,000 to a church and $600 to X. They may claim a charitable contributions deduction of $25,000 in 1970, and the excess of $26,500 (contribution to the church) over $25,000 (50 percent of contribution base), or $1,500, constitutes a charitable contributions carryover which shall be treated as a charitable contribution paid by them to a section 170(b)(1)(A) organization in each of the 5 succeeding taxable years in order of time. No carryover is allowed with respect to the $1,000 contribution made to X in 1970. Since 50 percent of their contribution base for 1971 ($20,000) exceeds the charitable contributions of $19,000 made by them in 1971 to section 170(b)(1)(A) organizations (computed without regard to section 170(b)(1)(D)(ii) and (d)(1) and this section), the portion of the 1970 carryover equal to such excess of $1,000 ($20,000 minus $19,000) is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1971; the remaining $500 constitutes an unused charitable contributions carryover. No deduction for 1971, and no carryover, are allowed with respect to the $600 contribution made to X in 1971.

Example (2). Assume the same facts as in example (1) except that H and W have a contribution base for 1971 of $42,000. Since 50 percent of their contribution base for 1971 ($21,000) exceeds by $2,000 the charitable contribution of $19,000 made by them in 1971 to the section 170(b)(1)(A) organization (computed without regard to section 170(b)(1)(D)(ii) and (d)(1) and this section), the full amount of the 1970 carryover of $1,500 is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1971. They may also claim a charitable contribution of $500 ($21,000 −$20,500[$19,000 +$1,000]) with respect to the gift to X in 1971. No carryover is allowed with respect to the $100 ($600 −$500) of the contribution to X which is not deductible in 1971.

(2) *Determination of amount treated as paid in taxable years succeeding contribution year.* In applying the provisions of subparagraph (1) of this paragraph, the amount of the excess computed in accordance with the provisions of such subparagraph and paragraph (d)(1) of this section which is to be treated as paid in any one of the 5 taxable years immediately succeeding the contribution year to a section 170(b)(1)(A) organization shall not exceed the lesser of the amounts computed under subdivisions (i) to (iii), inclusive, of this subparagraph:

(i) The amount by which 50 percent of the taxpayer's contribution base for such succeeding taxable year exceeds the sum of—

(*a*) The charitable contributions actually made (computed without regard to the provisions of section 170(b)(1)(D)(ii) and (d)(1) and this section) by the taxpayer in such succeeding taxable year to section 170(b)(1)(A) organizaitons, and

(*b*) The charitable contributions, other than contributions of 30 percent capital gain property, made to section 170(b)(1)(A) organizations in taxable years preceding the contribution year which, pursuant to the provisions of section 170(d)(1) and this paragraph, are treated as having been paid to a section 170(b)(1)(A) organization in such succeeding year.

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contribution in the contribution year, computed under subparagraph (1) of this paragraph and paragraph (d)(1) of this section.

(iii) In the case of the second, third, fourth, and fifth taxable years succeeding the contribution year, the portion of the excess charitable contribution in the contribution year, computed under subparagraph (1) of this paragraph and paragraph (d)(1) of this section, which has not been treated as paid to a section 170(b)(1)(A) organization in a year intervening between the contribution year and such succeeding taxable year.

For purposes of applying subdivision (i)(*a*) of this subparagraph, the amount of charitable contributions of 30-percent capital gain property actually made in a taxable year succeeding the contribution year shall be determined by first applying the 30-percent limitation of section 170(b)(1)(D)(i) and paragraph (d) of § 1.170A–8. If a taxpayer, in any one of the 4 taxable years succeeding a contribution year, elects under section 144 to take the standard deduction instead of itemizing the deductions allowable in computing taxable income, there shall be treated as paid (but not allowable as a deduction) in such standard deduction year the lesser of the amounts determined under subdivisions (i) to (iii), inclusive, of this subparagraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that B has a contribution base for 1970 of $20,000 and for 1971 of $30,000. Assume further that in 1970 B contributed $12,000 in cash to a church and in 1971 he contributed $13,500 in cash to the church. B may claim a charitable contributions deduction of $10,000 in 1970, and the excess of $12,000 (contribution to the church) over $10,000 (50 percent of B's contribution base), or $2,000, constitutes a charitable contributions carryover which shall be treated as a charitable contribution paid by B to a section 170(b)(1)(A) organization in the 5 taxable years succeeding 1970 in order

of time. B may claim a charitable contributions deduction of $15,000 in 1971. Such $15,000 consists of the $13,500 contribution to the church in 1971 and $1,500 carried over from 1970 and treated as a charitable contribution paid to a section 170(b)(1)(A) organization in 1971. The $1,500 contribution treated as paid in 1971 is computed as follows:

1970 excess contributions		$2,000
50 percent of B's contribution base for 1971		15,000
Less:		
Contributions actually made in 1971 to section 170(b)(1)(A) organizations	$13,500	
Contributions made to section $170(b)(1)(A) organizations in taxable years prior to 1970 treated as having been paid in 1971	0	13,500
Balance		1,500
Amount of 1970 excess treated as paid in 1971—the lesser of $2,000 (1970 excess contributions) or $1,500 (excess of 50 percent of contribution base for 1971 ($15,000) over the sum of the section 170(b)(1)(A) contributions actually made in 1971 ($13,500) and the section 170(b)(1)(A) contributions made in years prior to 1970 treated as having been paid in 1971 ($0))		1,500

If the excess contributions made by B in 1970 had been $1,000 instead of $2,000, then, for purposes of this example, the amount of the 1970 excess treated as paid in 1971 would be $1,000 rather than $1,500.

Example (2). Assume the same facts as in example (1), and, in addition, that B has a contribution base for 1972 of $10,000 and for 1973 of $20,000. Assume further with respect to 1972 that B elects under section 144 to take the standard deduction in computing taxable income and that his actual contributions to section 170(b)(1)(A) organizations in that year are $300 in cash. Assume further with respect to 1973 that B itemizes his deductions, which include a $5,000 cash contribution to a church. B's deductions for 1972 are not increased by reason of the $500 available as a charitable contributions carryover from 1970 (excess contributions made in 1970 ($2,000) less the amount of such excess treated as paid in 1971 ($1,500)), since B elected to take the standard deduction in 1972. However, for purposes of determining the amount of the excess charitable contributions made in 1970 which is available as a carryover to 1973, B is required to treat such $500 as a charitable contribution paid in 1972—the lesser of $500 or $4,700 (50 percent of contribution base ($5,000) over contributions actually made in 1972 to section 170(b)(1)(A) organizations ($300)). Therefore, even though the $5,000 contribution made by B in 1973 to a church does not amount to 50 percent of B's contribution base for 1973 (50 percent of $20,000), B may claim a charitable contributions deduction of only the $5,000 actually paid in 1973 since the entire excess charitable contribution made in 1970 ($2,000) has been treated as paid in 1971 ($1,500) and 1972 ($500).

Example (3). Assume the following factual situation for C who itemizes his deductions in computing taxable income for each of the years set forth in the example:

	1970	1971	1972	1973	1974
Contribution base	$10,000	$7,000	$15,000	$10,000	$9,000
Contributions of cash to section 170(b)(1)(A) organizations (no other contributions)	6,000	4,400	8,000	3,000	1,500
Allowable charitable contributions deductions computed without regard to carryover of contributions	5,000	3,500	7,500	3,000	1,500
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	1,000	900	500	0	0

Since C's contributions in 1973 and 1974 to section 170(b)(1)(A) organizations are less than 50 percent of his contribution base for such years, the excess contributions for 1970, 1971, and 1972 are treated as having been paid to section 170(b)(1)(A) organizations in 1973 and 1974 as follows:

1973

Contribution year	Total excess	Less: Amount treated as paid in year prior to 1973	Available charitable contributions carryovers
1970	$1,000	0	$1,000
1971	900	0	900
1972	500	0	500
Total			2,400

50 percent of B's contribution base for 1973		$5,000
Less: Charitable contributions made in 1973 to section 170(b)(1)(A) organizations		3,000
		2,000
Amount of excess contributions treated as paid in 1973—lesser of $2,400 (available carryovers to 1973) or $2,000 (excess of 50 percent of contribution base ($5,000) over contributions actually made in 1973 to section 170(b)(1)(A) organizations ($3,000))		2,000

1974

Contribution year	Total excess	Less: Amount treated as paid in year prior to 1974	Available charitable contributions carryovers
1970	$1,000	$1,000	0
1971	900	900	0
1972	500	100	$400
1973	0	0	0
Total			400

50 percent of B's contribution base for 1974		$4,500
Less: Charitable contributions made in 1974 to section 170(b)(1)(A) organizations		1,500
		3,000
Amount of excess contributions treated as paid in 1974—the lesser of $400 (available carryovers to 1974) or $3,000 (excess of 50 percent of contribution base ($4,500) over contributions actually made in 1974 to section 170(b)(1)(A) organizations ($1,500))		400

(c) *30-percent charitable contributions carryover of individuals*—(1) *Computation of excess of charitable contributions made in a contribution year.* Under section 170(b)(1)(D)(ii), subject to certain conditions and limitations, the excess of—

(i) The amount of the charitable contributions of 30-percent capital gain property, as defined in § 1.170A-8(d)(3), made by an individual in a taxable year (hereinafter in this paragraph referred to as the "contribution year") to section 170(b)(1)(A) organizations described in § 1.170A-9, over

(ii) 30 percent of his contribution base for such contribution year, shall subject to section 170(b)(1)(A) and paragraph (b) of § 1.170A-8, be treated as a charitable contribution of 30-percent capital gain property paid by him to a section 170(b)(1)(A) organization in each of the 5 taxable years immediately succeeding the contribution year in order of time. In addition, any charitable contribution of 30-percent capital gain property which is carried over to such years under section 170(d)(1) and paragraph (b) of this section shall also be treated as though it were a carryover of 30-percent capital gain property under section 170(b)(1)(D)(ii) and this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that H and W (husband and wife) have a contribution base for 1970 of $50,000 and for 1971 of $40,000 and file a joint return for each year. Assume further that in 1970 they contribute $20,000 cash and $13,000 of 30-percent capital gain property to a church, and that in 1971 they contribute $5,000 cash and $10,000 of 30-percent capital gain property to a church. They may claim a charitable contributions deduction of $25,000 in 1970 and the excess of $33,000 (contributed to the church) over $25,000 (50 percent of contribution base), or $8,000, constitutes a charitable contributions carryover which shall be treated as a charitable contribution of 30-percent capital gain property paid by them to a section 170(b)(1)(A) organization in each of the 5 succeeding taxable years in order of time. Since 30 percent of their contribution base for 1971 ($12,000) exceeds the charitable contributions of 30-percent capital gain property ($10,000) made by them in 1971 to section 170(b)(1)(A) organizations (computed without regard to section 170(b)(1)(D)(ii) and (d)(1) and this section), the portion of the 1970 carryover equal to such excess of $2,000 ($12,000—$10,000) is treated, pursuant to the provisions of subparagraph (2) of this paragraph, as paid to a section 170(b)(1)(A) organization in 1971; the remaining $6,000 constitutes an unused charitable contributions carryover in respect of 30-percent capital gain property from 1970.

Example (2). Assume the same facts as in example (1) except the $33,000 of charitable contributions in 1970 are all 30-percent capital gain property. Since their charitable contributions in 1970 exceed 30 percent of their contribution base ($15,000) by $18,000 ($33,000—$15,000), they may claim a charitable contributions deduction of $15,000 in 1970, and the excess of $33,000 over $15,000,

or $18,000, constitutes a charitable contributions carryover which shall be treated as a charitable contribution of 30-percent capital gain property paid by them to a section 170(b)(1)(A) organization in each of the 5 succeeding taxable years in order of time. Since they are allowed to treat only $2,000 of their 1970 contribution as paid in 1971, they have a remaining unused charitable contributions carryover of $16,000 in respect of 30-percent capital gain property from 1970.

(2) *Determination of amount treated as paid in taxable years succeeding contribution year.* In applying the provisions of subparagraph (1) of this paragraph, the amount of the excess computed in accordance with the provisions of such subparagraph and paragraph (d)(1) of this section which is to be treated as paid in any one of the 5 taxable years immediately succeeding the contribution year to a section 170(b)(1)(A) organization shall not exceed the least of the amounts computed under subdivisions (i) to (iv), inclusive of this subparagraph:

(i) The amount by which 30 percent of the taxpayer's contribution base for such succeeding taxable year exceeds the sum of—

(*a*) The charitable contributions of 30-percent capital gain property actually made (computed without regard to the provisions of section 170 (b)(1)(D)(ii) and (d)(1) and this section) by the taxpayer in such succeeding taxable year to section 170(b)(1)(A) organizations, and

(*b*) The charitable contributions of 30-percent capital gain property made to section 170(b)(1)(A) organizations in taxable years preceding the contribution year, which, pursuant to the provisions of section 170 (b)(1)(D)(ii) and (d)(1) and this section, are treated as having been paid to a section 170(b)(1)(A) organization in such succeeding year.

(ii) The amount by which 50 percent of the taxpayer's contribution base for such succeeding taxable year exceeds the sum of—

(*a*) The charitable contributions actually made (computed without regard to the provisions of section 170 (b)(1)(D)(ii) and (D)(1) of this section) by the taxpayer in such succeeding taxable year to section 170(b)(1)(A) organizations, and

(*b*) The charitable contributions made to section 170(b)(1)(A) organizations in taxable years preceding the contribution year which, pursuant to the provisions of section 170 (b)(1)(D)(ii) and (d)(1) and this section, are treated as having been paid to a section 170(b)(1)(A) organization in such succeeding year.

(iii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contribution of 30-percent capital gain property in the contribution year, computed under subparagraph (1) of this paragraph and paragraph (d)(1) of this section.

(iv) In the case of the second, third, fourth, and fifth succeeding taxable years succeeding the contribution year, the portion of the excess charitable contribution of 30-percent capital gain property in the contribution year (computed under subparagraph (1) of this paragraph and paragraph (d)(1) of this section) which has not been treated as paid to a section 170(b)(1)(A) organization in a year intervening between the contribution year and such succeeding taxable year.

For purposes of applying subdivisions (i) and (ii) of this subparagraph, the amount of charitable contributions of 30-percent capital gain property actually made in a taxable year succeeding the contribution year shall be determined by first applying the 30-percent limitation of section 170(b)(1)(D)(i) and paragraph (d) of § 1.170A–8. If a taxpayer, in any one of the four taxable years succeeding a contribution year, elects under section 144 to take the standard deduction instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income, there shall be treated as paid (but not allowable as a deduction) in the standard deduction year the least of the amounts determined under subdivisions (1) to (iv), inclusive, of this subparagraph. The provisions of this subparagraph may be illustrated by the following example:

Example. Assume the following factual situation for C who itemizes his deductions in computing taxable income for each of the years set forth in the example:

	1970	1971	1972	1973	1974
Contribution base	$10,000	$15,000	$20,000	$15,000	$20,000
Contributions of cash to section 170(b)(1)(A) organizations	2,000	8,500	0	5,500	5,000
Contributions of 30-percent capital gain property to section 170(b)(1)(A) organizations	5,000	0	8,000	0	2,500
Allowable charitable contributions deductions (computed without regard to carryover of contributions) subject to limitations of:					
50 percent	2,000	7,500	0	5,500	5,000
30 percent	3,000	0	6,000	0	2,500
Total	5,000	7,500	6,000	5,500	7,500
Excess of contributions for taxable year to be treated as paid in 5 succeeding taxable years:					
Section 170(d)(1) carryover (other than charitable contributions of 30-percent capital gain property)	0	1,000	0	0	0
Carryover of contributions of 30-percent capital gain property	2,000	0	2,000	0	0

C's excess contributions for 1970, 1971, and 1972 are treated as having been paid to section 170(b)(1)(A) organizations as follows:

1972

Contribution year	Total excess 50%	Total excess 30%	Less: Amount treated as paid in years prior to 1972	Available charitable contributions carryovers 50%	Available charitable contributions carryovers 30%
1970	0	$2,000	0	0	$2,000
1971	$1,000	0	0	$1,000	0
				1,000	2,000
50 percent of C's contribution base for 1972				10,000	
30 percent of C's contribution base for 1972					6,000
Less: Charitable contributions actually made in 1972 to section 170(b)(1)(A) organizations ($8,000, but not to exceed 30% of contribution base)				0	6,000
				10,000	0
Amount of excess contributions of property other than 30-percent capital gain property treated as paid in 1972—the lesser of $1,000 (available carryover to 1972 of contributions other than contributions of 30-percent capital gain property) or $4,000 (excess of 50 percent of contribution base ($10,000) over contributions actually made in 1972 to section 170(b)(1)(A) organizations ($6,000))					1,000
Amount of excess contributions of 30-percent capital gain property treated as paid in 1972—the lesser of $2,000 (available carryover to 1972 of contributions of 30-percent capital gain property) or $0 (excess of 30-percent of contribution base ($6,000) over contributions of 30-percent capital gain property actually made in 1972 to sec. 170(b)(1)(A) organizations ($6,000))					0

1973

Contribution year	Total excess 50%	Total excess 30%	Less: Amount treated as paid in years prior to 1973	Available charitable contributions carryovers 50%	Available charitable contributions carryovers 30%
1970	0	$2,000	0	0	$2,000
1971	$1,000	0	$1,000	0	0
1972	0	2,000	0	0	2,000
				0	4,000
50 percent of C's contribution base for 1973				$7,500	
30 percent of C's contribution base for 1973					4,500
Less: Charitable contributions made in 1973 to section 170(b)(1)(A) organizations				5,500	0
				2,000	4,500
Amount of excess contributions of 30-percent capital gain property treated as paid in 1973—the lesser of $2,000 (available carryover to 1973 from 1970 of contributions of 30-percent capital gain property) or $2,000 (excess of 50 percent of contribution base ($7,500) over contributions actually made in 1973 to section 170(b)(1)(A) organizations ($5,500)), but in no case to exceed $4,500 (30 percent of contribution base)					2,000

1974

Contribution year	Total excess 50%	Total excess 30%	Less: Amount treated as paid in years prior to 1974	Available charitable contributions carryovers 50%	Available charitable contributions carryovers 30%
1970	0	$2,000	$2,000	0	0
1971	$1,000	0	1,000	0	0
1972	0	2,000	0	0	$2,000
1973	0	0	0	0	0
				0	2,000
50 percent of C's contribution base for 1974				$10,000	
30 percent of C's contribution base for 1974					6,000
Less: Charitable contributions made in 1974 to section 170(b)(1)(A) organizations				5,000	2,500
				5,000	3,500
Amount of excess of contributions of 30-percent capital gain property treated as paid in 1974—the lesser of $2,000 (available carryover from 1972 to 1974 of contributions of 30-percent capital gain property) or $2,500 (excess of 50 percent of contributions base ($10,000) over contributions actually made in 1974 to section 170(b)(1)(A) organizations ($7,500)), but in no case to exceed $3,500 (excess of 30 percent of contribution base ($6,000) over contributions of 30-percent capital gain property actually made in 1974 to section 170(b)(1)(A) organizations ($2,500))					2,000

(d) *Adjustments*—(1) *Effect of net operating loss carryovers on carryover of excess contributions.* An individual having a net operating loss carryover from a prior taxable year which is available as a deduction in a contribution year must apply the special rule of section 170(d)(1)(B) and this subparagraph in computing the excess described in paragraph (b)(1) or (c)(1) of this section for such contribution year. In determining the amount of excess charitable contributions that shall be treated as paid in each of the 5 taxable years succeeding the contribution year, the excess charitable contributions described in paragraph (b)(1) or (c)(1) of this section must be reduced by the amount by which such excess reduces taxable income (for purposes of determining the portion of a net operating loss which shall be carried to taxable years succeeding the contribution year under the second sentence of section 172(b)(2)) and increases the net operating loss which is carried to a succeeding taxable year. In reducing taxable income under the second sentence of section 172(b)(2), an individual who has made charitable contributions in the contribution year to both section 170(b)(1)(A) organizations, as defined in § 1.170A–9, and to organizations which are not section 170(b)(1)(A) organizations must first deduct contributions made to the section 170(b)(1)(A) organizations from his adjusted gross income computed without regard to his net operating loss deduction before any of the contributions made to organizations which are not section 170(b)(1)(A) organizations may be deducted from such adjusted gross income. Thus, if the excess of the contributions made in the contribution year to section 170(b)(1)(A) organizations over the amount deductible in such contribution year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding year or years, no part of the excess charitable contributions made in such contribution year shall be treated as paid in any of the 5 immediately succeeding taxable years. If only a portion of the excess charitable contributions is so used, the excess charitable contributions shall be reduced only to that extent. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). B, an individual, reports his income on the calendar year basis and for the year 1970 has adjusted gross income (computed without regard to any net operating loss deduction) of $50,000. During 1970 he made charitable contributions of cash in the amount of $30,000 all of which were to section 170(b)(1)(A) organizations. B has a net operating loss carryover from 1969 of $50,000. In the absence of the net operating loss deduction B would have been allowed a deduction for charitable contributions of $25,000. After the application of the net operating loss deduction, B is allowed no deduction for charitable contributions, and there is (before applying the special rule of section 170(d)(1)(B) and this subparagraph) a tentative excess charitable contribution of $30,000. For purposes of determining the net operating loss which remains to be carried over to 1971, B computes his taxable income for 1970 under section 172(b)(2) by deducting the $25,000 charitable contribution. After the $50,000 net operating loss carryover is applied against the $25,000 of taxable income for 1970 (computed in accordance with section 172(b)(2), assuming no deductions other than the charitable contributions deduction are applicable in making such computation), there remains a $25,000 net operating loss carryover to 1971. Since the application of the net operating loss carryover of $50,000 from 1969 reduces the 1970 adjusted gross income (for purposes of determining 1970 tax liability) to zero, no part of the $25,000 of charitable contributions in that year is deductible under section 170(b)(1). However, in determining the amount of the excess charitable contributions which shall be treated as paid in taxable years 1971, 1972, 1973, 1974, and 1975, the $30,000 must be reduced to $5,000 by the portion of the excess charitable contributions ($25,000) which was used to reduce taxable income for 1970 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover to 1971 from zero to $25,000.

Example (2). Assume the same facts as in example (1), except that B's total charitable contributions of $30,000 in cash made during 1970 consisted of $25,000 to section 170(b)(1)(A) organizations and $5,000 to organizations other than section 170(b)(1)(A) oragnizations. Under these facts there is a tentative excess charitable contribution of $25,000, rather than $30,000 as in example (1). For purposes of determining the net operating loss which remains to be carried over to 1971, B computes his taxable income for 1970 under section 172(b)(2) by deducting the $25,000 of charitable contributions made to section 170(b)(1)(A) organizations. Since the excess charitable contribution of $25,000 determined in accordance with paragraph (b)(1) of this section was used to reduce taxable income for 1970 (as computed for purposes of the second sentence of section 172(b)(2)) and thereby served to increase the net operating loss carryover to 1971 from zero to $25,000, no part of such excess charitable contributions made in the contribution year shall be treated as paid in any of the five immediately succeeding taxable years. No carryover is allowed with respect to the $5,000 of charitable contributions made in 1970 to organizations other than section 170(b)(1)(A) organizations.

Example (3). Assume the same facts as in example (1), except that B's total contributions of $30,000 made during 1970 were of 30-percent capital gain property. Under these facts there is a tentative excess charitable contribution of $30,000. For purposes of determining the net operating loss which remains to be carried over to 1971, B computes his taxable income for 1970 under section 172(b)(2)(B) by deducting the $15,000 (30% of $50,000) contribution of 30-percent capital gain property which would have been deductible in 1970 absent the net operating loss deduction. Since $15,000 of the excess charitable contribution of $30,000 determined in accordance with paragraph (c)(1) of this section was used to reduce taxable income for 1970 (as computed for purposes of the second sentence of section 172(b)(2)) and thereby served to increase the net operating loss carryover to 1971 from zero to $15,000, only $15,000 ($30,000—$15,000) of such excess shall be treated as paid in taxable years 1971, 1972, 1973, 1974, and 1975.

(2) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year computed as provided in paragraph (b)(1) or (c)(1) of this section and subparagraph (1) of this paragraph shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. Thus, for example, assuming that in 1970 there is an excess contribution of $50,000 (determined as provided in paragraph (b)(1) of this section) which is to be carried to the 5 succeeding taxable years and that in 1973 the taxpayer has a net operating loss which may be carried back to 1970, the excess contribution of $50,000 for 1970 is not increased by reason of the fact that the adjusted gross income for 1970 (on which such excess contribution was based) is subsequently decreased by the carryback of the net operating loss from 1973. In addition, in determining under the provisions of section 172(b)(2) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of contributions made to section 170(b)(1)(A) organizations shall be limited to the amount of such contributions which did not exceed 50 percent or, in the case of 30-percent capital gain property, 30 percent of the donor's contribution base, computed without regard to any of the modifications referred to in section 172(d), for the contribution year. Thus, for example, assume that the taxpayer has a net operating loss in 1973 which is carried back to 1970 and in turn to 1971 and that he has made charitable contributions in 1970 to section 170(b)(1)(A) organizations. In determining the maximum amount of such charitable contributions which may be deducted in 1970 for purposes of determining the taxable income

for 1970 which is deducted under section 172(b)(2) from the 1973 loss in order to ascertain the amount of such loss which is carried back to 1971, the 50-percent limitation of section 170(b)(1)(A) is based upon the adjusted gross income for 1970 computed without taking into account the net operating loss carryback from 1973 and without making any of the modifications specified in section 172(d).

(3) *Effect of net operating loss carryback to taxable years succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is treated as paid, as provided in paragraph (b)(2) or (c)(2) of this section, in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining under the provisions of section 172(b)(2) the amount of the net operating loss for any taxable year subsequent to the deduction year which is a carryback or carryover to taxable years succeeding the deduction year, the amount of contributions made to section 170(b)(1)(A) organizations in the deduction year shall be limited to the amount of such contributions, which were actually made in such year and those which were treated as paid in such year, which did not exceed 50 percent or, in the case of 30-percent capital gain property, 30 percent of the donor's contribution base, computed without regard to any of the modifications referred to in section 172(d), for the deduction year.

(4) *Husband and wife filing joint returns*—(i) *Change from joint return to separate returns.* If a husband and wife—

(*a*) Make a joint return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of paragraph (b)(1) or (c)(1) of this section and subparagraph (1) of this paragraph, and

(*b*) Make separate returns for one or more of the 5 taxable years immediately succeeding such contribution year,

any excess charitable contribution for the contribution year which is unused at the beginning of the first such taxable year for which separate returns are filed shall be allocated between the husband and wife. For purposes of the allocation, a computation shall be made of the amount of any excess charitable contribution which each spouse would have computed in accordance with paragraph (b)(1) or (c)(1) of this section and subparagraph (1) of this paragraph if separate returns (rather than a joint return) had been filed for the contribution year. The portion of the total unused excess charitable contribution for the contribution year allocated to each spouse shall be an amount which bears the same ratio to such unused excess charitable contribution as such spouse's excess contribution, based on the separate return computation, bears to the total excess contributions of both spouses, based on the separate return computation. To the extent that a portion of the amount allocated to either spouse in accordance with the foregoing provisions of this subdivision is not treated in accordance with the provisions of paragraph (b)(2) or (c)(2) of this section as a charitable contribution paid to a section 170(b)(1)(A) organization in the taxable year in which a separate return or separate returns are filed, each spouse shall for purposes of paragraph (b)(2) or (c)(2) of this section treat his respective unused portion as the available charitable contributions carryover to the next succeeding taxable year in which the joint excess charitable contribution may be treated as paid in accordance with paragraph (b)(1) or (c)(1) of this section. If such husband and wife make a joint return in one of the 5 taxable years immediately succeeding the contribution year with respect to which a joint excess charitable contribution is computed and following such first taxable year for which such husband and wife filed a separate return, the amounts allocated to each spouse in accordance with this subdivision for such first year reduced by the portion of such amounts treated as paid to a section 170(b)(1)(A) organization in such first year and in any taxable year intervening between such first year and the succeeding taxable year in which the joint return is filed shall be aggregated for purposes of determining the amount of the available charitable contributions carryover to such succeeding taxable year. The provisions of this subdivision may be illustrated by the following example:

Example. (a) H and W file joint returns for 1970, 1971, and 1972, and in 1973 they file separate returns. In each such year H and W itemize their deductions in computing taxable income. Assume the following factual situation with respect to H and W for 1970:

1970

	H	W	Joint return
Contribution base	$50,000	$40,000	$90,000
Contributions of cash to section 170(b)(1)(A) organizations (no other contributions)	37,000	28,000	65,000
Allowable charitable contributions deductions	25,000	20,000	45,000
Excess contributions for taxable year to be treated as paid in 5 succeeding taxable years	12,000	8,000	20,000

(b) The joint excess charitable contribution of $20,000 is to be treated as having been paid to a section 170(b)(1)(A) organization in the 5 succeeding taxable years. Assume that in 1971 the portion of such excess treated as paid by H and W is $3,000, and that in 1972 the portion of such excess treated as paid is $7,000. Thus, the unused portion of the excess charitable contribution made in the contribution year is $10,000 ($20,000 less $3,000 [amount treated as paid in 1971] and $7,000 [amount treated as paid in 1972]). Since H and W file separate returns in 1973, $6,000 of such $10,000 is allocable to H, and $4,000 is allocable to W. Such allocation is computed as follows:

$$\frac{\text{\$12,000 (excess charitable contributions made by H (based on separate return computation) in 1970)}}{\text{\$20,000 (total excess charitable contributions made by H and W (based on separate return computation) in 1970)}} \times \$10,000 = \$6,000$$

$$\frac{\text{\$8,000 (excess charitable contributions made by W (based on separate return computation) in 1970)}}{\text{\$20,000 (total excess charitable contributions made by H and W (based on separate return computation) in 1970)}} \times \$10,000 = \$4,000$$

(c) In 1973 H has a contribution base of of $70,000, and he contributes $14,000 in cash to a section 170(b)(1)(A) organizaton. In 1973 W has a contribution base of $50,000, and she contributes $10,000 in cash to a section 170(b)(1)(A) organization. Accordingly, H may claim a charitable contributions deduction of $20,000 in 1973, and W may claim a charitable contributions deduction of $14,000 in 1973. H's $20,000 deduction consists of the $14,000 contribution made to the section 170(b)(1)(A) organization in 1973 and the $6,000 carried over from 1970 and treated as a charitable contribution paid by him to a section 170(b)(1)(A) organization in 1973. W's $14,000 deduction consists of the $10,000 contribution made to a section 170(b)(1)(A) organization in 1973 and the $4,000 carried over from 1970 and treated as a charitable contribution paid by her to a section 170(b)(1)(A) organization in 1973.

(d) The $6,000 contribution treated as paid in 1973 by H, and the $4,000 contribution treated as paid in 1973, by W, are computed as follows:

	H	W
Available charitable contribution carryover (see computations in (b))	$6,000	$4,000
50 percent of contribution base	35,000	25,000
Contributions of cash made in 1973 to section 170(b)(1)(A) organizations (no other contributions)	14,000	10,000
	21,000	15,000

Amount of excess contributions treated as paid in 1973:

The lesser of $6,000 (available carryover of H to 1973) or $21,000 (excess of 50 percent of contribution base ($35,000) over contributions actually made in 1973 to section 170(b)(1)(A) organizations ($14,000)) --- $6,000

The lesser of $4,000 (available carryover of W to 1973) or $15,000 (excess of 50 percent of contribution base ($25,000) over contributions actually made in 1973 to section 170(b)(1)(A) organizations ($10,000))	$4,000

(e) It is assumed that H and W made no contributions of 30-percent capital gain property during these years. If they had made such contributions, there would have been similar adjustments based on 30 percent of the contribution base.

(ii) *Change from separate returns to joint return.* If in the case of a husband and wife—

(*a*) Either or both of the spouses make a separate return for a contribution year and compute an excess charitable contribution for such year in accordance with the provisions of paragraph (b)(1) or (c)(1) of this section and subparagraph (1) of this paragraph, and

(*b*) Such husband and wife make a joint return for one or more of the taxable years succeeding such contribution year,

the excess charitable contribution of the husband and wife for the contribution year which is unused at the beginning of the first taxable year for which a joint return is filed shall be aggregated for purposes of determining the portion of such unused charitable contribution which shall be treated in accordance with paragraph (b)(2) or (c)(2) of this section as a charitable contribution paid to a section 170(b)(1)(A) organization. The provisions of this subdivision also apply in the case of two single individuals who are subsequently married and file a joint return. A remarried taxpayer who filed a joint return with a former spouse in a contribution year with respect to which an excess charitable contribution was computed and who in any one of the 5 taxable years succeeding such contribution year files a joint return with his or her present spouse shall treat the unused portion of such access charitable contribution allocated to him or her in accordance with subdivision (i) of this subparagraph in the same manner as the unused portion of an excess charitable contribution computed in a contribution year in which he filed a separate return, for purposes of determining the amount which in accordance with paragraph (b)(2) or (c)(2) of this section shall be treated as paid to an organization specified in section 170(b)(1)(A) in such succeeding year.

(iii) *Unused excess charitable contribution of deceased spouse.* In case of the death of one spouse, any unused portion of an excess charitable contribution which is allocable in accordance with subdivision (i) of this subparagraph to such spouse shall not be treated as paid in the taxable year in which such death occurs or in any subsequent taxable year except on a separate return made for the deceased spouse by a fiduciary for the taxable year which ends with the date of death or on a joint return for the taxable year in which such death occurs. The application of this subdivision may be illustrated by the following example:

Example. Assume the same facts as in the example in subdivision (i) of this subparagraph except that H dies in 1972 and W files a separate return for 1973. W made a joint return for herself and H for 1972. In that example, the unused excess charitable contribution as of January 1, 1973, was $10,000, $6,000 of which was allocable to H and $4,000 to W. No portion of the $6,000 allocable to H may be treated as paid by W or any other person in 1973 or any subsequent year.

(e) *Information required in support of a deduction of an amount carried over and treated as paid.* If, in a taxable year, a deduction is claimed in respect of an excess charitable contribution which, in accordance with the provisions of paragraph (b)(2) or (c)(2) of this section, is treated (in whole or in part) as paid in such taxable year, the taxpayer shall attach to his return a statement showing:

(1) The contribution year (or years) in which the excess charitable contributions were made,

(2) The excess charitable contributions made in each contribution year, and the amount of such excess charitable contributions consisting of 30-percent capital gain property,

(3) The portion of such excess, or of each such excess, treated as paid in accordance with paragraph (b)(2) or (c)(2) of this section in any taxable year intervening between the contribution year and the taxable year for which the return is made, and the portion of such excess which consists of 30-percent capital gain property.

(4) Whether or not an election under section 170(b)(1)(D)(iii) has been made which affects any of such excess contributions of 30-percent capital gain property, and

(5) Such other information as the return or the instructions relating thereto may require.

(f) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969. For purposes of applying section 170(d)(1) with respect to contributions paid in a taxable year beginning before January 1, 1970, subsection (b)(1)(D), subsection (e), and paragraphs (1), (2), (3), and (4) of subsection (f) of section 170 shall not apply. See section 201(g)(1)(D) of the Tax Reform Act of 1969 (83 Stat. 564).

§ 1.170A–11 Limitation on, and carryover of, contributions by corporations.

(a) *In general.* The deduction by a corporation in any taxable year for charitable contributions, as defined in section 170(c), is limited to 5 percent of its taxable income for the year, computed without regard to—

(1) The deduction under section 170 for charitable contributions,

(2) The special deductions for corporations allowed under part VIII (except section 248), subchapter B, chapter 1 of the Code,

(3) Any net operating loss carryback to the taxable year under section 172,

(4) The special deduction for Western Hemisphere trade corporations under section 922, and

(5) Any capital loss carryback to the taxable year under section 1212(a)(1).

A charitable contribution by a corporation to a trust, chest, fund, or foundation described in section 170(c)(2) is deductible under section 170 only if the contribution is to be used in the United States or its possessions exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals. For the purposes of section 170, amounts excluded from the gross income of a corporation under section 114, relating to sports programs conducted for the American National Red Cross, are not to be considered contributions or gifts.

(b) *Election by corporations on an accrual method.* (1) A corporation reporting its taxable income on an accrual method may elect to have a charitable contribution treated as paid during the taxable year, if payment is actually made on or before the 15th day of the third month following the close of such year and if, during such year, its board of directors authorizes the charitable contribution. If by reason of such an election a charitable contribution (other than a contribution of a letter, memorandum, or property similar to a letter or memorandum) paid in a taxable year beginning after December 31, 1969, is treated as paid during a taxable year beginning before January 1, 1970, the provisions of § 1.170A–4 shall not be applied to reduce the amount of such contribution. However, see section 170(e) before its amendment by the Tax Reform Act of 1969.

(2) The election must be made at the time the return for the taxable year is filed, by reporting the contribution on the return. There shall be attached to the return when filed a written declaration that the resolution authorizing the contribution was adopted by the board of directors during the taxable year, and the declaration shall be verified by a statement signed by an officer authorized to sign the return that it is made under the penalties of perjury. There shall also be attached to the return when filed a copy of the resolution of the board of directors authorizing the contribution.

(c) *Charitable contributions carryover of corporations.*—(1) *In general.* Subject to the reduction provided in subparagraph (2) of this paragraph, any charitable contributions made by a corporation in a taxable year (hereinafter in this paragraph referred to as the "contribution year") in excess of the amount deductible in such contribution year under the 5-percent limitation of section 170(b)(2) are deductible in each of the five succeeding taxable years in order of time, but only to the

extent of the lesser of the following amounts:

(i) The excess of the maximum amount deductible for such succeeding taxable year under the 5-percent limitation of section 170(b)(2) over the sum of the charitable contributions made in that year plus the aggregate of the excess contributions which were made in taxable years before the contribution year and which are deductible under this paragraph in such succeeding taxable year; or

(ii) In the case of the first taxable year succeeding the contribution year, the amount of the excess charitable contributions, and in the case of the second, third, fourth, and fifth taxable years succeeding the contribution year, the portion of the excess charitable contributions not deductible under this subparagraph for any taxable year intervening between the contribution year and such succeeding taxable year.

This paragraph applies to excess charitable contributions by a corporation, whether or not such contributions are made to, or for the use of, a section 170(b)(1)(A) organization, as defined in § 1.170A–9, and whether or not the organization is a section 170(b)(1)(A) organization. The application of this subparagraph may be illustrated by the following example:

Example. A corporation which reports its income on the calendar year basis makes a charitable contribution of $20,000 in 1970. Its taxable income (determined without regard to any deduction for charitable contributions) for 1970 is $100,000. Accordingly, the charitable contributions deduction for that year is limited to $5,000 (5 percent of $100,000). The excess charitable contribution not deductible in 1970 ($15,000) is a carryover to 1971. The corporation has taxable income (determined without regard to any deduction for charitable contributions) of $150,000 in 1971 and makes a charitable contribution of $5,000 in that year. For 1971 the corporation may deduct as a charitable contribution the amount of $7,500 (5 percent of $150,000). This amount consists of the $5,000 contribution made in 1971 and of the $2,500 carried over from 1970. The remaining $12,500 carried over from 1970 and not allowable as a deduction for 1971 because of the 5-percent limitation may be carried over to 1972. The corporation has taxable income (determined without regard to any deduction for charitable contributions) of $200,000 in 1972 and makes a charitable contribution of $5,000 in that year. For 1972 the corporation may deduct the amount of $10,000 (5 percent of $200,000). This amount consists of the $5,000 contributed in 1972, and $5,000 of the $12,500 carried over from 1970 to 1972. The remaining $7,500 of the carryover from 1970 is available for purposes of computing the charitable contributions carryover from 1970 to 1973, 1974, and 1975.

(2) *Effect of net operating loss carryovers on carryover of excess contributions.* A corporation having a net operating loss carryover from any taxable year must apply the special rule of section 170(d)(2)(B) and this subparagraph before computing under subparagraph (1) of this paragraph the excess charitable contributions carryover from any taxable year. In determining the amount of excess charitable contributions that may be deducted in accordance with subparagraph (1) of this paragraph in taxable years succeeding the contribution year, the excess of the charitable contributions made by a corporation in the contributions year over the amount deductible in such year must be reduced by the amount by which such excess reduces taxable income for purposes of determining the net operating loss carryover under the second sentence of section 172(b)(2) and increases a net operating loss carryover to a succeeding taxable year. Thus, if the excess of the contributions made in a taxable year over the amount deductible in the taxable year is utilized to reduce taxable income (under the provisions of section 172(b)(2)) for such year, thereby serving to increase the amount of the net operating loss carryover to a succeeding taxable year or years, no charitable contributions carryover will be allowed. If only a portion of the excess charitable contributions is so used, the charitable contributions carryover will be reduced only to that extent. The application of this subparagraph may be illustrated by the following example:

Example. A corporation, which reports its income on the calendar year basis, makes a charitable contribution of $10,000 during 1971. Its taxable income for 1971 is $80,000 (computed without regard to any net operating loss deduction and computed in accordance with section 170(b)(2) without regard to any deduction for charitable contributions). The corporation has a net operating loss carryover from 1970 of $80,000. In the absence of the net operating loss deduction the corporation would have been allowed a deduction for charitable contributions of $4,000 (5 percent of $80,000). After the application of the net operating loss deduction the corporation is allowed no deduction for charitable contributions, and there is a tentative charitable contribution carryover from 1971 of $10,000. For purposes of determining the net operating loss carryover to 1972 the corporation computes its taxable income for 1971 under section 172(b)(2) by deducting the $4,000 charitable contribution. Thus, after the $80,000 net operating loss carryover is applied against the $76,000 of taxable income for 1971 (computed in accordance with section 172(b)(2)), there remains a $4,000 net operating loss carryover to 1972. Since the application of the net operating loss carryover of $80,000 from 1970 reduces the taxable income for 1971 to zero, no part of the $10,000 of charitable contributions in that year is deductible under section 170(b)(2). However, in determining the amount of the allowable charitable contributions carryover from 1971 to 1972, 1973, 1974, 1975, and 1976, the $10,000 must be reduced by the portion thereof ($4,000) which was used to reduce taxable income for 1971 (as computed for purposes of the second sentence of section 172(b)(2)) and which thereby served to increase the net operating loss carryover from 1970 to 1972 from zero to $4,000.

(3) *Effect of net operating loss carryback to contribution year.* The amount of the excess contribution for a contribution year computed as provided in subparagraph (1) of this paragraph shall not be increased because a net operating loss carryback is available as a deduction in the contribution year. In addition, in determining under the provisions of section 172(b)(2) the amount of the net operating loss for any year subsequent to the contribution year which is a carryback or carryover to taxable years succeeding the contribution year, the amount of any charitable contributions shall be limited to the amount of such contributions which did not exceed 5 percent of the donor's taxable income, computed as provided in paragraph (a) of this section and without regard to any of the modifications referred to in section 172(d), for the contribution year. For illustrations see paragraph (d)(2) of § 1.170A–10.

(4) *Effect of net operating loss carryback to taxable year succeeding the contribution year.* The amount of the charitable contribution from a preceding taxable year which is deductible (as provided in this paragraph) in a current taxable year (hereinafter referred to in this subparagraph as the "deduction year") shall not be reduced because a net operating loss carryback is available as a deduction in the deduction year. In addition, in determining under the provisions of section 172(b)(2) the amount of the net operating loss for any taxable year subsequent to the deduction year which is a carryback or a carryover to taxable years succeeding the deduction year, the amount of contributions made in the deduction year shall be limited to the amount of such contributions, which were actually made in such year and those which were deductible in such year under section 170(d)(2), which did not exceed 5 percent of the donor's taxable income, computed as provided in paragraph (a) of this section and without regard to any of the modifications referred to in section 172(d), for the deduction year.

(5) *Year contribution is made.* For purposes of this paragraph, contributions made by a corporation in a contribution year include contributions which, in accordance with the provisions of section 170(a)(2) and paragraph (b) of this section, are considered as paid during such contribution year.

(d) *Effective date.* This section applies only to contributions paid in taxable years beginning after December 31, 1969. For purposes of applying section 170(d)(2) with respect to contributions paid, or treated under section 170(a)(2) as paid, in a taxable year beginning before January 1, 1970, subsection (e), and paragraphs (1), (2), (3), and (4) of subsection (f) of section 170 shall not apply. See section 201(g)(1)(D) of the Tax Reform Act of 1969 (83 Stat. 564).

PAR. 7. Section 1.262–1 is amended by revising paragraph (b)(5) to read as follows:

§ 1.262–1 Personal, living, and family expenses.

* * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(5) Expenses incurred in traveling away from home (which include transportation expenses, meals, and lodging) and any other transportation expenses are not deductible unless they qualify as

expenses deductible under section 162, § 1.162–2, and paragraph (d) of § 1.162–5 (relating to trade or business expenses), section 170 and paragraph (a)(2) of § 1.170–2 or paragraph (g) of § 1.170A–1 (relating to charitable contributions), section 212 and § 1.212–1 (relating to expenses for production of income), section 213(e) and paragraph (e) of § 1.213–1 (relating to medical expenses) or section 217(a) and paragraph (a) of § 1.217–1 (relating to moving expenses). The taxpayer's costs of commuting to his place of business or employment are personal expenses and do not qualify as deductible expenses. The costs of the taxpayer's lodging not incurred in traveling away from home are personal expenses and are not deductible unless they qualify as deductible expenses under section 217. Except as permitted under section 162, 212, or 217, the costs of the taxpayer's meals not incurred in traveling away from home are personal expenses.

* * * * *

PAR. 8. Section 1.381(c)(19)–1 is amended by revising that part of subsection (a) which follows subparagraph (2) thereof, subparagraphs (3)(i) and (4) of paragraph (c), and paragraph (d)(1) to read as follows:

§ 1.381(c)(19)–1 Charitable contributions carryovers in certain acquisitions.

(a) *Carryover requirement.* * * *

To determine the amount of excess contributions made by a distributor or transferor corporation and to integrate them with contributions made by the acquiring corporation for the purpose of determining the charitable contributions deductible by the acquiring corporation for its taxable years beginning immediately after the date of distribution or transfer, it is necessary to apply the provisions of section 170(b)(2) and § 1.170–3 (or, if applicable, section 170(b)(2) and (d)(2) and § 1.170A–11) in accordance with the conditions and limitations of section 381(c)(19) and this section. For taxable years beginning before January 1, 1970, see § 1.170 for provisions of section 170(b)(2) as referred to in this section. For taxable years beginning after December 31, 1969, see § 1.170A for provisions of section 170(b)(2) or (d)(2) as referred to in this section. For special rules for applying section 170(d)(2) with respect to contributions paid, or treated as paid, in taxable years beginning before January 1, 1970, see paragraph (d) of § 1.170A–11.

* * * * *

(c) *Taxable years to which carryovers apply and amount deductible.* * * *

(3) *Taxable years beginning after December 31, 1962.* (i) If the taxable year of the distributor or transferor corporation ending on the date of distribution or transfer begins after December 31, 1962, the excess charitable contributions made by a distributor or transferor corporation in its taxable year ending on the date of distribution or transfer and in each of its four immediately preceding taxable years (excluding any taxable year beginning before January 1, 1962), to the extent not deductible by it because of the limitations of section 170(b)(2) in its taxable year ending on the date of distribution or transfer or its prior taxable years, shall be deductible by the acquiring corporation to the extent prescribed by section 170(b)(2) (or, if applicable, section 170(d)(2)) and subdivision (ii) of this subparagraph, in its taxable years which begin after the date of distribution or transfer. However, any portion of the excess charitable contributions made by a distributor or transferor corporation in a particular taxable year, to which this subparagraph is applicable, which is not deductible under this section within the 5 taxable years immediately following the taxable year in which the contribution was paid by the distributor or transferor corporation shall not be deductible by the acquiring corporation in any other taxable year.

* * * * *

(4) *General rules.* No excess charitable contributions made by a distributor or transferor corporation shall be deductible by the acquiring corporation in its taxable year which includes the date of distribution or transfer. In addition, an excess charitable contribution made by a distributor or transferor corporation in a taxable year prior to the taxable year of the transfer is only deductible by the distributor or transferor corporation, subject to the limitations of section 170(b)(2) (or, if applicable, section 170(d)(2)), in its subsequent taxable years which begin on or before the date of distribution or transfer, and by the acquiring corporation in its taxable year or years beginning after the date of distribution or transfer.

(d) *Rules governing amounts deductible by acquiring corporations.* (1) In applying the provisions of section 170(b)(2) (or, if applicable, section 170(d)(2)) for the purpose of determining the amount of excess charitable contributions which are deductible by the acquiring corporation in its taxable years beginning after the date of distribution or transfer, all taxable years of the distributor or transferor and acquiring corporations which, with respect to a particular taxable year beginning after the date of distribution or transfer, constitute the same numbered preceding taxable year shall together be considered as 1 taxable year even though the taxable years involved may not end on the same date. Thus, for example, all taxable years of the distributor or transferor and acquiring corporations which, with respect to the first taxable year of the acquiring corporation beginning after the date of distribution or transfer, constitutes the second preceding taxable year shall together be considered as 1 taxable year even though the taxable years involved may not end on the same date. Any excess charitable contributions carried over from preceding taxable years which are considered as 1 taxable year shall be taken into account by the acquiring corporation as one amount, without regard to the extent to which the contributions were made by a distributor or transferor corporation or the acquiring corporation.

* * * * *

PAR. 9. Section 1.545 is amended by revising subsections (a) and (b)(2) and (9) of section 545, by adding a new subsection (d) to section 545, and by revising the historical note, as follows:

§ 1.545 Statutory provisions; undistributed personal holding company income.

SEC. 545. *Undistributed personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed personal holding company income" means the taxable income of a personal holding company adjusted in the manner provided in subsections (b), (c), and (d), minus the dividends paid deduction as defined in section 561. In the case of a personal holding company which is a foreign corporation, not more than 10 percent in value of the outstanding stock of which is owned (within the meaning of section 958(a)) during the last half of the taxable year by U.S. persons, the term "undistributed personal holding company income" means the amount determined by multiplying the undistributed personal holding company income (determined without regard to this sentence) by the percentage in value of its outstanding stock which is the greatest percentage in value of its outstanding stock so owned by U.S. persons on any one day during such period.

* * * * *

(b) *Adjustments to taxable income.* * * *

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A), (B), and (D) shall apply, and section 170(b)(2) and (d)(1) shall not apply. For purposes of this paragraph, the term "contribution base" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in section 170(b)(2) and (d)(1) and without deduction of the amount disallowed under paragraph (8) of this subsection.

* * * * *

(9) *Amount of a lien in favor of the United States.* There shall be allowed as a deduction the amount, not to exceed the taxable income of the taxpayer, of any lien in favor of the United States (notice of which has been filed as provided in section 6323(f)) to which the taxpayer is subject at the close of the taxable year. The sum of the amounts deducted under this paragraph with respect to any lien shall, for the purposes of this section, be added to the taxable income of the taxpayer for the taxable year in which such lien is satisfied or released. Where an amount is added to the taxable income of a corporation by reason of the preceding sentence of this paragraph, the shareholders of the corporation may, pursuant to regulations prescribed by the Secretary or his delegate, elect to compute the income tax with respect to such dividends as are attributable to such amount as though they were received ratably over the period the lien was in effect.

* * * * *

(d) *Certain foreign corporations.* In the case of a foreign corporation all of the outstanding stock of which during the last half of the taxable year is owned by nonresident alien individuals (whether directly or indirectly through foreign estates, foreign trusts, foreign partnerships, or other foreign

corporations), the taxable income for purposes of subsection (a) shall be the income which constitutes personal holding company income under section 543(a)(7), reduced by the deductions attributable to such income, and adjusted, with respect to such income, in the manner provided in subsection (b).

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 3(d), Act of Feb. 2, 1962 (Public Law 87-403, 76 Stat. 7); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 207(b)(5), 209(c)(2), and 225(i)(1) and (2), Rev. Act 1964 (78 Stat. 42, 46, 90); sec. 101(b)(2), Federal Tax Lien Act 1966 (80 Stat. 1132); sec. 104(h)(3), Foreign Investors Tax Act 1966 (80 Stat. 1560); sec. 201(a)(2)(B), Tax Reform Act 1969 (83 Stat. 558)]

PAR. 10. Section 1.545-2 is amended by revising paragraph (b) to read as follows:

§ 1.545-2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions* — (1) *Taxable years beginning before January 1, 1970* (i) Section 545(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining undistributed personal holding company income of a corporation for taxable years beginning before January 1, 1970, the limitations in section 170(b)(1)(A) and (B), relating to charitable contributions by individuals, shall apply and section 170(b)(2) and (5), relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively, shall not apply.

(ii) Although the limitations of section 170(b)(1)(A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 545(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2), that is, the same amount of taxable income to which the 5-percent limitation applied. Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments, other than the 5-percent limitation, provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b)(8), relating to expenses and depreciation applicable to property of the taxpayer. The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

(iii) See § 1.170-2 with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(2) *Taxable years beginning after December 31, 1969.* (i) Section 545(b)(2) provides that, in computing the deduction allowable for charitable contributions for purposes of determining undistributed personal holding company income of a corporation for taxable years beginning after December 31, 1969, the limitations in section 170(b)(1)(A), (B), and (D)(i) (relating to charitable contributions by individuals) shall apply, and section 170(b)(1)(D)(ii) (relating to excess charitable contributions by individuals of certain capital gain property, section 170(b)(2) (relating to the 5-percent limitation on charitable contributions by corporations), and section 170(d) (relating to carryovers of excess contributions of individuals and corporations) shall not apply.

(ii) Although the limitations of section 170(b)(1)(A), (B), and (D)(i) are 50, 20, and 30 percent, respectively, of an individual's contribution base, these limitations are applied for purposes of section 545(b)(2) by using 50, 20, and 30 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2), that is, the same amount of taxable income to which the 5-percent limitation applies. Thus, the term "contribution base" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments, other than the 5-percent limitation, provided in section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 545(b)(8), relating to expenses and depreciation applicable to property of the taxpayer. The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(1)(D)(ii) and (d), shall not be allowed as a deduction in computing undistributed personal holding company income for any taxable year.

(iii) See § 1.170A-8 for the rules with respect to the charitable contributions to which the 50-, 20-, and 30-percent limitations apply.

* * * * *

PAR. 11. Section 1.556 is amended by revising paragraph (b)(2) of section 556 and the historical note to read as follows:

§ 1.556 Statutory provisions; undistributed foreign personal holding company income.

SEC. 556. *Undistributd foreign personal holding company income.*

* * * * *

(b) *Adjustments to taxable income.* * * *

(2) *Charitable contributions.* The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A), (B), and (D) shall apply, and section 170(b)(2) and (d)(1) shall not apply. For purposes of this paragraph, the term "contribution base" when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the 5-percent limitation) provided in section 170(b)(2) and (d)(1) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

* * * * *

[Sec. 556 as amended by sec. 33, Technical Amendments Act 1958 (72 Stat. 1632); secs. 207(b)(6) and 209(c)(2), Rev. Act 1964 (78 Stat. 42, 46); sec. 201(a)(2)(B), Tax Reform Act 1969 (83 Stat. 558)]

PAR. 12. Section 1.556-2 is amended by revising paragraph (b) to read as follows:

§ 1.556-2 Adjustments to taxable income.

* * * * *

(b) *Charitable contributions*—(1) *Taxable years beginning before January 1, 1970.* (i) Section 556(b)(2) provides that, in computing the deduction for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation for taxable years beginning before January 1, 1970, the limitations in section 170(b)(1)(A) and (B), relating to charitable contributions by individuals, shall apply and section 170(b)(2) and (5), relating to charitable contributions by corporations and carryover of certain excess charitable contributions made by individuals, respectively, shall not apply.

(ii) Although the limitations of section 170(b)(1)(A) and (B) are 10 and 20 percent, respectively, of the individual's adjusted gross income, the limitations are applied for purposes of section 556(b)(2) by using 10 and 20 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2), that is, the same amount of taxable income to which the 5-percent limitation applied. Thus, the term "adjusted gross income" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments, other than the 5-percent limitation, provided in the first sentence of section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5), relating to expenses and depreciation applicable to property of the taxpayer, and section 556(b)(6), relating to taxes and contributions to pension trusts, and without the inclusion of the amounts includible as dividends under section 555(b), relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder. The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(2) and, with respect to contributions paid in taxable years beginning after December 31, 1963, in section 170(b)(5), shall

not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

(iii) See § 1.170–2 with respect to the charitable contributions to which the 10-percent limitation is applicable and the charitable contributions to which the 20-percent limitation is applicable.

(2) *Taxable years beginning after December 31, 1969.* (i) Section 556(b)(2) provides that, in computing the deduction allowable for charitable contributions for purposes of determining the undistributed foreign personal holding company income of a corporation for taxable years beginning after December 31, 1969, the limitations in section 170(b)(1)(A), (B), and (D)(i) (relating to charitable contributions by individuals) shall apply, and section 170(b)(1)(D)(ii) (relating to excess charitable contributions by individuals of certain capital gain property), section 170(b)(2) (relating to the 5-percent limitation on charitable contributions by corporations), and section 170(d) (relating to carryovers of excess contributions of individuals and corporations) shall not apply.

(ii) Although the limitations of section 170(b)(1)(A), (B), and (D)(i) are 50, 20, and 30 percent, respectively, of an individual's contribution base, these limitations are applied for purposes of section 556(b)(2) by using 50, 20, and 30 percent, respectively, of the corporation's taxable income as adjusted for purposes of section 170(b)(2), that is, the same amount of taxable income to which the 5-percent limitation applies. Thus, the term "contribution base" when used in section 170(b)(1) means the corporation's taxable income computed with the adjustments, other than the 5-percent limitation, provided in section 170(b)(2). However, a further adjustment for this purpose is that the taxable income shall also be computed without the deduction of the amount disallowed under section 556(b)(5), relating to expenses and depreciation applicable to property of the taxpayer, and section 556(b)(6), relating to taxes and contributions to pension trusts, and without the inclusion of the amounts includible as dividends under section 555(b), relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder. The carryover of charitable contributions made in a prior year, otherwise allowable as a deduction in computing taxable income to the extent provided in section 170(b)(1)(D)(ii) and (d), shall not be allowed as a deduction in computing undistributed foreign personal holding company income for any taxable year.

(iii) See § 1.170A–8 for the rules with respect to the charitable contributions to which the 50-, 20-, and 30-percent limitations apply.

* * * * *

PAR. 13. Section 1.809 is amended by revising subsections (d)(11), (e)(3) and (5), and (g)(3) of section 809 and the historical note to read as follows:

§ 1.809 Statutory provisions; life insurance companies; in general.

SEC. 809. *In general.* * * *

(d) *Deductions.* * * *

(11) *Certain mutualization distributions.* The amount of distributions to shareholders made in 1958, 1959, 1960, 1961, and 1962 in acquisition of stock pursuant to a plan of mutualization adopted before January 1, 1958.

* * * * *

(e) *Modifications.* * * *

(3) *Charitable, etc., contributions and gifts.* In applying section 170—

(A) The limit on the total deductions under such section provided by section 170(b)(2) shall be 5 percent of the gain from operations computed without regard to—

(i) The deduction provided by section 170,

(ii) The deductions provided by paragraphs (3), (5), (6), and (8) of subsection (d), and

(iii) Any operations loss carryback to the taxable year under section 812; and

(B) Under regulations prescribed by the Secretary or his delegate, a rule similar to the rule contained in section 170(d)(2)(B) shall be applied.

* * * * *

(5) *Net operating loss deduction.* Except as provided by section 844, the deduction for net operating losses provided in section 172 shall not be allowed.

* * * * *

(g) *Limitations on deduction for certain mutualization distributions.* * * *

(3) *Application of section 815.* That portion of any distribution with respect to which a deduction is allowed under subsection (d)(11) shall not be treated as a distribution to shareholders for purposes of section 815; except that in the case of any distribution made in 1959, 1960, 1961, or 1962, such portion shall be treated as a distribution with respect to which a reduction is required under section 815(e)(2)(B).

[Sec. 809 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 121); amended by sec. 2, Act of June 27, 1961 (Public Law 87–59, 75 Stat. 120, 121); sec. 3, Act of October 10, 1962 (Public Law 87–790, 76 Stat. 808); sec. 3, Act of October 23, 1962 (Public Law 87–858, 76 Stat. 1134); secs. 214(b)(4) and 228(a), Rev. Act 1964 (78 Stat. 55, 98); secs. 201(a)(2)(C) and 907(c)(2)(B), Tax Reform Act 1969 (83 Stat. 558, 717)]

PAR. 14. Section 1.809–6 is amended by revising that part of paragraph (c)(2) which precedes subdivision (i) thereof to read as follows:

§ 1.809–6 Modifications.

* * * * *

(c) *Charitable, etc., contributions and gifts.* * * *

(2) In applying the first sentence of section 170(b)(2) as contained in § 1.170 or, in the case of taxable years beginning after December 31, 1969, section 170(d)(2)(B) as contained in § 1.170A, any excess of the charitable contributions made by a life insurance company in a taxable year over the amount deductible in such year under the limitation contained in subparagraph (1) of this paragraph, shall be reduced to the extent that such excess:

* * * * *

PAR. 15. Section 1.1001–1 is amended by revising paragraph (e)(1) to read as follows:

§ 1.1001–1 Computation of gain or loss.

* * * * *

(e) *Transfers in part a sale and in part a gift.* (1) Where a transfer of property is in part a sale and in part a gift, the transferor has a gain to the extent that the amount realized by him exceeds his adjusted basis in the property. However, no loss is sustained on such a transfer if the amount realized is less than the adjusted basis. For the determination of basis of property in the hands of the transferee, see § 1.1015–4. For the allocation of the adjusted basis of property in the case of a bargain sale to a charitable organization, see § 1.1011–2.

* * * * *

PAR. 16. Section 1.1011 is amended by revising section 1011 and by adding a historical note to read as follows:

§ 1.1011 Statutory provisions; adjusted basis for determining gain or loss.

SEC. 1011. *Adjusted basis for determining gain or loss*—(a) *General rule.* The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis (determined under section 1012 or other applicable sections of this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses)), adjusted as provided in section 1016.

(b) *Bargain sale to a charitable organization.* If a deduction is allowable under section 170 (relating to charitable contributions) by reason of a sale, then the adjusted basis for determining the gain from such sale shall be that portion of the adjusted basis which bears the same ratio to the adjusted basis as the amount realized bears to the fair market value of the property.

[Sec. 1011 as amended by sec. 201(f), Tax Reform Act 1969 (83 Stat. 564)]

PAR. 17. Immediately after § 1.1011–1 the following new section is added.

§ 1.1011–2 Bargain sale to a charitable organization.

(a) *In general.* (1) If a charitable contributions deduction is allowable under section 170 by reason of a sale or exchange of property, the taxpayer's adjusted basis of such property for purposes of determining gain from such sale or exchange shall be computed as provided in section 1011(b) and paragraph (b) of this section. If after applying the provisions of section 170, including the percentage limitations of section 170(b), no deduction is allowable under that section by reason of the sale or exchange of the property, section 1011(b) shall not apply and the adjusted basis of the property shall not be apportioned pursuant to paragraph (b) of this section. For purposes of ascertaining whether or not a charitable contributions deduction is allowable under section 170, that section shall be applied without regard to this section and the amount by which the contributed portion of the property shall be reduced under section 170(e)(1) shall be the amount determined by taking into

account the amount of gain which would have been ordinary income or long-term capital gain if the entire property had been sold by the donor at its fair market value at the time of the sale or exchange.

(2) If in the taxable year there is a sale or exchange of property which gives rise to a charitable contribution which is carried over under section 170(b)(1)(D)(ii) or section 170(d) to a subsequent taxable year or is postponed under section 170(a)(3) to a subsequent taxable year, section 1011(b) and paragraph (b) of this section shall be applied for purposes of apportioning the adjusted basis of the property for the year of the sale or exchange, whether or not such contribution is allowable as a deduction under section 170 in such subsequent year.

(3) If the property to which paragraph (b) of this section applies is transferred subject to an indebtedness, the amount of the indebtedness shall be treated as an amount realized on the sale or exchange of the property even though the transferee does not agree to assume or pay the indebtedness.

(4) Section 1011(b) and this section shall apply where property is sold or exchanged in return for an obligation to pay an annuity and a charitable contributions deduction is allowable under section 170 by reason of such sale or exchange. If the annuity received in exchange for the property is nonassignable, any gain on such exchange is to be reported as provided in Example (8) in paragraph (c) of this section.

(5) For other rules relating to transfers of property which are in part a sale and in part a gift, see paragraph (e) of § 1.1001–1.

(b) *Apportionment of adjusted basis.* For purposes of determining gain on a sale or exchange to which this paragraph applies, the adjusted basis of the property which is sold or exchanged shall be that portion of the adjusted basis of such property which bears the same ratio to the adjusted basis as the amount realized bears to the fair market value of the property. The amount of such gain which shall be treated as ordinary income (or long-term capital gain) shall be that amount which bears the same ratio to the ordinary income (or long-term capital gain) which would have been recognized if the entire property had been sold by the donor at its fair market value at the time of the sale or exchange as the amount realized on the sale or exchange bears to the fair market value of the entire property at such time. The terms "ordinary income" and "long-term capital gain," as used in this section, have the same meaning as they have in paragraph (a) of § 1.170A–4. For determining the portion of the adjusted basis, ordinary income, and long-term capital gain allocated to the contributed portion of the property for purposes of applying section 170(e)(1) and paragraph (a) of § 1.170A–4 to the contributed portion of the property, and for determining the donee's basis in such contributed portion, see paragraph (c)(2) and (4) of § 1.170A–4. For determining the holding period of such contributed portion, see section 1223(2) and the regulations thereunder.

(c) *Illustrations.* The application of this section may be illustrated by the following examples, which are supplemented by other examples in paragraph (d) of § 1.170A–4:

Example (1). In 1970, A, a calendar-year individual taxpayer, sells to a church for $4,000 stock held for more than 6 months which has an adjusted basis of $4,000 and a fair market value of $10,000. A's contribution base for 1970, as defined in section 170(b)(1)(F), is $100,000, and during that year he makes no other charitable contributions. Thus, A makes a charitable contribution to the church of $6,000 ($10,000−$4,000). Without regard to this section, A is allowed a deduction under section 170 of $6,000 for his charitable contribution to the church, since there is no reduction under section 170(e)(1) with respect to the long-term capital gain. Accordingly, under paragraph (b) of this section the adjusted basis for determining gain on the bargain sale is $1,600 ($4,000×$4,000/$10,000). Accordingly, A has a recognized long-term capital gain of $2,400 ($4,000−$1,600) on the sale.

Example (2). The facts are the same as in example (1) except that A also makes a charitable contribution in 1970 of $50,000 cash to the church. By reason of section 170(b)(1)(A), the deduction allowed under section 170 for 1970 is $50,000 for the amount of cash contributed to the church; however, the $6,000 contribution of property is carried over to 1971 under section 170(d). Under paragraphs (a)(2) and (b) of this section the adjusted basis for determining gain for 1970 on the bargain sale in that year is $1,600 ($4,000×$4,000/$10,000). A has a recognized long-term capital gain for 1970 of $2,400 ($4,000−$1,600) on the sale.

Example (3). In 1970, C, a calendar-year individual taxpayer, makes a charitable contribution of $50,000 cash to a church. In addition, he sells for $4,000 to a private foundation not described in section 170(b)(1)(E) stock held for more than 6 months which has an adjusted basis of $4,000 and a fair market value of $10,000. Thus, C makes a charitable contribution of $6,000 of such property to the private foundation ($10,000−$4,000). C's contribution base for 1970, as defined in section 170(b)(1)(F), is $100,000, and during that year he makes no other charitable contributions. By reason of section 170(b)(1)(A), the deduction allowed under section 170 for 1970 is $50,000 for the amount of cash contributed to the church. Under section 170(e)(1)(B)(ii), applied without regard to section 1011(b), the $6,000 contribution of stock is reduced to $3,000 ($6,000−[50%×($10,000−$4,000)]). However, by reason of section 170(b)(1)(B)(ii), applied without regard to section 1011(b), no deduction is allowed under section 170 for 1970 or any other year for the reduced contribution of $3,000 to the private foundation. Accordingly, paragraph (b) of this section does not apply for purposes of apportioning the adjusted basis of the stock sold to the private foundation, and under § 1.1001–1(e) the recognized gain on the bargain sale is zero ($4,000−$4,000).

Example (4). In 1970, B, a calendar-year individual taxpayer, sells to a church for $2,000 stock held for not more than 6 months which has an adjusted basis of $4,000 and a fair market value of $10,000. B's contribution base for 1970, as defined in section 170(b)(1)(F), is $20,000 and during such year B makes no other charitable contributions. Thus, he makes a charitable contribution to the church of $8,000 ($10,000−$2,000). Since without regard to this section B is allowed a deduction under section 170 of $2,000 ($8,000−[$10,000−$4,000]) for his charitable contribution of $8,000 to the church, under paragraph (b) of this section the adjusted basis for determining gain on the bargain sale is $800 ($4,000×$2,000/$10,000). Accordingly, B has a recognized short-term capital gain of $1,200 ($2,000−$800) on the sale. After applying section 1011(b) and paragraph (a)(1) of § 1.170A–4, B is allowed a charitable contributions deduction for 1970 of $3,200, that is, $8,000 reduced by the amount of $4,800 ($8,000−[$4,000 adjusted basis × $8,000/$10,000]).

Example (5). The facts are the same as in Example (4) except that B sells the property to the church for $4,000. Thus, B makes a charitable contribution to the church of $6,000 ($10,000−$4,000 amount realized). Since without regard to this section B is allowed a deduction under section 170 for 1970 of zero ($6,000−[$10,000−$4,000 adjusted basis]) under section 170, paragraph (b) of this section does not apply for purposes of apportioning the adjusted basis of the property, and the recognized gain on the bargain sale is zero ($4,000−$4,000).

Example (6). The facts are the same as in Example (4) except that B sells the property to the church for $6,000. Thus, B makes a charitable contribution to the church of $4,000 ($10,000−$6,000 amount realized). Since without regard to this section B is allowed a deduction under section 170 for 1970 of zero ($4,000−[$10,000−$4,000 adjusted basis]), paragraph (b) of this section does not apply for purposes of apportioning the adjusted basis of the property, and the recognized short-term capital gain on the bargain sale is $2,000 ($6,0000−$4,000).

Example (7). In 1970, C, a calendar-year individual taxpayer, sells to a church for $4,000 tangible personal property used in his business for more than 6 months which has an adjusted basis of $4,000 and a fair market value of $10,000. Thus, C makes a charitable contribution to the church of $6,000 ($10,000−$4,000 amount realized). C's contribution base for 1970, as defined in section 170(b)(1)(F), is $100,000 and during such year he makes no other charitable contributions. If C had sold the property at its fair market value at the time of its contribution, it is assumed that under section 1245 $4,000 of the gain of $6,000 ($10,000−$4,000) would have been treated as ordinary income. Thus, there would have been long-term capital gain of $2,000. It is also assumed that the church does not put the property to an unrelated use, as defined in paragraph (b)(3) of § 1.170A–4. Since without regard to this section C is allowed a deduction under section 170 of $2,000 ($6,000−$4,000 ordinary income), under paragraph (b) of this section the adjusted basis for determining gain on the bargain sale is $1,600 ($4,000×$4,000/$10,000). Accordingly, C has a recognized gain of $2,400 ($4,000−$1,600) on the sale, consisting of ordinary income of $1,600 ($4,000×$4,000/$10,000) and of long-term capital gain of $800 ($2,000×$4,000/$10,000). After applying section 1011 (b) and paragraph (a) of § 1.170A–4, C is allowed a charitable contributions deduction for 1970 of $3,600, that is, $6,000 contribution reduced by $2,400 ordinary income which is allocated to the contribution.

Example (8). (a) On January 1, 1970, A, a male of age 65, transfers capital assets consisting of securities held for more than 6 months to a church in exchange for a promise by the church to pay A a nonassignable annuity of $5,000 per year for life. The annuity is payable monthly with the first payment to be made on February 1, 1970. A's contribution base for 1970, as defined in section 170(b)(1)(F), is $200,000, and during that year he makes no other charitable contributions. On the date of transfer the se-

curities have a fair market value of $100,000 and an adjusted basis to A of $20,000.

(b) The present value of the right of a male age 65 to receive a life annuity of $5,000 per annum, payable in equal installments at the end of each monthly period, is $59,755 ($5,000×[11.469+0.482]), determined in accordance with section 101(b) of the Code, paragraph (e)(1)(iii)(b)(2) of § 1.101–2, and section 3 of Rev. Rul. 62–216, C.B. 1962–2, 30. Thus, A makes a charitable contribution to the church of $40,245 ($100,000−$59,755). Without regard to this section, A is allowed a deduction under section 170 of $40,245 for his charitable contribution to the church, since the property contributed is not section 170(e) capital gain property within the meaning of paragraph (b)(3) of § 1.170A–4 and no reduction of the contribution is made under section 170(e)(1).

(c) Under paragraph (b) of this section the adjusted basis for determining gain on the bargain sale is $11,951 ($20,000×$59,755/$100,000). Accordingly, A has a recognized long-term capital gain of $47,804 ($59,755−$11,951) on the bargain sale. Such gain is to be reported by A ratably over the period of years measured by the expected return multiple under the contract, but only from that portion of the annual payments which is a return of his investment in the contract under section 72 of the Code. For such purposes, the investment in the contract is $59,755, that is, the fair market value of the annuity.

(d) The computation and application of the exclusion ratio, the gain, and the ordinary annuity income are as follows, determined by using the expected return multiple of 15.0 applicable under Table I of § 1.72–9:

A's expected return (annual payments of $5,000×15)	$75,000.00
Exclusion ratio ($59,755 investment in contract divided by expected return of $75,000)	79.7%
Annual exclusion (annual payments of $5,000×79.7%)	$3,985.00
Ordinary annuity income ($5,000−$3,985)	$1,015.00
Long-term capital gain per year ($47,804/15) with respect to the annual exclusion	$3,186.93

(e) The exclusion ratio of 79.7 percent applies throughout the life of the contract. During the first 15 years of the annuity, A is required to report ordinary income of $1,015 and long-term capital gain of $3,186.93 with respect to the annuity payments he receives. After the total long-term capital gain of $47,804 has been reported by A, he is required to report only ordinary income of $1,015.00 per annum with respect to the annuity payments he receives.

(d) *Effective date.* This section applies only to sales and exchanges made after December 19, 1969.

PAR. 18. Section 1.1012–2 is revised to read as follows:

§ 1.1012–2 Transfers in part a sale and in part a gift.

For rules relating to basis of property acquired in a transfer which is in part a gift and in part a sale, see § 1.170A–4(c), § 1.1011–2(b), and § 1.1015–4.

PAR. 19. Section 1.1015–4 is amended by revising that part of paragraph (a) which follows subparagraph (2) thereof to read as follows:

§ 1.1015–4 Transfers in part a gift and in part a sale.

(a) *General rule.* * * *

For determining loss, the unadjusted basis of the property in the hands of the transferee shall not be greater than the fair market value of the property at the time of such transfer. For determination of gain or loss of the transferor, see § 1.1001–1(e) and § 1.1011–2. For special rule where there has been a charitable contribution of less than a taxpayer's entire interest in property, see section 170(e)(2) and § 1.170A–4(c).

PAR. 20. Section 1.1245–4 is amended by revising paragraph (a)(1) to read as follows:

§ 1.1245–4 Exceptions and limitations.

(a) *Exception for gifts*—(1) *General rule.* Section 1245(b)(1) provides that no gain shall be recognized under section 1245(a)(1) upon a disposition by gift. For purposes of this paragraph, the term "gift" means, except to the extent that subparagraph (3) of this paragraph applies, a transfer of property which, in the hands of the transferee, has a basis determined under the provisions of section 1015 (a) or (d) (relating to basis of property acquired by gifts). For reduction in amount of charitable contribution in case of a gift of section 1245 property, see section 170(e) and the regulations thereunder.

* * * * *

[FR Doc.71–4588 Filed 4–1–71;8: am]

[26 CFR Part 170]

LIQUOR IMPORTED FROM VIRGIN ISLANDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 15-day period. In such a case, a public hearing will be held and notice of the time, place and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to implement the provisions of section 5232 of the Internal Revenue Code, as amended by Public Law 91–659, relating to spirits brought into the United States from the Virgin Islands, in bulk, and transferred to the bonded premises of a distilled spirits plant, without determination of tax (including rectification tax, if any), a new Subpart F is added to 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, to read as follows:

Subpart F—Transfer of Virgin Island Spirits From Customs Custody to Internal Revenue Bond

Sec.

170.121 Scope of subpart.
170.122 Applicability of other regulations.
170.123 Meaning of terms.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

170.124 General provisions.
170.125 Application, Form 2609.
170.126 Gauge and certification.
170.127 Customs inspection and release.
170.128 Bulk conveyances to be sealed.
170.129 Transfer by pipeline at dock.
170.130 Consent of surety on bond.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

170.131 Transaction forms and records.
170.132 Mingling in bond.
170.133 Form 179, tax returns, and record of tax liability.

MISCELLANEOUS PROVISIONS

170.134 Abatement, remission, credit, or refund.
170.135 Marks on containers.
170.136 Additional tax on nonbeverage spirits.
170.137 Exportation with benefit of drawback.

AUTHORITY: The provisions of this Subpart F issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart F—Transfer of Virgin Islands Spirits From Customs Custody to Internal Revenue Bond

§ 170.121 Scope of subpart.

The regulations in this subpart prescribe the requirements necessary to implement section 5232, I.R.C., as it relates to spirits produced in the Virgin Islands and brought into the United States in bulk containers. The regulations provide for the transfer of such spirits to internal revenue bond, their storage in and withdrawal from bond, the determination of

tax, the application of certain loss provisions, the filing of returns, reports, and claims, and the keeping of records.

§ 170.122 Applicability of other regulations.

(a) *Subpart C of this part.* The provisions of Subpart C of this part shall be applicable to spirits brought into the United States from the Virgin Islands and transferred under the provisions of this subpart to internal revenue bond and any reference in Subpart C of this part to imported spirits shall be deemed to include spirits brought into the United States from the Virgin Islands.

(b) *Part 201 of this chapter.* The provisions of Part 201 of this chapter shall, to the extent that they are not in conflict with the provisions of this subpart, be applicable to spirits brought into the United States from the Virgin Islands to the same extent as they apply to imported spirits.

(c) *Part 250 of this chapter.* All provisions of Part 250 of this chapter as they relate to the bringing of spirits into the United States from the Virgin Islands remain in full force and effect except as they may be in conflict with the provisions of this subpart.

§ 170.123 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in Part 201 of this chapter: *Provided*, That the term "in bond" shall, as used in this subpart, refer to spirits possessed under bond to secure payment of the internal revenue tax imposed by section 7652, I.R.C.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

§ 170.124 General provisions.

Distilled spirits brought into the United States from the Virgin Islands in bulk containers of 5 gallons or more capacity may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax, including rectification tax, if any, imposed on such spirits by section 7652, I.R.C. Such spirits so withdrawn and transferred to a distilled spirits plant (a) may not be bottled in bond under section 5233, I.R.C., (b) may be redistilled or denatured only if of 185° or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by chapter 51, Internal Revenue Code, in the same manner as domestic distilled spirits. Spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the provisions of this subpart and applicable provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which spirits are transferred under the provisions of this subpart shall become liable for the tax on distilled spirits withdrawn from customs custody under section 5232, I.R.C., upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

(72 Stat. 1328, as amended; 26 U.S.C. 5232)

§ 170.125 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 170.124, shall for each withdrawal submit an application on Form 2609, in quadruplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the spirits are to be withdrawn, and inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. If the proprietor's bond on Form 2601 is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits to be transferred in addition to all other liabilities chargeable against such bond, the internal revenue officer shall approve all copies of the Form 2609, forward one copy to his assistant regional commissioner, return the original and one copy to the proprietor and retain the remaining copy. (See § 170.130 with respect to need for consent of surety on bond, Form 2601.) The proprietor shall forward the original of Form 2609 to the importer or other person responsible for the release of the spirits from customs custody, who shall submit the form, with the related entry for consumption or withdrawal for consumption forms, to the director of customs from whose custody it is proposed to withdraw the distilled spirits. The proprietor shall retain the remaining copy of Form 2609.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.126 Gauge and certification.

(a) *Gauge.* If Virgin Islands spirits to be transferred from customs custody to internal revenue bond as provided in this subpart are not gauged by an insular gauger at the time of their withdrawal from an insular bonded warehouse, as provided in § 250.204 of this chapter, the insular consignor shall effect a gauge of each bulk container and shall prepare a report of such gauge, in duplicate, and attach both copies to the certificate required by § 250.205 of this chapter. If the gauge is made by the insular gauger, his report of gauge shall be prepared in duplicate and both copies shall be attached to the certificate.

(b) *Certification.* The certificate prescribed by § 250.205 of this chapter shall be prepared in duplicate if the Virgin Islands spirits are to be transferred from customs custody to internal revenue bond. Both copies of the certificate, with the applicable gauge report attached, shall be filed with the director of customs at the port of entry. The original of the certificate and related report of gauge shall be attached to the original of Form 236 by the customs officer responsible for preparation of the Form 236 in accordance with § 170.127. The remaining copy of the certificate and related report of gauge shall be retained by the customs officer.

§ 170.127 Customs inspection and release.

The director of customs will not release distilled spirits without payment of internal revenue tax until the approved Form 2609 prescribed in § 170.125 has been received from the proprietor of the distilled spirits plant. Prior to release from customs custody, the customs officer shall inspect the spirits, and, if it appears that losses in transit were sustained from any container, he shall gauge the spirits in such container. The customs officer shall prepare Form 236 (in quadruplicate, when the spirits are to be removed in packages; in quintuplicate, when the spirits are to be removed by pipeline or by bulk conveyance) appropriately modified to show:

(a) Serial number and date of the Form 2609,

(b) Customs port of entry and entry number,

(c) The consignee,

(d) Kind of spirits,

(e) The name of the importer,

(f) The name of the producer, followed by "Virgin Islands",

(g) If in packages, the serial numbers thereof,

(h) The number and date of the pertinent Form 27–B Supplemental,

(i) The applicable rate of rectification tax (if any),

(j) Method of transfer,

(k) Elements of bulk gauge (if any),

(l) Quantity to be transferred,

(m) Customs seals used (if any),

(n) Date of release, and

(o) Signature and title of the customs officer in lieu of the proprietor.

When shipments are made in tanks, tank barges, sealand containers, or similar bulk containers other than barrels, drums, or similar portable containers), the results of the inspection or the details of the gauge of each such bulk container shall be reported separately. In the case of barrels, drums, or similar portable containers, the results of the inspection shall be reported on the Form 236 and the details of the gauge, if any, shall be reported on Form 2630 in triplicate. On compliance with the requirements of customs regulations, and on completion of Form 236 (and Form 2630, if prepared), the customs officer shall release the spirits for transfer, retain one copy of Form 236 (and Form 2630, if any), forward one copy of Form 236 to the assistant regional commissioner at the address shown on Form 2609, and forward

the original and remaining copy (or copies) of Form 236 (and Form 2630, if any) to the internal revenue officer at the distilled spirits plant.

(68A Stat. 907, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.128 Bulk conveyances to be sealed.

When a shipment of distilled spirits from customs custody to the distilled spirits plant is made in a tank, tank barge, sealand container, tank car, tank truck, or similar bulk conveyance, all openings affording access to the spirits shall be sealed by the customs officer with customs seals in such manner as will prevent unauthorized removal of spirits through such openings without detection.

(68A Stat. 907, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.129 Transfer by pipeline at dock.

If the distilled spirits plant is equipped with suitable dock facilities, the distilled spirits may, subject to all requirements of the customs laws and regulations, be transferred by pipeline from the vessel or barge through weighing tanks or other suitable measuring tanks into locked storage tanks on the bonded premises of the distilled spirits plant, or directly into locked storage tanks on such premises provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents therein. In all such cases of pipeline transfers, the distilled spirits shall be transferred under customs supervision, and released for deposit in the distilled spirits plant.

(68A Stat. 907, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.130 Consent of surety on bond.

Application on Form 2609, prepared as provided in § 170.125, to receive Virgin Islands spirits shall not be approved unless the proprietor has filed a consent of surety on Form 1533 to extend the terms of his existing bond, Form 2601, if such bond was in effect before May 1, 1971. The consent shall contain a statement of purpose as follows:

> To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the principal may from time to time withdraw from customs custody spirits brought into the United States from the Virgin Islands under the provisions of 26 U.S.C. 5232.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

§ 170.131 Transaction forms and records.

Deposit, transfer, and withdrawal forms, and records pertaining to spirits transferred to internal revenue bond under the provisions of this subpart shall be marked to show (a) in lieu of the word "Imported", as required in Part 201 of this chapter for imported spirits, the words "Virgin Islands" or the abbreviation "V.I.", (b) the serial number and date of the Form 27–B Supplemental under which the spirits were produced, and (c) whether liability for rectification tax was incurred prior to receipt in internal revenue bond, and, if so, the rate of the applicable tax. Separate records shall be maintained for such spirits in the same manner as for imported spirits, except that the record of deposits and the summary of deposits and withdrawals, Form 1621, shall be arranged alphabetically by name of producer in the Virgin Islands.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 170.132 Mingling in bond.

The provisions of Part 201 of this chapter with respect to mingling shall apply to spirits brought into the United States from the Virgin Islands provided such spirits meet the conditions stated in this section. Spirits brought into the United States from the Virgin Islands may not be mingled in bond with spirits not brought into the United States from the Virgin Islands, and rectified Virgin Islands spirits may not be mingled with unrectified Virgin Islands spirits or with Virgin Islands spirits subject to a different rate of rectification tax. Rectified Virgin Islands spirits may be mingled in bond with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled in bond, if the spirits to be mingled are homogeneous or are to be immediately tax determined and removed to bottling premises exclusively for use in taxable rectification. Rums or brandies from the Virgin Islands may be blended under the provisions of § 201.307 of this chapter: *Provided*, That if spirits are subject to rectification tax under section 7652, I.R.C., they may be blended only if they are subject to the same rate of rectification tax.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 170.133 Form 179, tax returns, and record of tax liability.

Separate applications for tax determination shall be prepared for Virgin Islands spirits on Form 179, and the words "Virgin Islands Spirits" shall be prominently shown on all copies of Form 179. Any rectification tax imposed under section 7652, I.R.C., on spirits withdrawn on tax determination shall be reported on Form 179 as "other tax due" and shall be identified as rectification tax incurred under section 7652, I.R.C., in the "Remarks" on the form, and such taxes shall be included, with the distilled spirits tax, in the tax returns filed on Form 2521, 2522, or 4077, as applicable, and in the record of tax liability maintained as provided in § 170.62.

MISCELLANEOUS PROVISIONS

§ 170.134 Abatement, remission, credit, or refund.

(a) *Provisions of section 5008, I.R.C., applicable.* The provisions of section 5008(a), I.R.C., with respect to spirits lost while in internal revenue bond shall apply to spirits brought into the United States from the Virgin Islands and transferred from customs custody to internal revenue bond, and the provisions of section 5008(e), I.R.C., with respect to samples of spirits for use by the United States shall also apply to Virgin Islands spirits. Claims relating to spirits lost in bond, in addition to the information required by § 201.42 of this chapter, shall show the name of the producer, and the serial number and date of the Form 27–B Supplemental under which produced.

(b) *Provisions of section 5008, I.R.C., not applicable.* The provisions of (1) section 5008(b)(1), I.R.C., respecting the voluntary destruction of spirits in bond; (2) section 5008(b)(2), I.R.C., respecting the voluntary destruction of spirits after withdrawal for rectification or bottling; (3) section 5008(c)(1)(A), I.R.C., respecting spirits lost after withdrawal for rectification or bottling, by reason of accident, flood, fire, or other disastser; (4) section 5008(c)(1)(B), I.R.C., respecting spirits lost in rectifying, packaging, bottling and casing operations; or (5) section 5008(d), I.R.C., respecting spirits returned to bonded premises after withdrawal upon tax determination, do not apply to Virgin Islands spirits, since such provisions only authorize abatement, remission, credit, or refund of taxes imposed under chapter 51, I.R.C.

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

§ 170.135 Marks on containers.

(a) *Packages received in bond.* When packages of spirits are received on the bonded premises of a distilled spirits plant under the provisions of this subpart, the markings prescribed by § 250.206 of this chapter that are on such packages shall be accepted in lieu of the markings prescribed in § 201.312b of this chapter. On receipt of packages so marked the proprietor of the distilled spirits plant shall show on such packages (1) the date of original entry for deposit of the spirits, and (2) the words "Virgin Islands" or the abbreviation "V.I."

(b) *Other containers.* Packages of Virgin Islands spirits filled in internal revenue bond or on bottling premises shall, in addition to the required marks prescribed in § 201.516 or § 201.526 of this chapter, as applicable, be marked, in conjunction with the kind of spirits, with the words "Virgin Islands" or the abbreviation "V.I." Similarly tanks or bulk conveyances containing spirits received in internal revenue bond under the provisions of this subpart shall, in addition to other required marks, be marked with the words "Virgin Islands" or the abbreviation "V.I."

(c) *Cases of bottled alcohol.* In addition to other mandatory marks prescribed by § 201.529(a) of this chapter for cases of bottled alcohol, the words "Virgin Islands" or the abbreviation "V.I." shall precede or follow the word "alcohol" on cases of alcohol from the Virgin Islands that are bottled and cased on bonded premises.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 170.136 Additional tax on nonbeverage spirits.

The additional tax imposed by section 5001(a)(9), I.R.C., on imported

spirits withdrawn from customs custody without payment of tax and thereafter withdrawn from bonded premises for beverage purposes, and the related provisions of § 201.376 of this chapter, are not applicable to Virgin Islands spirits brought into the United States and transferred to bonded premises under the provisions of this subpart.

§ 170.137 Exportation with benefit of drawback.

Claims and supporting documents respecting export with benefit of drawback of domestic distilled spirits products that contain spirits from the Virgin Islands shall show:

(a) The precise quantity (in proof gallons) of the finished product attributable to the Virgin Islands spirits contained therein, and

(b) The amount of tax and the applicable rate or rates of tax imposed by section 7652, I.R.C., determined at the time of withdrawal from internal revenue bond on the Virgin Islands spirits contained in the product.

[FR Doc.71-4571 Filed 4-1-71;8:48 am]

POST OFFICE DEPARTMENT

[39 CFR Part 144]

PAYMENT OF POSTAGE BY METER TAPES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of an amendment to regulations codified in 39 CFR 144.4 (f) (2). Presently mailers may use a meter tape during the first 10 days of the month following the month shown on the tape. It is now proposed to restrict tapes to mailings within the month shown on them except when in the judgment of the postmaster the mailing was unavoidably delayed in which case they will be accepted through the third day of the following month.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed regulations to the Director, Office of Mail Classification, Finance & Administration Department, Washington, DC 20260, at any time prior to the 30th day following the date of publication of this Notice in the FEDERAL REGISTER.

In § 144.4 *Meter stamps,* amend paragraph (f) (2) to read as follows:

§ 144.4 Meter stamps.

* * * * *

(f) *Date of mailing.* * * *

(2) A month, day, or year shall not be shown in the meter postmark printed directly on a second-, third- or fourth-class mailing piece, but if the meter postmark is printed on a separate tape a date must be shown to lessen the possibility of improper reuse of the tape. The date must include the month and year, but the day may be omitted when the mailer does not definitely know what the actual date of deposit will be. Mailing pieces bearing tapes which include only the month and year in the meter postmark may be accepted during the month shown, and through the 3d day of the following month when in the judgment of the postmaster the mailing was unavoidably delayed.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 4052, 4053)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-4539 Filed 4-1-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 54]

DESIGNATION OF URBAN AND RURAL POVERTY AREAS

Notice of Proposed Method of Determination

In accordance with the provisions of sections 220(b)(2), 224(b), 242(b)(2), 243(d), 251(b), 271(b)(3), 401(h)(3), and 410 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.), it is proposed to establish procedures for determining the community mental health center catchment areas of the several States which will be designated as urban or rural poverty areas.

The method adopted will be reexamined annually, and any necessary modifications will be adopted after notice of an opportunity for public participation has been published in the FEDERAL REGISTER.

A list of the areas designated as urban and rural poverty areas, determined by applying the proposed method will also be promulgated annually except that the initial list will be effective for fiscal years 1971 and 1972. Grantees under any provision of Title II of the Act who are or will be serving areas included on this list are eligible for preferential financial support and other special benefits authorized by the aforementioned sections of the Act.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed method of designating poverty areas to the National Institute of Mental Health, 5454 Wisconsin Avenue, Chevy Chase, MD 20015, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

DESIGNATION OF URBAN AND RURAL POVERTY AREAS FOR PURPOSES OF THE COMMUNITY MENTAL HEALTH CENTERS ACT (42 U.S.C. 2681 ET SEQ.)

It is proposed to amend Subpart B of Part 54 to read as follows:

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Subpart B—Designation of Urban and Rural Poverty Areas

§ 54.101 State ranking.

(a) Using the latest available published data from the Department of Commerce, Bureau of the Census, each State shall determine what percentage of families living in each catchment area within its territorial borders have incomes below the poverty level described in subparagraph (2) of this paragraph.

(1) The term "catchment area" means a geographic area designated by a State which is served or will be served by an existing or proposed community mental health center.

(2) In determining the poverty level, the following standards shall be used:

(i) Revised OEO income Poverty Guidelines (Published in OEO Instructions, No. 6004-1.b., dated Dec. 1, 1970) for the 50 States and the District of Columbia. Those Guidelines are as follows:

ALL STATES (INCLUDING THE DISTRICT OF COLUMBIA) EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1	$1,900	$1,600
2	2,500	2,000
3	3,100	2,500
4	3,800	3,200
5	4,400	3,700

For families with more than five members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

ALASKA

Family size	Nonfarm family	Farm family
1	$2,400	$2,000
2	3,150	2,625
3	3,900	3,275
4	4,750	3,975
5	5,500	4,600

For families with more than five members, add $750 for each additional member in a nonfarm family and $625 for each additional member in a farm family.

HAWAII

Family size	Nonfarm family	Farm family
1	$2,250	$1,875
2	2,900	2,400
3	3,550	2,950
4	4,250	3,550
5	4,900	4,075

For families with more than five members, add $650 for each additional member in a nonfarm family and $525 for each additional member in a farm family.

(ii) Income poverty levels established by territorial or commonwealth governments for the following: American Samoa, Guam, Puerto Rico, Trust Territories of the Pacific Islands, and the Virgin Islands.

(b) Each State shall rank its catchment areas according to the percentage of families whose incomes fall below the poverty level in each area. The catchment area in each State with the highest percentage of families whose incomes fall below the poverty level shall be designated as number 1, and areas with lower percentages of such families shall be arrayed in ascending numerical order.

§ 54.102 Designation of poverty areas.

The Secretary will designate as poverty areas a percentage of catchment areas in each State to be determined as follows:

(a) The percentage of poverty catchment areas for each State shall be determined by subtracting 25 percent from each State's Federal percentage.

(b) The State's Federal percentage is the percentage established pursuant to section 401(i) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2661 et seq.) (hereinafter referred to as the "Act"), and promulgated in 33 F.R. 18593, for fiscal years 1971 and 1972.

EXAMPLE: If the Federal percentage for State X is 50 percent, 25 percent would be subtracted, leaving a balance of 25 percent. This means that the highest ranking 25 percent of the catchment areas listed by each State pursuant to § 54.101(b) would be designated as poverty areas.

§ 54.103 Additional poverty area designations.

(a) An applicant for a grant under any program authorized by Title II of the Act who wishes to serve a catchment area which was not designated as an urban or rural poverty area in accordance with the above procedures may apply to the Secretary to have such area designated as a poverty area under the provisions of section 410 of the Act.

(b) The Secretary shall add the area in question to the list of poverty areas with respect to the particular project if the applicant demonstrates to the Secretary's satisfaction that:

(1) At least one-half the population of the catchment area lives in one or more impoverished subareas.

(2) The percentage of families with incomes below the poverty level (as determined in accordance with § 54.101 (a)) who lives in these subareas is at least one and one-half times greater than the percentage of families with incomes below the poverty level living in the lowest ranked area for that State which has been designated as a poverty area pursuant to section 54.102.

(3) The project, facility, or program of services for which the applicant seeks support does, or will, focus on the needs of persons living in such subareas of poverty.

Effective date: This procedure shall be effective upon adoption and shall continue in effect until modified by publication of notice of modification in the FEDERAL REGISTER.

Dated: March 26, 1971.

JOHN G. VENEMAN,
Acting Secretary.

[FR Doc.71-4499 Filed 4-1-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

CAPITAL CONSTRUCTION FUND

Interim Agreement Forms

The Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (Public Law 91-469), provides that eligible citizens of the United States may enter into agreements with the Secretary of Commerce affording certain tax benefits for moneys deposited in a Capital Construction Fund. This function has been delegated to the Assistant Secretary of Commerce for Maritime Affairs.

The purpose of this notice is to publish for comment the proposed form[1] of Interim Capital Construction Fund Agreement. The reason for proposing an Interim Agreement is that the Assistant Secretary has not yet completed development of all the necessary forms and regulations connected with the establishment of a Permanent Agreement.

While the Capital Construction Fund Program is exempt from the requirements of section 4, Administrative Procedure Act (5 U.S.C. 553), the Assistant Secretary invites interested parties to submit written comments on the proposed agreement, form for his consideration, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20235, by the close of business on April 26, 1971.

Dated: March 30, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary,
Maritime Administration.

[FR Doc.71-4601 Filed 4-1-71;8:48 am]

[1] Filed as part of the original document.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-63]

CHICAGO RIVER, ILL.

Proposed Drawbridge Operation Regulations; Correction

The notice of proposed rule making for the Chicago River published in the FEDERAL REGISTER of March 18, 1971 (36 F.R. 5245), omitted reference to the Chicago River bridges and the West Kinzie Street bridge across the North Branch of the Chicago River and repeated, "North Branch Canal and the South Branch of the Chicago River".

Section 117.633(e)(2) is corrected to read:

§ 117.663 Chicago River and its tributaries.

* * * * *

(e) * * *.

(2) *From January 1 through March 31, 12 hours' advance notice required.* Constant attendance is not required for the highway bridges across the Chicago River, North Branch of the Chicago River, North Branch Canal, and the South Branch of the Chicago River from January 1 through March 31. The draws shall be opened promptly on signal provided at least 12 hours' advance notice has been given during this period, except that the Randolph Street, Cermak Road, Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal, and the West Kinzie Street bridge across the North Branch of the Chicago River, shall be opened promptly on signal, except as provided in subparagraph (1) of this paragraph.

* * * * *

Dated: March 30, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc. 71-4555 Filed 4-1-71;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-27]

[46 CFR Part 542]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

Clarifying language in introductory paragraphs of Form FMC-225 and uniform endorsement.

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27), including subsequent amendments, set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including certain barges of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of certificates evidencing financial responsibility, and the basis for the denial, revocation, modification or suspension of such certificates.

Section 11(p)(1) of the Federal Water Pollution Control Act, as amended, provides that any subject vessel shall "establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section". Such evidence of financial responsibility may be established by insurance among other means.

In implementing this provision, §542.5 (a)(1) of General Order 27 sets forth the language of a uniform endorsement which must be included in an insurance policy or cover note if evidence of financial responsibility is to be accomplished by such means. The first portion of the approved uniform endorsement reads as follows:

> Any other provisions of this policy (or the policy evidence by this cover note) notwithstanding (1) said policy insures any liability the assured may incur to the United States under section 11(f) of the Water Quality Improvement Act of 1970 (Public Law 91-224): *Provided, however,* That the insurer's liability to the United States in any event shall not exceed $100 per gross ton of the tonnage of the vessel in respect of which a claim may be made, or $14 million, whichever is the lesser. * * *

The Certificate of Insurance Form FMC-225 authorized by § 542.5(a)(1) contains the following first paragraph:

> ---------- (hereinafter called "The Insurer") hereby certifies that each of the owners and operators specified in the schedule below, is insured by it in respect of the Vessels specified therein, against liability to the United States Government arising under section 11(f) of Public Law 91-224.
> (Name of Insurer)

Certain underwriters consider that the above referred to provisions in the uniform endorsement and Form FMC-225 may be subjected to some misinterpretation regarding the maximum amounts of insurance which may be required under General Order 27. They request that the above quoted provisions each be clarified to make it absolutely clear that the amount of insurance granted to owners and operators will not in any event exceed $100 per gross ton or a maximum of $14 million, whichever is the lesser.

While the Commission is of the view that the present language in the uniform endorsement and in Form FMC-225 is sufficiently clear in this regard, it is willing to accept and include clarifying modifications to the present language contained in the uniform endorsement and in Form FMC-225. The Commission would accept evidence of financial responsibility in accordance with the language now contained in the uniform endorsement and in Form FMC-225, but in the alternative would also accept from those applicants and underwriters who prefer to include the clarifying language, evidence of financial responsibility which incorporates the clarifications herein proposed.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1) and 11(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), notice is hereby given that the Federal Maritime Commission is considering amending Part 542 of Title 46 CFR as follows:

1. It is proposed that the following language be added at the end of subparagraph (1) of paragraph (a) of § 542.5 as amended:

> Provided further, however, the foregoing uniform endorsement may, at the discretion of the party furnishing the policy of insurance or cover note, include in Item (1) of the endorsement, after the words "liability to the United States", the following words:
>
> "or to the assured"
>
> The uniform endorsement will be acceptable to the Commission either with or without the aforementioned clarifying language. Any person who has previously filed a policy of insurance or cover note containing the uniform endorsement without this clarifying language, may, if he so desires, substitute a new uniform endorsement including the clarifying language.

2. It is further proposed that the following language be added at the end of paragraph (b) of § 542.5 as amended:

> The Certificate of Insurance, Form FMC-225, as incorporated in the rules of this part, may be utilized in the existing form or, in the alternative, may be clarified by any parties so desiring by substituting the following language for the current first paragraph contained in that form.
>
> ---------- (hereinafter called "The Insurer") hereby certifies that in accordance with the provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended, each of the owners and operators specified in the schedules below is insured by it in respect to the vessels specified therein, against liability to the U.S. Government in the amount of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which such vessels could be subjected under the aforesaid Act.
> (Name of Insurer)
>
> The use of Form FMC-225 will be acceptable to the Commission as evidence of financial responsibility either with or without the aforementioned clarifying language, and any party who has previously filed this form without the clarifying language may, if he so desires, submit a substitute Form FMC-225 with the added clarifying language.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, DC 20573 within

10 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed change in General Order 27. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4572 Filed 4-1-71;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

GEOTHERMAL STEAM ACT OF 1970

Known Geothermal Resources Areas; Partial List

Correction

In F.R. Doc. 71-4118 appearing at page 5626 in the issue for Thursday, March 25, 1971, the following changes should be made on page 5627:

1. The eighth line under the heading "Leach Hot Springs Known Geothermal Resources Area", now reading "Secs. 32 and 33", should read "Secs. 29 through 32."

2. The second line under the heading "Carey Hot Springs Known Geothermal Resources Area", now reading "Secs. 24, 25, and 26", should read "Secs. 24, 25, and 36."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2653) has been filed by The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended in paragraph (b) to revise the limitations on 1,3,5-tris(3,5,-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*, 5*H*)-trione, so that this substance may be used as an antioxidant and/or stabilizer in polymers used in the manufacture of articles or components of articles that contact fatty and nonfatty foods under the limited conditions of use presently permitted.

Dated: March 26, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-4534 Filed 4-1-71;8:45 am]

[DESI 7501]

CERTAIN POLYMYXIN B SULFATE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13602), regarding the efficacy of certain polymyxin B sulfate preparations. Based upon a further reevaluation of the reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs finds it appropriate to amend the labeling section of the August 26, 1970, announcement as follows:

POLYMYXIN B SULFATE FOR PARENTERAL AND/OR OPHTHALMIC ADMINISTRATION

WARNING

(Should be in boldface type and enclosed in a box)

CAUTION: When This Drug Is Given Intramuscularly and/or Intrathecally, It Should Be Given Only to Hospitalized Patients, So As To Provide Constant Supervision by a Physician.

Renal Function Should Be Carefully Determined and Patients with Renal Damage and Nitrogen Retention Should Have Reduced Dosage. Patients with Nephrotoxicity due to Polymyxin B Sulfate Usually Show Albuminuria, Cellular Casts, and Azotemia. Diminishing Urine Output and a Rising BUN Are Indications for Discontinuing Therapy with This Drug.

Neurotoxic Reactions May Be Manifested by Irritability, Weakness, Drowsiness, Ataxia, Perioral Paresthesia, Numbness of the Extremities, and Blurring of Vision. These Are Usually Associated with High Serum Levels Found in Patients with Impaired Renal Function and/or Nephrotoxicity. The Concurrent Use of Other Nephrotoxic and Neurotoxic Drugs, Particularly Kanamycin, Streptomycin, Polymyxin E (Colistin), Neomycin, Gentamicin, and Viomycin, Should Be Avoided.

The Neurotoxicity of Polymyxin B Sulfate Can Result in Respiratory Paralysis from Neuromuscular Blockade, Especially When the Drug Is Given Soon After Anesthesia and/or Muscle Relaxants.

Usage in Pregnancy: The Safety of This Drug in Human Pregnancy Has Not Been Established.

DESCRIPTION

Polymyxin B sulfate is one of a group of basic polypeptide antibiotics derived from *B. polymyxa* (*B. aerosporus*).

Steril Polymyxin B sulfate is in powder form suitable for preparation of steril solutions for intramuscular, intravenous drip, intrathecal, or ophthalmic use.

In the medical literature, dosages have frequently been given in terms of equivalent weight of pure polymyxin B base. Each milligram of pure polymyxin B base is equivalent to 10,000 units of polymyxin B and each microgram of pure polymyxin B and each microgram of pure polymyxin B base is equivalent to 10 units of polymyxin B.

Aqueous solutions of polymyxin B sulfate may be stored up to 12 months without significant loss of potency if kept under refrigeration. In the Interest of Safety, Solutions for Parenteral Use Should Be Stored Under Refrigeration and Any Unused Portion Should Be Discarded After 72 Hours. Polymyxin B sulfate should not be stored in alkaline solutions since they are less stable.

(Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Polymyxin B sulfate has a bactericidal action against almost all gram-negative bacilli except the Proteus group. Polymyxins increase the permeability of bacterial cell wall membranes. All gram-positive bacteria, fungi, and the gram-negative cocci, *N. gonorrhoeae* and *N. meningitidis*, are resistant.

Susceptibility plate testing: If the Kirby-Bauer method of disc susceptibility testing is used, a 300-unit polymyxin B disc should give a zone of over 11 mm. when tested against a polymyxin B-susceptible bacterial strain.

Polymyxin B sulfate is not absorbed from the normal alimentary tract. Since the drug loses 50 percent of its activity in the presence of serum, active blood levels are low. Repeated injections may give a cumulative effect. Levels tend to be higher in infants and children. The drug is excreted slowly by the kidneys. Tissue diffusion is poor and the drug does not pass the blood brain barrier into the cerebrospinal fluid. In therapeutic dosage, polymycin B sulfate causes some nephrotoxicity with tubule damage to a slight degree.

INDICATIONS

No change.

CONTRAINDICATIONS

No change.

PRECAUTIONS

See "Warning" box.

Baseline renal function should be done prior to therapy, with frequent monitoring of renal function and blood levels of the drug during parenteral therapy.

Avoid concurrent use of a curariform muscle relaxant and other neurotoxic drugs (ether, tubocurarine, succinylcholine, gallamine, decamethonium and sodium citrate) which may precipitate respiratory depression. If signs of respiratory paralysis appear, respiration should be assisted as required, and the drug discontinued.

As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

No change.

ADMINISTRATION AND DOSAGE

Parenteral:

Intravenous. Dissolve 500,000 units polymyxin B sulfate in 300–500 cc. of 5 percent dextrose in water for continuous intravenous drip.

Adults and children. 15,000–25,000 units/kg. body weight/day in individuals with normal kidney function. This amount should be reduced from 15,000 units/kg. downward for individuals with kidney impairment. Infusions may be given every 12 hours; however, the total daily dose must not exceed 25,000 units/kg./day.

Infants. Infants with normal kidney function may receive up to 40,000 units/kg./day without adverse effects.

Intramuscular. Not recommended routinely because of severe pain at injection sites, particularly in infants and children. Dissolve 500,000 units polymyxin B sulfate in 2 cc. sterile distilled water (Water for Injection, U.S.P.) or sterile physiologic saline (Sodium Chloride Injection, U.S.P.) or 1 percent procaine hydrochloride solution.

Adults and children. 25,000–30,000 units/kg./day. This should be reduced in the presence of renal impairment. The dosage may be divided and given at either 4- or 6-hour intervals.

Infants. Infants with normal kidney function may receive up to 40,000 units/kg./day without adverse effects.

NOTE. Doses as high as 45,000 units/kg./day have been used in limited clinical studies in treating prematures and newborn infants for sepsis caused by *Ps. aeruginosa.*

Intrathecal—A treatment of choice for Ps. aeruginosa meningitis. Dissolve 500,000 units polymyxin B sulfate in 10 cc. of sterile physiologic saline (Sodium Chloride Injection, U.S.P.) for 50,000 units per ml. dosage unit.

Adults and children over 2 years of age. Dosage is 50,000 units once daily intrathecally for 3–4 days, then 50,000 units once every other day for at least 2 weeks after cultures of the cerebrospinal fluid are negative and sugar content has returned to normal.

Children under 2 years of age. 20,000 units once daily, intrathecally for 3–4 days or 25,000 units once every other day. Continue with a dose of 25,000 units once every other day for at least 2 weeks after cultures of the cerebrospinal fluid are negative and sugar content has returned to normal.

IN THE INTEREST OF SAFETY, SOLUTIONS FOR PARENTERAL USE SHOULD BE STORED UNDER REFRIGERATION AND ANY UNUSED PORTION SHOULD BE DISCARDED AFTER 72 HOURS.

Topical:

Ophthalmic. Dissolve 500,000 units polymyxin B sulfate in 20–50 cc. sterile distilled water (Water for Injection, U.S.P.) or sterile physiologic saline (Sodium Chloride Injection, U.S.P.) for a 10,000–25,000 unit per cc. concentration.

For the treatment of *Ps. aeruginosa* infections of the eye, a concentration of 0.1 percent to 0.25 percent (10,000 units to 25,000 units per cc.) is administered 1–3 drops every hour, increasing the intervals as response indicates.

Subconjunctival injection of up to 100,000 units/day may be used for the treatment of *Ps. aeruginosa* infections of the cornea and conjunctiva.

NOTE. Avoid total systemic and ophthalmic instillation over 25,000 units/kg./day.

POLYMYXIN B SULFATE FOR ORAL ADMINISTRATION

DESCRIPTION

No change.

ACTIONS

Polymyxin B sulfate is one of a group of basic polypeptide antibiotics derived from *B. polymyxa* (*B. aerosporus*) and has a bactericidal action against almost all gram-negative bacilli except the Proteus group. Polymyxins increase the permeability of bacterial cell wall membranes. All gram positive bacteria, fungi, and the gram-negative cocci, *N. gonorrhoea* and *N. meningitidis*, are resistant.

Susceptibility plate testing: If the Kirby-Bauer method of disc susceptibility is used, a 300-unit polymyxin B sulfate disc should give a zone of over 11 mm. when tested against a polymyxin B susceptible bacterial strain.

The drug is not absorbed from the normal alimentary tract; however, with partial or complete intestinal obstruction or with inflamed or ulcerated intestinal tract mucosa there may be considerable absorption.

INDICATIONS

No change.

CONTRAINDICATIONS

No change.

WARNINGS

Usage in Pregnancy: The safety of this drug in human pregnancy has not been established.

PRECAUTIONS

Delete: "Usage in Pregnancy: The safety of this drug in human pregnancy has not been established."

ADVERSE REACTIONS

No change.

DOSAGE AND ADMINISTRATION

Infants and children up to 2 years of age: 250,000–500,000 units t.i.d.

Children ages 2–5 years: 500,000–750,000 units t.i.d.

Older children and adults: 750,000–1,000,000 units q.i.d.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute all time periods allowed, thus superseding the time periods announced in the FEDERAL REGISTER of August 26, 1970.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs.

Dated: March 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4533 Filed 4-1-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 24]

SOUTHERN RAILWAY SYSTEM

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

The hearing in this matter is hereby rescheduled for April 27, 1971, at 9 local time in Room 9017, Federal Office Building, 550 Main Street, Cincinnati, OH.

Dated this 26th day of March 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-4558 Filed 4-1-71;8:46 am]

[FRA-Petition-No. 26]

SEABOARD COAST LINE RAILROAD CO.

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

The hearing in this matter is hereby reassigned for April 20, 1971 at 9:00 a.m. local time in Room 224, Federal Building and Courthouse, 1800 5th Avenue, North, Birmingham, AL.

Dated this 26th day of March 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-4559 Filed 4-1-71;8:46 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-93]

EQUIPMENT INTERCHANGE ASSOCIATION

Notice of Approval of an Issuing and Guaranteeing Association

MARCH 26, 1971.

A notice was published in the FEDERAL REGISTER on February 11, 1969 (34 F.R. 1970), that applications to undertake the obligations of issuing association and guaranteeing association under the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets would be accepted and considered by the Bureau of Customs.

By virtue of the authority vested in the Secretary of the Treasury by Executive Order No. 11450 (34 F.R. 1567) and delegated to the Commissioner of Customs by Treasury Department Order No. 165–21 (Revision 1), T.D. 69–62 (34 F.R. 2616), the Equipment Interchange Association, 1616 P Street NW., Washington, DC, a member of the International Road Transport Union, duly applied in response to the above-mentioned notice and is hereby approved as the issuing association and guaranteeing association under the TIR Convention.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-4556 Filed 4-1-71;8:46 am]

SHOEBOARD FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

MARCH 25, 1971.

On November 19, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that shoeboard from the United Kingdom is being, or likely to be, sold at less than fair value within the

meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-4557 Filed 4-1-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Oral Argument

Issues on review under Order 71-3-172 of March 29, 1971.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on April 28, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., March 30, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-4562 Filed 4-1-71;8:47 am]

[Dockets Nos. 22896, 23157]

EMPRESA GUATEMALTECA DE AVIACION (AVIATECA)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceedings is assigned to be held on April 23, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 30, 1971.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-4563 Filed 4-1-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

OVERBROOK LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
KANSAS	
Overbrook Livestock Sale Co., Overbrook, May 27, 1959.	Overbrook Livestock Market, Jan. 18, 1971.
OHIO	
The Tiffin Livestock Sales Co., Tiffin, Mar. 20, 1964.	Tiffin Livestock, Mar. 1, 1971.
SOUTH CAROLINA	
Lenox Stock Yards, Bennettsville, Feb. 20, 1960.	S and T Stockyard, Feb. 1, 1971.
Greenwood Stock Yard, Inc., Greenwood, Feb. 8, 1960.	Greenwood Livestock Market, Inc., Mar. 8, 1971.
TEXAS	
Marshall Livestock Commission Company, Marshall, Mar. 9, 1959.	Marshall Livestock Commission Co., Jan. 21, 1971.

Done at Washington, D.C., this 29th day of March 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-4551 Filed 4-1-71;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-28]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Surcharge on Commodities Moving Under Wine and Spirits Contract; Order To Show Cause

The National Association of Alcoholic Beverage Importers (NAABI) has petitioned for an order directing the North Atlantic Westbound Freight Association (NAWFA) to show cause why its proposed $3 per ton rate increase on wines and spirits should not be found "at variance with the Wine and Spirits Contract entered into between members of NAABI and members of NAWFA."

NAABI charges that the surcharge violates Clause 9 of the Wine and Spirits Contract which provides that "No change in rates * * * shall be made without prior consultation" with NAABI because the letters of protest from NAABI's Freight and Insurance Committee were ignored and the surcharge imposed as of March 21, 1971, without consultation.

NAWFA contends that although under the Wine and Spirits Contract rates were originally fixed for a 2-year period, Clause 4(c) of that contract permits rates to be changed at any time in the event of "extraordinary conditions". The extraordinary condition here urged by NAWFA is the "substantial, continual, unforeseeable and extraordinary increases in bunker fuel costs." It is NAWFA's position that the $3 "surcharge" is lawful under the contract and they urge the denial of NAABI's petition.

The controversy here involves the proper interpretation of the language approved by the Commission in the Wine and Spirits Contract, and there is no need for an evidentiary hearing. Thus, the show cause procedure requested by NAABI is appropriate, and the dispute should be promptly resolved. Accordingly,

It is ordered, That the North Atlantic Westbound Freight Association is hereby directed to show cause why its "bunker surcharge" should not be canceled as violative of Clause 4 of the Wine and Spirits Contract approved by the Commission under section 14b of the Shipping Act, 1916. This proceeding is to be limited to the submission of affidavits of fact and memoranda of law, replies thereto and oral argument. Such affidavits and memoranda shall be filed no later than close of business April 9, 1971. Replies shall be filed no later than close of business April 16, 1971. An original and fifteen copies of such affidavits, memoranda and replies are required, and shall be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of all papers filed with the Secretary should be served on all parties. Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That the North Atlantic Westbound Freight Association and its member lines are hereby made Respondents in this proceeding. National Association of Alcoholic Beverage Importers is designated as Petitioner herein. All persons having an interest in this proceeding and desiring to participate therein should file petitions for leave to intervene in accordance with Rule 5(1)

(46 CFR 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4573 Filed 4-1-71;8:48 am]

AMERICAN EXPORT ISBRANDTSEN LINES, INC. AND TRANSOCEAN GATEWAY CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James N. Jacobi, 2000 K Street NW., Washington, DC 20006.

Agreement No. T-2502, between American Export Isbrandtsen Lines, Inc. (AEIL), and Transocean Gateway Corp. (Transocean), is a 5-year terminal service contract whereby Transocean agrees to provide terminal service to AEIL at Pier 6, Bush Terminal, Brooklyn, and at other locations they may mutually agree upon in the Port of New York. As compensation, AEIL will pay Transocean $2.40 per manifest payable ton handled at the facility. Charges for terminal services will be billed on a monthly basis at $50,000 per month, to be adjusted quarterly on the basis of manifest payable tons handled for the quarter at $2.40 per ton, with a final adjustment to be made at the end of the contract year.

Dated: March 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4574 Filed 4-1-71;8:48 am]

JAPAN/GREAT LAKES MEMORANDUM

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. K. Kumagai, Chairman, Japan/Great Lakes Memorandum, c/o "K" Line, 11NO Building, 1-1 Uchisaiwai-Cho 2-Chome, Chiyoda-Ku, Tokyo, Japan.

Agreement No. 8670-4 is a modification of the Japan/Great Lakes' basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4575 Filed 4-1-71;8:48 am]

NIAGARA FRONTIER TRANSPORTATION AUTHORITY AND BUFFALO OVERSEAS TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtained a copy of the agreement at the Washington office of the Federal Maritime Commisison, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David F. Mix, Assistant Counsel, Niagara Frontier Transportation Authority, 16th Floor, Station Hilton, Buffalo, NY 14202.

Agreement No. T-2495, between the Niagara Frontier Transportation Authority (Authority) and Buffalo Overseas Terminals, Inc. (Terminals), provides for the 19-month lease of portions of Terminals A and B at Buffalo, N.Y., to be operated as a public marine terminal. Terminals will furnish all labor and services including stevedoring. The Authority will receive all dockage charges, a portion of all storage charges, and $1 per ton top wharfage (except for cargo requiring outside storage, the wharfage charge for which is $0.50 per ton). Rates to be charged by Terminals are subject to approval by the Authority.

Dated: March 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4576 Filed 4-1-71;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-96]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires March 31, 1971.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-20	Sept. 5, 1968	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-27	Oct. 1, 1968	Do.
F-38	Jan. 23, 1969	Do.
F-45	Mar. 18, 1969	Do.
F-47	Apr. 29, 1969	Do.
F-52	Aug. 25, 1969	Do.
F-53	Sept. 8, 1969	Do.
F-55	Sept. 18, 1969	Do.
F-60	Oct. 7, 1969	Do.
F-64	Jan. 28, 1970	Do.
F-78	Nov. 19, 1970	Do.

Dated: March 26, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-4532 Filed 4-1-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4192]

CANADIAN JAVELIN LTD.

Order Suspending Trading

MARCH 26, 1971.

The common stock, no par value, of Canadian Javelin Ltd. being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being treated otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 27, 1971, through April 5, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4540 Filed 4-1-71;8:46 am]

[811-1360]

DOUGLAS FUND, INC.

Notice of Proposal To Terminate Registration

MARCH 26, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that the Douglas Fund, Inc. (Fund), One Chase Manhattan Plaza, (54th Floor), New York, NY 10005, a Maryland corporation, registered under the Act as an open-end, nondiversified management investment company has ceased to be an investment company.

The Fund registered under the Act on December 29, 1965. It's sole stockholder was The Fund of Fund, Ltd. Pursuant to the terms of an offer of settlement, in the matter of I.O.S. Ltd. (S.A.) et al. accepted by order of the Commission on May 23, 1967 (Securities Exchange Act Release No. 8083), Fund adopted a plan of complete liquidation and dissolution and as of October 1, 1967, Fund had been dissolved.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Independence at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4541 Filed 4-1-71;8:46 am]

[811-1094]

FIRST CONTINENTAL CAPITAL CORP.

Notice of Proposal To Terminate Registration

MARCH 26, 1971.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that First Continental Capital Corp. (Fund), 2511 First National Bank Building, 120 South Sixth Street, Minneapolis, MN, a Minnesota corporation, registered under the Act as an open-end diversified management investment company has ceased to be an investment company.

The Fund registered under the Act on August 21, 1961. Information available to the Commission indicates that at a joint stockholders and directors meeting of the Fund held on August 15, 1967, it was determined that Fund be liquidated and dissolved. On August 21, 1967, all Fund's assets and liabilities were transferred to the Fund's then sole stockholder, Medical Investment Corp. and on November 24, 1967, upon the filing of dissolution documents with the Minnesota Secretary of State, Fund was dissolved as a legal entity.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Independence at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4542 Filed 4-1-71;8:46 am]

[811-2038]

I.M.D. ASSOCIATES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 26, 1971.

Notice is hereby given that I.M.D. Associates, Inc. (Applicant), c/o David A. Leinbach, 1 William Street, New York, NY 10004, a Delaware corporation registered as an open-end nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant states that it registered under the Act on March 4, 1970, by filing both a notification of registration on Form N–8A, and a registration statement on Form N–8B–1. On the same date a registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933; that registration statement has not been made effective.

Applicant represents that it has no assets or shareholders, and that no offering or sale of its common stock has been or is intended to be made. For this reason Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of shares of common stock registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4543 Filed 4-1-71;8:46 am]

[811-1456]

SEVENTH EMPIRE FUND, INC.

Notice of Proposal To Terminate Registration

MARCH 26, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Seventh Empire Fund, Inc. (Fund), 719 Liberty Avenue, Pittsburgh, PA 15222, a Maryland corporation, registered under the Act as an open-end, diversified management investment company has ceased to be an investment company.

The Fund registered under the Act on December 27, 1966. Information available to the Commission indicates that the Fund has never been in operation nor does it intend to engage in the business of being an investment company. Fund never offered its securities to the public and aside from one share of stock issued to its proposed investment advisor, Federated Research Corp., the Fund has no other shareholders or assets.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 16, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Independence at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4544 Filed 4-1-71;8:46 am]

TARIFF COMMISSION

[TEA–F–21]

ROYAL SILVER MANUFACTURING CO., INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Hearing

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on March 19,

1971, under section 301(c)(1) of the Trade Expansion Act of 1962 on petition filed by the Royal Silver Manufacturing Co., Inc., Norfolk, Va. (36 F.R. 5642, Mar. 25, 1971). The hearing will be held at 10 a.m., e.d.s.t., on April 27, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure (19 CFR 201.13).

Issued: March 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4560 Filed 4-1-71;8:47 am]

[TEA-F-22 & TEA-W-82 through TEA-W-89]

SPRAGUE ELECTRIC CO.

Petitions for Determinations of Eligibility To Apply for Adjustment Assistance; Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the—

TEA-F-22 Sprague Electric Co., North Adams, Mass.;

on behalf of the workers of plants of that company located in—

TEA-W-82 North Adams, Mass.
TEA-W-83 Worcester, Mass.
TEA-W-84 Hillsville, Va.
TEA-W-85 Lansing, N.C.
TEA-W-86 Concord, N.H.
TEA-W-87 Barre, Vt.
TEA-W-88 Grafton, Wis. (Sprague of Wis., Inc); and

on behalf of the workers of the—

TEA-W-89 RCA plant, Cincinnati, Ohio;

the U.S. Tariff Commission, on the 29th day of March 1971, instituted investigations under sections 301(c)(1) and 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electrical capacitors, receiving tubes, and semi-conductors of the kinds produced by the aforementioned company and plants are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such company and the unemployment or underemployment of a significant number or proportion of the workers of such plants.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 30, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-4561 Filed 4-1-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. No. 994; Amdt. 4; ICC Order No. 47]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 47 (The Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 47 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 19, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-4564 Filed 4-1-71;8:47 am]

[Rev. S.O. No. 994; Amdt. 5; ICC order No. 43]

FRANKFORT AND CINCINNATI RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 43 (Frankfort and Cincinnati Railroad Company) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 43 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-4565 Filed 4-1-71;8:47 am]

[S.O. No. 994; Amdt. 12; ICC Order No. 12]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-4566 Filed 4-1-71;8:47 am]

[Notice 271]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 29, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGSTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the

date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50493 (Sub-No. 45 TA) (Amendment), filed March 4, 1971, and published FEDERAL REGISTER issue of March 16, 1971, and republished as amended this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magnesium oxide*, from Cape May, N.J., to Philadelphia, Pa.; (2) *bicarbonate of soda*, from Syracuse, N.Y., to Philadelphia, Pa.; (3) *cobalt carbonate*, from Wilmington, Del., to Philadelphia, Pa.; (4) *manganous oxide, and ferrous sulfate*, from Baltimore, Md., to Philadelphia, Pa.; and (5) *feed ingredients*, in containers, from Philadelphia, Pa., to points in Delaware, Maine, New Hampshire, Rhode Island, Vermont, West Virginia, and that part of Maryland on and east of a line beginning at the District of Columbia-Maryland State line and extending along U.S. Highway 1 to Baltimore, Md., and thence along U.S. Highway 40 to the Maryland-Delaware State line near Elkton, Md., for 180 days. Supporting shipper: Sea Board Mineral Feeds, 35th and Grays Ferry Avenue, Philadelphia, PA 19146. Send protests to: F. W. Boyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102. NOTE: The purpose of this republication is to amend parts (1), (2), and (3), by deleting the words "in bulk" and in part (4) the words "in containers," and to change the origin point in part (3) to read "from Wilmington, Del." in lieu of Washington, Del., and to change applicant's representative address to read as shown above.

No. MC 107295 (Sub-No. 495 TA), filed March 24, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, vents, louvers, shutters, suspension ceiling systems, ceiling grid, wall studding, channels, closet rods, caps, dampers, screens, grilles, glass frames and stops and parts and fittings thereof*, and when shipped with any of the named commodities, *accessories and promotional materials*, from plantsite and storage facilities of Leslie-Locke Building Products Co. at Franklin Park, Ill., to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming; and Fort Worth, Tex.; Lodi, Ohio; and Tifton, Ga., for 180 days. Supporting shipper: Leslie-Locke Building Products Co., Ohio Street, Lodi, OH 44254. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 112520 (Sub-No. 237 TA), filed March 25, 1971. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, and fertilizer solutions*, in bulk, from points in Sumter County, Ga., to points in Florida, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Post Office Box 607, Americus, GA 31709. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville FL 32202.

No. MC 114647 (Sub-No. 25 TA), filed March 24, 1971. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, Highway 69 South, Post Office Box 206, Forest City, IA 50436. Applicant's representative: Robert E. Pletcher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pontoon boats and houseboats*, from Mankato, Minn., Forest City and Indianola, Iowa, to points in Arizona, Arkansas, Alabama, California, Colorado, North Carolina, South Carolina, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Washington, Wyoming, Montana, Maryland, Maine, Massachusetts, Mississippi, Nevada, New Jersey, New Mexico, New Hampshire, New York (east of Highway 81), Oklahoma, Oregon, Tennessee, Texas, Utah, West Virginia, Virginia, Vermont, Rhode Island, and Pennsylvania (south and east of Highway 62), with return of damaged, defective rejected returned shipments, for 180 days. Supporting shipper: Kayot Marine Division, Post Office Box 789, Mankato, MN 56001. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, IA 50309.

No. MC 119399 (Sub-No. 25 TA), filed March 24, 1971. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Post Office Box 1375, Joplin, MO 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, when moving in the same vehicle with malt beverages, from Evansville, Ind., and St. Paul, Minn., to Monett, Mo., for 180 days. Supporting shipper: Slater Distributing Co., 13th and Cleveland, Monett, MO 65807. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119422 (Sub-No. 48 TA), filed March 24, 1971. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, IL. Applicant's representative: Edward J. Dougherty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, insecticides, herbicides, fungicides, pesticides and rodenticides;* between East St. Louis, Ill., on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, Arkansas, Nebraska, Iowa, Kentucky, and South Dakota, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 123383 (Sub-No. 56 TA), filed March 24, 1971. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective materials, and accessories and supplies used in the installation thereof* (except commodities in bulk), from Moncure, N.C., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, for 180 days. NOTE: Applicant intends to tack the authority here applied for to its authority in MC 123383 Sub 33, at Chesapeake, Va. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 124839 (Sub-No. 8 TA), filed March 25, 1971. Applicant: BUILDERS TRANSPORT, INC., 4800 Augusta Road, Post Office Box 7057, Savannah, GA 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, from Vienna, Ga., to Chiefland, Fla., under continuing contract or contracts with Georgia-Pacific Corp., for

180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, GA 30903. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 127810 (Sub-No. 1 TA), filed March 24, 1971. Applicant: SHERMAN & BODDIE, INC., Highway 15 South (Durham Road), Post Office Box 621, Oxford, NC 27565. Applicant's representative: Leslie A. Fleisher, Post Office Box 709, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp and citrus meal*, from points in Florida to points in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and New York, for 180 days. Supporting shippers: Harry E. Veeder & Sons, Inc., Post Office Box 5006, Albany, NY 12205; James J. Rogers & Sons, The Bourse, Philadelphia, PA 19106; H. F. Dover, 2909 Dover Farm Road, Raleigh, NC 27606; Cocke & Co., 208 William-Oliver Building, 32 Peachtree Street NW., Altanta, GA 30303. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh NC 27611.

No. MC 135318 (Sub-No. 1 TA) (Correction), filed March 1, 1971, and published FEDERAL REGISTER issue of March 10, 1971, and republished in part as corrected this issue. Applicant: GRANE TRUCKING COMPANY, INC., 1001 South Laramie Avenue, Chicago IL 60644. Applicant's representative: Themis N. Anastos, Suite 614–616, 120 West Madison Street, Chicago, IL 60602. NOTE: The purpose of this partial republication is to show applicant correct name "Grane Trucking Co., Inc.," in lieu of Crane Trucking Co., Inc., and to show all points in Michigan on and "west" of U.S. Highway 27 in lieu of on and east of Highway 27. The rest of the application remains the same.

No. MC 135432 TA, filed March 24, 1971. Applicant: F. JOEL GREGORICK AND CARTER A. SZOK, doing business as VENTURE TRUCKING, 606 Valley Drive, Lemont, IL 60439. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Westminster Building 1206, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drywall sheets*, from Schererville, Ind., to points in Kankakee, Dupage, Will, Cook, Lake, Kane, De Kalb, Grundy, Kendall, and McHenry Counties, Ill., for 180 days. Supporting shipper: Wickes Lumber & Building Supplies, Post Office Box 479, Bartlett, IL 60103. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4567 Filed 4-1-71;8:47 am]

[Notice 674]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72581. By order of March 29, 1971, the Motor Carrier Board approved the transfer to Milan Express, Inc., Milan, Tenn., of the certificate of registration in No. MC–121649 issued July 2, 1969, to Tommy W. Ross, doing business as Milan Express, Milan, Tenn., evidencing a right to engage in transportation in interstate or foreign commerce solely with the State of Tennessee, corresponding in scope to certificate of convenience and necessity No. 2788 embraced in order dated March. 11, 1969, issued by the Tennessee Public Service Commission. Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219, attorney for applicants.

No. MC–FC–72765. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Wendell G. Hilton, doing business as Hiltons Trucking Service, Rural Route 1, Trempealeau, WI 54661, of the operating rights in certificate No. MC–96439 issued November 3, 1966, to Price S. Hilton and Wendell G. Hilton, a partnership, doing business as Hiltons Trucking, Rural Route 1, Box 215, Galesville, WI 54630, authorizing the transportation of general commodities, with usual exceptions, from Winona, Minn., and points in Minnesota within 5 miles of Winona to points in the towns of Gale, Ettrick, Trempealeau, and Caledonia, Trempealeau County, Wis., and the towns of Holland and Farmington, La Crosse County, Wis., and livestock and agricultural commodities, between points in the specified Wisconsin towns, on the one hand, and, on the other, Winona, Minn., and points in Minnesota within 5 miles of Winona.

No. MC–FC–72769. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Margaret B. Bowser and Robert B. Bowser, a partnership, doing business as Bowser Transfer Co., Punxsutawney, Pa., of the operating rights in certificates Nos. MC–105248 (Sub-No. 2), and MC–105248 (Sub-No. 6) issued June 11, 1946, and October 14, 1965, respectively, to Bernard O. Bowser, doing business as Bowser Transfer Co., Punxsutawney, Pa., authorizing the transportation of meats, meat products and meat byproducts, butter, and cheese from Punxsutawney and Du Bois, Pa., to Kane and Phillipsburg, Pa., and points in Cameron, Clarion, Clearfield, Elk, Forest, and Jefferson Counties, Pa., and general commodities, with usual exceptions, between Big Run, Pa., and points within 25 miles thereof, on the one hand, and, on the other, Pittsburgh and Philadelphia, Pa. Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005, attorney for applicants.

No. MC–FC–72770. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Donald Fred Files, doing business as Leighton's Express, 87 Scott Dyer Road, Cape Elizabeth, ME 04107, of the operating rights in certificate No. MC–2109 issued March 1, 1955, to Franklin Bickford, doing business as Leighton's Express, Cape Elizabeth, ME 04107, authorizing the transportation of general commodities, with usual exceptions, between Portland, Maine, and Yarmouth, Maine, serving all intermediate points.

No. MC–FC–72776. By order of March 26, 1971, the Motor Carrier Board approved the transfer to Toledo Area Regional Transit Authority, Toledo, Ohio, of the operating rights in certificates Nos. MC–20584 and MC–20584 (Sub-No. 2) issued April 20, 1942, and March 10, 1971, respectively, to The Community Traction Co., a corporation, Toledo, Ohio, authorizing the transportation of passengers and their baggage, in charter operations, from Toledo, Maumee, Perrysburg, and Rossford, Ohio, to points in Ohio, points in the Lower Peninsula of Michigan, and to specified points in Illinois, Indiana, Pennsylvania, and New York. Paul M. Smart, 405 Madison Avenue, Toledo, OH 43604, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4568 Filed 4-1-71;8:47 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 64

Friday, April 2, 1971 • Washington, D.C.

PART II

Department of the Treasury
Internal Revenue Service

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GUN CONTROL

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LIST OF PUBLISHED ORDINANCES



DEPARTMENT OF THE TREASURY

Internal Revenue Service

GUN CONTROL

Published Ordinances of Political Subdivisions of States

Pursuant to the provisions of section 921(a)(19), Title 18, United States Code, and section 178.24, Title 26, Code of Federal Regulations (26 CFR Part 178), the following is the annual revised compiled list of the published laws of political subdivisions of States, which are determined to be relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list of ordinances of each State is preceded by relevant State statutes pertaining to the purchase and possession of firearms.

This revised compilation is in implementation of Title I of the Gun Control Act of 1968 (18 U.S.C. Chapter 44; 82 Stat. 1213) and supersedes that list published on October 15, 1969 (34 F.R. 16302).

REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division,
Internal Revenue Service, U.S. Treasury Department.

ALABAMA

State Law

ALA. CODE ANN. TITLE 14

170. *Selling, etc., pistol or bowie knife to minor.* Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

171(1). *Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states.* (1) Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

172. *Definitions.* As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

174. *Certain persons forbidden to possess pistol.* (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

178. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

179. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

181. *Dealer's licenses, by whom granted and conditions thereof.* The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions in addition to those specified in section 179 of this title, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this article. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this article, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be fifty cents which fee shall be paid into the state treasury.

182. *Certain transfers forbidden.* No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

183. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

184. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

185. *Antique pistols.* This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

ALA. CODE ANN. TITLE 35

175. *Commanding officer may order certain places closed.* When any part of the militia of Alabama is in active service by order of the governor or other civil magistrate, to aid in the enforcement of the laws, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town, or village where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendant of the county, city, or town, or villages may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

ALA. CODE ANN. TITLE 57

94(1). *Defacement of trade or other identifying marks on motors, guns, machinery, etc.* Any person who defaces, or permits same to be done, with intent to defraud any trademark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, motor vehicles, refrigerators, furniture, household or office equipment or any other personal property when said property is encumbered with a mortgage, conditional sale contract or other lien, shall be guilty of a misdemeanor and shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for not more than six months.

94(2). *Presumption of guilt.* Any person (other than the absolute owner of said property, while same is free and clear of mortgages, retention of title contracts or other encumbrances) found in possession of such property under any claim of right, with knowledge that said property has been defaced by a person or persons with intent to defraud after said trademarks or other identifying marks have been defaced shall be presumed to be guilty of defacing said marks and shall be punished as provided in section 94(1) hereof unless said person in possession overcomes the presumption by clear and convincing proof.

Anniston

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

39.8. *Definitions.* Pistol, as used in this article, means any firearm with a barrel less than twelve inches in length.

Crime of violence, as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

39.10. *Certain persons forbidden to possess pistols.* (a) No person who has been convicted in this city or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have one in his possession or under his control.

39.13. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

39.14. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

39.15. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed.

Birmingham

56–3. *Delivery of pistol or Bowie knife to minor.* No person shall sell give or lend to any minor any pistol or Bowie knife or other knife of like kind or description.

56–12. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Pistol. Any firearm with a barrel less than twelve inches in length.

56–14. *Possession by certain person prohibited.* (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. (b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

56–20. *Statement required of persons desiring to purchase—Filing.* At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

56–22. *Delivery to purchaser.* No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

56–24. *Delivery to certain persons forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14–22. *Prohibiting sale of firearms, alcoholic beverages, etc., authorized.* Whenever any mob, riot or tumult has occurred in the city or there is reasonable cause to apprehend an occurrence thereof, the mayor may in his judgment issue his proclamation ordering the closing of all shops or other places where the business of selling arms, ammunitions, dynamite, or other explosives is carried on, and forbidding the selling, lending, giving away, bartering or otherwise disposing of any of such articles, until such time as in his judgment such occupation may be carried on without danger to the public peace and safety. It shall be unlawful for any person with knowledge of such proclamation or after having been informed thereof by a policeman, fireman or other employee of the city or any peace or military officer of the state or the United States of America to violate the same. * * *.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Decatur

19–28. *Firearms—Selling during riot.* Whenever any mob, riot or tumult occurs in the city, all persons therein who sell arms, ammunition, dynamite or other explosives, shall immediately close their shops, or other places where such business is carried on, and keep them closed and refrain from selling, bartering, lending or giving away any of the articles above mentioned, until such time as public notice shall be given by the sheriff, mayor or chief of police, that such places may be opened and such business carried on, and any person failing to close such shop or other place where any of the businesses above mentioned are carried on, or who sells, barters or gives away any of the articles above mentioned, after knowing, or having good reason to believe, that a riot, mob or tumult has occurred, or is then going on shall forfeit his license, and forever thereafter be debarred from engaging in such business, and may be punished as provided in section 1–8 of this Code. * * *.

Eufaula

884. *Definitions.* As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean any person other than an exempt person.

885. *Permit to Receive Pistol Required.* It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

886. *Same—application;* * * *. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. * * *

891. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

892. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

894. *Sale to or possession by minor of toy pistol.* No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

896. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be punished as hereinafter provided.

Florence

15–29. *Misdemeanor; penalty.* Any person committing an offense within the city or its police jurisdiction which is declared by any law heretofore or hereafter enacted by the legislature of the state to be a misdemeanor, shall, upon conviction, be fined by the court trying the case in a sum not exceeding one hundred dollars, and may also, in the discretion of the court trying the case, be sentenced to hard labor for the city or imprisonment in the city jail for not exceeding six months. In any prosecution under this section, the rules of evidence and burden of proof as determined by the statutes of the state on the subject shall apply.

15–39. *Selling to or use by minors.** It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gardendale

2. *Definitions.* As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, * * *.

6. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

11. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall,

on conviction, be punished as provided in Section 2 of Ordinance #13.

Irondale

376. *Misdemeanor, offense against town.* Any person who does any act which under the laws of the State of Alabama is held to be a misdemeanor, or made punishable as such, shall be guilty of such offense against the Town of Irondale, and on conviction, must be punished as prescribed.

Midfield

5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement he has never been convicted in this state or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Montgomery

45-4. *Selling or giving small pistols to minors.** It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. *Possession of small pistols by minors.* It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Oxford

1. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

2. The seller receiving a statement filed as provided in Section One shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of this city. The duplicate copy of such statement shall be retained by the seller for six years.

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

4. The provisions of Sections One-Three shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Selma

29-43. *Firearms—Sale to minors.* No person shall sell, give or lend to any minor any pistol * * * in the city.

Sylacauga

16-31. *Required to receive.* It shall be unlawful for any exempt or nonexempt person, or any employee, servant, or agent of any exempt or nonexempt person to sell, give, lend or deliver a pistol to any nonexempt person unless the latter has in his possession and shall deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him or her to receive a pistol.

16-32. *Required to acquire.* It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person has in his or her possession and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Tuscaloosa

34-13. *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. *Sale or delivery to minors, drug addicts, prohibited.* No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. *Sale to unknown purchaser.* No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. * * *; *Delivery to purchaser.* * * * No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

34-20. *Certain purchases and sales excepted from article.* This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

* COMPILER'S NOTE: Alabama State Law indicates a minor is a person who is under eighteen years of age.

ALASKA

State Law

ALASKA STATS. ANN.

11.55.030. *Possession by convicts.* A person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery and like crimes, by a court in the state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, or carry concealed about his person a knife with a blade over two inches long or a dirk or dagger, slingshot, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another.

11.55.070, *Possession of firearm while under influence of intoxicating liquor or drug.* A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Kodiak

3. *Minors—firearms.* It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

Fairbanks

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

ARIZONA

State Law

ARIZ. REV. STATS. TITLE 13

13-917.02. *Regulation of firearms by state.* Ordinances of ny political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

13-918. *Sale or gift of firearm to minor; punishment.* A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

13-919. *Possession of pistol by criminal; definitions.* A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnaping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

ARIZ. REV. STATS. TITLE 26

26-178. *Illegal possession of equipment; penalty.* A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, or who, being a member of the national guard, wears, when not on duty, such uniform or equipment without permission of his commanding officer, is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law.

Phoenix

23-46.1. *Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions.* (a) Definitions. Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who: (1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property. (2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit: (1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties; (2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning; (3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

ARKANSAS

State Law

ARK. STATS. TITLE 11

11-507. *Ban on sale of firearms—Cooperation with civil authorities.* Whenever any part of the active Militia of this State is on active duty pursuant to the order of the Governor, in the enforcement of the law, or executing the orders of the commander-in-chief, the commanding officer of such troops may order the closing of any place where arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such place, or in the vicinity where such place may be located, whether any civil officer has forbidden the same or not. The commanding officer of the organizations on detail under sections fourteen [§ 11-114] and sixteen [§ 11-116] will cooperate in aid of the civil power, but under the orders of the commander-in-chief or the adjutant-general and not of the civil authorities.

ARK. STATS. TITLE 41

41-4507. *Uniform machine gun act—Definitions.* "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-4509. *Offensive or aggressive purposes—Penalty.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than ten (10) years).

41-4510. *Offensive or aggressive purpose defined.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [§ 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the maching gun are found in the immediate vicinity thereof.

41-4511. *Evidence of possession or use of machine gun.* The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-4518. *Tear gas—Carrying or possession a misdemeanor.* Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41-4525. *Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state.* Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 196[illegible] * * *.

Little Rock

25.96. *Pistols, sale and transfer regulated—Definitions.* (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. *Same—License required; sales restricted.* (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. *Same—Possession by certain persons prohibited; permit to display serial number; record of sales.* (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11-64. *Same—Sale of weapons and ammunition.* Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person, any dirk, or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any kind of pistol of any kind whatever except such as are used in

the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

CALIFORNIA

State Law

WEST'S ANN. CALIF. CODES, PENAL CODE

12001. *Definitions.* "Pistol," "revolver" and "firearm capable of being concealed upon the person" as used in this chapter apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than twelve inches in length.

1203.4. *Discharged probationer; change of plea or vacation of verdict; dismissal of charge; release from penalties and disabilities; application; pleading prior conviction in prosecution for subsequent offenses.* Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time thereafter be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

12020. *Manufacture, sale, possession of certain weapons prohibited.* Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a black jack, slung shot, billy, sandclub, sandbag, sawed off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

12021. *Concealable firearms; ownership or possession by alien, former felon or addict; offense; punishment; exceptions.* (a) Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceedin 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

12021.5. *Possession of concealed firearm by minor.* A minor may not possess a concealable firearm unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

12028. *Daggers or firearms as nuisance; surrender and destruction; restoration of stolen weapons to owner.* (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to disposition as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in business involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

12071. *License to sell.* The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

3. No pistol or revolver shall be delivered.

(a) Within 5 days of the application for the purchase, and when delivered shall be unloaded and securely wrapped.

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

12072. *Restrictions on transfer of certain firearms. Misdemeanor.* No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within 5 days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

12076. *Register of sales; signature of purchaser; witness; violations; mailing copies.* The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of the triplicate sheet, it appears to the bureau that the purchaser resides in a district other than that to which the duplicate is required to be mailed, the bureau shall make an additional copy and transmit it to the head of the municipal police department, if any, in the district in which the purchaser resides or, if none, to the sheriff of the county in which he resides.

12078. *Exceptions. Authorized sale to certified personnel.* The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by

prepaid mail to the Bureau of Criminal Identification and Investigation a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

12079. *Mail order firearms: registry of same, fees. Penalty for violation.* Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business.

12090. *Tampering with marks on firearms: violation, penalty.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the State Bureau of Criminal Identification and Investigation, on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

12091. *Evidence of tampering.* Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

12094. *Buying or selling weapon without identifing number.* Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the State Bureau of Criminal Identification and Investigation is guilty of a misdemeanor.

12200. *"Machine gun" defined.* The term "machine gun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger and includes any frame or receiver which can only be used with such weapon.

12201. *Exceptions.* Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshals' offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

12220. *Transporting or possession unlawful.* Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

12230. *Issuance of permit.* Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issue thereof to the applicant for such permit but no permit shall be issued to a person who is under 21 years of age.

12231. *Application.* Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the firearms are to be put.

Applications and permits shall be uniform throughout the State on forms prescribed by the Bureau of Criminal Identification and Investigation.

12250. *Licenses to sell; conditions.* The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machine guns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

3. No machine gun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

12301. *Definition* (a) The term "destructive device," as used in this chapter, shall include any of the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

12302. *Exceptions to prohibition of sale or possession.* Nothing in this chapter shall prohibit the sale to, purchase by, or possession of destructive devices by:

(a) Any sheriff, constable, marshall, policeman, member of the California Highway Patrol, or other duly appointed peace officer while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

12303. *Possession; other than fixed ammunition; punishment.* Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000) or both such fine and imprisonment.

12303.6. *Sale or transportation; other than fixed ammunition; punishment.* Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony.

12304. *Penalty for sale, possession or transport of ammunition for prohibited weapons.* Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed three thousand dollars ($3,000), or by both such fine and imprisonment.

12305. *Permits required and issuance of same for use of destructive devices.* Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Chief of the Bureau of Criminal Identification and Investigation. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

12306. *Same. Fees.* Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Chief of the Bureau of Criminal Identification and Investigation before possessing or transporting any destructive device. The chief may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The chief shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

12400. *Shell, cartridge or bomb.* "Shell, cartridge or bomb" as used in this chapter shall apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

12401. *Tear gas.* "Tear gas" as used in this chapter shall apply to and include all liquid, gaseous or solid substances intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispersed in the air, but does not apply to, and shall not include, pesticides, dog repellants and other substances not intended to be used to produce discomfort or injury to human beings.

12402. *Weapon designed for the use of such shell, cartridge or bomb.* The term "weapon designed for the use of such shell, cartridge or bomb" as used in this chapter shall apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

12403. *Exemptions.* Nothing in this chapter shall prohibit police departments and regular salaried members thereof, sheriffs, and their regular salaried deputies or the military or naval forces of this State or of the United States from purchasing, possessing or transporting shells, cartridges or bombs for official use in the discharge of their duties.

12420. *Sale, possession or transportation; punishment.* Any person, firm or corporation who within this State knowingly sells or offers for sale, possesses or transports any form of shell, cartridge, or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed two years or by a fine not to exceed two thousand dollars ($2,000), or by both.

12423. *Permits.* The Chief of the Bureau of Criminal Identification and Investigation may issue a permit for the possession and transportation of shells, cartridges, bombs or weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

12424. *Application.* Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.

If the shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install the protective system.

12435. *License for sale or installation.* The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of shells, cartridges, bombs or weapons subject to the following conditions upon breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or certified copy thereof shall be displayed on the premises in a place where it may easily be read.

3. No shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

4. A complete record shall be kept of sales made under the authority of the license, showing the name, and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons, is displayed to the seller and the information required by this section is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Chief of the Bureau of Criminal Identification and Investigation.

12500. *"Silencer" defined.* The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

12501. *Exceptions.* Nothing in this chapter shall prohibit any city or county, state or federal officer, or the military or naval forces of this State or of the United States from possessing silencers for official use in the discharge of their duties.

12520. *Possession unlawful.* Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000), or by both.

12550. *Sale of firearms to minor.* No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

12551. *Sale of firearms to minor. Misdemeanor.* Every person who sells to a minor under the age of 18 years any firearm, airgun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

12560. *Possession of firearms by convicted felon.* Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

12570. *Purchase in contiguous state; laws applicable.* Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Alameda

16–512. *Maxim silencer.* It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16–517. *Firearms and air rifles—Use or possession of by minors.* It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument form or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16–521. *Sale, etc., except to permit holder unlawful.* It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16–522. *Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement.* Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may issue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person, such application shall be made in the applicant's own handwriting, and shall set forth his name, residence, business and business address, the kind of firearm desired and the reason for his application. The permit, which shall be issued in duplicate, shall show the name, residence and business of the person to whom issued and his description, including height, weight, age, color of hair, skin and eyes, and be countersigned by the permittee himself at the time of issuance. The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16–523. *Register of sales, etc.* Every person, firm, association or corporation who sells, leases, or otherwise transfers a pistol, revolver or other firearm of a size capable of being concealed on the person shall keep a register of the time, date, place and the signature of the person acquiring the same, together with the make, model, manufacturer's number and caliber thereof, and in addition thereto, the number of the permit issued by the Chief of Police authorizing the person to acquire the same.

16–524. *Purchase or acceptance of firearm without permit unlawful.* It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16–522.

16–525. *Article not applicable to officers or dealers receiving or transporting firearms.* Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers or other firearms in the regular course of business.

Alhambra

2642. *Section one:* It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age, any spring back knife, sling shot or sling device having a rubber band more than one-eighth of an inch (1/8 in.) in width; or any gun, revolver, pistol, BB gun, pellet gun, or firearm of any description which discharges or propels any missile; or any crossbow or bow more than three feet (3 ft.) in length; or any metal or pointed tipped arrows; or any spring gun, air gun or blow gun designed or intended to discharge any shot or other deadly or dangerous missile; or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

IV. Nothing in this ordinance shall be deemed or construed to prohibit in said City of Artesia the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections I and II hereof; * * *.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale. For the purpose of this section the Chief of Police is hereby designated as the licensing authority.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designated, or intended, to discharge, or capable of discharging, of any dangerous missile.

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3403. Nothing in Sections 3400, 3401, * * * shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; * * *

Belmont

11.6. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Buena Park

18–13. *Possession or use of firearms prohibited.* No person under the age of eighteen years shall use or have in his possession any firearm, spring gun, air rifle, slingshot or ammunition within the city.

18–14. *Giving, selling, etc., of firearms to minors.* No person shall give, sell or loan to any person under the age of eighteen years any firearm, spring gun, air rifle, slingshot or ammunition.

Burbank

20–57. *License to sell firearms at retail.* Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Department, the purpose of this Section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. No license shall be issued by the License Department hereunder unless first approved by the Chief of Police, in writing. Said license shall be in form as prescribed by the Attorney General and subject to the conditions prescribed by Section 12071 and amendments thereto of the Penal Code of the State of California.

20–58. *Unlawful to sell without prior notice to chief of police.* No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee. * * *.

20–63. *Sale of ammunition to minors.* No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, BB shot, shot or other missile designed for use in any firearm or spring or air gun or gas operated gun of any description. Shooting galleries and ranges may furnish ammunition to person under sixteen (16) years of age to be expended at the gallery or range under the supervision of a responsible adult, provided the parent or guardian personally appears and consents in writing.

8–14. *Firearms.* Every person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms, shall pay for revenue purposes a license fee of one (1%) percent of the total gross receipts collected from the sale or rental of such firearms; provided, however, that in no event shall the license fee be less than Twelve ($12.00) Dollars per year.

Cabazon

3508. No person shall sell at retail within the City, a pistol, revolver, or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Cabazon for any person, firm, or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, springgun, air gun, sling, sling-shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Cabazon for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18)

years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fire from, any gun, revolver, pistol, or firearm.

3520.3. Nothing in this chapter shall be deemed or construed to prohibit in said City of Cabazon the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

Cerritos*

1. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Dairy Valley, for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.

2. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Dairy Valley for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

4. Nothing in this ordinance shall be deemed or construed to prohibit in said City of Dairy Valley the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; * * *.

Chula Vista

508-1. *Firearms—"Sale to Minors".* No person shall sell, exchange, give or loan to any person under the age of 16 years any spring back knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

508-2. *Firearms—"Minors Possession of".* No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

750-1. *Permit from Chief of Police.* No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the Chief of Police. * * *.

Clovis

4-6.07. *Sale of firearms.* (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any spring-back knife, rifle, pistol, revolver, gun, slungshot, slingshot, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

*NOTE: Formerly known as Dairy Valley.

Compton

3603. *Firearms—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 *Minors—Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

3300. *Possession of Firearms by minors under sixteen.* No minor under the age of sixteen (16) years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

3303. *Sale of ammunition to minors under sixteen (16).* No person shall sell or give to any minor under the age of sixteen (16) years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4-4-1. *Minors, firearms, etc., sale, etc., to.* No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, "B-B gun", gas operated or spring gun, or any ammunition therefor, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or any mechanical devices; or any instrument, toy, or weapon commonly known as a "slingshot", or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such intrument is called by any name set forth above or by any other name.

4-4-2. *Possession prohibited.* No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4-4-1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Culver City

36-9. *Minors—Sale of firearms to.* It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description, or any spring or air gun designed or intended to discharge, or capable of discharging, any dangerous missile.

36-10. *Same—Possession of firearms.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly City

16-5. *Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age.* No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

16-6. *Same—Possession by minors under eighteen years of age.* No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

Downey

4112. *Weapons. Furnishings to minors.* Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4113. *Minors. Possession.* Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. *Exceptions.* Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

El Cajon

18-12. *Sale to minors.* No person shall sell within the city to any minor child any dart, arrow or sharp pointed missile, pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

3501. *Sale of firearms to minors.* It shall be unlawful for any person to sell to any minor in the City of El Cerrito, or to allow

any such minor to carry any firearm, or gun, or rifle or other gun or device discharging by the use of powder, air or springs, or any sling or sling-shot except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. *Permits required. a. Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General requirements. a.* The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

4250. *Firearm. Defined.* For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, slingshot, air rifle, B-B gun, target pistol, target gun, nigger shooter, peashooter, tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. *Same. Possession by minors prohibited.* No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. *Same. Parental duty.* No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. *Same. Sale to minors prohibited.* No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

Fontana

174–1. Ordinance No. 157, Sect. 9, is hereby amended to read as follows: No person shall sell, exchange, give or lend to any person under 18 years of age any snap-blade, springblade, or gravity knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any pellets, B–B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any air rifle, pellet gun, rifle, shotgun or pistol, or any ammunition for such firearm, air rifle or pellet gun * * * nor prohibit the selling * * * provided the minor has the written consent of a parent or legal guardian.

Fremont

3–3100. *Sale of weapons to minors.* Except as otherwise provided in section 3–3103 of this Code, no person shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

3–3101. *Sale of ammunition to minors.* Except as otherwise provided in section 3–3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

3–3102. *Possession and use of weapons by minors.* Except as otherwise provided in section 3–3103 of this Code, no person under the age of sixteen years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

3–3103. *Prohibition does not apply to licensed hunters.* Nothing in sections 3–3100, 3–3101 or 3–3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3–3100 and 3–3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3–3102 of this Code. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of sixteen years from firing, discharging, shooting, or operating any article mentioned in section 3–3102 of this Code, when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trapshooting device while accompanied by, and under the direct care and control of some responsible adult person, at an established shooting range with a safe background.

Fullerton

7.20.010. *Firearms—Providing prohibited.* No person shall sell, exchange, give or loan any gun, revolver, pistol or firearms of any description, to any person under the age of eighteen years.

7.20.020. *Cartridge or shell—Providing prohibited.* No person shall sell, exchange, give or loan any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, containing any explosive, to any person under the age of eighteen years.

7.20.040. *Firearms—Possession by minor prohibited.* No person under the age of eighteen years shall have in his or her possession, care, custody or control any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device designated and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive.

7.20.050. *Exceptions—Permit from police.* The provisions of this chapter shall not be applicable to sales, exchanges, gifts or loans to persons over the age of fourteen years and under the age of eighteen years who have secured a permit from the Chief of Police. * * *.

Gardena

3–3.101. *Definitions.* For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

3–3.103. *Possession of firearms by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife, any blade of which exceeds three (3") inches in length, or any snap-blade or spring-blade knife, regardless of the length of the blade, or any firearm.

3–3.104. *Furnishing firearms to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

11–10. *Firearms and weapons generally—Selling, lending, etc., to persons under eighteen years of age.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

11–11. *Same—Selling, lending, etc., ammunition to persons under age of eighteen.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen years.

11–13. *Same—Persons under age of eighteen not to possess firearms, ammunition, etc.* No person under the age of eighteen years shall have in his possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive.

Hawaiian Gardens

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens for any person, firm or corporation to sell, give, lend or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens, for any person, firm or corporation, to sell, give, lent, or in any way furnished, or to cause or permit to be sold, given, lent, or in any furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3403. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Hawaiian Gardens the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; * * *.

Hawthorne

8–302. *Firearms and ammunition to minors.* (a) Selling, etc. No person shall sell, exchange, give or loan any gun, revolver, pis-

tol or other firearm, or any cartridge, shell, ammunition, or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen (18) years.

(b) Possession, etc. No minor under the age of eighteen (18) years shall have in his possession, care, custody or control any gun, revolver, pistol, or other firearm, or any cartridge, shell, ammunition, or other device, containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3-4.00 *Dangerous weapon. Definition. Dangerous weapon shall mean and include:*

6. Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, sling, sling shot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 *Same. Exceptions.* Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 * * *.

Inglewood

4222. *Same. Sale to minors.* No person shall sell, exchange, give or loan to any person under eighteen years of age, any spring-blade knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Irwindale

4135. *Permit to sell.* No person shall sell at retail within the City a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Sheriff of Los Angeles County authorizing such person to make such sale.

4138. *Same. Conditions.* Any permit for the sale of firearms issued shall be subject to the following conditions, * * *.

(3) No pistol or revolver shall be delivered: A. On the day of the application for the purchase. B. Unless the purchaser is known personally to the holder of the permit or possesses evidence of his identity.

4140. *Weapons. Sale to minors.* Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

4141. *Ammunition. Sale to minors.* Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shall, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm except ordinary paper caps for toy cap guns.

4143. *Consent of parent.* Nothing contained in Sections 4140, 4141 * * * shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent of guardian of such person, any article mentioned in said sections; * * *.

Lakewood

3520. *Unlawful Sale, Gift or Furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

La Mesa

10.28.010. *Firearm defined.* As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. The word "explosive" includes, but is not limited to, compressed air.

10.28.020. *Possession of firearm by infant.* No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada*

4200. Except as otherwise provided in Section 4203 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

4201. Except as otherwise provided in Section 4203 hereof, it shall be unlawful in the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

*NOTE: Formerly known as City of Mirada Hills.

4203. Nothing in Sections 4200, 4201, * * * shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 4200 and 4201 hereof; * * *.

Long Beach

4180.4. *Sale, gift or loan of firearms to.* No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

4180.7. *Possession by minor under eighteen of firearms, air guns or ammunition.* No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

45.01. *Firearms—Knives—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any springback knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

45.02. *Firearms — Minors — Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

103.314. *Sellers of concealable firearms:*

(a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567-1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567-2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned,

or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567–4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; * * *.

Los Gatos

17–13. *Sale to minors; possession and use by minors.* No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected.

Lynwood

701–2. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Lynwood for any person, association of persons, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

701–4. Nothing in this ordinance shall be deemed or construed to prohibit in said City of Lynwood the selling, giving, loaning or furnishing to any person under the age of eighteen years upon the written consent of the parent or guardian of such person any article mentioned in Section 1 and 2 hereof, * * *.

Montclair

4–5.01. *Definitions.* For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, slingshot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

4–5.03. *Possession by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife any blade of which exceeds three (3") inches in length, or any snap blade or spring blade knife regardless of the length of the blade, or any firearm.

4–5.04. *Sales to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Norwalk

4302. *Minors, Selling or Giving Weapons to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of 18 years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

4303. *Same, Providing Ammunition to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. *Same, Exception to.* Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.

Oakland

2–2.30. *Firearms and air rifles. Use or possession of by minors.* It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B–B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

2–2.31. *Maxim silencers.* It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Paramount

30–33. *Sale to minors.* Except as otherwise provided in section 30–36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, slingshot or device designed or intended to discharge, or capable of discharging, any dangerous missile.

30–34. *Sale of ammunition to minors.* Except as otherwise provided in section 30–36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

30–36. *Exceptions to sections 30–33 to 30–35.* Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30–33 and 30–34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30–35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in section 30–35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

Pico Rivera

3520. *Unlawful sale, gift or furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawfu' in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.

3520.3. Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

Piedmont

12.5. *Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions.* It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B-B gun, slingshot or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Pittsburg

583.2. No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object; provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Red Wood City

3250.5. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas. (Added by Ordinance No. 1315, adopted 8–15–58.)

3255.2.c. *No pistol or revolver shall be delivered* (1) Within three days of th application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

3255.3. *Copies of register sheet, disposition of.* Licensees shall, immediately upon receiving an application f purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

San Bernardino County

1. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "slingshot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

2. No person under the age of 18 years shall have in his possession, care, custody or control any of the articles mentioned in Section One of this ordinance except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian.

San Bruno

16–6. *Firearms—Sale to and possession by minors.* (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

7330. *Definition of "firearms."* Firearms is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or any other weapon of similar nature designed to discharge a projectile by the expansion of a gas.

7335. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Diego

21.1201. *License required.* It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, unless such seller has been issued a license as provided in this chapter.

21.1207. *Delivery of firearm.* No pistol or revolver shall be delivered within five days of the application for the purchase and when delivered shall be unloaded and securely wrapped unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

San Francisco

521. *Sale of firearms and explosive cartridges to minors prohibited.* It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of seventeen years any pistol or other firearm or any toy pistol or imitation of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.

613. *Regulating sale of concealed weapons.* It shall be unlawful for any person in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms of a size capable of being concealed on the person, to sell, lease or otherwise transfer such pistol, revolver or other firearm, unless the person to whom such sale, lease or transfer is made shall exhibit a permit issued by the Chief of Police of this city and county authorizing such person to purchase, lease or otherwise acquire such pistol, revolver or other firearm.

617. *Exceptions.* This section and Sections 612 to 616, inclusive of this Article, shall not apply to wholesale dealers, in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jose

4258. *Selling pistol to minor.* No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Leandro

4–1–100. No person shall within this City:

4–1–104. Sell, loan, or give any firearm or ammunition to any person under 18 years of age without his parents' prior written consent.

4–1–105. Sell, loan, or give any firearms or ammunition to any person under 16 years of age.

San Mateo County

3250.5. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. *Portions of penal code adopted.* The provisions of Sections 12070–12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Santa Barbara

9.36.010. *Definitions.* For the purposes of this chapter the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section: (1) "Business" means retail and not wholesale business. (2) "Convicted" means entry of plea of guilty, or found guilty by court or jury. (4) "Firearms" means any gun, rifle, shotgun, pistol, revolver or any other device which projects a missile by an explosive type of ammunition, including but not limited to firearms capable of being concealed upon the person. (5) "Permit" means any permit issued under and as provided in this chapter. (6) "Permittee" means any person issued a permit under the provisions of this chapter.

9.36.040. *Certain persons not permitted to sell, transfer, etc.* No permittee under this chapter shall permit anyone, to whom the transfer of any firearm is prohibited, to sell, deliver, lease, rent or in any manner transfer any firearm.

9.36.090. *Delivery of firearms to minors prohibited.* No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130. *Sale of ammunition to certain persons prohibited—Exception.* No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160. *Dealings without permit prohibited.* No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

Santa Fe Springs

15–17. *Sale to minors.* No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearm, spring gun, air rifle, slingshot or ammunition.

15–18. *Possession, use and sale of firearms, slingshots, ammunition, etc., permitted with consent and supervision of parents.* Nothing in section * * * 15–17 shall be deemed or construed to prohibit any of the following: (a) The selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 15–17.

Santa Maria

17–8. *Firearms—Sales to or possession by minors.* It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, or to carry any sling or slingshot, except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such

firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

3505. *Retailer's permit for the Sale of Certain Firearms.* No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

3509. *Firearms, knives, and other devices. Sale to minors.* No person shall sell, exchange, give, or loan to any person under 18 years of age any spring-back knife, gun, revolver, pistol, or firearm of any description or any spring or airgun or any sling or slingshot or other device designed or intended to discharge or propel any pellets, B-B shot, shot, or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

3510. *Same. Possession by Minors.* No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

3511. *Same. Exceptions.* It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian for the purpose of lawfully engaging in contests or games of skill and lawfully shooting at targets upon established target ranges, whether public or private, while such person is using such article or device upon such target ranges, or while going to and from such ranges and, provided further, that such person is accompanied by and under the direct care and control of some person over the age of 21 years.

South Lake Tahoe

18–13. *Definitions.* For the purposes of this article, the term "dangerous weapon" shall mean and include: (f) Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, slingshot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

18–16. *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided in Sec. 18–17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of 18 years.

18–17. *Exceptions.* Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Sec. 18–13; nor to prohibit such minor from using or having in his possession, care, custody, or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of 21 years.

Stockton

4–044. *Sale of firearms and/or ammunition to minors:* It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

4–045. *Sale of concealed firearms:* It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license * * *.

Torrance

45.3.6. *Firearms, air guns, etc. in possession of minors.* It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Upland

4270.1. *Firearms defined.* The words "Firearm" or "Firearms" as used in this Part, includes, but is not limited to: any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

4270.2. *Deadly or dangerous weapons defined.* The words "Deadly or Dangerous Weapon" as used in this Part, includes, but is not limited to: any dirk or dagger; any knife with a blade three inches or more in length, any snapblade, gravity or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of the State of California restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm.

4270.4. *Minors. Possession of firarms, knives, etc.* That no person under eighteen years of age shall have in his possession, care, custody or control, any knife, any blade of which exceeds three inches in length; or any snapblade, gravity, or spring blade knife, regardless of the blade, or any firearm or firearms.

4270.5. *Minors. Giving firearms, etc., prohibited.* It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any firearm or firearms as defined in Section 4270.1 of this Part.

4270.10. *Exceptions.* The aforegoing shall not apply or be deemed to apply in the following cases:

(a) When the firearm or weapon is in the possession of any peace officer for use in the enforcement of law;

(b) When the firearm or weapon is in the possession of a person who has a valid permit to possess and carry the same issued by a duly authorized governmental authority;

(c) When any such firearm is being used at or in connection with the operation of any lawful pistol or rifle range in accordance with rules and regulations approved by the Chief of Police of the City of Upland, or the City Council of said City, and

(d) In the case of ordinary rifles, shotguns, tools or sports equipment possessed or carried in good faith for uses of honest work, trade or business or for the purpose of legitimate game hunting, sport or recreation.

Walnut Creek

3–6.04. *Sale of weapons to minors.* It shall be unlawful for any person to sell to any minor under eighteen (18) years of age, or to allow any such minor to carry ammunition for, any firearm, gun, rifle, or other gun or device discharging by the use of powder, air, or springs, or any sling or slingshot, except when accompanied by an authorized person over eighteen (18) years of age; provided, however, that the provisions of this chapter shall not apply to the possession of such firearms, or other instruments or ammunition therefor, by such minors in bona fide shooting galleries, or on a pistol and rifle range, the locations of which have been approved by the Council.

West Covina

4402. *Providing minors with firearms unlawful.* No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.

4403. *Possession of firearms by minor prohibited.* No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Whittier

4260.12. *Minors—Firearms, etc., selling, etc., to prohibited.* No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a). *Same—Ammunition, explosives, etc., selling to prohibited.* No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b). *Same—Possession of—Prohibited.* No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm, spring gun, air gun or similar device, except as provided in this Part.

COLORADO

State Law

COLO. REV. STATS.

40–11–10. *Possession of firearms or deadly weapons by certain felons.* (1) Any person previously convicted of murder, voluntary manslaughter, assault to commit murder, assault with a deadly weapon, or robbery, burglary, rape, mayhem, arson, larceny, or, of possession of narcotics, within the immediately preceding ten years, who shall use or carry concealed upon his person any firearms, as defined by law, or any pistol, revolver,

bowie knife, dagger, sling shot, brass knuckles, or other deadly weapon shall be guilty of a felony, and upon conviction thereof, for the first offense shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than ten years, and for a second or subsequent offense, shall be punished by imprisonment in the penitentiary for a term of not less than five years nor more than ten years.

(2) The foregoing provisions of this section shall not apply to any person carrying firearms properly cased to and from a range for the purpose of engaging in target practice or lawful hunting.

SENATE BILL NUMBER 320

ENACTED BY THE 1969 GENERAL ASSEMBLY:

1. *Definitions.*—(1) As used in this act, unless the context otherwise requires:

(2) "A state contiguous to this state" means any state having a common border with this state.

(3) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

3. *Declaration of policy—residents.*—(1) (a) It is hereby declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(b) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the "Federal Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

Aurora

10-3-2. *Sale of weapons.* It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Boulder

36-11. *Sales, etc., to drunkards, drug addicts and minors.* It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

7-443. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years. Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by Brighton to such person, firm or corporation.

Commerce City

14-112. *Furnishing to certain persons prohibited.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

13-84. *Unlawful to sell weapons to intoxicated persons.* A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

Denver, City and County of

.5. *Identification and records concerning sales, etc.* .5-1. Every person who sells, rents, or exchanges at retail any weapon described in Section 846.1-1 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.5-3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon described in Section 846.1-1 or Section 846.4 of this Code to give a false or fictitious name, or any other false, fraudulent or incorrect information to the person from whom such weapon is purchased or rented or with whom it is exchanged at the time such purchase, rental, or exchange is made.

.6. *Unlawful to sell weapons to intoxicated persons.* .6-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Section 846.1-1 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.8. *Incendiary or explosive device.* .8-2. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

.8-3. An incendiary or explosive device includes, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

Grand Junction

19-60. *Furnishing to intoxicated persons.* No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greeley

15-125. *Firearms sale to intoxicated persons, drug addicts, minors.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Las Animas

10-4-6.1. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Littleton

26.6 *Sale, etc., of firearms to certain persons prohibited.* It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

CONNECTICUT

State Law

CONN. GEN. STATS. ANN. TITLE 29

29-27. *"Pistol" and "revolver" defined.* The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

29-31. *Display of permit to sell. Record of sales.* No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the commissioner of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

29-33. *No sale to aliens. Application to purchase. Waiting period.* No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of one week from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and

no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

29–34. *False information. Sale to minors prohibited.* No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

29–36. *Altering or removing identification mark.* No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

CONN. GEN. STATS. ANN. TITLE 53

53–202. *Machine guns.* (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who posseses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to posses the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. * * * (9) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18–12. *Firearms and ammunition; sales to children.* No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

2. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation, or association to sell or offer for sale to any person under the age of sixteen years any air gun or rifle or pistol, B–B gun, spring gun, or pistol, or rifle, or any other implement which impels with force a pellet of any kind, or any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within limits of the Town of Seymour.

DELAWARE

State Law

DEL. CODE ANN. TITLE 11

464. *Possession or sale of spring or air weapon or silencer; exceptions.* (a) Whoever owns, possesses, sells, or in any manner has control of—

(3) any device, including what is commonly known as a maxim silencer, which may be attached to any weapon or firearm for the purpose of silencing or making less audible the sound of the discharge or firing thereof, shall be fined in such amount or imprisoned, for such term, or both, as the court, in its discretion, may determine.

(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B.B. or air rifle or the shot therefor unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this subsection shall be fined an amount not to exceed $25 and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(e) Subsections (c) and (d) of this section shall apply only to New Castle County. As amended 52 Del. Laws, Ch. 33, eff. May 5, 1959.

465. *Possession of machine gun; exceptions.* Whoever, other than the State military forces or duly authorized police departments, has a machine gun in his possession within this State, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the court, in its discretion, may determine.

470. *Purchase and possession of firearms by certain persons prohibited.* Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any firearm during the commission of such felony, or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in Delaware that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, who purchases, owns, possesses, or controls any firearm or weapon capable of firing a missile or projectile with sufficient force to cause death or serious bodily injury shall be fined not less than $500 nor more than $2,000, or imprisoned not less than 90 days nor more than 5 years, or both.

Any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium shall be granted 60 days from the enactment of this Act to procure and possess a certificate from the State Board of Trustees of the Mental Health Department stating that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm.

Any person having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, or having been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, may apply to the State Board of Pardons for permission to purchase, own, or possess a firearm. The decision of the Board shall be final. The Board may adopt such rules, regulations, and procedures as are necessary to effectuate the provisions of this section.

DEL. CODE ANN. TITLE 24

901. *Necessity for license; exceptions.* No person shall sell or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons". No person licensed or unlicensed shall possess, sell, or offer for sale any switch blade knife.

This section shall not apply to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

902. *Application and fee for license; duration.* Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of section 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of $50. The license shall entitle the holder thereof to conduct such business until the first day of June next succeeding its date.

903. *Sale to minors or intoxicated persons.* No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of section 901 of this title.

DELAWARE CODE ANN. TITLE 28

802. Lawful Acts. It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a State contiguous to this State and to receive or transport such rifle or shotgun into this State, subject however, to such other laws of the State or its political subdivision as may be applicable and subject to the provisions of Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. Section 921 et seq.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle or BB-Gun or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

20-34. *Sales to intoxicated persons and minors prohibited.* It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

DISTRICT OF COLUMBIA

D.C. CODE TITLE 22

22-3201. *Possession, sale, transfer, and use of dangerous weapons—Definition.* "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 22-3215, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

22-3207. *Selling pistol to minors and others.* No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. *Transfers of firearms regulated.* No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he is not forbidden by section 22-3203 to possess a pistol. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. *Dealers of weapons to be licensed.* No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

22-3210. *Licenses of dealers of weapons—Records—By whom granted—Conditions thereof.* The commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 22-3209, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

22-3211. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

22-3212. *Alteration of identifying marks of weapons prohibited.* No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. *Exceptions.* This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. *Possession of certain dangerous weapons prohibited—Exceptions.* (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves

when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 22-3210.

POLICE REGULATIONS OF THE DISTRICT OF COLUMBIA

50. *Definitions.* 1. When used in these Regulations (Article 50 through 55 of the Police Regulations of the District of Columbia), unless the context requires otherwise, the terms "pistol," "sawed-off shotgun," "machine gun," "person," and "sell" and "purchase" shall have the meanings ascribed to them in the Act of Congress entitled "An act to control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia," as amended, approved July 8, 1932 (47 Stat. 650, D.C. Code, sec. 22-3201 et seq.). Other terms used in these Regulations, unless the context otherwise requires, shall have the meanings ascribed to them as follows:

(a) "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(b) "Chief of Police" and "Chief" mean the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(c) "District" means the District of Columbia.

(d) "Firearm" means any pistol, rifle or shotgun which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; or the frame or receiver of any such pistol, rifle, or shotgun; but does not include a firearm that is not designed or redesigned to use rim fire or center fire fixed ammunition or manufactured in or before 1898.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

(f) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and a weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

(g) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(h) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, machine gun, short-barrel rifle or sawed-off shotgun.

(i) The term "destructive device" means any firearm, weapon or automatic weapon which is not a pistol, rifle, shotgun, sawed-off shotgun or machine gun defined herein and includes any explosive not commonly used for lawful commercial purposes, explosive bomb, poison gas bomb, tear gas or tear gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter; excluding however,

(1) a pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding 0.18 inch in diameter;

(2) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition; or

(3) any device used exclusively for signalling or safety, and required or recommended by the U.S. Coast Guard or the Interstate Commerce Commission.

(j) "Dealer" means (i) any person engaged in the business of selling firearms or ammunition, (ii) any person engaged in the business of manufacturing or repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or (iii) any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. The term "licensed dealer" means any dealer licensed under the provisions of these Regulations.

(k) "Manufacturing" means manufacturing, producing, making or remaking any firearm, destructive device or ammunition for sale or distribution.

(l) "Act" means the Act of Congress, entitled "An Act to control the possession, sale, transfer and use of pistols and other dangerous weapons, in the District of Columbia," as amended, approved July 8, 1932 (41 Stat. 650, D.C. Code, sec. 22-3201 et seq.).

(m) The term "these Regulations" means the regulations and provisions contained in Articles 50 through 55 of the Police Regulations of the District of Columbia as adopted by the District of Columbia Council and any orders issued by the Commissioner pursuant to authority transferred to him by the Council in such Articles.

(n) "Carry" means to carry, transport or possess on or about one's person, or in such close proximity to one's person as to be easily and readily accessible.

51. *Requiring the registration of firearms in the District of Columbia.* 1. Except as herein provided, no person shall within the District, possess, or keep under his control, or sell or otherwise dispose of any pistol, or rifle or shotgun unless such person is the holder of a valid registration certificate for such pistol, rifle or shotgun.

2. (a) Each licensed dealer who sells a pistol, rifle or shotgun to a person in whose possession the pistol, rifle or shotgun must be registered shall require from the purchaser a completed application for the registration of the pistol, rifle or shotgun and shall file the application with the Chief of Police at the time of sale.

(b) Each person who within the District possesses, or keeps under his control any pistol, rifle or shotgun purchased or acquired prior to the effective date of these Regulations, shall make an application to register such pistol, rifle or shotgun within 120 days immediately following the effective date of these Regulations.

(c) Each person who brings into the District any pistol, rifle or shotgun acquired outside of the District, or who causes a rifle or shotgun to be lawfully delivered to him within the District, shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he brings such pistol, rifle or shotgun into the District or within forty-eight hours after such rifle or shotgun is delivered to him in the District.

(d) Each person within the District who otherwise acquires possession or control of any pistol, rifle or shotgun shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he acquires possession or control of the same; except as provided in Art. 55, sec. 6 of these Regulations.

7. It shall be the duty of the registered owner of a pistol, rifle or shotgun—

(b) to notify the Chief of Police in writing of the sale, transfer or other disposition of any pistol, rifle or shotgun registered to him within forty-eight hours following such sale, transfer or disposition, except as provided for in Art. 55, sec. 6 of these Regulations. Such notification shall contain—

(1) the name, residence and business address within the District, the occupation, and date of birth of the person to whom the pistol, rifle or shotgun has been sold or transferred;

(2) the make, model, caliber or gauge, manufacturer's identification number, serial number, and other identifying marks of the pistol, rifle or shotgun sold or transferred; and

(3) the number of the registration certificate issued to the registered owner.

(c) to return to the Chief of Police of registration certificate for any pistol, rifle or shotgun which is lost, stolen or destroyed, or which he sells, transfers or otherwise disposes of at the time he notifies the Chief of Police of such loss, theft, destruction, sale, transfer or other disposition.

8. No person shall within the District—

(a) lend or give, or allow the use of a registration certificate issued to him by any other person for identification; except, that when a registered owner of a pistol, rifle or shotgun lends or delivers the same to another person in accordance with the provisions of Art. 55, sec. 6 of these Regulations he shall deliver to such other person the registration certificate for each pistol, rifle or shotgun so loaned or delivered.

(b) represent himself as the owner of a registration certificate issued to another person.

10. This Article of these Regulations shall not apply to—

(a) any person licensed under Art. 55 of these Regulations as a licensed retail dealer; provided, that this exception shall only apply to pistols, rifles or shotguns acquired by such person in the normal conduct of his business and kept by such person at his place of business; and further, provided, that this exception shall not apply to such person for any pistol, rifle or shotgun kept by him for his private use or protection, or for the protection of his business; or

(b) any non-resident of the District participating in any lawful recreational activity in the District involving the use of pistols, rifles or shotguns; or transporting such pistol, rifle or shotgun to or from such lawful recreational activity; provided, that such non-resident shall upon demand of any enforcement officer exhibit proof that his possession of such pistol, rifle or shotgun is registered and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not require registration of a pistol, rifle or shotgun;

(c) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a pistol, rifle or shotgun and who is carrying a pistol, rifle or shotgun while on duty in the performance of his official authorized functions; * * *

52. *Regulating the sale and carrying of firearms in the District of Columbia.* 1. (a) Any person who is not subject to any of the disabilities enumerated in Sec. 7 of the Act (D.C. Code, sec. 22-3207) shall be entitled to purchase a pistol within the District, and a seller is lawfully entitled to

sell a pistol to such a person. No such person shall be denied the purchase of a pistol except as provided in the Act.

(c) Any person who is not subject to any of the disabilities set forth in sec. 5(c) of this article shall be entitled to purchase and carry a rifle or shotgun in the District, and a seller shall be entitled to sell a rifle or shotgun to such a person.

2. (b) No person shall purchase, own, possess or carry on or about his person any rifle or shotgun unless he possesses a valid rifle and shotgun license therefor issued to him pursuant to Sec. 5 of this Article.

(c) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 54 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless—

(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 5 of this Article; and

(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale a written notification of sale pursuant to Art. 51, Sec. 8(b).*

(d) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

3. Each person who is required by Sec. 8 of the Act (D.C. Code, sec. 22–3208) to submit a statement when applying to purchase a pistol, or who is required by Sec. 4 of the Act (D.C. Code, sec. 22–3204) to have a license to carry a pistol, or who is required by sec. 2(b) of this Article to have a license to purchase or carry a rifle or shotgun shall submit such statement to the seller or an application for such license directly to the Chief of Police in the form and number prescribed by the Chief.

4. (a) Each statement on application to purchase a pistol shall be signed by the applicant purchaser and the seller, and each application for a license shall be signed by the applicant for the license.

(b) Each such statement or application shall contain that information prescribed by the Chief of Police which in his judgment is necessary to conduct efficient and thorough investigations, and to effectuate the purposes of the Act and these Regulations. Each statement or application shall contain at least the following information:

(1) the full name, and any other name by which the applicant is or has been known;

(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the submission of the statement or application.

(3) the present business or occupation, any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

(4) the date and place of birth of the applicant;

(5) the sex of the applicant;

(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D.C. Code, sec. 22–3207) or not ineligible for a license to carry a pistol under Sec. 6 of the Act (D.C. Code, sec. 22–3206), or not ineligible under Sec. 5(c) of this Article to purchase or carry a rifle or shotgun; and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

(7) a statement by the applicant of his need to purchase or carry a pistol, rifle or shotgun, and his intended use of the same;

(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol, rifle or shotgun to be purchased or carried; and

(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

5. (a) No person shall be approved by the Chief of Police to purchase a pistol if the Chief after investigation determines that a pistol could not lawfully be sold to such person under Section 7 of the Act (D.C. Code, sec. 22–2307).

(b) No person shall be issued a license to carry a pistol by the Chief of Police if the Chief after investigation determines that such person is ineligible for such license under Section 6 of the Act (D.C. Code, sec. 3206).

(c) Except as provided for in subsection (d) of this section, no person shall be issued a license to purchase or carry a rifle or shotgun if the Chief of Police determines after investigation that such person—

(1) is under the age of twenty-one years;

(2) is not of sound mind; provided, that the Chief of Police shall determine that the person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court or has been adjudicated a chronic alcoholic by any court and provided, that three years after such conviction adjudication or acquittal, the Chief of Police shall disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner.

(3) is a drug addict; provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is an abusive user of narcotic drugs as defined by section 4731 of the Internal Revenue Code 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch. 736; Apr. 22, 1960, 74 Stat. 57 Pub. L. 88–429, sec. 4(a), (b); 26 U.S.C., sec. 4731); or (ii) is an abusive user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia", approved July 24, 1956 (70 Stat. 612, title II, sec. 202 D.C. Code, sec. 33–701);

(4) has been convicted in any jurisdiction of a crime involving the use of physical force against a person punishable by imprisonment for more than one year, or is under indictment for such a crime; or

(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year; any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner; or

(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

(7) has indicated by threatening speech or other behavior that he is likely to make unlawful use of a rifle or shotgun; or

(8) has been adjudicated negligent in a firearms mishap causing death or injury to another human being; or

(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D.C. Code, sec. 22–3203).

(d) The Chief of Police shall deny a rifle or shotgun license if the Chief determines, after investigation or test, that the applicant—

(1) does answer to one or more of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section; or

(2) has failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to rifles and shotguns and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief of Police; or

(3) has vision less than that required to obtain a valid driver's license under the laws of the District; provided, that possession of a valid driver's license shall be prima facie evidence that an applicant's vision is not deficient.

(e) The Chief of Police shall issue to applicant a numbered rifle and shotgun license if the Chief determines, after investigation that the applicant does not answer to any of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section.

(f) The Chief of Police may issue to an applicant between the ages of eighteen and twenty-one years old who is otherwise qualified under subsection (c) a numbered restricted rifle and shotgun license if—

(1) the application is accompanied by a signed statement by the parent or guardian of the applicant (i) that the applicant has the permission of the parent or guardian to use a rifle or shotgun, and (ii) that the parent or guardian assumes civil liability for all damages resulting from the actions of the applicant in the use of the rifle or shotgun; and

(2) if the applicant is not disqualified by subsection (d) in any respect except his age.

9. (a) Section 2(b) of this Article shall not apply to—

(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

(2) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, transporting a rifle or shotgun directly to or directly from such lawful recreational activity; provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions;

(4) any person between the ages of 15 and 18 years of age uses a rifle or shotgun as

* NOTE: Apparently should read Art. 51, sec. 7(b).

authorized by Art. 55, sec. 8(b) of these Regulations.

(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a nonresident of the District who is a citizen of the United States and who does not have a license issued under this Article; provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

(c) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container.

53. *Regulating the sale of firearm ammunition.* 1. No person shall within the District sell or otherwise transfer ammunition for a firearm to another unless

(a) The sale or transfer is made in a face-to-face transaction;

(b) The purchaser exhibits at the time of the sale or transfer a valid certificate of registration issued under these regulations;

(c) The ammunition sold or transferred is of the same caliber or gauge as the firearm described in the certificate of registration and suitable for use therein;

(d) The purchaser signs a receipt for the ammunition, which receipt shall be maintained by the seller for six months.

2. No person shall within the District of Columbia purchase or possess ammunition for a firearm unless he is the holder of a valid certificate of registration issued under the regulations; and unless the ammunition is of the same gauge or caliber as the firearm described in the certificate of registration issued to such person.

3. For purposes of Secs. 1 and 2 above, a valid firearm registration certificate issued by the United States or any state or subdivision thereof shall be sufficient to authorize ammunition sales to and purchases by persons who are not residents of the District.

4. This Article shall not apply to sales or transfers to government agencies, duly appointed law enforcement officers, or persons duly licensed as dealers of weapons under Section 10 of the Act (D.C. Code, sec. 22–3210).

5. This Article shall not apply to bona fide collectors of ammunition who are purchasing ammunition for their collections. Any such collector may obtain an ammunition collector's certificate from the Chief of Police, upon proof, submission of a statement, verified by the Chief, that he is, in fact, a bona fide collector. This certificate shall be exhibited to the seller whenever the collector purchases ammunition for his collection. The seller shall keep records of all ammunition sales to collectors for six months.

54. *Regulating and licensing dealers in dangerous weapons.* 1. (a) No person shall within the District engage in the business of selling, or manufacturing, or repairing any pistol, rifle, shotgun, or ammunition without first obtaining a license as provided in sec. 2 of this Article.

(b) The Commissioner may grant licenses, effective for not more than one year from date of issue, permitting the licensee to sell, or to manufacture, or to repair pistols, rifles, shotguns or ammunition. Whenever any such licensee breaches any condition upon which his license was issued or violates any provision of these Regulations or of any provision of section 7 of the Act (D.C. Code, sec. 22–3207), which is applicable to any such licensee or any applicable regulation made pursuant to such Act, the license shall be suspended or revoked and the licensee shall be subject to punishment as provided in these Regulations.

4. (a) Any dealer within the District who transports or delivers firearms to another dealer in the District shall, before delivery of the firearm, furnish to the Chief of Police an invoice listing his name, his home and business addresses, his license number, the name and address of the dealer to whom such firearms are to be delivered, the place of origin of the shipment, the quantity of firearms transported, and the serial number of each firearm in the shipment.

(b) If such shipment is by common carrier, a copy of the invoice shall be delivered to the common carrier. No common carrier shall knowingly deliver a shipment of firearms to a dealer within the District without having received a copy of such invoice. The copy of the invoice shall be left with the dealer at the time of delivery.

(c) If such shipment is by other than common carrier, the copy of the invoice shall be furnished to the dealer at the time of delivery.

5. (a) No person licensed under this Article shall sell a pistol, rifle, shotgun, or ammunition to any person whom he knows or has reasonable cause to believe is ineligible to own a pistol, rifle or shotgun under Section 7 of the Act (D.C. Code, sec. 22–3207) or Article 52, sec. 5(c) of these Regulations.

7. Beginning one year after the effective date of these Regulations, no retail dealer licensed under this Article shall sell or offer for sale in the District any pistol, rifle or shotgun, which does not have imbedded into the metal portion of such pistol, rifle or shotgun a unique manufacturer's identification number or serial number unless the retail dealer shall have imbedded into the metal portion of such pistol, rifle or shotgun a unique dealer's identification number.

8. (a) No pawnbroker in the District shall sell or offer for sale any firearm or ammunition, or loan money secured by mortgage, deposit or pledge of any firearm or ammunition without obtaining a license under this Article.

(b) No licensed dealer shall take or receive any firearm by way of mortgage, pledge or pawn without also taking and retaining during the term of such pledge or pawn, the registration certificate of the firearm mortgaged, pledged or pawned. If such firearm is not redeemed, the dealer shall return the registration certificate to the Chief of Police and register the firearm in his own name.

55. *Miscellaneous provisions.* 1. (a) It shall be unlawful for any person purchasing any pistol, rifle, shotgun or ammunition, or applying for any certificate of registration or license under these Regulations, or in giving any information pursuant to the requirements of these Regulations, to give false information or offer false evidence of his identity.

(b) It shall be unlawful for anyone to forge or alter any application, registration certificate, temporary evidence of registration, or license submitted, retained or issued under these Regulations.

(c) It shall be unlawful for any person within the District to change, alter, remove, or obliterate the name of the maker, model, manufacturer's identification number, serial number, or other mark of identification on any pistol, rifle or shotgun; provided, that nothing contained in this section shall apply to any officer or agent of any department or agency of the United States or the District Government who is engaged in research or experimental work.

(d) It shall be unlawful for any person within the District to own, possess, sell, offer for sale, purchase or offer to purchase any destructive device, or military type weapon including weapons known as hand grenades, cannons, anti-tank guns and bazookas; provided, that this section shall not apply to any agency or department of the District of Columbia or Federal Government or to any person licensed or authorized by the Federal Government to own, possess, sell or purchase such weapons.

4. (c) The Commissioner may prohibit the sales of ammunition when he determines that the design, construction or material composition of such ammunition makes it unsuitable or unsafe for any lawful use.

6. Except for transfers to licensed dealers, no person shall loan or otherwise allow another person to possess, carry or use any firearm unless such firearm is being loaned for a legitimate purpose, and for a period not to exceed 30 days; and unless—

"(a) the person to whom the firearm is loaned possesses a valid license for such firearm issued to him pursuant to section 6 of the Act (D.C. Code, sec. 22–3206) or to Art. 52 of these Regulations; or

(b) such person to whom the firearm is loaned is at least fifteen years of age, does not possess a valid license because of his age, and is a member or student of an organization or school which teaches firearm safety and use. Where such circumstances exist, it shall be lawful to loan a rifle or shotgun to such person for instruction, military or military type drill, or legitimate recreational activity; provided, that the use of the rifle or shotgun is immediately supervised by a person licensed pursuant to Art. 52 of these Regulations; and provided, the rifle or shotgun is registered to the organization, school, parent or guardian of the user; and further provided, that the rifle or shotgun is surrendered immediately following its use to the organization, school, or parent or guardian of the user."

7. (a) Except as provided in the immediately preceding section, no person shall within the District keep any firearm or ammunition for, or intentionally make any firearm or ammunition available to any person who would not qualify under these Regulations for a License for such firearm.

(b) No person shall hold a firearm or loan any money on a firearm as security for the payment or repayment of any debt or pledge, except as otherwise provided for in Art. 55, sec. 8 of these Regulations.

8. No person shall within the District sell or otherwise transfer a firearm or ammunition to a purchaser who is under the influence of alcohol or a narcotic or dangerous drug. No person shall within the District carry or use any firearm while under the influence of alcohol or a narcotic or dangerous drug.

10. (a) "Applications required by these Regulations for registration or licensing of firearms possessed, purchased or acquired by, or delivered to, persons within the District prior to the effective date of these regulations must be submitted within 120 days after that date. No such person shall be deemed in default under the registration provisions of these regulations if his application to register is submitted within that time. Nor shall any such person be deemed in default under the licensing provisions of these regulations while his application for a license, submitted within that time, is still pending.

(b) The registration and licensing requirements established by these regulations shall be immediately effective, from the effective date of these Regulations, for firearms purchased or acquired by, or delivered to, persons within the District after that date."

14. "These Regulations shall become effective on February 15, 1969; provided that the Chief of Police may accept applications for registration of firearms immediately upon adoption of these Regulations."

FLORIDA

State Law

FLA. STATS. ANN.

250.32. *Commanding officer's control of arms sales.* When any part of the militia of Florida is in active service by the order of the governor to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any places where arms, ammunition, dynamite, explosives, or intoxicating liquors, are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town or village where the troops are on duty, or in the vicinity of such place, for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendent of the county, city, town or village may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

10. Chapter 790, Florida Statutes, is amended by adding a new section to read:

Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty. (1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun or machine gun, as defined herein, which is or may readily be made operable, but this section shall not apply to antique firearms, as defined herein.

(2) Any person convicted of violating this section shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

11. Chapter 790, Florida Statutes, is amended by adding a new section to read:

Law enforcement officers, as defined herein, shall be exempt from the licensing provisions of this chapter and the penal provisions of this chapter when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars ($50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.001 *Definitions.* The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(3) (b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (½) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in § 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with § 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the division of adult corrections of the department of health and rehabilitative services or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys, United States attorneys, county solicitors, and county prosecutors and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

790.22. *Use of BB guns, air or gas operated guns or firearms by child under sixteen; limitation.* (1) The use for any purpose whatsoever of BB guns, air or gas operated guns or a firearm as defined in this act, by any child under the age of sixteen (16) years is prohibited unless such use is under the supervision and in the presence of an adult.

(2) Any adult responsible for the welfare of any child under the age of sixteen (16) years who knowingly permits such child to use or have in his possession any BB gun, air or gas operated guns or any firearm in violation of the provisions of subsection (1) of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or not more than three hundred dollars ($300.00) or by imprisonment in the county jail for not longer than thirty (30) days.

790.221 *Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.* (1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It is unlawful for any person who has been convicted of a felony in the courts of this state, or of a crime against the United States, which is designated as a felony, or convicted of an offense in any other state, territory or country punishable by imprisonment for a term exceeding one (1) year, to own or to have in his care, custody, possession or control any firearm, as defined herein, or to carry

a concealed weapon, as defined herein, but to include all tear gas guns, chemical weapons or devices.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored or to a person convicted of a felony for antitrust violation, unfair trade practice, restraints of trade, nonsupport of dependents, bigamy or other similar offenses.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than twenty (20) years.

Bay Harbor Islands

2. Any person who shall have in his possession in the Town of Bay Harbor Islands, any pistol, revolver, or other firearm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

11. Every license issued pursuant to this ordinance shall expire on the first day of May after the date of issuance, provided, however, that any such license may be limited as to time to expire on a date fixed in the license prior to such date. Each license issued to possess a weapon not to be carried on the person shall specify the place where the licensee shall possess the same. Each original application for a license to carry a weapon on the person shall be accompanied by a photograph of the applicant in duplicate which photograph shall be taken within thirty (30) days prior to the filing of such application and one copy of which shall be attached to the license and the other remain with the application.

13. This ordinance shall not apply to sheriffs, policemen, or to other duly appointed peace officer, nor to duly authorized members of military or civil organizations when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations.

Belle Glade

17–40. *Weapons—Procedure for acquiring.* (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate hereinbefore described from the person seeking actual delivery of such firearm and, upon receipt of such certificate, it is unlawful to fail to report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Clearwater

13–32. *Buying or receiving goods from minors.* It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13–34. *Chapter applies to guns, pistols, etc.* All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

15–35. *Weapons—Dangerous—Sale, loans, etc., to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

15–36. *Firearms—Possession by felons, intoxicated persons, etc.* It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

Coral Gables

20–15. *Firearms—Sale.* (a) Definition. The word "firearm" as used in this section shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26-inches, rifles having barrels less than 16-inches, and shotguns having a barrel length of less than 18-inches, machine guns, submachine guns and machine pistols or any fully automatic weapons capable of firing more than one shot at each pull of the trigger. This section shall not apply to any antique weapons with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant, * * *.

(c) Sale of firearms to minors restricted. It shall be unlawful for any person knowingly and wilfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in section 20–15(b) hereof.

(d) Sale of firearms to felons prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(e) Sale of firearms to users of narcotics prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give, or deliver any firearm to any person addicted to the use of narcotics, or users of drugs, stimulants or depressants.

(f) Sale of firearms to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

20–16.1. *Same—Waiting period required; investigation.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearms, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four (24) hour waiting period, only, under the circumstances and to those persons listed below:

(1) Applicant must furnish any United States of America, State of Florida, County, or Municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

(2) Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) or twenty-four (24) hour waiting period required:

(1) Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(2) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of sections 20–15, 20–16, and 20–16.1, the following information shall be imprinted on the application:

The issuing agency or authority;

The card number;

The name and address identical to that on the card.

(3) Persons who are on record with the police department as having previously purchased a pistol, revolver, or firearm as defined in section 20–15 (a) hereof.

(4) Persons trading an operable pistol, revolver or firearm, as defined in section 20–15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of section 20–16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

Dade County

21–7. *Sale of firearms to.* It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

21–16. *Sale, loan, etc., weapons to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun,

pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the county to such person.

21-20. *Registration of sales and transfers required;* * * *. (c) Waiting period required. The person to whom such pistol, revolver or other firearm is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such pistol, revolver or other firearm.

(d) Fictitious name prohibited. Any person signing a fictitious name or address in such register is guilty of a violation of this section.

(e) Exceptions. This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the county, nor to sales or transfer of firearms that do not use a self-containing cartridge.

21-20.1. *Definitions.* (a) The word firearm as used in this division, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

21-20.2. *License—Required to sell.* (a) It shall be unlawful for any person who, without being licensed as provided in this division, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 21-20.1 or to engage in the business of repairing firearms or in the business of gunsmithing.

This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provision of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

21-20.13. *Sale of firearm with serial number defaced prohibited.* It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

21-20.14. *Sale or delivery of firearms r ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

De Land

21-21. *Weapons—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. *Same—Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city.

Fort Pierce

19-50. *Weapons—Permit of purchasers required.* (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, metallic knuckles, handcuffs or other similar equipment used primarily by police officers, within the corporate limits of the city, unless and until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18-40. *Sale to minors.* It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Green Cove Springs

11-8. *Firearms—Permit for sale.* It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. *Same—Sale to minor, incompetent.* No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Hallandale

782-1. *Definitions.* (a) The word "firearm" as used in this ordinance, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be contrued to mean guns that do not use self-contained cartridges.

(b) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

782-2. *Unlawful to sell firearm without a license:* (a) It shall be unlawful for any person who, without being licensed as provided in this ordinance, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in Section 1 of this ordinance, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized non-profit, state or national organization.

782-3. *Licenses to sell.* The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell said firearms within the city on the premises named therein.

782-12. *Sale or delivery of firearms or ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the Seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Hialeah

21-31. *Minors—Weapons, unlawful to distribute to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

21-42. *Weapons—Sales to minors under eighteen.* No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21-44. *Same—Blank cartridges and pistols.* No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the City.

Hollywood

39.40. *Same—Dealer's license.* (1) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license from the city and the cost of same shall be fifty dollars per year.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars ($50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife, or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It shall be unlawful for any person who has been convicted of a felony to own or to have in his care, custody, possession or control any pistol, sawed-off rifle or sawed-off shotgun. A sawed-off rifle or sawed-off shotgun is defined for the purposes of this section as being any rifle or shotgun with a calibre greater than twenty-two calibre and with a barrel less than sixteen inches long.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction, shall be punished by imprisonment in the state prison for not more than ten years.

Jacksonville

26-65. *Weapons—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

98-76-1. *Certificate from Sheriff required for license to deal in certain firearms.* No officer of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

Jacksonville Beach

16-10. *Concealable weapons—Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

16-11. *Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale.* * * * provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16-13. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Lantana

16-25. *Same—Sale prohibited without permit.* No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any other person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Miami

61-1. *Sale of firearms generally.* (a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however 1. any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; 2. any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or 3. any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(d) "Sale to minors restricted." It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form.

(e) "Sale to felons prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) "Sale to users of narcotics prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) "Sale to persons under the influence of intoxicating beverages." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61-2. *Delivery of firearms.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61-1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61-1 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61-3. *Sale of weapons, firearms, tear gas pens, etc., to minors.* (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61-4. *Purchase by other persons of prohibited articles for minors.* It shall be unlawful for any minor to engage or utilize the services of any other person, and it shall be unlawful for any person, whether for remuneration or not, to procure for such minor any article which the minor himself is prohibited by law to purchase.

61-5. *Sale, etc., of firearms to intoxicated, etc., persons.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

7670-2. *Authority of City Manager to declare emergency measures.* Whenever the City Manager declares that a state of emergency exists, the emergency measures provided in Section 4 of this Ordinance shall thereupon be in effect during the period of said emergency and throughout the city, and the City Manager may order and promulgate all or any of the emergency measures provided in Section 4 of this Ordinance, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency, and in the area or areas for which the emergency has been declared. Upon the declaration of an emergency by the City Manager, as soon as practicable, the Commission shall immediately convene for the purpose of determining whether or not an emergency does exist. Their finding in the matter shall be con-

clusive. Upon finding that no emergency does in fact exist, this Ordinance shall not be operative.

7670–3. *Definitions.* "Firearm". The term "firearm" shall mean any revolver, pistol, automatic loading pistol, shotgun or rifle, machine gun, submachine gun, machine pistol or any fully automatic weapon capable of firing more than one shot at each pull of the trigger.

7670–4. *Emergency measures.* (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition or firearms of any size or description is prohibited.

(c) The possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty, is prohibited.

(d) The possession of any firearm in any place, public or private, by a non-resident who has not been issued a permit for the purchase and possession of firearms, is prohibited.

Miami Beach

25.104. *Sale of firearms, generally.* (a) "Firearms" defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, sub-machine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following section, shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replieas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

25.105. *Sale of firearms.* It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police.

25.110. No firearm shall be delivered to any person until 72 hours after the sale of any firearm.

25.112. It shall be unlawful for any person knowingly and wilfully to sell, lease, lend, give or deliver any firearm to any person under the age of 21; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

25.112.1. The following persons shall be exempt from the provisions of this ordinance: (a) Members of the militia, national guard, Florida state guard, army, navy, air force, marine corps, coast guard, the organized reserves, and other armed forces of the state and of the United States, when on duty, or when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Sheriffs, marshals, prison or jail wardens, constables, policemen, Florida highway patrolmen, game wardens, revenue officers, forest officials, and other peace and law enforcement officers, their full-time paid deputies and assistants; full-time paid peace officers of other states, and of the federal government who are carrying out official duties while in Florida;

(c) Officers or employees of the state or United States duly authorized to carry a concealed weapon.

25.112.2. The following shall be exempt from the 72-hour waiting period required: (a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or Municipal) as special police officers. The applicant must present an I.D. card from the issuing authority. Whenever an identification card is utilized for the waiver of the 72-hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application: (1) The issuing agency or authority. (2) The card number. (3) The name and address identical to that on the card.

(c) Persons who are on record with the Police Department as having previously purchased a pistol, revolver or firearm.

25.115. No person shall engage in the business of selling firearms unless a license shall have been procured from the City Council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the City Council.

Neptune Beach

16–69. *Weapons — Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *.

16–70. *Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale.* It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16–72. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

North Palm Beach

(e) *Sales to intoxicated persons and minors.* No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

15–96. *Firearms—Sale to intoxicated persons or minors.* It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Palm Beach Gardens

17–10. *Concealed weapons; selling weapons; possession of weapons. No person within the city shall:* (g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

Palm Springs

Village of Palm Springs Ordinance No. 7 adopted Florida State Statute, Chapter 790, Sections 790.01 through 790.25.

Pinellas Park

13–16 (67). *Guns, dealers in revolvers, pistols, ammunition, etc.* Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

31.16. *Firearms, discharging; sale of ammunition.* (a) It shall be unlawful for any person, except such as may be authorized by law, to discharge any firearm, including air rifles and air pistols (commonly known as BB guns), within the limits of the city.

(b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, air rifle or air pistol (commonly known as BB guns); provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35–1. *License to sell—Required.* No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35–9. *Licensee may not sell outside place of business.* No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35.12. *Registration of pistols, machine guns and submachine guns required.* No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

South Miami

15–25. *Firearms-Notice of intent to purchase.* It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station,

in the city, giving his name, information concerning his residence, a full description of said firearm, and the place where such weapon will be obtained.

15-26. *Same—Selling or receiving without certificate.* It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate * * *, from the person seeking actual delivery of such firearm, * * *.

St. Petersburg

1. Every retail dealer who deals in and sells pistols, revolvers, or any other weapons, which are generally described and referred to as a "hand gun" shall require the purchaser to register his name, age and place of residence in a book the dealer shall keep for that purpose. The dealer shall record in said book the date of sale, the make, model, type, and the number of the weapon purchased. This register shall be available for the inspection of any law enforcement officer, and be kept available for two years from the date of purchase. A card shall be furnished to the Police Department containing the particulars aforesaid on a form furnished by such Department within a reasonable time after each sale.

2. It shall be unlawful for any dealer of weapons described in Section 1, or any agent or employee to fail or refuse to comply with the provisions of said section.

3. It shall be unlawful for any person purchasing a weapon as described in Section 1 to give a false name, age or place of residence as provided in this Ordinance.

Tampa

26-33. *Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited.* It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun or shotgun or rifle having a barrel of less than twenty inches in length, or any firearm equipped with a silencer, or any other firearm, except a pistol or revolver, which is capable of being concealed on the person. This section shall not apply to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county, or municipal law enforcement officers.

26-51.7. *Molotov cocktail, firebombs, etc.;* * * *. (a) It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail," gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

West Miami

14-16. *Minors—sale of weapons to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. *Permit for purchase, sale, etc.—Required.* It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, knuckles, handcuffs or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

GEORGIA

State Law

GEORGIA CODE ANN. TITLE 26

26-1404. *Criminal possession of explosives.* A person commits criminal possession of explosives when he possesses, manufactures, or transports any explosive compound and either intends to use such explosive to commit a felony or knows that another intends to use such explosive to commit a felony. A person convicted of criminal possession of explosives shall be punished by imprisonment for not less than one nor more than 10 years.

26-1405. *Criminal possession of an incendiary.* (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States, or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26-2905. *Furnishing weapons to minors.* A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

26-2906. *Machine guns; sale, etc., illegal.* A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907. *Exemptions.* Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

CHAPTER 26-99A. CRIMINAL PROVISIONS UNOFFICIALLY CODIFIED.

26-9910a. *Georgia firearms and weapons act; short title.* This law [§§ 26-9910a through 26-9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26-9911a. *Same; possession of certain types of firearms, dangerous weapons and silencers prohibited.* No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26-9914a.

26-9912a. *Same; punishment.* A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [§§ 26-9910a through 26-9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26-9913a. *Same; definitions.* (a) The term "sawed-off shotgun," as used in this law [§§ 26-9910a through 26-9916a], shall mean any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosives in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, and which has an overall length of 15 inches or less.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoilless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from a shot, bullet or projectile may be discharged by an explosive.

26-9914a. *Same; exceptions to provisions of law.* The provisions of this law [§§ 26-9910a through 26-9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U.S.C. 5841-5862).

26-9915a. *Same; burden of proof of exceptions, etc.* In any complaint, information, accusation or indictment, and in any action or proceeding brought for the enforcement of any provision of this law [§§ 26-9910a through 26-9916a], it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this law, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

26-9916a. *Same; construction of law.* This law [§§ 26-9910a through 26-9916a] shall be deemed and shall be construed to be cumulative of and supplemental to any existing laws of this State applicable to the subject or subjects governed by this law: Provided, however, that in the event any provisions of this law are in conflict with existing laws, then the provisions in this law shall govern and take precedence.

GEORGIA CODE ANN. TITLE 86

86-1302. *Closing places where firearms and ammunition are sold, etc.* Whenever any force of the organized militia is or has been called out for the performance of any duty under the provisions of section 86-106, it shall be lawful for the commanding officer of such force, if in his judgment the maintenance of law and order in the area into which such force has been ordered will be thereby promoted, to close places where arms and ammunition are sold, and all places where disorder is likely to occur.

86-9907. *Unlawful sale or disposal of arms or ammunition, etc.* Any person who shall sell or dispense arms or ammunition in violation of an order of a commanding officer under the authority of section 86-1302, or who shall maintain a place ordered to be closed under said authority, shall be guilty of a felony, and upon conviction thereof shall be confined to the penitentiary for not less than two nor more than five years.

GEORGIA CODE ANN., TITLE 92A

92A-901. *License for dealers.* Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. *Purchase by Georgia residents in contiguous States.* Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

Atlanta

20-55. *Definition of "pistol."* A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

20-56. *License to deal in pistols; required, prerequisite to issuance.* No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the mayor and board of aldermen to deal in pistols.

20-73. *Definitions.* As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U.S. passport.

Person includes an individual, partnership, association or corporation.

20-74. *Identification of purchaser.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate shall be on a form as prescribed by the Chatham County Commissioners.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon. A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

14-64. *Same—Notice; investigation; approval; waiting period.* No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character, and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character, or that the pistol or cartridges are desired for illegal purposes, or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14–65. *Dangerous weapons; prohibited.* No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

14–66. *Exclusion from chapter.* The preceding sections of this chapter are not applicable to pawnbrokers and pawnbrokers' sales stores, they being regulated by provisions of this Code specifically relating to them; but this chapter is applicable to all other persons, and the words "persons" or "person," as used herein, shall in addition to them, include their managers, agents, clerks and employees.

15–8. *Prohibited items—Receiving.* No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

15–9. *Same—Possessing.* No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15–10. *Pistols and cartridges; sale, notice, police findings.* All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character or the pistol or cartridges are desired for illegal purposes or for other than purely defensive purposes, he shall disapprove the proposed sale, and, when so disapproved, it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department of the city in charge of such department during the absence of the chief.

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or posses any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

14–28. *Permit required to sell or purchase pistol or revolver.* (a) It shall be unlawful for any person, merchant or pawnbroker in the City of Macon to sell any pistol or revolver to any person unless said person first presents to such person, merchant or pawnbroker a written permit issued to said person by the chief of police of the City of Macon authorizing him to purchase a pistol or revolver.

(b) It shall be unlawful for any person to purchase in the City of Macon any pistol or revolver from any person, merchant, or pawnbroker without first having secured from the chief of police of the City of Macon a written permit authorizing him to purchase a pistol or revolver.

(j) The provisions of section 14–28 of said Code, as herein enacted, shall not apply to sales of pistols or revolvers at wholesale by persons, firms and corporations, licensed by the City of Macon to sell the same at wholesale, to persons, firms or corporations, licensed by the City of Macon to sell pistols and revolvers at wholesale or retail, nor to sales at wholesale by such licensed wholesalers to any bona fide wholesale or retail dealer in pistols and revolvers whose establishment is located and whose business is transacted outside the corporate limits of the City of Macon, nor shall the provisions of section 14–28 of said Code, as herein enacted, apply to purchase of pistols and revolvers by such wholesale and retail dealers, it being the purpose and intent of this paragraph to exempt the bona fide sale at wholesale of pistols and revolvers from the application of section 14–28 of said Code.

(k) No person, who is the holder of a valid and subsisting license to carry a pistol or revolver, issued to him by the ordinary of the county of his residence in the State of Georgia, pursuant to sections 26–5103 and 26–5104 of the Code of Georgia, 1933, annotated, shall be required to secure a permit from the chief of police in order to purchase a pistol or revolver in the City of Macon and sales of pistols and revolvers to persons, so licensed, are hereby authorized without the requirement of issuance of permits to purchase the same being issued to them by the chief of police.

Rossville

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. * * *

Savannah

"24–105. *Fire arms—Sale—Report and record.* Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, the type of weapon, model, caliber or guage, serial number and manufacturer. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record."

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Savannah.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Savannah, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Chief of Police of Savannah.

No person within the City of Savannah shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

* * *. Within the seventy-two hour waiting period required by this Section, the Chief of Police of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind.

It shall be unlawful for any person to fail, refuse, or neglect to comply with the provisions of this Section."

Valdosta

18–39. *Weapons—Sales of, regulated.* (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, dirk or switch-blade knife without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement

as to whether applicant has been convicted of any crime of violence or charged with the violation of criminal law in this or any other state.

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. In so doing the merchant or dealer shall give full and complete information with respect to the proposed purchaser, his name, age, color, place of residence, criminal record, if any, and such other information as the police may require. Failure to furnish truthful information on the part of such purchaser shall be deemed a violation of this section.

Waycross

1. *Definitions.* The following words as used in this chapter shall have the meanings ascribed to them: (1) *Firearm.* The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge. (2) *Ammunition.* The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

2. *Permit to purchase, receive or accept—Required.* It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

6. *Same—Transfer at time of sale and at time of reports.* It shall be the duty of any person who sells, transfers, or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. It shall be the duty of any such person who sells, transfers or gives away any firearm or ammunition to deliver such permit to the chief of police at the time the report of such sale or gift is made, as provided in this chapter, (8–18–42, § 8.)

7. *Same—Chapter not to be construed as permit.* Nothing contained in this chapter shall be in any manner construed as a permit to carry a revolver, pistol or like firearm contrary to any ordinance of the city or the laws of the state. (8–18–42, § 9.)

8. *Reports of sales and gifts required.* Every person who sells, delivers or gives to any person in the city, except to regular dealers in such articles, any firearm or ammunition, shall, within twenty-four hours after making such sale or gift, make and file with the chief of police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, nationality and race of such purchaser or donee, and such written report shall also contain the make, kind, description, caliber, model, manufacturer's number or other marks of identification of such firearm or ammunition sold or delivered; provided, that each day of failure to make such report shall be a separate offense.

West Point

16–82. *Registration of firearms.* * * * Every person who shall sell or otherwise dispose of any firearm in the city, shall report such sale to the city clerk at the city hall on forms furnished by said city within twenty-four (24) hours after the sale or disposal of such firearm. The said registration form shall contain the same information as required by the form described above for the registration of firearms and shall also include the name of the person to whom said firearm is sold or delivered. Failure to register the ownership, purchase or sale of any such firearm as outlined above shall be a violation of this section.

GUAM

Territorial Law

GOV'T CODE, TERRITORY OF GUAM

8900. *Definition.* As used in this Chapter: "Firearms" means a weapon, the operating force of which is an explosive, and includes, without being limited to, pistols, revolvers, rifles and shotguns.

8901. *Registration.* No person shall own, or possess, or use any firearm of any description, whether usable or unusable, unless it shall have been registered with the Department of Public Safety and a certificate of registration obtained therefor. The application for registration and certificate of registration shall be on such forms as may be designated by the Director of Public Safety and shall include a description of the class of firearm, together with the name of the maker and the factory number, if known or ascertainable, the source from which possession was obtained, and a full description of the owner of the firearm. No firearm shall be registered to any person under the age of 18 years, or who has been convicted of any felony, or who is not a citizen of the United States.

8902. *Same: Automatic firearms and cannon.* No machine gun, submachine gun or other firearm designed to be fired automatically, or any cannon, mortar or other explosive or noxious gas projector shall be registered unless the barrel has been permanently spiked or plugged and the firing pin removed, so as to be permanently useless as a firearm.

8905. *Possession prohibited; felons and aliens.* No person who has been convicted of any felony or who is not a citizen of the United States of America shall own, possess, use, or have under his control any firearm.

8908. *Provisions not applicable; when.* The provisions of Sections 8901 through 8907 shall not apply (a) to persons employed by, or in the armed forces of, the territory of Guam or the United States or any state or territory of the United States or political subdivision thereof whose duties require them to be armed, while such persons are in the performance of their respective duties, or while going to and from their respective places of duty; or (b) to any firearm owned or possesed by any person described in (a) above which is required by him in the performance of his duties.

8909. *Alteration of identification marks prohibited.* No person shall alter, remove or obliterate any mark of identity on any firearm. Possession of a firearm upon which any mark of identity has been altered, removed or obliterated shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

HAWAII

State Law

HAWAII REVISED STATUTES

376–21. *Definitions.* As used in this part: "Person" means any natural person, partnership, association, or corporation; "Manufacturer" means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive; and "Dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

376–26. *Sale of explosives; permits for purchase.* No dealer shall sell or deliver explosives to any person who does not hold a certificate of fitness and a permit for the purchase thereof secured from the director of labor and industrial relations or his authorized subordinates; and no dealer shall sell or deliver explosives except of the types or kinds and in the quantities as prescribed by, and in compliance with all the terms and conditions contained in the permit.

Application for the permits shall state (1) the name and address of applicant, (2) the number of his certificate of fitness if it is numbered, (3) the type or kind and quantity of explosive desired, (4) the locality or localities where the explosive is to be used, (5) the nature of the work to be done, (6) the facts showing a reasonable necessity for the use of explosives, and (7) the quantity of explosives estimated to be reasonably necessary for such work.

If it appears that the applicant does not possess a certificate of fitness, or that the nature of the work to be done does not require explosives of the type or kind applied for, or that there is no reasonable necessity for the use of explosives, the application shall be denied. If it appears that the quantity of explosives applied for is not reasonably necessary for such work, the application for explosives in excess of the quantity determined to be reasonably necessary shall be denied.

The permits shall be in the form prescribed by the director and shall be made out in quadruplicate. The original and duplicate shall be delivered to the applicant and the triplicate retained by the officer issuing the permit and the quadruplicate forthwith transmitted to the director. Upon the purchase of explosives the original shall be delivered to the dealer from whom the explosive is obtained for his permanent records, and the duplicate shall be held by the person obtaining the explosive until it has been entirely used and consumed. The person obtaining the explosive shall make a written report to the director showing the amount of explosive remaining on hand at the end of

each such month, until it has been entirely used and consumed.

376–27. *Unlawful use or possession of explosives.* It shall be unlawful for any person to use any explosives unless he has a certificate of fitness or is using the explosives under the immediate supervision and direction of a holder of the certificate. It shall be unlawful for any person, other than a manufacturer or dealer, to have any explosives in his possession unless he has a permit therefor, or unless he has the explosives in his posession under the direction and for the purposes of a holder of the certificate.

376–29. *National emergency.* Any permit or certificate issued under this part may, during any time of national emergency or crisis, be suspended or canceled by the director of labor and industrial relations, and all explosives in the possession or control of any person may be purchased or seized and held in possession by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the owner thereof and the government of the United States or the government of the State may agree upon some other disposition of the explosives. A national emergency or crisis shall be deemed to exist when such has been so determined as in section 134–34 provided.

376–30. *Exceptions.* This part shall not apply to the armed forces of the United States or employees of the United States who are authorized by the United States to handle explosives.

134–1. *Definitions.* As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in sections 724–4, 724–5, and 724–6.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

134–2. *Registration, mandatory.* Every person arriving in the State who brings with him firearms of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business or if there be no place of business, his residence, or if there be neither place of business, or if there be no place of sojourn.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within ten days after the end of each month the respective chiefs of police shall furnish to the department duplicate copies of all registrations made during the preceding month.

No fee shall be charged for the registration.

Any person who fails to comply with this section shall be fined not more than $250.

134–3. *Permits to acquire; registration; penalty.* No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to its possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow the other person to then and there use it for target shooting, without a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of twenty years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien had first procured a hunting license under sections 191–1 to 191–6.

Applications for the permits shall be signed by the applicant upon forms to be specified by the department of the attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. The permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided, the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with this section.

Any person acquiring a firearm under this section shall, within five days of acquisition, register it in the manner prescribed by section 134–2.

No fee shall be charged for permits under this section.

134–4. *Transfer of rifles and shotguns.* No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 134–5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191–1 to 191–6 and a firearms permit under section 134–3.

134–5. *Posesssion by licensed hunters and minors.* Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under sections 191–1 to 191–6, may, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

134–7. *Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; * * ** (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any State, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed or attempted a crime of violence, or of the illegal use, possession, or sale of narcotics, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

134–8. *Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty.* The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any bomb or bombshell is prohibited. Any person violating this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

134–10. *Alteration of identification marks prohibited; penalty.* No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. Any person who violates this section shall be fined not more than $500 or imprisoned not more than one year, or both.

134–11. *Exemptions.* Sections 134–6 to 134–9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that State to carry firearms without registration. The governor of

the State or his duly authorized representative may enter into compacts with other States to carry out this section.

Nor shall sections 134–2 and 134–3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

134–31. *License to sell and manufacture firearms; fee.* The annual fee for a license to sell and manufacture firearms for sale in the State either at wholesale or retail, shall be $10.

134–32. *License to sell and manufacture firearms; conditions.* Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

(1) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.

(2) That the license may during any time of national emergency or crisis, as defined in section 134–34, be canceled or suspended.

(3) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 134–34, be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the licensee and the government of the United States or the government of the State may agree upon some other disposition of the same.

134–34. *National emergency, when.* A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the U.S. Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined.

IDAHO

State Law

IDAHO CODE TITLE 18

18–3302. *Concealed and dangerous weapons—Possession and exhibition—Sale to minors.* If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person, any dirk, dirk knife, bowie knife, dagger, sling shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than $25.00 nor more than $200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18–3308. *Selling explosives, ammunition or firearms to minors.* No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than $100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

SENATE BILL NO. 1215

LEGISLATURE OF THE STATE OF IDAHO, FIRST REGULAR SESSION, FORTIETH LEGISLATURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

1. Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the contiguous state in which the purchase is made.

ILLINOIS

State Law

ILL. ANN. STATS. (SMITH-HURD) CHAPTER 38

24–1. *Unlawful use of weapons.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

24–2. *Exemptions.* (a) Subsections 24–1(a)(3) and 24–1(a)(4) shall not apply to or affect any of the following: (1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty.

(3) Members of the Armed Services or Reserve Force of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad to perform police functions while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment.

(5) Manufacture, transportation, or sale of weapons to persons authorized under (1) through (4) of this Subsection to possess such.

(b) Subsection 24–1(a)(4) shall not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the governor.

(3) Licensed hunters or fishermen while engaged in hunting or fishing.

(4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

(c) Subsection 24–1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess such provided the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Subsection 24–1(a)(1) shall not apply to the purchase, possession or carrying of a black-jack or sling-shot by a peace officer.

(e) Subsection 24–1(a)(8) shall not apply to any owner, manager or authorized employee of any place specified in such Subsection. Nor shall such Subsection be applicable to any law enforcement officer.

(f) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such exemptions.

24–3. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for

its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

24–3.1. *Unlawful possession of firearms and firearm ammunition.* (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Penalty.

A person convicted of unlawful possession of firearms or firearm ammunition shall be fined not to exceed $1000 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

24–5. *Defacing identification marks of firearms.* (a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm shall be fined not to exceed $500 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

83–1. *Legislative declaration.* It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24—3.1 of the "Criminal Code of 1961", as amended,[1] from acquiring or possessing firearms and firearm ammunition.

83–1.1. *Definitions.* For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any de-ice used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

83–2. *Requisites for acquistion or possession—Exempted persons or entities.* (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

83–3. *Requisites for transfer.* (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, § 83–2.)

83–6. *Contents of identification card.* A Firearm Owner's Identification Card, issued by the Department of Public Safety at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms."

83–7. *Duration of identification card.* Except as provided in Section 8 of this Act (Chapter 38, § 83–8), a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 5 years from the date of issuance.

83–8. *Denial of application or revocation and seizure of identification card—Grounds.* The Department of Law Enforcement has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years; or

(f) A person who is mentally retarded.

Addison

2. *Permit.* It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written

permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept. It shall be the duty of the Chief of Police to refuse such permits to: (A) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; (B) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not have a currently valid Firearm Owner's Identification Card; (C) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years; (D) A person addicted to narcotics; (E) A person who has been a patient of a mental institution within the past 5 years; or (F) A person who is mentally retarded.

In case the Chief of Police shall find the applicant not to possess any of the above disqualifications, it shall be his duty to grant such permit.

4: *Minors.* It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alton

698. *Firearms—minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, revolver or other firearm within the City of Alton; provided, that minors may be permitted, with the consent of their parents or guardians to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

2588.1. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shot gun and rifle (capable of being concealed on the person), antique firearms, stiletto, sword, bayonet, and machette of all descriptions with a blade three or more inches in length or blackjack or sap, or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

Berwyn

36-6. *Definition.* "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. *License to sell concealable firearms required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

36-9. *Licensee not to sell concealable firearms; exception.* No person having secured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. *Persons ineligible for permits.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Blue Island

License. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell, lease, loan, or give to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without securing a license so to do * * *, and no person, firm, or corporation having secured such a license, shall sell or give away such weapon to any person within this City, who has not secured a permit from the Chief of Police to purchase such weapon * * *.

Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without first securing from the Chief of Police a permit so to do. * * *

Caseyville

3. *Sale of certain weapons to minors prohibited.* No person, firm or corporation shall sell or deliver, or loan or barter, either directly or inadvertently, to any minor under the age of twenty-one (21) years, any kind of firearms, bowie knife, spring back knife, razor, metal knuckles, sword, cane, dagger, sling shot, or any other similar deadly weapon, without the consent of the parent or guardian of such minor.

Centreville

204. *Weapons.* No pawnbroker shall receive or have in his possession as a pledge or purchase any revolver, pistol, blackjack, machine gun, or sawed-off shotgun.

Chicago

Registration of firearms. 11.1-4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-5. At such time of sale, the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of the law.

11.1-6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

11.1-8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physical description of the registrant, the kind, description and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a)(1), (a)(2), and (a)(3) of Section 24-2 of the Illinois Criminal Code.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction of penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

183-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

183-6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183-1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the commissioner of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183-7. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 183-1, which can be concealed on the person without first securing from the commissioner of police a permit so to do. * * * It shall be the duty of the commissioner of police to refuse such permit to any person having been convicted of any crime, and any minor. Otherwise, in case he shall be satisfied that the applicant is of good moral character, it shall be the duty of the commissioner of police to grant such permit upon the payment of a fee of two dollars.

183-9.1. *Gunsmiths.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Cicero

38-9. *Sale or gift of deadly weapons concealable on person—License—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

38-12. *Application to, permission from, superintendent of police required.* No pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, fully describing the type of weapon sought to be purchased, the name, address and age of purchaser and for what purpose said weapon is about to be purchased. Then if the superintendent of police of the town grants authority for said sale, then said sale shall be consummated. If in the discretion of the superintendent of police the sale of such weapons might jeopardize the safety and welfare of the people, he shall refuse to grant permission for the

sale of said weapon. The same proceeding shall be followed in the event a licensee desires to give away a weapon as a gift.

38–14. *Prohibited to other than licensed dealers, or persons granted permits.* It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38–9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38–15. *Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38–9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the superintendent of police at his discretion may require.

It shall be the duty of the superintendent of police to refuse such permit to any person having been convicted of any crime, and a permit shall be refused to all minors.

Clarendon Hills

156. *Selling fire arms to minors unlawful.* No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other fire arm, air gun or toy pistol on which percussion caps are used, within the Village of Clarendon Hills, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

Crest Hill

1. *Violation.* It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, Bowie knife, dagger or other weapons of like character without securing a license to do so.

3. *Sale to minors.* None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. *Permit.* No sale of any revolver, pistol, Bowie knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6–2–17: *Unlawful use of weapons:* (A) *It shall be unlawful for any person to:* 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *.

Decatur

1–4. *Firearms.* 1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; or any bowie knife, dirk, dagger, slingshot or metallic knuckles, or other deadly weapon of like character.

East Peoria

29. *Unlawful use of weapons.* (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elgin

30–801. *Definitions.* (a) A civil emergency is hereby defined to be: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Elgin, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

30–804. *Emergency orders.* After the proclamation of a civil emergency, the Mayor of the City of Elgin may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle. (d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Elmhurst

51.19 *Firearms to minors.* No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52–3. *Definition of "firearm".* Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52–7. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien. Application for permit shall state the type of firearm desired, the name, age, sex, residence, nationality, height, weight, and complexion.

52–8. *Sales, etc., of firearms to persons without permit.* No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52–11. *Sale, etc., of firearms to minors.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48–6. *Permit for purchase of pistol; inspection of stock, etc.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police, * * *.

It shall be the duty of the chief of police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

In case the chief of police shall be satisfied that the applicant is of good moral character, it shall be his duty to grant such permit.

48–7. *Selling firearms to minors.* It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

32–11. *License required to engage in business or to sell or give away deadly weapons.* It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk or other deadly weapon, which can be concealed on the person without securing a license so to do.

32–18. *Purchaser required to secure permit to purchase deadly weapon.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32–11, which can be concealed on the person without first securing from the chief of police a permit so to do.

Franklin Park

2–65–5. *Affidavit of purchase.* It shall be unlawful, for any person to purchase any pistol, revolver, derringer, bowie knife, dirk

or other weapon of like character, which can be concealed on the person, without filling out a Federal Firearms Affidavit in writing, setting forth in such affidavit the name, address, age, height, weight, complexion, nationality, and other elements of identification. Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the State of Illinois, shall notarize the affidavit.

Glencoe

24-47. *Weapons—Carrying concealed prohibited.* It shall be unlawful for any person within the village to carry or wear under his cloths, or conceal about his person, or within ready access in his automobile or vehicle, any revolver, pistol, slingshot, blackjack, cross knuckles or knuckles of lead, brass or other metal, or Bowie knife, kirk, razor, dagger or sawed-off gun, machine gun, submachine gun, or any device for releasing or discharging tear gas or any other obnoxious or poison gas or for laying a smoke screen, or any other dangerous or deadly weapon.

24-49. *Sale of weapons which can be concealed.* It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

24-50. *Sale, etc., to minors.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glen Ellyn

12.23 (e) *Sales to Intoxicated Persons and Minors.* No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen years.

Granite City

1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle or any air gun, "BB" gun, gas-operated gun, spring gun, or any instrument, toy or weapon commonly known as a six-shooter, sling shot, whether such instrument is called by any name set forth above or by any other name. 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, or any air-gun, spring-gun, slung-shot, or any similar weapon or device within the city, * * *.

1811-1. *Definitions:* (a) A civil emergency is hereby defined to be: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or: (2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Harvey, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

1811-4. After the proclamation of a civil emergency, the Mayor of the City of Harvey may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle. (d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Hoffman Estates

29-1. *License:* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, bowie knife, dirk, air rifle or air gun, or any toy firearm or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do * * *, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapons * * *.

29-5. *Permit:* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or weapon of like character, without first securing from the Village Clerk a permit so to do.

29-6. *Refusing permit:* It shall be the duty of the Chief of Police to refuse his approval of such permit to:

(a) All persons having been convicted of any crime.

(b) All minors.

Joliet

42-8. *Sales, etc.—license—required;* * * *. It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger or other weapons of like character without securing a license to do so.

42-10. *Same—to minors.* None of the articles enumerated in section 42-8, or of like character, shall be sold to any minor.

42-12. *Same—permit.* No sale of any revolver, pistol, Bowie knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city.

La Grange

63-3. *Fixed ammunition—license.* Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols or shotguns shall be entitled to a license upon application made as provided in Chapter 28 of this code, provided that such licensee shall not have on hand at any time more than 25,000 rounds of such ammunition.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Lockport

15-1. *License—Manner of issuance.* It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, bowie-knife, dagger or other weapons of like character without securing a license to do so.

15-3. *Sale to minors.* None of the articles enumerated above, or of like character, shall be sold to any minor.

15-5. *Permit.* No sale of any revolver, pistol, bowie-knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. It shall be the duty of the Chief of Police to refuse such permit to all minors or persons having been convicted of any crime.

Melrose Park

93.1 *Generally:* * * * No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. * * * No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, bowie knife, dirk or other weapon, of light character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon in the manner hereinafter provided. * * *.

93.2 *License to sell firearms:* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the name and residence of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. * * *.

93.3 *Other requirements:* (b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. Before any such permit is granted, an application in writing shall be made therefore, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the Chief of Police or the President as persons of reputation and residents of the Village at least one year, or who shall appear to be taxpayers residing within the Village.

Midlothian

6-4-4. *Sale to minors prohibited.* It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any BB gun, pellet gun, or other weapon capable of projecting or discharging projectiles of any type by any force, bean blowers, or any other dangerous or deadly weapon or instrument of like character.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any ammunition, BB's or other projectiles which could be used as ammunition with any of the weapons referred to in the foregoing provisions of this Section.

6-4-8. *Shotguns; sale to minors.* It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

Morton Grove

132.100 *Selling deadly weapons; sales to minors.* (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character, * * *.

Niles

22–44. *Affidavit to purchase firearms.* (a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit affirming the requirements stated below, and it shall be the duty of the person dealing in firearms to receive and keep such affidavit in a permanent file for inspection purposes. * * *

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22–45. *Selling, furnishing firearms to minors.* It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Oak Park

45.1. *Definition of "firearms".* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

45.2. *Sale of firearms and other weapons prohibited.* It shall be unlawful to sell any firearms, air guns, air pistols, spring guns or spring pistols or other device which is calculated or intended to propel or project a bullet, pellet, pointed arrow or similar projectile to any person who has been previously convicted of a crime or to any person under eighteen years of age or to an alien.

45.3. *Application to purchase firearms.* No person shall be permitted to purchase a firearm with out first filing an application therefor with the seller. * * * A copy of the application shall be forthwith furnished to the Chief of Police and no firearm shall be delivered to the purchaser until two days have elapsed from the filing of the application with the Chief of Police.

45.4. *License and permit to deal in firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

45.9. *Defacing identification marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

45.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Oregon

8–6–3: *Firearms:* No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Peoria

41–4. *License to sell, etc.—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41.8. *Required certificate.* It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon except, to licensed dealers, without first obtaining from the customer a signed statement in which the customer states that he is over twenty-one years of age, that he is not a drug addict, nor a fugitive from justice, nor under indictment, and that he has not been convicted of a crime of violence. The signature of the customer on such statement shall be witnessed by the person making such sale, exchange or loan.

41.11. *Restriction on sale.* It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon to any person known to him to be under twenty-one years of age, or of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Peoria Heights

1. *License required.* It shall be unlawful for any person to engage in the business of selling any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

5. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Rockford

28–7. *Bullets, pellets, etc.; sale to minors prohibited.* It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of eighteen and it shall be unlawful for any person under the age of eighteen years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchase, sale or gift, or in any other manner.

42–1. *License required.* It shall be unlawful for any person to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city a new or used pistol, revolver, derringer, bowie knife, dirk or other weapon of similar character which can be concealed upon the person, without first having secured a license.

42–2. *Permit to purchase required.* It shall be unlawful for any person to purchase or receive as a gift any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed upon the person without first securing a permit from the chief of police, whose duty it shall be to refuse all permits to persons who have been convicted of any crime and all minors.

42–3. *Sale—Restricted to licensed dealers and holders of permits.* It shall be unlawful for any person to sell, barter, exchange or give away to any person within the city, any pistol, revolver, derringer, dirk, or other weapon of like character which can be concealed upon the person, except to a licensed dealer and to persons who have secured a permit for the purchase of such articles from the chief of police.

42–4. *Same—Minors.* It shall be unlawful for any person to give, loan or sell any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon or similar character to any person under the age of twenty-one years.

Skokie

27–17. *Permit.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, * * *. It shall be the duty of the Chief of Police to refuse such permits to:

(A) All persons having been convicted of any crime;

(B) All minors.

27–18. *Minors.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

South Elgin

18. *Unlawful use of weapons.* No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slungshot, sand-club, sand-bag, shotgun with a barrel less than 18 inches in length, * * *.

(6) possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. *Minors not to handle or possess firearms, air guns, etc.* It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, air gun or any other similar weapon, or which if discharged is of sufficient force or power to inflict bodily injury.

Summit

6–7–1: *License required:* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

6–7–5: *Permit required:* It shall be unlawful for any person to purchase any weapon described in Section 6–7–1 hereof, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application, the name, address, age, height, weight,

complexion, nationality, and other elements of identification of such person desiring such permit. Such application shall also contain a recommendation from two (2) persons who shall appear to be taxpayers residing within the Village that the permit shall issue.

Streamwood

19.1001. *Definition of firearm.* Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1002. *Definition of deadly weapon.* A deadly weapon is a firearm as hereinabove defined including but not limited to knives, axes, hatchets, swords, black jacks, slingshot, razor, tear gas, bomb, any object containing noxious liquid, gas or substance.

19.1005. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Venice

9-5-4: *Weapons:* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Wauconda

2103.3. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, shotgun with barrel less than 18 inches in length * * *.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

2103.7 *Defacing identification marks of firearms.* (b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Waukegan

44.16. *Dealers in deadly weapons.* (a) License Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so * * *.

(b) Approval. The Chief of Police shall approve the application before a license shall be issued.

(f) Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

(g) Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. It shall be the duty of the Chief of Police to refuse such permit to any person convicted of any crime, and any minor.

44.17. *Gunsmiths.* (a) License Required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so * * *.

44.18. *Air rifles and toy weapons.* (a) License required. No person shall engage in the business of selling or sell or give away any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license to do so as provided in chapter 41.

(b) Permit. No such licensee shall sell or give away any such weapon to any person within the city who has not secured a permit from the Chief of Police to purchase such weapon in the manner herein provided.

(g) Permit required. It shall be unlawful for any person to purchase any air rifle or air gun or any toy firearm or other toy in the nature of a firearm in which any explosive substance can be used without first securing from the Chief of Police a permit to do so.

71.30. *Sale of weapons to minor or alien.* No person shall sell or give to any alien or to any minor under the age of 18 years any firearms or dangerous or deadly instruments of any character.

Wilmette

5-10.1. *License required;* * * *. It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor.

5-10.2. *Permit to purchase.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. * * *

It shall be the duty of the Chief of Police to refuse such permits to:

(a) All persons having been convicted of a crime.

(b) All minors.

Winnetka

5-44. *Weapons.* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, blackjack or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. *Weapons—Sale to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun, within the limits of the village.

Worth

40.2. *Definition of "firearms."* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

40.5. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

40.6. *License and permit to deal in firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

40.9. *Defacing identification marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possesser has changed, altered, removed or obliterated the same.

40.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

INDIANA

State Law

IND. STATS. ANN. (BURNS) TITLE 10

10-4701. *Intoxicated persons—Sale or gift of weapons to.*—Whoever sells, barters, gives, or delivers any pistol, dirk, bowie-knife, dagger, or any other dangerous or deadly weapon, to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, shall upon conviction be fined in any sum not exceeding one thousand dollars ($1,000) or imprisoned in the county jail not less than thirty (30) days nor more than six (6) months or both such fine or imprisonment in the discretion of the court.

10-4702. *Minors—Sale or gift of weapons to.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one (21) years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of twenty-one (21) years any cartridges manufactured and designed to be used in a pistol or revolver. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00).

10-4712. *Machine guns and bombs—Ownership, possession, or control.* Whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one (1) year nor more than five (5) years.

10-4713. *Machine guns and bombs—Operation and discharge.* Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground

or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two (2) nor more than ten (10) years.

10–4714. *Machine guns and bombs—Exceptions from application of act.* The provisions of this act shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) To machine guns or bombs kept for display as relics and which are rendered harmless and not usable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) to persons lawfully engaged in the display, testing or use of fireworks; or (e) to persons, firms, agencies of the state government; or corporations and the employees, servants or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordinance [ordnance] equipment or supplies while or when acting within the scope of and in furtherance of such business.

10–4734. *Uniform firearms act—Definitions.* The term "pistol," as used in this act, means any firearm with barrel less than twelve (12) inches in length.

"Crime of violence," as used in this act, applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, voluntary manslaughter, kidnaping, kidnaping for the purpose of ransom, rape in the first degree, malicious mayhem, assault or assault and battery with intent to commit a felony, robbery, bank robbery, automobile banditry, burglary in the first or second degree.

"Person," as used in this act, includes firm, partnership, association or corporation.

10–4739. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10–4740. *Regulation of sales.* No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase for a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven (7) days be sent by him with his address to the superintendent of the state police; the triplicate he shall retain for six (6) years. This section shall not apply to sales at wholesale.

10–4743. *Prohibited transfers.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this act.

10–4744. *False statements.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

10–4745. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10–4746. *Firearms excepted from act.* This act shall not apply to antique pistols unsuitable for use as firearms (and possessed as firearms) and possessed as curiosities or ornaments.

Hammond

27–201. *Explosives—Permit.* 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers with or without anvils, without a license permit issued for that purpose as hereinafter provided; Provided however that nothing herein contained shall be held to prevent any person from keeping on his own premises, for his own use, a quantity of gunpowder not exceeding one pound, or loaded shells or cartridges not exceeding five hundred in number.

Indianapolis

10–607. *Firearms for minors.* No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the city; except that minors over fifteen years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club, or rifle club, or to shoot game birds, in accordance with other provisions of this code, or the law.

10–1008. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend, or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie-knife, or stiletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person.

Marion

1. *Sale and use of firearms by minors.* Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, or any air rifle, air gun, flipper or sling shot or other gun, rifle or device for shooting and propelling missiles and it shall be unlawful for any minor to have in his possession any such gun, rifle, flipper, sling shot or device on any of the public streets, alleys, lanes, avenues or commons of said city.

New Whiteland

8. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie knife, or stiletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; or any tools or devices or jimmies, commonly used for burglary: Provided, however, that ordinary pocket-knives, with blades not exceeding five inches in length and as so known and sold in legitimate trade, shall not be included in the terms of this section, and also that the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

IOWA

State Law

IOWA CODE ANN.

695.18. *Sale of dangerous weapons prohibited.* It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, dirk, dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer, and no pistol or revolver shall be sold to any person under the age of twenty-one years. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

695.26. *Selling firearms to minors.* No person shall knowingly sell, present, or give any pistol or revolver to any minor. Any violation of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days. Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the state of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

695.29 *Purchase or sale of firearms in contiguous states.* A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with Gun Control Act of 1968, 18 U.S.C. section nine hundred twenty-two (922) (b) (3) (A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if

it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the Federal Gun Control Act of 1968.

696.1. *Possession.* No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind.

696.2. *Aiding possession.* No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

696.4. *Exceptions.* Sections 696.1 to 696.3, inclusive, shall not apply to:

1. Peace officers as herein provided.

2. Persons who are members of the national guards.

3. Persons in the service of the government of the United States.

4. Banks.

696.5. *Interpretative clause.* Section 696.4 shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.

696.6. *Relics.* It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to November 11, 1918, and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.

696.7. *Additional exception.* This chapter shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of firearms.

697.10 *Definitions.* As used in this Chapter, unless the context otherwise indicates:

1. "Explosive device" means any material, container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects.

2. "Incendiary device" means any inflammable material or container containing an inflammable liquid or material whose ignition, by fire, friction, concussion, detonation, or other method is intended to produce destructive effects primarily through combustion rather than explosion.

3. "Molotov cocktail" means a breakable container containing an explosive or inflammable liquid or other substance, having a wick or similar device capable of being ignited, and may be described as either an explosive or incendiary device. A "molotov cocktail" is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

697.11 *Unlawful materials—exceptions.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture a bomb, bombshell, grenade, or incendiary or explosive device including but not limited to black powder bombs and molotov cocktails, or, with intent to assemble them, the materials which may be assembled into any such device and any person violating any of the provisions of this section shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or by imprisonment in the penitentiary or men's or women's reformatory for not more than five years, or by both such fine and imprisonment, or by imprisonment in the county jail for not more than six months; provided, however, that this section shall not apply to military and law-enforcement agencies and their personnel, and persons, firms, or corporations engaged in business, occupational or recreational use of commercial explosives, fireworks, firearms, or ammunition when possession and use is otherwise authorized or permitted by law. Section 697.10 and this Section shall have no application to the possession or sale of rifle, pistol, or shotgun ammunition; nor shall it prohibit the use, sale, or possession of primers, percussion caps, brass, powder, and other components and supplies for hand loading or reloading rifle, pistol, or shotgun ammunition or loading muzzle-loading arms, where the same is for lawful purposes.

Cedar Rapids

63.16. *Prohibition against bombs.* No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26–11. *Report to chief of police.* Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75. *It shall be unlawful:* 13. *Weapons—Minors.* To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. *Sale of arms—license.* To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, pocket billy, or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

15. *Displaying weapons.* To display or cause to be displayed in any window, facing a public street or alley, any pistol, revolver, black jack, slug, pocket billy, metallic knuckles, dagger, stilleto, or bowie-knife, except war relics.

KANSAS

State Law

KAN. STAT. ANN. TITLE 21

21–4201. *Unlawful use of weapons.* (1) Unlawful use of weapons is knowingly: (*a*) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or

(*g*) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) *Exemptions.* (*a*) Subsections (1) (*a*), (*b*), (*c*), (*d*) and (*g*) of this section shall not apply to or affect any of the following: (*i*) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (*ii*) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (*iii*) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (*iv*) Manufacture of, transportation to, or sale of weapons to person authorized under (*i*) through (*iii*) of this subsection to possess such weapons.

(*b*) Subsection (1) (*d*) of this section shall not apply to or affect the following: (*i*) Watchmen while actually engaged in the performance of the duties of their employment; or (*ii*) Licensed hunters or fishermen while engaged in hunting or fishing; or (*iii*) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

21–4203. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly:

(*a*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(*b*) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(*c*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21–4204. *Unlawful possession of a firearm.* (1) Unlawful possession of a firearm is:

(*a*) Possession of any firearm by an habitual drunkard or narcotics addict; or

(*b*) Possession of a firearm with a barrel less than twelve (12) inches long by a person who, within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Violation of subsection (1) (*a*) of this section is a class B misdemeanor; violation of subsection (1) (*b*) is a class D felony.

21–4205. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(3) Defacing identification marks of a firearm is a class B misdemeanor.

21–4206. *Confiscation and dispostion of weapons.* (1) Upon conviction of a violation of sections 21–4201, 21–4202 or 21–4204 of this article, any weapon seized in connection

therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to posession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as county property, or sold and the proceeds of such sale shall be paid to the county general fund.

21–4209. *Unlawful disposal of explosives.* (1) Unlawful disposal of explosives is knowingly selling, giving or otherwise transferring any explosive or detonating substance to: (*a*) A person under eighteen (18) years of age; or (*b*) An habitual drunkard or narcotic addict; or (*c*) A person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years after his release from a penal institution or within five (5) years after his conviction if he has not been imprisoned. (2) Unlawful disposal of explosives is a class A misdemeanor.

KANS. STAT. ANN. TITLE 48

48–1801. *Public crisis or emergency; proclamation by governor, when; contents and scope of proclamation; powers and duties of governor; orders, rules and regulations.* During times of public crisis resulting from disaster, rioting, catastrophe or other public emergency within this state, or reasonable apprehension of immediate danger thereof, the governor may, upon his own volition or upon application of the mayor of any city or the person legally acting for the mayor in his absence or the county attorney of any county or the attorney general of the state proclaim a state of emergency. Prior to the issuance of such proclamation, the governor shall find by investigation or otherwise that because of disaster, rioting, catastrophe or other emergency condition, the public peace and safety is imperiled, that human life and property is endangered by such emergency conditions and that the normal and ordinary processes of state and local government are inadequate to safeguard the public peace and safety and the lives and property of citizens.

The proclamation of the governor shall recite his findings, shall declare that a state of public emergency exists, and shall designate the boundaries of the affected area. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors and cereal malt beverages; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives, or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded from time to time by the governor during the pendancy of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

SENATE BILL NO. 565, APPROVED MARCH 17, 1970.

Section 3. It is hereby declared to be lawful for a resident of this State to purchase or receive delivery of a rifle or shotgun in a State contiguous to this State, subject to the following restrictions and requirements: (a) The sale must fully comply with the legal conditions of sale in both such States; and (b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have compiled with all of the requirements of section 922(c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

Cherryvale

10–138. *Fire Arms in possession of Minors.* Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded or any dirk, bowie knife, brass knucks, slung shot, or other dangerous weapons, shall be guilty of a misdemeanor.

10–139. *Fire arms, furnishing to minors.* Every person who shall trade, give, loan, or otherwise furnish any pistol, revolver, toy pistol, or any dirk, bowie knife, brass knucks, slung shot or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Dodge City

20–118. *Unlawful use of weapons.* (1) *Prohibited uses. Unlawful use of weapons is knowingly:* (a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sa .d-club, shotgun with a barrel less than eighteen (18) inches in length, * * *

20–121. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or withi five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary. (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20–122. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm. (2) Possession of any firearm upon which any s.ch mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Hutchison

24–1003. *Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:* (1) Selling, giving or other wise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Independence

17–212. *Furnishing weapons to minors.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18–3a101. *Registration.* 1. From and after the effective date of this ordinance, no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18–3a103. *Persons not eligible for certificate of registration.* 3. No certificate of registration shall be issued to any of the following classes of persons:

a. Any person under the age of 21 years.

b. Any person convicted of a felony as defined in K.S.A. 21–2611.

c. Any person who is addicted to the use of narcotics or is mentally retarded or is an habitual drunkard.

18–3a104. *Waiting period.* 4. No firearms as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18–3a105. *Exclusions.* 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39–4. *Permit to purchase or receive pistol or revolver—Required; exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

39–7. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person,

unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

7-210. *Furnishing weapons to minor or person of unsound mind; penalty.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol, by which cartridges or caps may be exploded, or any dirk, Bowie knife, brass kunckles, slung shot or other dangerous weapons, to any minor, or to any person of notoriously unsound mind, shall, upon conviction thereof, be fined in any sum not less than Five Dollars ($5) nor more than One Hundred Dollars ($100).

Manhattan

2609-1. From and after the effective date of this ordinance, no person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than 10 inches, may deliver possession of such firearms, until the expiration of forty-eight (48) hours from the date the sale of said firearm is consummated. For the purpose of this ordinance, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

2609-2. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. The description shall contain the serial number, caliber and make or manufacturer of the firearm if such information is available. Further, the Chief of Police shall be notified of the purchaser's name and address and the date and time when the possession of said firearm will occur.

2609-3. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise visible any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

3—*Permit to purchase or receive pistol or revolver—Required: Exceptions* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within five days of the sale. This Section shall not apply to sales of collectors' items made and consummated at hobbists' conventions, nor to firearms that do not use a fixed, metallic cartridge.

6: *Small firearms* To be stamped with trademark, name of maker, model and serial number.

No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section. Nothing in this Section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers, or other firearms of a size which may be oncealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this Section or not.

Mission

283-3. *Permit to purchase or receive pistol or revolver—Required. Exceptions:* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

283-6. *Small firearms to be stamped with trademark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Newton

16-703. *Furnishing weapons to minors.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100).

16-704. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded or any dirk, Bowie knife, brass knuckles, slung shot or other dangerous weapons shall, upon conviction thereof, be fined in any sum not exceeding Ten Dollars ($10).

Olathe

8-311. *Minors or incompetents, furnishing weapons to.* It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirk, bowie knife, knucks, slung shot, or other dangerous weapon to any minor person or person of unsound mind.

Pittsburg

15-605. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, sling shots or other dangerous weapons to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.

15-606. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded or any dirk, Bowie knife, brass knuckles, sling shot or other dangerous weapon shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Roeland Park

279-3. *Permit to purchase or receive pistol or revolver—Required: Exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

279-6. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person,

unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Topeka

12-217. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, or any dirk, Bowie knife, knucks, slung shot, or other dangerous weapons to any minor, or to any person of notorious unsound mind, shall be deemed guilty of a misdemeanor.

Wichita

5.88.040. *Machine guns, sawed off rifles and shotguns.* It shall be unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a machine rifle, machine gun, submachine gun or any shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

KENTUCKY

State Law

KEN. REV. STAT. (BALDWIN'S)

435.230. *Carrying concealed deadly weapon; selling deadly weapon to minor.* (1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

KENTUCKY ACTS OF GENERAL ASSEMBLY, 1970, CHAP. 27, p. 101

Section 2. A new section of Chapter 237 of the Kentucky Revised Statutes is created to read as follows: (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in States contiguous to the Commonwealth of Kentucky. (2) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's State.

Danville

1. No person, firm or corporation, whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer, Bowie knife, dirk or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued as is provided in No. 2 of this Ordinance. Only one such weapon shall be sold for each permit so issued.

Erlanger

1010-I. That it shall be unlawful in the City of Erlanger, Kentucky for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the Chief of Police of the City of Erlanger * * *.

II. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer, or other weapon of like character, which can be concealed on the person without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police * * *.

Fort Thomas

IV. *During the existence of a civil* emergency as proclaimed under Section II hereof, no person shall make, carry, possess or use any type of gasoline or petroleum base fire bomb, "Molotov Cocktail", or other incendiary missile.

Lexington

13-57. *Weapons—License and permits for concealed deadly weapons—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, * * *, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon * * *.

13-59. *Same—Permit for purchase, refusal of permit when.* (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, bowie knife or dirk, or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

14-40. *Supplying small arms ammunition.* No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city.

Louisville

181. *Definitions.* 1. The term "person" shall include an individual, partnership, association, corporation or other legal entity.

2. The term "concealable firearm" means any pistol, or revolver, or other weapon by whatsoever name known, originally designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such weapon; and in addition, the term "concealable firearm" shall include any such other weapons irrespective of their original design such as have received such extensive modification to stock, barrel, or otherwise, so as to make them sufficiently small as to render them readily concealable, but they must be capable of firing the fixed cartridge as hereinbefore set forth. In addition, the term "concealable firearm" shall include tear gas guns, tear gas pens, tear gas pencils, pen guns, mace cans, or other similar devices for the purpose of or capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious if so fired, projected, expelled or sprayed.

3. The term "manufacturer" means any person engaged in the business of manufacturing concealable firearms for purposes of sale or distribution.

4. The term "dealer" means any person whose occupation or business includes the selling, buying, trading or otherwise dealing in concealable firearms, at wholesale or retail, or the repair, rebarreling, refitting, or modification of such firearms or the parts or components thereof.

5. The term pawnbroker means any person whose occupation or business includes the taking or receiving by way of pledge or pawn, of any concealable firearm as security for the repayment of money loaned thereon.

6. The term "collector" means any person who owns an annual average of five (5) or more firearms of any nature or design, used:

(a) in target or related shooting or practice;

(b) or in hunting;

(c) or held by said person as a collection on account of said firearms having extrinsic value due to rarity, unusualness or uniqueness of design, construction, finish or purpose, or such variance from standard design so as to render them valuable or desirable to a degree aside from any regular market value based on utility or acceptance in the market.

7. The term "felony" as used herein includes offenses against the state and public justice, offenses against persons, offenses against property by force, and offenses against morality, such as are punishable by imprisonment for more than one (1) year, as the same are denounced by the statutes of this state or any other state or political subdivision of the United States; this includes any attempt at any of the foregoing offenses.

I. *Licensing of Dealer.* Every person, engaged in the business of selling, buying, trading or otherwise dealing in concealable firearms, at wholesale or retail, for the repair, rebarreling, refitting, or modification of such firearms, or the parts or components thereof, hereinafter called "Dealer", shall secure a license from the City to conduct such business and shall pay an annual license fee of Twenty Five Dollars ($25.00).

V. *Prohibited conduct.* No person other than a licensed dealer or collector shall acquire or purchase a concealable firearm from a dealer or pawnbroker unless the affidavit required by this ordinance is first made.

No dealer or pawnbroker shall sell, transfer or deliver a concealable firearm to any person other than a licensed dealer or collector unless such vendee or transferee furnishes the required affidavit for the scrutiny of such dealer or pawnbroker.

No person shall knowingly make any false, fraudulent or fictitious statement or misrepresent his identification or any other fact material to his qualification or the lawfulness of the sale, transfer or other acquisition of a concealable firearm regulated by this ordinance.

VI. *Affidavit.* Any person other than a licensed dealer or collector who purchases or otherwise acquires a concealable firearm from a dealer or pawnbroker in the City shall furnish, under oath, made before a person authorized to administer oaths, the following information on forms provided by the Louisville Division of Police:

(a) The name, and any other names by which purchaser has been known;

(b) The home address, and any other addresses at which purchaser resided within five years immediately prior to application;

(c) The present business or occupation, and any business or occupation in which purchaser has engaged for five years immediately prior to the making of the affidavit;

(d) The height, weight, and color of hair of purchaser;

(e) The date and place of birth of purchaser;

(f) A statement by purchaser indicating the date, place, nature and disposition of any criminal proceedings brought against the purchaser for any offense other than traffic violations; and

(g) The social security number of purchaser.

No dealer or pawnbroker shall willfully procure or aid or abet in the making of a false and fraudulent misrepresentation of a material fact contained in the affidavit.

VII. *Sale.* No sale, transfer, or delivery of a concealable firearm shall be made by a dealer or a pawnbroker to a person other than a licensed dealer, or collector if the dealer finds that the purchaser is:

(a) Under 18 years of age;

(b) A person convicted of a felony as defined herein; or an attempt thereat and whose Civil Rights have not been restored; or a misdemeanor involving the handling, carrying, flourishing or misuse of a firearm within the five years next before the date of the making of the affidavit required by this Ordinance; or a person under indictment or criminal information or who is a fugitive from justice or who is a defendant in any then pending prosecution of any of the above; such indictment, information, or prosecution, if dismissed, shall not disqualify the purchaser;

(c) The person convicted of selling, using or possessing narcotics;

(d) An habitual drunkard or any person convicted of drunkenness as many as three times within the twelve months next before the date of the making of the affidavit required by this Ordinance; or

(e) Has been adjudged by a Court to be mentally incompetent and has not been restored.

X. (a) *Collector's License.* Any person who is engaged in the collection of firearms, including "concealable firearms", as herein defined, but not necessarily limited thereto, may make application to the Louisville Division of Police for issuance of a "Collector's License", and shall pay for said license the sum of $10.00; said license shall be renewable annually for an additional fee of $5.00 for each subsequent renewal thereof; issuance of said license shall permit the licensee to buy firearms from any person, and to buy from, sell to, trade with or otherwise acquire "concealable firearms" or other firearms from other similarly licensed who are residents of the City of Louisville, and will further permit said licensees to transport any of said firearms into or through the City of Louisville for any of the purposes set out in paragraph (a) and/or to or from a gun show, display or similar gathering or function.

(c) *Licensed collector may make immediate transactions.* Any collector duly licensed hereunder may make such transactions * * * without the elapsement of any waiting period.

XI. *Purchases through mail prohibited.* It shall be a violation of this Ordinance for any person who is not a licensed dealer or collector, as defined in this Ordinance, to purchase or otherwise receive a firearm of any kind through the mail or by means of other similar method of purchase and delivery.

XIII. *Exclusions.* A. It shall be lawful, despite any language to the contrary contained herein, for the following persons to acquire, transfer or purchase concealable firearms from a dealer or pawnbroker without the necessity of the affidavit required by this Ordinance:

(a) Any governmental agency which owns or acquires firearms;

(b) Any transfer of firearms between a manufacturer and a duly licensed dealer or between one licensed dealer and another dealer, in their usual course of business; or

(c) For licensed pawnbrokers accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance shall be executed for the sale or transfer, and the report of such sale or transfer shall be made as provided in Section VIII of this Ordinance.

B. It shall be lawful, despite any language to the contrary contained herein, for the following persons to transport, possess, and lawfully use concealable firearms for lawful purposes:

(a) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or any state; or regularly enrolled members of clubs organized for target, skeet, trap or other competitive shooting programs while at or going to or from a place of assembly or shooting practice; or regularly enrolled members of clubs organized for firearms collecting while such members are at or going to or from their collectors' gun shows, conventions or exhibits.

(b) A person while lawfully engaged in hunting, fishing, or camping, or going to or returning from hunting, fishing or camping.

(c) A person engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business.

Newport

117.01. *Licensing of dealer.* Every person, firm or corporation, hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Newport, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

117.04. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

117.07. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer" at any time.

117.08. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

117.09. *Wholesalers excepted.* Nothing contained in this Ordinance shall apply to sales at wholesale to a licensed "Dealer".

Park Hills

I. *Licensing of dealer:* Every person, firm or corporation hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Park Hills, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and alike or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

IV. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

VII. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer," at any time.

VIII. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

LOUISIANA

State Law

LA. STATS. ANN. R.S., TITLE 14

91. *Unlawful sales to minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

95. *Illegal carrying of weapons.* A. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

LA. STATS. ANN. R.S., TITLE 29

30. *Closing certain business places when military forces on active duty.* Whenever any of the military forces of this state are on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where arms, ammunition, dynamite, or other explosives or intoxicating liquors are sold, and he may forbid the sale, barter, loan, or giving away of any of these articles as long as any of the troops remain on duty in the vicinity.

LA. STATS. ANN. R.S., TITLE 40

1751. *Definitions.* For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

1752. *Handling of machine guns unlawful; exceptions.* No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

1753. *Transfers of possessions permitted in certain cases; method.* No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the Government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

1754. *Registers to be kept; inspection thereof.* Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show:

(1) The date of the sale, loan, gift, delivery, or receipt of any machine gun;

(2) The name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and

(3) The purpose for which the person, to whom the machine gun was sold, loaned, given, or delivered, purchased or obtained it.

Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff or any police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register required in this Section and all written permits to purchase or possess a machine gun, which he has retained and filed in his place of business.

1755. *Penalty.* A. Any manufacturer who:

(1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40: 1753; or

(2) Fails to keep an accurate register, as required in R.S. 40: 1754; or

(3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 40: 1753, shall be imprisoned at hard labor for not less than one year nor more than five years.

1781. *Definitions.* For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length; or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

1782. *Exemptions from part.* This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

1783. *Registration with department of public safety.* Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

1784. *Application to possess or transfer.* No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written applications in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

1785. *Possession or dealing in unregistered or illegally transferred weapons.* No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

1803. *Purchase of rifle or shotgun or ammunition.* It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Bogalusa

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors or any firearm or other intrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

60. *Illegal carrying of weapons.* Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Crowley

8-44. *Weapons—Illegal carrying.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

East Baton Rouge Parish

94. *Illegal use of weapons or dangerous instrumentalities.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Houma

9-31. *Illegal carrying.*

(a) *Defined.* Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at anytime by an enemy alien.

Jefferson Parish

12-17. *Firearms—Definitions.* (a) Dealer means any person, not a manufacturer or importer, engaged in this parish in the business of selling any firearm. The term includes wholesalers, pawnbrokers and other persons dealing in new and/or used firearms.

(b) Firearm means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length, or any other weapon, including a pistol or revolver, from which a shot, discharged by an explosive, if that weapon is capable of being concealed on the person; and includes a muffler or silencer from any firearm whether or not the firearm is included in this definition.

(c) Muffler or silencer includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, shotgun, fowling piece or other device from which a shot, bullet or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined herein.

(d) Crime of violence means murder, manslaughter, except negligent homicide arising out of a traffic accident, rape, mayhem, kidnapping, burglary, robbery, assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year, and includes any crime defined as a felony under the laws of the State of Louisiana.

(e) Weapon means any instrument, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive.

(f) Fugitive from justice means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

12-17.1. *Same—Permit required to purchase.* It shall be unlawful for any person to purchase, or acquire ownership of any firearm without first having obtained a permit therefor.

12-17.2. *Same—Unlawful to sell to minor without consent of parents.* It shall be unlawful for any person to sell any weapon to any person under eighteen (18) years of age without first having received the written consent of said person's parents.

12-18. *Same—Application for permit to purchase.* Any person purchasing or acquiring ownership of any firearm shall file a written application, in triplicate form, issued in blank for that purpose, with the permit department of the sheriff's office for this parish.

12-18.2. *Same—Who is entitled to permit.* Any person over eighteen (18) years of age making an application shall be entitled to be issued a permit for a firearm unless he shall have been convicted of a crime of violence in a court of this State or any other state, territory, or District of Columbia and who has not had his civil rights restored (whether by official act or termination of time) or he is under arrest (whether released on bond or not) or under indictment for a crime of violence or who is a fugitive from justice or convicted of drug addiction or habitual drunkenness or who has been confined to a mental institution, or belongs to any group or organization which is regarded as subversive under the laws of this state or United States or is now or has been engaged in any subversive activity.

12-18.3. *Same—Investigation of applicant for permit.* The hour and date shall be written on the application and a reasonable length of time shall be allowed, not to exceed seventy-two (72) hours from the time of application, excluding legal holidays, within which to investigate and verify statements contained in the application and the identity of the person making it before the application is approved as of right.

12-18.4. *Same—Exceptions.* The provisions of sections 12-17—12-18.3 shall not apply to the sheriff, his deputies, or any duly, legally, constituted officer of the law or law enforcement officer while acting in their official capacity, nor shall same apply to the arms, accoutrements and equipment of the military and naval forces of the United States, or of any other officers of the United States authorized by law to possess firearms of any kind; nor shall same apply to the arms, accoutrements and equipment of the militia, any firearm which is unserviceable and which is transferred as a curiosity or ornament, nor shall same apply to a licensed authorized dealer in firearms.

Jennings

60. *Illegal carrying of weapons* is, * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Lake Charles

15-40. *Gun and ammunition dealers—wholesale.* Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges and all rifles except .22 and .25 caliber, and rifle cartridges, except .22 and .25 caliber, shall pay an annual license tax on the business, * * *.

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

15-41. *Same—retailers.* Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or rifles, except rifles of .22 and .25 caliber, or rifle cartridges, except rifle cartridges of .22 and .25 caliber, shall pay an annual license tax on the business.

Monroe

10-20. *Dangerous weapons—Illegally carrying.* It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

10-11. *Knives, brass knuckles, etc.; sale of firearms to minors.* It shall be unlawful for any person to sell, offer or expose for sale within the corporate limits of the city, any gimlet knife, dirk knife, stiletto spring knife, brass knuckles, iron knuckles, or slingshots or to sell firearms to minors.

New Orleans

67-7. *Unlawful to sell, etc., certain weapons to persons under eighteen.* It shall be unlawful for any person to sell, lease or give through himself or any other person any pistol, dirk, Bowie knife, toy pistol for which cartridges are used or other dangerous weapon which may be carried concealed to any person under the age of eighteen years.

67-10. *Sale of pistols, etc., forbidden except upon compliance with article.* It shall be unlawful for any person in the city to sell, give away, lend, exchange or otherwise dispose of or transfer in the city or for any person to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

67-11. *Application to purchase articles referred to in preceding section.* Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the person desiring to obtain any such article shall file a written application, in duplicate, with the Superintendent of Police of the city. * * * The Superintendent of Police may also require the fingerprints of the applicant as part of such application.

67-12. *Oath that applicant has not been charged with felony.* Each applicant for a permit under the provisions of this article shall be required to swear under oath, before the Superintendent of Police or any other officer of the Department of Police, designated by the Superintendent, that he has not been previously charged with or convicted of any felony.

67-13. *Approval stamp on application; use of application.* The Superintendent of Police or other officer or agent designated by him shall write or stamp the hour and the date on which any application to purchase articles is filed and may require a reasonable time thereafter, not to exceed seventy-two hours, within which to investigate and verify the statements contained in the application and the identity of the person making it before the application is approved, as of right.

The date and hour of approval shall be written on the application, together with the name of the officer approving it. Such application shall not be used by any other person than the one signing it.

67-14. *How transfer made.* The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

67-17. *Unlawful to obtain for or transfer to another, etc.* It shall be unlawful for any person to obtain the transfer of any article for the account of, or to sell, give away, lend, exchange or otherwise dispose of any such article to another person and it shall be unlawful for any person to employ or procure anyone to apply for or obtain the transfer of any such article or to aid and abet in such violation of this article.

Westwego

457-I. Be it ordained by the Mayor and Board of Aldermen of the City of Westwego, that it shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

Zachary

11-41. (a) *Illegal carrying of weapons is * * *.* (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

MAINE

State Law

MAINE REV. STATS. ANN. TITLE 12

2458. *Silencers; automatics; capacity.* No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 3060. Any sheriff, deputy sheriff, constable or warden may seize any firearm and any device or silencer found in possession of any person in violation of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold and the proceeds paid to the Treasurer of State, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the National Guard in the performance of its duty.

MAINE REV. STATS. ANN. TITLE 15

391. *Definitions.* The following words and phrases when used in this chapter are defined as follows:

"Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

392. *Application.* The penal provisions of section 393 shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the 5-year period next immediately following his discharge or release from prison.

393. *Possession forbidden.* It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 5 years.

MAINE REV. STATS. ANN. TITLE 17

502. *Construction, assembling or possession.* Except for lawful purposes in any instance, whoever knowingly constructs, assembles, or knowingly has in his possession any device, bomb or infernal machine capable of being exploded, or knowingly possesses materials appropriate for the construction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than 15 years, or by both.

853. *Selling firearms, dangerous weapons or ammunition to children.* Whoever gives, furnishes or sells to any child under the age of 16 years any dangerous weapon or firearm or ammunition, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than $100 or by imprisonment for not more than 60 days.

2321. *Crime.* It shall be unlawful for any person to possess a machine gun within the geographical boundaries of the State of Maine.

2322. *Definition.* Machine gun shall be a weapon of any description, by whatever name known, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanisms.

2323. *Right to possess, carry or transport.* Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with The National Firearms Act, as amended, shall be exempt from this chapter.

2324. *Confiscation and seizure.* Any machine gun as defined in section 2322, possessed in violation of this chapter, is declared to be contraband and is subject to forfeiture to the State. Any law enforcement officer shall have the power to seize the same with due process.

MAINE REV. STATS. ANN. TITLE 25

1163. *Equipment not to be sold.* The clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the National Guard or other authorized state military or naval forces shall not be sold, bartered, exchanged, pledged, loaned or given away. No person not a member of the military forces of this State or the United States, or duly authorized officer or agent of the State or of the United States, who has possession of any such clothes, arms, military outfits or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan or gift.

1164. *Sale of equipment; penalty.* Any person who shall sell, or offer for sale, barter, exchange, pledge, loan or give away, secrete or retain after demand made by any officer of the State, civil or military, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the National Guard or other authorized state military or naval forces, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accoutrements shall be guilty of a misdemeanor and punished by a fine of not more than $100 or by imprisonment for not more than 6 months, or by both.

1268. *Closing of liquor and ammunition stores.* Whenever any part of the National Guard or other authorized state military or naval forces is on active duty, pursuant to the order of the Governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

2041. *Purchase by Maine residents in another state.* Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the state of Maine and in the contiguous state in which the purchase is made.

Cape Elizabeth

1. *No person, firm, or corporation in* the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. *A hand gun shall mean* a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

4. *Such person, firm, or corporation* shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine to determine whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

5. *Any person, firm, or corporation* selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordnance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police, or his duly authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

6. *Any person* who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

Lewiston

113. *Sale of weapons.* It shall be unlawful for any person in the City of Lewiston to

sell or offer for sale any pistol, rifle, air rifle, gun, dirk, bowie knife, slingshot, or any other weapon of like kind to any child under the age of eighteen years.

113.2. *No person, firm, or corporation* in the City of Lewiston shall sell, rent, or exchange to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

113.3. *Hand gun defined:* For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition, except antique hand guns as defined by Federal Gun Law.

113.4. *Such person, firm, or corporation* desiring to sell, rent, or exchange such hand gun shall require the person seeking to purchase or obtain such hand gun to sign an application * * *.

113.6. *The person, firm, or corporation* proposing to sell, rent, or exchange said hand gun shall deliver to the Lewiston Police Department the required application, upon which shall be endorsed the time of receipt by the officer receiving said application. Upon receipt of said application, the Lewiston Police Department shall as soon as possible, but within 72 hours thereafter make an examination of its records, the records of the Maine State Police and the records of such other law enforcement agencies as necessary to determine whether the person signing said application has been convicted of, or is under complaint or indictment for assault, assault and battery, threatening display of or carrying a concealed firearm or weapon, or any felony; has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant, or other narcotic drug; or has ever been adjudged by a court to be a mental defective or has been voluntarily or involuntarily committed to a mental institution.

Portland

Possession of firearm by felon. It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver, or any other firearm capable of being concealed on the person. Anyone violating any provisions of this chapter shall be guilty of a felony.

Presque Isle

20. *Sale and use of firearms.* A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

6-4-2.7. *Sales to intoxicated persons and minors.* No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

6-4-2.8.1. *No person, firm, or corporation* in the City of South Portland shall sell, give, or deliver to any person any weapons described above or any hand gun except in accordance with provisions of the following sections:

6-4-2.8.2 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such firearm to sign a certificate * * *.

6-4-2.8.3. *Such person, firm or corporation* shall deliver such certificate to the Chief of Police of the City of South Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven (7) days after receipt of said certificate to make an examination of the records contained in the Police Department of the City of South Portland and in the State Police Headquarters at Augusta, Maine, and other appropriate records to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant or narcotic drug; or has ever been judged by a Court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm or corporation filing such certificate.

MARYLAND

State Law

MD. ANN. CODE, ARTICLE 27

372. *Definitions.* "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

374. *Use of machine gun for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

375. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in § 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

377. *Exceptions.* Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

379. *Registration of machine guns.* Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

406. *Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.* It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

441. *Definitions.* (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

442. *Sale or transfer of pistols and revolvers.* (a) Right to regulate sales preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of

Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer.—No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the superintendent of the Maryland State Police.

(c) Same—Disposition of copies.—The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required.—The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required.—The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least twenty-one years of age.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee.

(g) Sale prohibited to disapproved applicant; exceptions.—No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (h) below.

(h) Hearing; judicial review.—Any prospective purchaser or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(i) Notification of completed transaction; permanent record of sales and transfers.—Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section.—Nothing in this section shall be construed to affect sales and/or transfers for bonafide resale in the ordinary course of business of a person duly licensed under § 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

(k) Penalties.—Any person who knowingly gives any false information or makes any material misstatement in an application required by this section, or who fails to promptly forward such application to the Superintendent of the Maryland State Police or his duly authorized agent or agents, or who sells or transfers a pistol or revolver to a person other than the one by whom application was made, or who otherwise sells, transfers, purchases, or receives transfer of a pistol or revolver in violation of this section, shall upon conviction thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.

445. *Restrictions on sale, transfer and possession of pistols and revolvers.* (a) Right to regulate transfer and possession of pistols and revolvers preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc.—It shall be unlawful for any dealer or person to sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under twenty-one years of age.

(c) Possession by criminal, fugitive, etc.—It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

446. *Sale, transfer, etc., of stolen pistol.* It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

447. *Antique or unserviceable firearms excepted.* The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

481A. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

Annapolis

17–9. *Same—Sellers of firearms or ammunition to register with city clerk.* Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

17–10. *Same—Selling, giving, etc., firearms or ammunition to minor under eighteen.* It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in the State, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore

81. *Definitions.* (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. *Convicts not to possess.* No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. *Delivery to minors and others.* No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound

mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. *Order required for transfer.* No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is under the age of twenty-one (21) years or has been convicted of a crime of violence, or is an habitual drunkard, or a drug addict, or is of unsound mind, said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. Said order shall contain a place for the signature of the purchaser, transferee or donee, and no seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee unless the signature of such purchaser, transferee or donee shall be affixed to such order in triplicate in the presence of the seller, transferrer or donor and unless it shall appear that the signature affixed to such order is the same signature as the signature which appears on the application. * * *

90. *False information.* No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18–7. *Purchase, sale, etc., in connection with minors.* (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or use, or prospective possessor or user, shall first file with the police department a statement of possession or use, which statement shall be retained by the police department. Such statement shall be endorsed by the parents or guardians of such person under twenty-one years of age, attesting to the knowledge of the parents or guardians of the acquisition, use or possession, or prospective acquisition, use or possession of any firearms. Such endorsement executed by the parents or guardians also shall provide clearly and with no exceptions or qualifications that any negligence of such person under twenty-one years of age in the use or possession of any firearm shall be imputed to the parents or guardians, and that the parents or guardians shall be jointly and severally liable with such person under twenty-one years of age for any civil damages caused by such negligence. All statements as required and provided for under this section shall be signed and sworn to before a person authorized to administer oaths. Nothing in this section shall be construed as requiring the registration or listing of firearms by serial number, or otherwise except as firearms.

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police department, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cumberland

19–11. *Firearms—Pistols, revolvers, etc.—permit required for sale.* No person shall sell, give or lend to any person within the city a revolver, pistol or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm. This section shall apply to all persons within the city, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not.

19–12. *Firearms—permit required for possession.* Upon application by any person to the Chief of Police for a permit to possess a revolver, pistol or other small firearm, it shall be within the discretion of the Chief of Police to refuse to grant such permit if the Chief of Police believes that an improper use is to be made of such revolver, pistol or other small firearm, and in no event shall the Chief of Police be compelled to issue such permit until two days after the filing of such application.

No person shall have possession of a revolver, pistol or other small firearm without such permit.

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, air-gun, bow and arrow (other than an infant's toy), sling-shot, bean shooter, or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice" as above provided and permitted.

Montgomery County

109–1. *Definitions.* The following words and phrases, as used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

"Crime of violence." Murder, voluntary manslaughter, rape, mayhem, kidnapping robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

"Fixed ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Fugitive from justice." Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

"Gun." Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

"Pistol or revolver." Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

"Sell or purchase." Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

"Subversive organization." Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

"Superintendent of police." The Superintendent of Police for the County or his duly authorized agents.

109–6. *Transfer of rifles or shotguns to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

109–7. *Unlawful ownership or possession of firearms.* It shall be unlawful for any person to use, carry, transport or keep a rifle or shotgun, or discharge a pistol, or have a rifle or shotgun in his possession, custody, or control within the County, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in Section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in Section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of Article 27, Sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control law; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization, or of any Communist organization (as that term is defined in the Internal Security Act of 1950, as amended), or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

109–9. *Exemptions from provisions of chapter.* Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun.

109–10A. *Certificate of Good Conduct.* Any person disqualified from the ownership, use or possession of firearms by section 109–7 (b) (except a person so disqualified because of a conviction of a crime involving the use of a firearm or other weapon) may apply for a Certificate of Good Conduct for relief from such disability; provided, however, that any person convicted of a violation of the Gun

Control Act of 1968 or the National Firearms Act shall not be eligible to apply for a Certificate of Good Conduct for a period of one year after the entry of a final judgment of conviction of any such violation. The application shall be filed with the Superintendent of Police who may relieve the applicant from such disability by issuing a Certificate of Good Conduct. The Superintendent shall issue such a Certificate if it is established to his satisfaction that the circumstances regarding the applicant's conviction and the applicant's record and reputation are such that the applicant would not be likely to act in a manner dangerous to the public safety and the granting of the Certificate, in the opinion of the Superintendent, would not be contrary to the public interest. The decision of the Superintendent may, within 30 days after the decision is rendered, be appealed by the applicant to the Circuit Court.

Prince George's County

11–1963(2) It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon as above described designed to use explosive ammunition or any projectile therefor within Prince George's County to a minor under the age of seventeen years except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the minor.

Takoma Park

4. It shall be unlawful for any person or persons to sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities; provided, toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

MASSACHUSETTS

State Law

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121. *Definitions; exceptions.* In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breech is less than eighteen inches. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous pull of the trigger and includes a sub-machine gun. The words "purchase" and "sale" shall include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty, whether or not final sentence is imposed. Sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, and section one hundred and thirty-one A shall not apply to any firearm made prior to eighteen hundred and ninety-seven, including matchlock, flintlock, percussion cap or similar early type ignition system or a replica thereof, whether actually made before or after the year eighteen hundred and ninety-seven, and also any firearm using fixed ammunition made prior to eighteen hundred and ninety-eight, for which ammunition is no longer made in the United States and is not readily available in the ordinary channels of commercial trade.

123. *Conditions of licenses granted under § 122.* A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions:—First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. Said book shall be open at all times to the inspection of the police. Third, That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read. Fourth, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside. Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the commissioner of public safety. Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered. Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a fream by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of section one hundred and thirty-one A, the licensee under section one hundred and twenty-two shall take up such permit to purchase and shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the commissioner of public safety: and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within seven days transmit a notice thereof to said commissioner. In case of a sale under the provisions of section one hundred and thirty-one E the licensee under section one hundred and twenty-two shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one, or the number of the firearm identification card issued the purchaser under the provisions of section one hundred and twenty-nine B, whichever is applicable under the provisions of condition Eighth of this section. Tenth, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such conditions, this license shall thereupon become void. Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times. Twelfth, That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction. No licensee shall sell any rifle or shotgun, contrary to the provisions of section one hundred and thirty.

128A. *Sales, etc., by certain unlicensed residents who sell, etc., not more than four firearms, etc., within calendar year, etc.* The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms

or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

128B. *Reports by residents and nonresidents purchasing or obtaining firearms, etc.* Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of public safety the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machine gun, including the caliber, make and serial number.

129. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name and address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison.

129B. *Firearm identification card; disqualification of applicants; time for denial, etc., of application; suspension or revocation; form; renewal; reports, etc., on applicant.* Any person residing or having a place of business within the jurisdiction of the licensing authority may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (*a*) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from a state prison or penitentiary where such person was serving a sentence for a felony conviction; or (*b*) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (*c*) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (*d*) is at the time of the application under the age of fifteen, or (*e*) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card.

The licensing authority may not prescribe any other condition for the issuance of a card and it shall within thirty days from the date of application either approve the application and issue the card or deny the application and notify the applicant of the reason for such denial in writing. Pending issuance of the card, a receipt for the fee paid shall, after five days from issuance, serve as a valid substitute, unless the applicant is disqualified. Written notice of denial of the application shall void the receipt and require its immediate surrender. A card may be revoked by the licensing authority or his delegate or suspended for such period as he may set, only upon the occurrence of any event which would have disqualified the holder from being issued the card. Any suspension or revocation of a card shall be in writing and shall state the reason therefor. Upon revocation or suspension, the licensing authority shall take possession of said card and receipt for fee paid for such card.

Any applicant or holder aggrieved by a denial, revocation or suspension of a card may within ninety days after receipt of notice appeal to the district court for a review of such action.

Said card shall be in a form prescribed by the commissioner and shall contain an identification number, the name and address of the holder, his place and date of birth, his height, weight, and hair and eye color, and his signature and shall be captioned "Firearm Identification Card". The application for a card shall be made in multiple on a form prescribed by the commissioner which shall require the applicant affirmatively to state that he is not disqualified for any of the foregoing reasons from possession of a card.

Said card shall be valid for five years; provided, that the licensing authority may renew such card on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of original issue, and shall be subject to automatic renewal upon application and affirmative statement, without investigation, unless the licensing authority has reason to believe that the status of the applicant has changed since the previous application. The fee for an application and card, or for renewal of a card, shall be two dollars which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial.

Upon receipt of an application for a card, the licensing authority shall forward a copy of such application to the commissioner of public safety, who shall within twenty-one days advise in writing of any disqualifying criminal record, if any, of the applicant and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons for possessing a card. The licensing authority may make inquiries concerning the applicant to the department of mental health for the purpose of determining eligibility for the firearm identification card and shall receive prompt and full cooperation from such department for that purpose in any investigation of an applicant.

129C. *Same subject; restrictions on possession, transfer, etc., of firearms, etc.; reports; persons and uses exempted from provisions of section; purchases by certain exempt persons.* No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle or shotgun unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition therefor other than (*a*) by operation of law, or (*b*) to an exempt person as hereinafter described, or (*c*) to a licensed dealer, or (*d*) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within seven days, report all such transfers to the commissioner of public safety according to the provisions set forth in section one hundred and twenty-eight A, and in the case of loss or theft of any firearm, rifle or shotgun similar report shall be made to both the commissioner and the licensing authority in the city or town where the owner resides within fourteen days of the discovery by the owner of the loss or theft.

The provisions of this section shall not apply to the following exempted persons and uses:

(*a*) Any device used exclusively for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(*b*) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(*c*) To a person voluntarily surrendering a firearm, rifle or shotgun to a licensing authority, the commissioner or his designee if prior written notice has been given by said person to the licensing authority or the commissioner, stating the place and approximate time of said surrender;

(*d*) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;

(*e*) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(*f*) Possession of rifles and shotguns by nonresident hunters with valid nonresident hunting licenses during hunting season;

(*g*) Possession of rifles and shotguns by nonresidents while on a firing or shooting range;

(*h*) Possession of rifles and shotguns by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(*i*) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;

(*j*) Any new resident moving into the commonwealth, or any resident of the commonwealth upon being released from active service with any of the armed services of the United States with respect to any firearm, rifle or shotgun then in his possession, for sixty days after such release or after the time he moves into the commonwealth;

(*k*) Any person under the age of fifteen with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;

(*l*) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(*m*) The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;

(*n*) The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within one hundred and eighty days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

(*o*) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them, provided, however, that private or sporting use of such firearms, rifles or shotguns shall be subject to the provisions applicable to non-exempt persons and uses;

(*p*) Possession of rifles and shotguns by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(*q*) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(*r*) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions;

(*s*) Possession by federal, state and local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling.

Any person, exempted by clauses (*o*), (*p*) and (*q*), purchasing a rifle or shotgun shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable. * * *.

130. *Penalty for Selling, etc., firearms, etc., to minor or alien.* Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall be punished by a fine of not less than one hundred or more than five hundred dollars. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervised use of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C nor from furnishing his child or ward, who has attained age fifteen, with a rifle or shotgun or ammunition therefor, provided said child or ward, being fifteen years of age or older, has a valid firearm identification card, issued to him, nor shall it be construed as prohibiting an instructor from furnishing rifles or shotguns or ammunition therefor to pupils, provided said instructor has the consent of the parent or guardian of the minor.

131A. *Permits to purchase, rent, or lease firearm; penalty.* A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The commissioner of public safety or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of public safety, shall be valid for not more than ten days after issue, and a copy of every such permit so issued shall within one week thereafter be sent to the said commissioner. Whoever knowingly issues a permit in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

131E. *Purchase by licensed resident; purchase for use of another, etc., prohibited; penalty.* Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card under section one hundred and twenty-nine B or section one hundred and thirty-one shall be issued to any such person within two years after the date of said revocation.

131F. *Temporary license to carry firearms issued to non-residents, etc.* A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed two years and shall expire in accordance with the provisions of section one hundred and thirty-one.

131H. *Permit to possess, etc., firearms by aliens.* No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. The fee for such permit shall be two dollars and twenty-five cents. Upon issuing such permit said commissioner shall so notify, in writing, the chief of police or the board or officer having control of the police in the city or town in which such alien resides. Each such permit card shall expire at twelve midnight on December thirty-first next succeeding the effective date

of said permit, and shall be revocable for cause by said commissioner. In case of revocation, the fee for such permit shall not be prorated or refunded. Whenever any such permit is revoked, said commissioner shall given notification as hereinbefore provided. The permit issued to an alien under this section shall be subject to sections one hundred and twenty-nine B and one hundred and twenty-nine C except as otherwise provided by this section.

Violation of any provision of this section shall be punished by a fine of fifty dollars or by imprisonment for not more than one month, or both. If, in any prosecution for violation of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him. Any firearm, rifle or shotgun owned by an alien or in his possession or under his control in violation of this section shall be forfeited to the commonwealth. Any such firearm, rifle or shotgun may be the subject of a search warrant as provided in chapter two hundred and seventy-six.

The director of law enforcement of the department of natural resources, his assistants, natural resource officers, deputy natural resource officers, wardens as defined in section one of chapter one hundred and thirty-one, members of the state police, members of the metropolitan district commission police in areas over which they have jurisdiction, and all officers qualified to serve criminal process shall arrest, without a warrant, any person found with a firearm, rifle or shotgun in his possession if they have reason to believe that he is an alien and if he does not have in his possession a valid permit as provided in this section.

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35. *Possession of bombs and explosives; penalty.* No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

MASS. GEN. LAWS ANN. CHAPTER 266

102A. *Possession of infernal machine; notice of seizure.* Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by explosion, whether or not contrived to explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

102B. *Possession, etc., of molotov cocktail or similar device; exceptions; penalties.* Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

MASS. GEN. LAWS ANN. CHAPTER 269

10. *Penalty for unlawfully carrying dangerous weapons, possessing machine gun, etc.* Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, loaded or unloaded, without permission under sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty; or whoever so carries any stiletto, dagger, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, or a slung shot, black jack, metallic knuckles or knuckles of any substance which could be put to the same use and with the same or similar effect as metallic knuckles, or a sawed-off shotgun; or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison, or for not less than six months nor more than two and one half years in a jail or house of correction, except that, if the court finds the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one half years in a jail or house of correction; or whoever, after having been convicted of any of the aforesaid offenses commits the like offense or any other of the aforesaid offenses, shall be punished by imprisonment in the state prison for not less than five years, for a third such offense, by imprisonment in the state prison for not less than seven years, and for a fourth such offense, by imprisonment in the state prison for not less than ten years. The sentence imposed upon a person who, after a conviction of an offense under this paragraph, commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for parole or receive any deduction from his sentence for good conduct. Whoever, except as provided by law, possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter, shall be punished by imprisonment in the state prison for life or for any term of years. Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

10A. *Sale, etc., of silencers for firearms.* Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall destroy said article.

11A. *Definitions.* For the purpose of this section and sections eleven B, eleven C and eleven D, the following words shall have the following meanings:

"Firearm", a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

"Serial number", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"Identification number", the number stamped or placed upon a firearm by the commissioner of public safety under authority of section eleven D.

11C. *Removing, defacing, etc., serial or identification number of firearm.* Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm, with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm or other article shall be forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall cause said firearm or other article to be destroyed.

11E. *Firearms sold, etc., by manufacturers and dealers to have serial identification numbers; penalty.* All firearms, rifles and shotguns of new manufacture, manufactured or

delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

12. *Manufacturing, etc., slung shot, etc.* Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as a dirk knife, switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, slung shot, sling shot, bean blower, sword cane, pistol cane, bludgeon, blackjack, or metallic knuckles or knuckles of any other substance which could be put to the same use and with the same or similar effect as metallic knuckles, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used.

MICHIGAN

State Law

MICH. COMP. LAWS ANN. TITLE 28

28.91. *Terms defined.* 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.92. *Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols.* 2. No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for said pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 21 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of the Michigan state police. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the commissioner of the Michigan state police and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the commissioner of the Michigan state police. Such license shall be void unless used within 10 days from the date of its issue. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. The provisions of this section shall not prevent the transfer of ownership of pistols which are inherited provided the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

28.98. *Inapplicability of certain sections.* 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

28.419. *Definitions.* 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.420. *Selling pistols.* 223. Any person who shall be the seller of any pistol, as those terms are defined in this chapter, without complying with the requirements of section two (2) of act number three hundred seventy-two (372) of the public acts of nineteen hundred twenty-seven (1927), being section sixteen thousand seven hundred fifty (16750) of the compiled laws of nineteen hundred twenty-nine (1929), shall be guilty of a misdemeanor.

28.421. *Selling, etc., machine guns, silencers, blackjacks, etc.; exceptions.* 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500.00. The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

28.426. *Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale.* 229. Any pawnbroker who shall accept a pistol in pawn or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

28.427. *Alteration of pistols; presumptive evidence of alteration.* 230. Any person who shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, shall be guilty of a felony, punishable by imprisonment in the state prison not more than two [2] years or fine of not more than one thousand (1,000) dollars. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

28.429(1). *Purchaser of pistol without license, false statement in application.* 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor. Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

28.434. *Possession or use of fire-arm by person under influence of liquor or drug.* 237. Any person under the influence of intoxicating liquor or any exhilarating or stupeyfying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

28.559(1). *Explosives; furnishing to minor.* 327a. Any person who sells or furnishes to any

minor under the age of 18, without first having procured the written consent of the parent or guardian of the minor, any bulk gunpowder, dynamite, blasting caps or nitroglycerin is guilty of a misdemeanor.

MICH. COMP. LAWS ANN. TITLE 3

3.4(1). *Governor's power to declare emergency, designate area involved; power to regulate traffic and transportation, public and private; places of assembly; alcoholic beverages; firearms, other dangerous weapons, ammunition; explosives, inflammable materials.* 1. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable apprehension of immediate danger thereof, when public safety is imperiled, either upon application of the mayor of a city, sheriff of a county, the commissioner of the Michigan state police, or upon his own volition, the governor may proclaim a state of emergency and designate the area involved. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the date and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded, in like manner, from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

4.127(1). *Residents purchasing firearms in contiguous states.* Section 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Bloomfield Hills

7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. *Dangerous weapons.* No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8-108. *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Clawson

8-109. *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall within the city possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. *Sale or purchase.* It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66-1-1. *"Firearm" defined.* The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66-1-2. *Permit required to purchase pistols.* No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66-4-1. The word "Firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66-4-4. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Fenton

7-116. *Possessing dangerous weapons.* (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sand bag, or switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7-117. *Weapons.* No person in the city shall: 5. "Sales to Intoxicated Persons or Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Gladstone

504.06. *Possession of Weapons.* No child under the age of fourteen years shall be allowed to have in his possession or control, or use, any air guns, sling shots, shot guns, rifles or other dangerous weapons within the City.

504.07. *Sale to Minors of Weapons.* No person shall sell, furnish, or give to or permit any child under the age of fourteen years to have in his possession or use any air rifle, sling shot, shot gun, rifle or other dangerous weapon within the City.

Grand Haven

8-209. *Dangerous weapons; possession prohibited.* No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Hazel Park

15. *Dangerous weapons; possession prohibited.* (a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or applicance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Keego Harbor

4-4. *Offenses Against Public Safety.* No person in the city shall: (1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lapeer

19.09. *Firearms.* (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

D. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Marshall

20.02. *Firearms.* (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of

Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word "firearm" includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Oak Park

5. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Pontiac

The city of Pontiac ordains: 1. In times of public danger or emergency, or during times of great public crisis when the public health, safety, welfare or person or property is imperiled, or in times when the maintaining of law and order is imperiled, because of disaster, rioting, civil disturbances, or other similar public catastrophe; or when there is reasonable apprehension of public danger or emergency, or of great public crisis or of the public health, safety, welfare or person or property being imperiled; or when there is reasonable apprehension of jeopardy to the maintaining of law and order because of impending disaster, rioting, civil disturbance or other similar public catastrophe; the Mayor may proclaim a state of public danger or emergency, and designate the area or areas within the City involved. In the absence of the Mayor or in the event of his disability, the Mayor Pro-Tem shall have the powers and authority herein given to the Mayor, and if neither the Mayor nor the Mayor Pro-Tem are able or available to exercise such powers and authority, the City Commission, either at a regular or special meeting, shall have such power and authority.

2. Following such proclamation as set forth in Section 1 of this ordinance, the Mayor or other proclaiming authority as set forth in Section 1, may promulgate such reasonable orders, rules and regulations as he or they deem to be necessary to protect life and property and to maintain law and order, and preserve the public health, safety, and welfare, or to bring the emergency situation within the affected area or areas under control, or to provide safeguards against threatened encroachment upon the public health, safety, welfare and preservation and maintenance of law and order. Said orders, rules and regulations may provide for the control of traffic of all types, designation of specific zones within the area or areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated, control of places of amusement and assembly, and control of persons on public streets and thoroughfares, establishment of a curfew, control of the sale, transportation, dispensing and use of alcoholic beverages and liquors, of every form and type, and control of the sale, carrying, possession, storing and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids, deemed to be dangerous to the public safety.

3. Said orders, rules, regulations and proclamations, referred to or provided for in this ordinance, shall be effective from the date, time, and in the manner therein prescribed and shall be made public by announcement through any news media of general publication or general broadcasting in the Pontiac area, and if no such media is publishing or broadcasting at the time of the proclamation or is unable for any reason to disseminate said announcement, then said orders, rules, proclamations and regulations shall be made public by posting the text thereof in three conspicuous public places within the City. Such orders, rules, proclamations and regulations may be amended, modified or rescinded in like manner from time to time by the Mayor, or other issuing authority as provided for in Section 1 of this ordinance, during the pendency of the emergency, but shall cease to be in effect upon declaration by the Mayor, or said issuing authority, that the emergency no longer exists.

Three Rivers

79–1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any firecracker, blank cartridge, toy pistol, dynamite or any other explosive or any cap or other device containing any explosive; Provided, however. That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. *Dangerous weapon.* (1) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. *Regulation, control of the possession and transportation of firearms within the city.* (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

8–210. *Dangerous weapons.* (1) No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

Waterford

61–IX. *Sales to Minors.* It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, sling shot, air gun, air rifle, air pistol or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

61–X. *Unlawful act of parent or guardian.* It shall be unlawful for any parent, guardian or other person having custody or charge of any person under the age of twenty-one years to knowingly permit such minor to have in his possession or use any firearm, sling shot, air gun, air rifle, air pistol, or other weapons, as defined herein, except in a duly licensed shooting gallery or target range.

MINNESOTA

State Law

M.S.A. PUBLIC HEALTH AND SAFETY

609.02. *Definitions.* 1. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment or fine or both.

2. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

3. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $100 may be imposed.

4. "Gross misdemeanor" means any crime which is not a felony or misdemeanor.

5. "Conviction" means any of the following accepted and recorded by the court:

(1) A plea of guilty; or

(2) A verdict of guilty by a jury or a finding of guilty by the court.

6. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

609.66. *Dangerous weapons.* 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100:

(6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or

(8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

609.67. *Machine guns.* 1. "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

2. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

3. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.

5. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71. *Gun control, application of federal law.* 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90–618).*

*NOTE.—Because of the restrictions in the Federal Gun Control Act of 1968 (Public Law 90–618) Minnesota residents are authorized to purchase only rifles and shotguns in contiguous states and not other types of firearms.

Arden Hills

1 *Definitions.* Deadly weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; (2) bows and arrows when the arrows are pointed or tipped; (3) all instruments used to expell at high velocity any pellets of any kind, including, but not limited to, BB guns and air rifles; (4) sling shots; (5) metal knuckles; and (6) switchblade knives, being knives with retractable blades.

4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Appleton

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. *Minors not to use firearms.* No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, air or gas rifle of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Blaine

101. *Weapons* .01. The term "deadly weapons" as used herein shall include the following: (1) All firearms; (2) Bows and arrows when arrows are point tipped; (3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B–B guns and air rifles; (4) Sling shots; (5) Sand clubs; (6) Metal knuckles; and (7) Daggers, dirks and knives.

101.03. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

101.04. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. *Deadly weapons.* It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a sling-shot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket bill, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Coon Rapids

7–1000. *Weapons.* 7–1001. The term "deadly weapons" as used herein shall include the following:

(1) All firearms;

(2) Bows and arrows when arrows are pointed tipped;

(3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B-B guns and air rifles;

(4) Sling shots;

(5) Sand clubs;

(6) Metal knuckles; and

(7) Daggers, dirks, and knives.

7–1002. *Subdivision 1.* Whoever does any of the following is guilty of a misdemeanor: (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * *.

7–1003. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

7–1004. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Cottage Grove

7. *Use by minors.* No minor under the age of fourteen (14) years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Crystal

1. *Definitions.* 1.02. Specific terms: The following terms have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Military type weapon" shall mean any firearm such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons.

(c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

(d) "Hand gun" shall mean any firearm having a barrel of less than twelve inches in length.

2. *Prohibitions relating to military type weapons.* 2.01. No person within the corporate limits of the City of Crystal shall own, keep, carry or have possession of any military type weapon as defined in this ordinance.

Duluth

49–6. *Possession, use, etc., of firearm silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

49–8. *Possession of firearms by minors.* No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

49–20. *Sales and rentals to minors.* No person shall sell, rent, give, loan or in anywise furnish any firearm, air gun or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

Eagan

9.01—*Definitions.* 5.—*Assault weapons* shall mean any weapon other than firearms having personal assault characteristics including, but not limited to dagger, switchblade knife, stilletto, dirk, spring blade knife, push-button knife, blackjack, sand club, pipe club, chain club, brass knuckles, molotov cocktails, grenades and explosive devices.

9.02—*Prohibition.* 3.—*Persons prohibited.* It shall be unlawful for any person within the Town of Egan to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

4.—*Possession and transporting of assault weapons.* It shall be unlawful for any person within the Town of Eagan to carry on his person or to transport by any means any assault weapon for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

Ely

410:02. *Deadly weapons.* No person shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as sling shot, sand club, or metal knuckles; or without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Hibbing

Firearms, sale and possession. 7–14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket billy, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshall of said village.

Hopkins

4. *Sale of firearms to minors.* Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a misdemeanor.

6. *Minors not to use firearms.* No minor under the age of fourteen years shall handle, or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Hoyt Lakes

2. *Use of fire arms by minors.* No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any

fire arm or air gun of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a dirk, dagger, sword, pistol, stiletto, metallic knuckles, pocket billie, sand bag, skull cracker, sling shot, or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor shall sell or give any revolver or firearm of any description to a person under the age of eighteen years.

Lauderdale

2. *Specific terms.* The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(d) "Assault weapon" shall mean any weapon other than a firearm or military type weapon having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sandclub, pipe club, chain club, or metal knuckles.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually to the Village Council and Village Clerk. Upon application for issuance or renewal of license the licensee shall provide to the Village Clerk his name, address, and location of his business. Such license may be revoked by the Council for violation of any ordinance or law related to the conduct of the business.

7. *Permits and registrations.* Permits and registrations required hereunder shall be accomplished in the following manner: (1) Any organization may register as a target shooting or sportsman's club by filing a statement with the Chief of Police setting forth the names and addresses of the officers of said club, which shall be kept current by the club as the officers shall change from time to time. There shall be no fee for such registration, which may be revoked at any time by the Council for any violation of laws or ordinances relating to firearms.

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. Such application shall set forth the applicant's full name, address and citizenship, the date of acquisition of the weapon and the source of acquisition, the caliber, make, model and manufacturer's number of the weapon and the use to which the weapon is to be put. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Maplewood

1210.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of Maplewood to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

1210.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name, address and nationality, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Minneapolis

877.010. *Definitions.*

2. *Specific terms.* The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

(f) "Assault weapon" shall mean any weapons other than firearms or military type weapons having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sandclub, pipe club, chain club, or metal knuckles.

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. *Persons prohibited.* It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. *Weapons prohibited.* It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type or assault weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. *Sales, gift or delivery of weapons and ammunition.* It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon or assault weapon and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. *Report of sale, gift, or delivery of handguns.* Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, * * *.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. *Permit for military type and assault weapons.* The owner or purchaser of a military type or assault weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Montevideo

Weapons—Sale to minors. No person shall sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Minors not to use firearms. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearms of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Mound

51.30. *Minors—Firearms.* No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm, air gun, ammunition or dynamite to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the village, nor sell, give, loan or in anywise furnish any fireworks to any person.

North St. Paul

101.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

101.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of North St. Paul to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

101.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name and address, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. *Wholesale to dealers does not apply.* Nothing contained herein shall apply to the sales at wholesale to dealers.

Plymouth

1.14. *Dangerous articles.* (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Richfield

5.29. *Firearms.* 1. *Definitions.* The following terms have the meanings ascribed to them in this section: (1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

9. *Unlawful disposition of firearms.* It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. *Dangerous weapons.* No person shall: * * * (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or

muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, airgun, ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Roseville

161.010. *Dangerous weapon defined.* "Dangerous weapon" includes any object, thing or device manufactured, constructed or shaped, the use of which as a weapon against natural persons would or may be dangerous to the life or physical well-being and safety of any such person, including, but not by way of limitation, any pistol, revolver, dagger, slungshot, knuckles of wood, metal or plastic, bowie knife, razor, switchblade knife or stiletto.

162.010. *Registration required.* No person shall purchase, sell, barter, trade, own, or have in his possession any pistol, revolver or other hand gun without registering the same with the Chief of Police of the Village.

163.010. *Possession of weapons by minors under 18.* No minor under the age of 18 years shall, within the corporate limits of the Village, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air gun, spring gun, or the like; nor shall any such minor, within the corporate limits of the Village, fire or discharge any such firearm, sling, slingshot, air gun, spring gun, or the like, whether accompanied by his parent or guardian or otherwise.

163.020. *Possession of weapons by minors under 17.* No minor under the age of 17 years shall carry or wear about his person any gun, rifle, flobert, pistol, dirk, dagger, sword, slingshot, cross knuckles or knuckles of lead, brass or other metals, bowie knife, dirk knife, razor or any sort or description of firearm or any other dangerous or deadly weapon.

163.040. *Sale to minors under 18.* No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the Police Department, the Sheriff, or his deputies, or the Judges of any court of record in the State.

Shakopee

V. *Silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. *Possession of firearms by minors.* No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

1211.101. *Definitions.* Weapon means any gun, pistol, revolver, slingshot, sand club, metal knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B–B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

1211.050. *License required.* No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, bow and arrow or knife.

1211.056. *Conditions of license.* Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other Ordinance or State Law. (2) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

South St. Paul

808.01. *Firearms purchase restricted.* No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02. *Firearms sale restricted.* No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. *Firearm permit required.* Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor and shall give the name of the applicant, his age, occupation, place of residence, height, weight, complexion, nationality, and such other information and elements of identification and good character as the Chief of Police may require. No person applying for such permit shall give false or untrue information, or offer false evidence of his identity. It shall be the duty of the Chief of Police to refuse such permits to all persons having been convicted of a felony, and to minors, drug addicts and such persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied, after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such firearm is to be used for a lawful purpose, he shall grant to the applicant a written permit authorizing him to purchase, receive or accept such firearm. The Chief of Police may at any time revoke any and all such permits so issued.

808.04. *Record of firearm permits.* The Chief of Police shall at all times keep on file in his office a register containing the names, addresses and descriptions of any and all such persons to whom a permit has been granted by him.

808.05. *Report of firearm sale.* Every person, who sells, delivers or gives to any person in the City any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, except to regular dealers in such articles, shall within 24 hours after making any such sale or gift make and file with the Chief of Police a legible, written report, stating therein the date of such sale or gift, the true name, age, place or residence, height, weight, complexion, color of hair and eyes, and nationality of such purchaser or donee, and the number, kind, description and price of the firearm sold or given to the purchaser or donee, with the calibre, make, model, manufacturer's number or other mark of identification on such firearm.

St. Louis Park

1.02. *Specific terms.* The following terms have the following meanings: (c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

4:701. *Firearms for minors.* No person shall sell, give away, or in any wise furnish any firearms or ammunition or switch blade knife to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate."

St. Paul

425.01. *Definitions.* 1. "General Terms." Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms. 2. "Specific Terms." The following terms shall have the following meanings.

(a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

425.02. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of St. Paul except when he is accompanied by his parent or legal guardian, while participating under supervision as a member of a registered target shooting or sportmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of St. Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the City of St. Paul any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06. *Sale, gift, or delivery of firearms.* 1. No person shall purchase, receive or accept a

handgun within the City of St. Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferrer a statement containing his full name, address and citizenship, the date of the sale or transfer, the caliber, make, model and manfacturer's number of the weapon. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Subdivision 2. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

425.07. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in St. Paul without first obtaining a license to do so from the City Council.

St. Peter

1. Whoever does any of the following shall be guilty of a misdemeanor:

(5) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm.

(7) Without the parent's or guardian's consent, furnishes to a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or handle ammunition or explosive.

(8) Furnishes a minor under 18 years of age with a firearm, air gun, ammunition, or explosive, without the written consent of his parent or guardian or of the city Police Department.

2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

Two Harbors

(e) *Sales to intoxicated persons and minors.* No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Virginia

3. *Dangerous weapons.* It shall be unlawful for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell or keep for sale, offer or otherwise dispose of, any instrument or weapon of the kind usually known as sling-shot, sandclub or metal knuckles, or to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; or to attempt to use against another or with intent so to use, to carry, conceal or possess any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol or other dangerous weapon.

8. *Use of arms by minors.* No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Waseca

8.20. *Dangerous weapons and articles.* Subd. 1. Acts prohibited. It is unlawful for any person to: F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

West St. Paul

52.02. *Deadly weapons.* * * * (f) Purchase of Revolvers. No person shall purchase, receive, or accept a revolver or pistol within the city without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person, who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, and in no case shall any person to whom it is sold or to be transferred, until such sale or transfer is approved by the Chief of Police in writing, until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address and date of birth, on the form as provided in paragraph (f). The seller or transferor shall then complete the form, giving the manufacturer or make of the pistol or revolver, model or type, caliber, barrel length and serial number. The form shall be signed by the seller or transferor and transmitted to the Chief of Police within Ten (10) days.

(h) Terms Defined. The words pistol or revolver shall be construed as meaning any firearm, gun, or weapon with a barrel less than 12 inches in length and shall also include hand guns which propel pellets or bullets by the use of compressed air or compressed gas.

White Bear Lake

1303.050. *Dangerous weapons.* No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air-gun, spring-gun, or the like; nor shall any such minor fire or discharge any such fire-arm, sling, slingshot, air-gun, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

No person shall give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

MISSISSIPPI

State Law

MISS. CODE ANN. TITLE 11

2079. *Carrying of deadly weapons.* Any person who carries, concealed in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as follows:

The possession of any deadly weapon as hereinabove described by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of this section.

However, it shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents, or duly authorized representatives, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuable, or persons similarly employed, and engaged, while actually engaged in the performance of their duties as such, provided that such persons are under bond in a sum of not less than one thousand dollars ($1,000.00) for the lawful and faithful performance of their duties, the cost of which bond shall be paid by the employer of such persons, or game and fish law enforcement officers: and further provided that such persons have first made written application and obtained a permit so to do from the sheriff of the county in which they are employed. Provided, however, that where the duties of any person covered by the provisions of this paragraph may carry him into more than one county, such person may file a bond in the sum of two thousand dollars ($2,000.00) with the secretary of state, for the lawful and faithful performance of his duties, the cost of the bond shall be paid by the employer of such person or game and fish law enforcement officers; and provided further that such person has first made written application with and obtained a permit so to do from the secretary of state, and said permit shall be valid as a state-wide permit, for which the secretary of state shall collect a fee of two dollars ($2.00). No such permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States.

2081. *Carrying deadly weapons—Not applicable to certain persons.* Any person indicted or charged for a violation of section 2079 of this Code may show as a defense:

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or

(c) That he was a law enforcement or peace officer in the discharge of his duties; or

(d) That he was at the time in the discharge of his duties as a mail carrier; or

(e) That he was at the time engaged in transporting valuables for an express company or bank; or

(f) That he was a member of the Armed Forces of the United States, National Guard, State Militia, Civil Defense Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or

(g) That he was in lawful pursuit of a felon; or

(h) That he was lawfully engaged in legitimate sports; or

(i) That at the time he was a company guard, bank guard, watchman or other person enumerated in the last paragraph of section 2079 and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff or the secretary of state to carry the weapon.

2083. *Deadly weapons—Cartridges not sold to infant or drunk person.* It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding three months, or both.

2143.5. *Explosives—Illegal possession of—Search and seizure.* 1. It is unlawful for any person to have in his possession dynamite caps, nitro glycerine caps, fuses, detonators, dynamite, nitro glycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; and upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year, and the possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes.

§ 2376. *Sound mufflers not to be used on firearms—Unlawful to manufacture.* It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the state of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. Any person, corporation or manufacturing establishment violating this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than sixty days, or both.

MISS. CODE ANN. TITLE 25

7015-31. *Explosives—Seller to keep records—When sale of explosives unlawful.* Every person who sells or otherwise disposes of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives, shall keep an accurate record of the name of the purchaser, his address, quantity, and the general purpose of its intended use. It shall be unlawful to sell dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives unless the person making the sale knows the purchaser and the general purpose for which such explosive or its counterpart will be used.

7015-32. *Sales of explosives to be reported—Regulation by municipalities.* Every seller of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives shall report any sale, transfer of title, or removal to the sheriff of the county where such transfer or removal took place within twenty-four (24) hours on forms to be provided. Should the sale, transfer of title or removal of explosives be within a municipality, then a report shall also be made within twenty-four (24) hours to the chief of police on forms to be provided. The governing authorities of municipalities shall have the power to adopt ordinances for the further regulation and control of dynamite, nitroglycerine and similar explosives.

MISS. CODE ANN. TITLE 31

8576. *National Guard—how ordered out.* When the state is threatened with invasion, insurrection, flood, or other catastrophe, or when there exists a riot, mob, unlawful assembly, breach of the peace or resistance to the execution of the laws of the state, or imminent danger thereof, and if in the opinion of the governor, the civil authorities are unable to repeal or suppress the same, or if the sheriff or judge of the circuit court of any county, call upon the governor for the aid of the troops, it shall be the duty of the governor to order out the Mississippi National Guard, or such part thereof as he may deem necessary for the purpose. Provided, that if the troops be ordered into any county in the aid of civil authorities at the request of the sheriff or the judge of the circuit court of said county, the governor shall be the sole judge of the number of troops to be ordered out on such service, and that the cost of such service shall be borne by the state.

Whenever any part of the military forces of this state is on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the sale, barter, loan, or the giving away of any of these articles so long as any of the troops remain on duty in the vicinity where the place ordered closed may be located.

8610-41. *Governor may proclaim state of emergency, when.* The Governor, upon finding that a riot or mob violence exists or is imminent within this State or any part thereof which affects life, health, property or public peace, may proclaim a state of emergency in the area affected. No such proclamation of a state of emergency shall be made, however, until the local official primarily in charge of law enforcement shall first have advised the Governor that such riot or mob violence is imminent or is out of control and beyond his capacity to manage.

8610-43. *Governor's powers during existence of state of emergency.* The Governor, during the existence of a state of emergency, by proclamation, may prohibit any of the following: (c) the manufacture, transfer, use, possession or transportation of a Molotov Cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) the transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) the possession of firearms, or any other deadly weapon by a person in a place other than that person's place of residence or business except for law enforcement officers;

8610-54. *Acts and activities which may be prohibited during emergency.* After proclamation of a civil emergency, the chief administrative officer may at his discretion, in the interest of public safety and welfare:

(c) Order the discontinuance of the manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion.

(d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

8621. *Weapons to be registered—exceptions.* 1. Every person in this state who now owns or has in his possession or who shall hereafter acquire any pistol or revolver, or any machine guns, sub-machine guns, and/or similar firearms or any other high power rifle with a velocity of more than 2,000 feet per second at the muzzle, shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of this act shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of this act shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

2. This act shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

8622. *Time and place of registration.* All registrations of weapons under the provisions of this act shall be made with the sheriff of the county in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days after the effective date hereof shall be registered with such sheriff within ninety (90) days after the effective date of this act, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff within ten (10) days after the acquisition thereof by such person. [Supersedes § 8624, Code of 1942.]

8630. *Transfer of firearms.* It will not be necessary to register firearms under this act but one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

8631.5. *Purchase of rifles and shotguns in contiguous states.* It is declared that it is in the public interest to authorize residents of this State to purchase or otherwise obtain rifles and shotguns in states contiguous to

this State in compliance with such other laws of this State or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq.

As used in this act, the term "a state contiguous to this State" shall mean any state with a border touching a border of this State. As used in this act, all other terms shall be given the meaning prescribed in 18 U.S.C. 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State.

This act shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Vicksburg

14-93. *Dispensing to minor or intoxicated person.* It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

MISSOURI

State Law

V.A.M.S. TITLE 38

564.590. *Machine gun, possession a felony—Exceptions.* It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. *Machine gun—Defined.* The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. *Dangerous and concealed weapons, prohibitions concerning—Exceptions—Penalty.* If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger, slung shot or other similar deadly weapons or shall, in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment by the department of corrections for not more than five years, or by imprisonment in the county jail not less than fifty days nor more than one year, but nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

564.620. *Pistol, revolver or firearms to be plainly marked.* No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. *Concealed weapon permits—How obtained.* 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the tranaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use or permit granted to another.

564.640. *Weapons must be stamped.* No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

Belton

6.9. *Weapons.* (e) "Sales to intoxicated persons and minors." No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Blue Spring

15-28. *Mayor's authority during state of emergency; curfew regulations; penalty for violation of section.* (a) Proclamation of state of emergency. The mayor is hereby authorized, in the event of riot or civil disobedience or when actions of riot or civil disobedience appear imminent, to declare, by proclamation, that a state of emergency exists in the city.

(b) Emergency curfew. The mayor is hereby authorized in the event of the declaration of such emergency, to order an emergency curfew, at such hours as he shall deem necessary, to be in effect not to exceed seventy-two (72) hours at any one time without further orders of the board of aldermen.

(d) Certain businesses and establishments to be closed. The following businesses and establishment shall be ordered closed during the time and term of said curfew: (3) Any establishment selling firearms or ammunition.

Boonville

49.08. *Sale of weapons to minors.* No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, dirk, dagger, or any knife not made to open and shut.

Branson

52. *Permits required—a. Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition * * *.

Bridgeton

7. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cape Girardeau

18–100. *Sale of weapons to minors; restrictions.* No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger or switch blade knife.

Charleston

12–59. *Selling ammunition to minors.* Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, bowie knife or dagger, shall be deemed guilty of a misdemeanor.

Columbia

7.1500. *Weapons—Carrying concealed; delivering to minors.* If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. *Sale of firearms or ammunition to minors.* No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado Springs

19. If any person within the corporate limits of the city * * * having upon or about his person any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon * * * shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty or more than one hundred dollars.

Fulton

18–8. *Sale, etc., of deadly weapons to minor.* No person within the city shall sell, deliver, loan or barter to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, Bowie knife, dirk, dagger, or any knife not made to open and shut.

Jefferson City

1268. *Sale of pistols, knives and cartridges to children, prohibited.* Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut, shall be deemed guilty of a misdemeanor.

Joplin

38.132. *Weapons—Sale, etc., to minor of firearm, air gun, etc.* It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, or any air rifle, air gun or similar gun from which shot, pellets, bullets, or projectiles can be fired.

Kansas City

26.181. *Sale of firearms to minors.* No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, or air gun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. *Machine guns.* (a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(d) Definition. The term "machine gun," as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

Kirksville

46. *Carrying deadly weapons, etc.* If any person within the city of Kirksville * * * having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, slungshot, or other deadly weapon, * * * shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Lee's Summit

24–9. *Dangerous and deadly weapons.* If any person shall carry concealed * * *, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger, slung shot or other similar deadly weapons * * * or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be guilty of a misdemeanor; * * *.

Marshall

20–29. *Weapons—Carriage, display.* It shall be unlawful for any person * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

Monroe City

4.3. *Sale of Pistols, Knives, and Cartridges to children prohibited.* Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie-knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.

Nevada

23–28. *Same—sale or furnishing to minors.* No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Poplar Bluff

22.440. If any person shall, within the limits of this City, * * * having upon or about his person any kind of firearms, bowie knife, dirk, dagger, slugshot or other deadly weapon, * * * shall directly or indirectly sell or deliver, lend or barter to any minor any such weapon, shall, upon conviction, be punished by a fine of not less than Fifty nor more than One Hundred Dollars, or by imprisonment in the City Jail not less than five days nor more than three months, or by both such fine and imprisonment.

Sikeston

9–206. *Dangerous or deadly weapons.* (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

1. If any person shall, * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor * * *.

Springfield

26–10. * * * *Sale of weapons to minors.* No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.

Stanberry

Sale of firearms etc., to children prohibited. Any person within the city who shall sell to any child under age of sixteen years, without consent in writing of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open or shut shall be deemed guilty of a misdemeanor.

St. Joseph

16–161. *Machine guns.* (a) *Possession.* It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) *Scope of section.* Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of

this state or of the United States from possessing such firearms for official use in the discharge of their duties.

(d) *Definition.* The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.020. *Sale of weapons to minors.* No dealer or merchant who sells toys, firearms, guns or similar weapons, shall sell deliver or give any air rifle, air gun or pistol, spring gun, or gun or rifle operated with a gas-propelled cartridge, metal or sharp pointed arrow, tear gas gun, vapor gas gun, or any other similar weapon, to any minor under the age of 17 years.

754.030. *Sale of certain weapons to minors prohibited.* No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, bowie knife, spring back knife, razor, metal knucks, bill, sword cane, dirk, dagger, slung shot, or other similar deadly weapon, or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. *Definition.* As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

Sweet Springs

.31–116. Any person who shall within the city directly or indirectly sell or deliver loan or barter to any minor any kind of firearms within the city limits without the consent of the parent or guardian of such minor shall upon conviction thereof shall be deemed guilty of a misdemeanor.

Webb City

17–61. *Same—Firearms and ammunition not to be provided to minors.* It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, air guns and air pistols, excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

e. *Small arms ammunition* shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

53. *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

Wentzville

7–504. *Offenses against public safety.* No person in the city shall: (2) Weapons. (e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish, any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

MONTANA

State Law

REV. CODE OF MONTANA

11–957. *Fire hazardous manufactories—firearms—concealed weapons.* The city or town council has power: To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

69–1901. *Definitions.* The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

69–1902. *Prohibitions and exceptions.* No person shall manufacture, have, keep, or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction.

It shall be unlawful to sell, give away, or otherwise dispose of, or deliver to any person under eighteen (18) years of age any explosives, whether said person is acting for himself or for any other person.

69–1919. *Existing ordinances not affected.* Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, and sale of explosives, or affect, modify, or limit the power of cities or municipalities in this state to make ordinances, rules, or regulations not less restrictive than this act, governing the manufacture, storage, sale, use, or transportation of explosives within their respective corporate limits.

94–3101. *Definitions.* "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

94–3104. *Presumption of possession or use for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fida permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreignborn person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 94–3108 and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

94–3106. *Exceptions.* Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94–3108. *Registration of machine guns now in state and hereafter acquired—presumption from failure to register.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state, on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration date shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94–35–184. *Sale or manufacture of Maxim silencers and various explosives for wrongful use a felony.* Any person who shall make, manufacture, compound, buy, sell, give away, offer for sale or to give away, transport, or have in possession any Maxim silencer, bomb, nitroglycerin, giant, oriental, or thunderbolt powder, dynamite, ballistite, fulgarite, detonite, or any other explosive compound, or any inflammable material, or any instrument or agency, with intent that the same shall be used in this state or anywhere else for the injury or destruction of public or private property, or the assassination, murder, injury, or destruction of any person or persons, either within this state or elsewhere, or knowing that such explosive compounds or such materials, instruments, or agencies are intended to be used by any other person or persons for any such purpose, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than five years nor more than thirty years, or by a fine of not less than one thousand dollars nor more than twenty-thousand dollars, or by both such fine and imprisonment.

94–35–186. *Same—possession presumptive evidence of what.* The possession of any Maxim silencer or bomb of any kind, or chemical compounds intended only for the destruction of life or property, shall be presumptive evidence that the same are intended to be used in the destruction of or injury to property or life, within the meaning of this Act.

MONTANA SESSION LAWS 1969, CHAPTER NO. 87 (HOUSE BILL NO. 336) APPROVED FEBRUARY 24, 1969.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

1. Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and

in the state in which the purchase is made.

3. This act is effective upon its passage and approval.

Deer Lodge

2. It shall be unlawful for any person, firm, co-partnership, Association, or Corporation, to sell to any person under the age of 18 years, BB guns, air rifles, or rifles or firearms unless such person is accompanied by his or her guardian.

NEBRASKA

State Law

NEB. R.R.S.

28–1010. *Machine guns; sale unlawful; exceptions; penalty.* It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants, violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.

28–1011.10. *Pistol; person under eighteen, unlawful to possess; exception; violation; penalty.* It shall be unlawful for any person under the age of eighteen years to possess a pistol, revolver, or any other form of short-barreled hand firearm. The provisions of this section shall not apply to the issue of pistols, revolvers, or any other form of short-barreled hand firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

28–1011.14. *Fugitive from justice, defined.* As used in sections 28–1011.14 to 28–1011.19, fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

28–1011.15. *Fugitive from justice; firearms; knuckles; possession; unlawful.* It shall be unlawful for any person who has been convicted of a felony, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles. Such felony conviction may have been had in any court of the United States, the several states, territories, or possessions, or the District of Columbia.

28–1011.16. *Fugitive from justice; pistol; receive, possess, sell, lease; unlawful.* It shall be unlawful for any person to receive, possess, sell, or lease, other than by delivery to law enforcement officials, any pistol from which the manufacturer's identification mark or serial number has been removed.

28–1011.17. *Bomb, bombshell, grenade, explosive substance; receive; possess; sell; purchase; manufacture; unlawful; exception.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture any bomb, bombshell, grenade, bottle, or other such container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; Provided, that this section shall not apply to military and law enforcement agencies and personnel, and persons, firms, or corporations engaged in businesses or occupations involving commercial explosives, fireworks, firearms, ammunition, or agriculture, when possession and use is otherwise authorized or permitted by law.

LEGISLATURE OF NEBRASKA, EIGHTIETH SESSION, LEGISLATIVE BILL 1381, APPROVED JUNE 27, 1969.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

6. (1) A person is guilty of the crime of assault on emergency personnel if he assaults or threatens in a menacing manner or strikes or wounds a person coming within the definition of emergency personnel which is committed in an area: (a) In which a declared state of emergency exists; or (b) Within the immediate vicinity of which a riot is occurring or is threatening to occur.

(2) Emergency personnel shall include peace officers, firemen, ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in providing essential services during the emergency.

(3) Dangerous weapon or substance shall mean a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, molotov cocktails, or any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when probable cause exists that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when probable cause exists that such part or ingredient will be so used.

7. (1) Except as otherwise provided in this section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance as defined in subsection (3) of section 6 of this act, in any area: (a) In which a declared state of emergency exists; or (b) Within the immediate vicinity of which a riot is occurring.

(2) The provisions of this section shall not apply to emergency personnel.

(3) Any person convicted of a violation of the provisions of this section shall be fined in a sum not to exceed five hundred dollars, or be imprisoned in the county jail for not more than six months.

8. (1) Whenever a state of emergency has been declared to exist pursuant to section 9 of this act, the emergency measures provided in subsection (2) of this section shall thereupon be in effect during the period of such emergency and within the area defined in the declaration of such state of emergency.

(2) (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition, guns and other firearms of any size or description is prohibited.

(b) The displaying by or in any store or shop of any ammunition, guns and other firearms of any size or description is prohibited. The owner or one in possession of such store or shop shall, during the existence of such emergency, place such items in a locked, fireproof container stored away from public access.

(c) The possession in a public place of a pistol, revolver, rifle or a shotgun by any person, except emergency personnel, is prohibited.

(g) The sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid, except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter and necessary for the propulsion thereof, is prohibited.

(h) The possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid is prohibited.

(4) The provisions of this section shall not apply to emergency personnel as defined in subsection (2) of section 6 of this act.

9. (1) A mayor of a municipality, a chairman of the board of county commissioners and the Governor, within their respective jurisdictions, may declare the existence of a state of emergency for all or part of such jurisdiction according to the provisions of subsection (2) of this section; *Provided*, that when the Governor determines that a state of emergency exists, he must further find that local control of the emergency is insufficient to assure adequate protection for lives and property. Local control shall be deemed insufficient only if: (a) Needed control cannot be imposed locally because local authorities responsible for preservation of the public peace have not taken steps necessary for effectual control of the emergency that has arisen; (b) the area in which the state of emergency exists has spread across local jurisdictional boundaries and the local control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; or (c) the scale of the emergency is so great it exceeds the capability of local authorities to cope with it.

(2) Whenever the appropriate official determines that there has been an act of violence or a flagrant and substantial defiance or resistance to a lawful exercise of public authority, and that, partly on account thereof, there is probable cause to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience to the law, and substantial injury to persons or to property, all of which constitute a threat to public peace or order, he may declare that a state of emergency exists; *Provided*, That the proclamation declaring such state of emergency must contain a clear and concise statement of the area to which it applies.

(3) All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation in the area affected unless the proclamation sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the proclamation in the mass communications media serving the affected area or other effective means of disseminating the necessary information quickly. As soon as practicable, appropriate distribution of the full text of any proclamation shall be made.

15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

LEGISLATURE OF NEBRASKA, EIGHTIETH SESSION, LEGISLATIVE BILL 469, APPROVED JUNE 26, 1969.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

1. The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, * * * rifles, shotguns, ammunition, reloading components * * * in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90–618 of the 90th Congress, Second Session.

3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Aurora

2. *It shall be unlawful* for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, air gun, blank cartridge revolver or any other firearm, or any sling shot loaded with rock or leaden or other dangerous missiles. It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammunition designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Gering

6-4-3: *Sale to minors:* It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

22-10. *Same—Furnishing, etc., to minors.* It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm including air rifles or sling shots, within the city.

Hastings

11-511. *Sale to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Kimball

6-4-4. *Sale to minors forbidden.* It shall be unlawful for any person to sell or give away to any minor under the age of twenty-one (21) years, or for any minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Lincoln

9.28.020. *Persons not to be furnished with firearms and weapons.* It shall be unlawful for any person to sell, loan or furnish any firearm to any minor, or to any person under the influence of alcohol, or to any person who has been convicted of a felony within the past five years, or to any person adjudged mentally incompetent, provided that it shall be lawful to sell, loan or furnish shotguns, rifles and .22 caliber pistols of a type commonly used for hunting to a minor eighteen years of age or older not otherwise disqualified as specified herein, and it shall be lawful to loan or furnish shotguns, rifles and .22 caliber pistols of a type commonly used for hunting to a minor not otherwise disqualified as specified herein, for the purpose only of lawful shooting of the same under the direct supervision and control of a person who is 21 years of age or older.

Omaha

25.53.010. *Possession of an unregistered firearm.* It shall be unlawful for any person to own, have possession of or maintain control over any firearm which has not been registered with the Chief of Police * * *.

25.53.030. *Manner of registration.* Any person desiring to register a firearm shall make an application to the Chief of Police stating therein that he (1) is a citizen of the United States of America, (2) is over the age of 21 years and (3) has never been convicted of a felony. The application shall inquire as to any record of mental disorder or misdemeanor convictions of the applicant and the purpose of the applicant for acquiring the firearm.

25.53.040. *Issuance or denial of a permit.* Upon the filing of an application for registration of a firearm, the Chief of Police shall issue a permit or deny a permit and furnish the applicant the specific reasons for the denial in writing. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

25.53.050. *Time allowed to consider an application.* The Chief of Police shall be permitted 7 days in which to consider an application for registration of a firearm. The Chief of Police may take custody of the firearm in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

25.93.010. *Sale of a firearm to a minor.* It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. *Purchasing or renting a firearm.* It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit form the Chief of Police as provided for in this Title.

25.93.040. *Pawning a firearm.* It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

NEVADA

State Law

NEVADA REVISED STATUTES

202.260. *Infernal machines.* 1. It shall be unlawful for any person to manufacture or procure any dynamite machine or device or other device for the destruction of life or property, or to have either of the same in his possession.

2. Any person violating the provisions of this section shall be guilty of a felony.

202.300. *Use of firearms by minor under 14 years.* 1. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.

2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

202.310. *Sales of certain firearms to minors under 18 years unlawful.* 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360. *Alien, ex-felon not to possess firearm capable of being concealed on person; penalty.* 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

4. Nothing in this section applies to or affects:

(a) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

202.370. *Definitions.* 1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380. *Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions.* 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this State or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390. *Weapon to bear name of manufacturer and serial number; penalty for removal.* 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.

202.400. *Permit for possession, transportation, protective system, to be issued by director of Nevada highway patrol.* 1. It shall

be lawful for the director of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the director that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440. *Licenses for retail sale of bombs, weapons; conditions.* The director of the Nevada highway patrol may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the director of the Nevada highway patrol.

598.060. *Sales of rifles, shotgun to residents of Nevada and contiguous states in accordance with provisions of federal law.* 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. § 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made. * * *.

Carson City

8.20.020. *Sale of dangerous weapons to minors prohibited.* It shall be unlawful for any person, firm or association to sell or dispose of any dirk, dirk knife, sword, sword cane, billy, slung shot, revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010. *Definitions.* In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

Dealer: The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

Firearms capable of being concealed. The term "firearm capable of being concealed" shall mean any gun, pistol, revolver or other firearm the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020. *Dealing in pistols without permit unlawful.* It shall be unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.030. *Business to which pistol permits may be issued.* Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.

12.04.050. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism * * *.

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

12.04.060. *Prohibited sales and transfer of a pistol.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080. *Time between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser or transferee, a complete description of the pistol (including the manufacturer, model and manufacturer's serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advise to the purchaser or transferee that the pistol must be registered with the sheriff within twenty-four hours.

12.04.090. *Exceptions to Section 12.04.080.* The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150. *Sale of homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

12.04.160. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.170. *Unlawful to permit persons under eighteen years to have possession or control of pistol.* It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice, or other lawful purpose.

12.04.200. *Registration of firearms capable of being concealed.* It is hereby made unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210. *Unlawful transfer of firearms capable of being concealed.* It shall be unlawful for any person to sell, give away, or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes said weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.040. *Exchange of weapons to be registered.* It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police, by the seller, giver or person permanently passing possession thereof.

Las Vegas

6-4-1. *Pistol defined.* The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled by means of explosives, springs, gas or air, except any smooth bore pistol designed and manufactured exclusively for propelling BB shot not exceeding .177 caliber by means of springs, gas or air.

6-4-2. *Person defined.* The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3. *Dealer defined.* The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4. *Dealing in pistols without permit unlawful.* It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7. *Sales to certain persons prohibited.* It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9. *Seventy-two hours must elapse between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15. *Sale of home-made pistols prohibited.* No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

6-4-17. *Unlawful to permit persons under 18 years to have possession or control of pistol.* It shall be unlawful for any person to aid or knowingly permit another under the age of 18 years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge or his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

North Las Vegas

7.23.010. *Definitions.* Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this chapter.

Dealer. The term "dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

7.23.080. *Waiting period.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the state of Nevada or any subdivision thereof who is regularly employed and paid by the state or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the chief of police to waive the seventy-two hour waiting period.

7.23.110. *Satisfactory pistol identification required.* It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the chief of police, in which case the means of identification shall be noted upon the registration card.

7.23.120. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice.

(c) Is an unlawful user or seller of narcotics.

(d) Is an habitul drunkard.

(e) Is a member of an organization advocating criminal syndicalism * * *.

(f) Is foreign born and not a naturalized citizen of the United States of America.

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

7.23.130. *Prohibited sales and transfers of pistols.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages.

(b) Is mentally ill or disturbed.

(c) Is under eighteen years of age.

(d) Is a person prohibited from purchasing a pistol as provided in Section 7.23.120.

7.23.150. *Sales of foreign made pistols.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

7.23.160. *Homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

7.23.170. *Condition of pistols sold.* All secondhand and used pistols except antique pieces, sold or purchased shall be in a safe, operable condition.

7.23.200. *Blank cartridge pistols prohibited.* Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers, is prohibited.

NEW HAMPSHIRE

State Law

N.H.R.S.A. CHAPTER 158

158:19. *Control of explosives.* Whenever in his judgment the common defense of public safety of the state requires such action, the governor is hereby authorized to direct the adjutant general of this state to control the storage, sale, and use of explosives, except small arms ammunition, for the purpose of preventing such explosives from endangering the public safety by coming into the possession of unfriendly forces, domestic or foreign, and for the purpose of advising the military, naval, and civil defense authorities of this state of the quantities and location of such explosives for use in the common defense of this state. Upon the governor so directing, the adjutant general is hereby authorized to promulgate regulations requiring dealers to register their stocks and sales of such explosives, and requiring boards of firewards, police officers, or selectmen, as the case may be, to assist in such control measures as he shall institute in the exercise of this authority. No records of the location and amounts of explosives compiled by the adjutant general hereunder shall be deemed public records, but shall be subject to such security classification and restricted to such military, naval, and civil defense uses as the adjutant general, with the approval of the governor and council, may prescribe.

N.H.R.S.A. CHAPTER 159

159:1. *Definition.* Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3. *Possession by aliens; felons.* No unnaturalized foreign-born person, and no person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Whoever violates the provisions of this section shall be imprisoned not more than two years, and upon conviction the pistol or revolver shall be confiscated and destroyed.

159:7. *Permit to purchase.* No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person, or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

159:8. *License to sell.* The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

III. No pistol or revolver shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to an unnaturalized foreign-born person or a person who has been convicted of a felony unless he has a permit as required by section 7.

159:8-a. *Sales to nonresidents; Attorney General.* No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:11. *False information.* If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12. *Sale to minors.* Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. *Changing marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Whoever violates the provisions of this section shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both.

N.H.R.S.A. CHAPTER 159-A

159-A:1. *Purchase in contiguous states.* Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

N.H.R.S.A. CHAPTER 571

571:23. *Ammunition furnished to minors.* Any person who shall sell, barter, hire, lend or give to any minor under the age of sixteen years any cartridges or shot shells suitable for discharge in any rifle, pistol, revolver or shotgun shall be fined not more than one hundred dollars or imprisoned not more than three months or both. This section shall not apply to fathers, mothers, or guardians of such minor children.

NEW JERSEY

State Law

N.J. STATS. ANN.

2A:151-1. *Definitions.* The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

b. Pistol or revolver includes any firearm with an over-all length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States pharmacopeia.

2A:151-2. *Pawnbrokers not to deal in weapons.* Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5, laws of 1952 (C. 2A:151-62), stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wool slivers, handcuffs, iron claws, grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151–5. *Additional sentence for armed criminals.* Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151–62), razor, stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151–8. *Persons not to have firearms or dangerous instruments.* Any person, having been convicted in this state or elsewhere of any crime enumerated in section 2A:151–5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151–5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a narcotic or nonnarcotic drug or who is registered as a narcotic drug offender under chapter 230 of the laws of 1952 (N. J. S. Cum. Supp. 2A:169A), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction of a crime which in said state, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151–5, then that person shall be subject to the provisions of this section.

2A:151–9. *Sale of weapons to certain persons forbidden.* Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151–32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151–10. *Sale of weapons or explosives to minors; exceptions.* Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151–11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151–10.1. *Sale of weapons or explosives to minors; liability for civil damages.* Any person who knowingly offers, sells, lends, leases or gives such explosives, chemical compounds, ingredients or instructions in violation of this act shall be liable for personal injury and property damage resulting from such violation, if the injury or damage is caused by an explosion for which a person under 18 years of age is directly responsible. In a suit for damages under this act, the doctrines of assumption of the risk and contributory negligence shall not be a defense to bar recovery by any person.

Nothing in this act shall be construed so as to prevent the use of materials in the teaching of science or related subjects in public or private elementary or secondary schools or institutions of higher education or the free circulation of books and materials from public libraries, reading rooms or the libraries of duly incorporated educational or scientific foundations.

2A:151–11. *Unlawful acquisition of firearms or explosives by minors; exceptions.* Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151–12. *Manufacture or sale of dangerous instruments prohibited.* a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kinds usually known as a sling shot, slung shot, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, knife as defined in chapter 5 of the laws of 1952 (C. 2A:151–62), stiletto, grenade, bomb, or other explosive, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filing, razor blades imbedded in wood slivers, to any person, except in accordance with federal or state law is guilty of a misdemeanor.

2A:151–14. *Silencers forbidden.* Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151–15. *Altering serial number, etc., of firearm; sale.* Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151–18. *Antiques and ornaments excepted.* This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151–24. *Conditions.* d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151–32 through 2A:151–39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person;

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the state police.

2A:151–28. *Duplicate copies to be delivered.* Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the entries in the register on the duplicate copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a munici-

pality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

2A:151–32. *Permit and purchaser identification card required.* A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151–33, and shall contain his name, address and firearms purchaser identification card number of dealer's registration number, and which shall be retained by the seller as provided in section 2A:151–24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151–33. *Permit to purchase; identification card; who may obtain.* No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section of other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any person addicted to narcotics, or who is a habitual user of goofballs or pep pills, to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151–34. *Permit or identification card; issuance.* The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent in all other cases shall, upon application, issue to any person qualified under the provisions of section 2A:51–33, a permit to purchase a pistol or revolver or a firearm purchaser identification card.

2A:151–36. *Granting of permit, identification card; fee; validity.* The application for the permit to purchase a pistol or revolver, or for the firearms purchase identification card, together with a fee of $2.00 shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 10 days from the date of receipt of the application for residents of this state and within 15 days for nonresident applicants. A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities set forth in section 2A:151–33, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority.

2A:151–39. *Number of weapons permitted.* A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in section 2A:151–32B for each transaction.

2A:151–48. *False representations in applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor.

2A:151–49. *"Machine gun or automatic rifle" defined.* The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151–50. *Sale, purchase or possession of machine guns; penalty.* Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151–51. *Exceptions to section 2A:151–50.* Section 2A:151–50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151–52. *License to procure machine gun; application; reference and approval; issue of license.* Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. Upon the application being presented to the judge, he shall refer it to the sheriff of the county or to the chief police officer of the municipality in which the applicant resides, for his investigation and approval. If the application is approved by the sheriff or chief police officer, the judge may issue a license under his hand and the seal of the court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.

2A:151–55. *False representations in permit applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a permit to purchase or possess a machine gun or automatic rifle, or in purchasing or otherwise acquiring delivery thereof, is guilty of a high misdemeanor.

2A:151–58. *Possession or carrying of bombs.* Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151–59. *Possession of bombs, molotov cocktails with intent to use unlawfully; as evidence of intent; exceptions.* Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:170–17. *Persons possessing ammunition, explosive missiles, fuses, etc., to notify police; presentation for inspection.* Any person who has or becomes the possessor of any ammunition, explosive missile, shell, projectile, fuse designed for use with any weapon, or other explosive weapon, which is loaded or as to which it cannot be determined by casual inspection whether or not it is loaded, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, or is suitable for use in a pistol, revolver, shotgun or rifle, shall notify the police authorities of the municipality in which he resides or the state police that the same is in his possession and shall present the same to them for inspection.

Clementon

28. *Sell, barter, give or distribute* any ammunition of an explosive nature for firearms

or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one years.

Cresskill

246–5. *Purchasing or selling a firearm.* Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

Fairlawn

12.3 *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General Requirements.* a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Irvington

22–14. *Same—Parents, etc., not to purchase for minors under sixteen or permit such minors to purchase, possess.* * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22–13.

Kenilworth

1. Except as hereinafter excepted, no person shall discharge or use any air rifle, air gun, spring gun, slingshot, bow and arrow, shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined in Section I hereof, except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Millburn

25–1–7. *Regulations concerning minors; responsibility of father or guardian.* No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a black-jack, slingshot, billy, sand-club, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, or any instrument or weapon commonly known as a toy pistol in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges for any such pistol. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, toy pistol or other firearm, or any instrument or weapon in which any loaded or blank cartridges may be used, * * *.

Northfield

1. *That from and after the passage of this ordinance,* it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Paulsboro

35–1. *Permission for use required.* It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, firecrackers, cap bombs, torpedoes, skyrockets, roman candles, pinwheels, sparklers or any other article, apparatus or device within the general category of fireworks, and fireworks of all kinds and descriptions, without permission first had and obtained in writing for the same * * *.

Piscataway

7–7–1. *It shall be unlawful* for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Sea Girt

41–1. *Definitions.* "Firearm or Firearms"—Includes any pistol, revolver, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon, from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. The term "firearm" or "firearms" shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol, carbon dioxide or compressed-air gun or pistol, or any other device which employs as a propelling force a spring, elastic band, carbon dioxide, compressed or other gas, vapor or compressed air, and which is capable of ejecting any bullet, pellet or missile whatsoever with sufficient force to injure a person.

"Person"—Includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; the plural as well as the singular in any gender.

41–3. *Possession or sale prohibited; exception.* No person shall possess, carry, sell exchange, store or retain any firearm or other device as defined in § 41–1 hereof except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Tenafly

4. *Any purchase or sale* of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

Winfield

5. *An ordinance to regulate the manufacture, storage, sale, keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives.* 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. *An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works.* 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

NEW MEXICO

State Law

40A–7–8. *Firearms—Sale and purchase.* Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.*

Alamagordo

5–6–4. *Transactions with minors.* It shall be the responsibility of each person or firm who buys, sells or loans money on second-hand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Artesia

21.36. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

East Las Vegas

3–4. *Deadly weapons—Furnishing or selling to minors.* It shall be unlawful for any person to furnish, sell, or offer for sale any firearm, blackjack, metallic knuckles, switch-bladed knife, or knife with a blade over two and one-half inches in length, or other deadly weapon, to any person under the age of sixteen years.

Lovington

17.19. *Furnishing minors.* No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Santa Fe

15–31. *Weapons—Furnishing firearms, etc., to persons under sixteen.* It shall be unlawful

*NOTE: Because of the restrictions in the Federal Gun Control Law of 1968 (Public Law 90–618) the above legislation will authorize New Mexico residents to purchase only rifles and shotguns in contiguous states and not other types of firearms.

for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, air gun or slingshot within the city.

NEW YORK

State Law

NEW YORK CONSOL. LAWS (McKINNEY'S)
PENAL LAW

265.00. *Definitions.* As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person.

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any pistol or revolver. Gunsmith shall not include a wholesale dealer.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver. Dealer in firearms shall not include a wholesale dealer.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk a county judge of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

265.05. *Possession of weapons and dangerous instruments and appliances.* 1. Any person who has in his possession any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use is guilty of a class D felony.

2. Any person who has in his possession any firearm which is loaded with ammunition, or who has in his possession any firearm and, at the same time, has in his possession a quantity of ammunition which may be used to discharge such firearm is guilty of a class D felony. Such possession shall not, except as provided in subdivision three of this section, constitute a felony if such possession takes place in such person's home or place of business.

3. Any person who has in his possession any firearm, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

4. Any person under the age of sixteen years who has in his possession any of the weapons, instruments, appliances or substances specified in the first three subdivisions of this section, or any air-gun, springgun or other instrument or weapon in which the propelling force is a spring or air, or any gun, or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife, shall be adjudged a juvenile delinquent.

5. Any person not a citizen of the United States who has in his possession any dangerous or deadly weapon other than those prohibited to him in the first two subdivisions of this section is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

6. Any person who has in his possession a rifle or shotgun and who has been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure is guilty of a class A misdemeanor.

NOTE: The pertinent provisions of section five hundred fifty-two of the code of criminal procedure referred to in subsection 6 of 265.05, above, are as follows:

4. (a) The following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred and twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of sodomy or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal laws; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven-b of such former penal law.

(b) The following offenses defined in the penal law: Illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

7. Any person who has in his possession any explosive substance with intent to use the same unlawfully against the person or property of another is guilty of a class B felony.

8. Any person who knowlingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

10. Any person who knowingly has in his possession a rifle, shotgun or firearm in or upon a building or the grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution, is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

265.10. *Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.* 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. Any person who manufactures or causes to be manufactured any switchblade knife, gravity knife, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision three of section 265.05 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

265.20. Exemptions. a. Sections 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, peace officers as defined in section one hundred fifty-four of the code of criminal procedure and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

2. Possession of a machine-gun, firearm, switchblade knife, gravity knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as

witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00.; provided, that such a license shall not preclude a conviction for the offense defined in subdivision ten of section 265.05.

4. Possession of a rifle or shotgun by a person who has been convicted as specified in section 265.05, subdivision six to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

270.00. *Unlawfully dealing with fireworks.* 1. Definition of "fireworks." The term "fireworks," as used in this section, is defined and declared to be and to include any blank cartridge, blank cartridge pistol, or toy cannon in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers or other combustible or explosive of like construction, or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, or other device containing any explosive substance. The provisions of this definition however, shall not be deemed to include (1) flares of the type used by railroads or any warning lights commonly known as red flares, or marine distress signals of a type approved by the United States Coast Guard or (2) toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

4. Sales of ammunition not prohibited. Nothing contained in this section shall be construed to prevent, or interfere in any way with the sale of ammunition for revolvers or pistols of any kind, or for rifles, shot guns, or other arms, belonging or which may belong to any persons whether as sporting or hunting weapons or for the purpose of protection to them in their homes, or, as they may go abroad; and manufacturers are authorized to continue to manufacture, and wholesalers and dealers to continue to deal in and freely to sell ammunition to all such persons for such purposes.

5. Notwithstanding the provisions of subdivison four of this section, it shall be unlawful for any dealer in firearms to sell any ammunition designed exclusively for use in a pistol or revolver to any person, not authorized to possess a pistol or revolver. The violation of this section shall constitute a class B misdemeanor.

270.05. *Unlawfully possessing noxious material.* 1. As used in this section, "noxious material" means any container which contains any drug or other substance capable of generating offensive, noxious or suffocating fumes, gases or vapors, or capable of immobilizing a person.

2. A person is guilty of unlawfully possessing noxious material when he possesses such material under circumstances evincing an intent to use it or to cause it to be used to inflict physical injury upon or to cause annoyance to a person, or to damage property of another, or to disturb the public peace.

3. Possession of noxious material is presumptive evidence of intent to use it or cause it to be used in violation of this section.

Unlawfully possessing noxious materials is a class B misdemeanor.

400.00. *Licenses to carry, possess, repair and dispose of firearms.* 1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; and (e) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.

3. Applications. Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license are being transported by the licensee in a locked container; and (b) the trip through the city of New York is continuous and uninterrupted. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. Such license shall specify the weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make,

model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. The licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York and county of Nassau, and elsewhere in the state to the executive department, division of state police.

NEW YORK CONSOL. LAWS (McKINNEY'S) LABOR LAW

451. *Definitions.* Whenever used in this article: 1. "Explosives" means gunpowder, powders used for blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder and any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether and benzol. Fixed ammunition and primers for small arms, fire-crackers, safety fuses and matches shall not be deemed to be explosives when, as may be determined by the board in its rules, the individual units contain any of the above-mentioned articles or substances in such limited quantity, of such nature and so packed that it is impossible to produce an explosion of such units to the injury of life, limb or property.

10. "Dealer" means any person engaged in the business of buying and selling explosives.

11. "Issuing authority" means any officer of the state or its civil or political subdivisions who is authorized to issue any certificate or license, the issuance of which is provided for in this article.

458. *Licenses and certificates.* 1. No person shall purchase, own, possess, transport or use explosives unless a license therefor shall have been issued as provided in this article.

App'' ation for such a license shall be made to the commissioner on forms provided by him and shall contain such information as the commissioner may require. Where the commissioner finds that the applicant has complied with the requirements of this article and the rules of the board, the commissioner shall issue a license or renewal thereof which shall be valid for one year from the date of issuance. Such application and each renewal thereof shall be accompanied by a fee of ten dollars non-refundable to be payable to the commissioner.

2. No person shall manufacture, deal in, sc'', give or dispose of explosives unless a license therefor shall have been issued to him for that purpose by the commissioner as provided in this article, nor shall any person sell, give or dispose of explosives to, or manufacture explosives for any person who does not hold a license as provided by subdivision one of this section.

Application for such a license, which shall be renewed annually, shall be made to the commissioner on forms provided by him and shall contain such information as the commissioner may require. The commissioner after investigation of the application, shall issue a license or renewal thereof, which shall be valid for one year from the date of issuance, where he finds that the applicant has complied with the requirements of this article and the rules of the board. Each application for such a license, or for its renewal, shall be accompanied by a fee of twenty-five dollars non-refundable to be payable to the commissioner.

NEW YORK CONSOL. LAWS (McKINNEY'S) VILLAGE LAW

89. *General powers of the board of trustees.* 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

130. *Town ordinances.* 5. Fire prevention. Regulating the erection of buildings where extrahazardous business is to be carried on and the carrying on of such business: Regulating the attendance in public buildings and the use of aisles as standing room for spectators and the erection of fire escapes on all public buildings: Regulating the construction and use of all heating systems and devices employing heat or fire or conducting smoke for any purpose: Establishing fire limits and prohibiting the erection of frame buildings or structures therein: Preventing and extinguishing fires and regulating conduct thereat: Regulating the use, sale, storage and transportation of firearms, fireworks, explosives and inflammables or prohibiting the use, sale, storage and transportation of any of them: * * *.

NEW YORK CONSOL. LAWS (McKINNEY'S) GENERAL MUNICIPAL LAW

209-m. *Outside service by local police; civil disturbance control.* 6. a. Notwithstanding any inconsistent provision of law, general or special, in the event of natural disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any local government, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive officer thereof that the public safety is imperiled thereby, such chief executive officer may proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation and during the continuance of such state of emergency, the chief executive officer may promulgate the following orders to protect life and property or to bring the emergency situation under control. Such orders may, within any part or all of the territorial limits of such local government, provide for:

(6) the regulation and control of the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;

(7) the regulation and control of the possession, storage, display, sale, transport and use of explosives, and flammable materials and liquids.

Buffalo

1403. *License required for the possession and sale of fixed ammunition for small arms.* No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses upon the approval of the chief of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. * * *.

Mount Vernon

78-15. *Prohibition against fire bombs or "Molotov Cocktails".* (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance. (b) Fire Bomb or "Molotov Cocktail" defined:—

A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite. (c) Penalties: Any violation of a provision of this ordinance shall be punishable by a fine which shall not exceed $150.00 in amount or to imprisonment not exceeding 150 days, or to both fine and imprisonment. (d) The provisions contained in this section shall not apply to duly authorized members of the organized Militia of the State of New York or the Armed Forces of the United States.

New York City

436-6.0. *Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns.* Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, pistol or revolver, except such person employed by any agency of government of the city, state, or nation, or employed in the repair or adjustment of arms for the United States military forces or any subdivision thereof. Gunsmith shall not include a wholesale dealer.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for

sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436–6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436–6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436–6.1. *Licensing of gunsmiths and dealers in firearms.* a. It shall be unlawful for any person to engage in the business of gunsmith or dealer in firearms unless such person has obtained a license in the manner prescribed in this section.

b. Such licenses shall be issued by the commissioner. The commissioner shall establish uniform rules and regulations with respect to the requirements for such licenses and to secure compliance with and the enforcement of the provisions of this section, and shall apply such rules and regulations uniformly to each applicant. Each applicant and licensee shall be a citizen of the United States, shall be over the age of twenty-one years, and shall maintain a place of business in the city.

c. Any person who has been convicted in this state or elsewhere of a felony or any of the misdemeanors mentioned in section five hundred fifty-two of the code of criminal procedure shall not be entitled to a license issued under this section. * * *.

436–6.3. *Licensing of dealers in rifles and shotguns.* No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. * * *.

436–6.6. *Permits for possession and purchase of rifles and shotguns.* It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436–6.9. *Certificates of registration.* a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436–6.10. *Exemptions.* The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United

States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436–6.11. *Sale and purchase of ammunition.* At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436–6.13. *Identifying marks.* a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

Rochester

47–5. *Rifles, guns, revolvers and dangerous instruments.* A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Syracuse

10. (a) *No person shall* manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of or discharge any fire arms, except as provided in the Penal Law, nor any pyrotechnics or small arms ammunition within the limits of the city without permission from the common council or written permission from the commissioner of public safety or the mayor.

NORTH CAROLINA

State Law

N.C.G.S.

14–269. *Carrying concealed weapons.* If anyone, except when on his own premises, shall wilfully and intentionally carry concealed about his person any bowie knife, dirk, dagger, sling shot, loaded cane, brass, iron or metallic knuckles, razor, pistol, gun or other deadly weapon of like kind, he shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court. This section shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties.

14–288.1. *Definitions.* Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Article:

"Chairman of the Board of County Commissioners." The chairman of the board of county commissioners or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the county has specified who is to act in lieu of the chairman with respect to a particular power or duty set out in this Article, the term "chairman of the board of county commissioners" shall apply to the person generally authorized to act in lieu of the chairman.

"Dangerous Weapon or Substance." Any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.

"Mayor." The mayor or other chief executive official of a municipality or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty set out in this Article, the word "mayor" shall apply to the person generally authorized to act in lieu of the mayor.

"Municipality." Any active incorporated city or town, but not including any sanitary district or other municipal corporation that is not a city or town. An "active" municipality is one which has conducted the most recent election required by its charter or the general law, whichever is applicable, and which has the authority to enact general police-power ordinances.

"State of Emergency." The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.

14–288.7. *Transporting dangerous weapon or substance during emergency; possessing off premises; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area: (1) In which a declared state of emergency exists; or (2) Within the immediate vicinity of which a riot is occurring.

(b) This Section does not apply to persons exempted from the provisions of Section 14–269 with respect to any activities lawfully engaged in while carrying out their duties.

14–288.8. *Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This Section does not apply to: (1) Persons exempted from the provisions of Section 14–269 with respect to any activities lawfully engaged in while carrying out their duties. (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses. (3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts. (4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, develop-

ment, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes; (1) Any explosive, incendiary, or poison gas: Bomb; or Grenade; or Rocket having a propellant charge of more than four ounces; or Missile having an explosive or incendiary charge of more than one-quarter ounce; or Mine; or Device similar to any of the devices described above; or (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or (3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid fire or inflicting widely-dispersed injury or damage (other than a weapon of a type particularly suitable for sporting purposes); or (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code.

14–288.12. *Powers of municipalities to enact ordinances to deal with states of emergency.* (a) The governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by this Section may permit prohibitions and restrictions: * * *; (4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; * * *. The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

(c) This Section is intended to supplement and confirm the powers conferred by Sections 160–52, 160–200(7), and all other general and local laws authorizing municipalities to enact ordinances for the protection of the public health and safety in times of riot and other grave civil disturbance or emergency.

14–288.13. *Powers of counties to enact ordinances to deal with states of emergency.* (a) The governing body of any county may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by the Section may permit the same prohibitions and restrictions to be imposed as enumerated in Section 14–288.12(b). The ordinances may delegate to the chairman of the board of county commissioners the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

14–288.15. *Authority of Governor to exercise control in emergencies.* (a) When the Governor determines that a state of emergency exists in any part of North Carolina, he may exercise the powers conferred by this Section if he further finds that local control of the emergency is insufficient to assure adequate protection for lives and property.

(c) The Governor when acting under the authority of this Section may: (1) By proclamation impose prohibitions and restrictions in all areas affected by the state of emergency; and * * *.

(d) The Governor in his discretion, as appropriate to deal with the emergency then occurring or likely to occur, may impose any one or more or all of the types of prohibitions and restrictions enumerated in Section 14–288.12(b), and may amend or rescind any prohibitions and restrictions imposed by local authorities.

14–315. *Selling or giving weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane or slingshot, he shall be guilty of a misdemeanor.

14–316. *Permitting young children to use dangerous firearms.* (a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of twelve years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

14–402. *Sale of certain weapons without permit forbidden.* It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger, slung-shot, blackjack or metallic knucks.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee, within the State of North Carolina any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the sheriff as provided in § 14–403. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the court.

14–403. *Permit issued by sheriff; form of permit.*—The sheriffs of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in this article from any person, firm, or corporation offering to sell or dispose of the same.

14.409. *Machine guns and other like weapons.* It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United State army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shot-guns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or sub-machine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

14–409.1. *Purchase of rifles and shotguns out of State.* It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

14–409.2. *"Antique firearm" defined.* The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Charlotte

11–18(246a). *Pistols, dealers in pistols, etc.* License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Durham County

*6. Altering identification marks is misdemeanor; * * *.* (a) It shall be a misdemeanor for any person to change, alter or obliterate the name of the make, model, manufacturer's number or any other mark of identification on any pistol, revolver, short-arm machine gun or submachine gun and upon conviction may be punished by fine or imprisonment at the discretion of the court.

Edenton

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or

substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Elizabeth City

6-3.1. *Public safety.* I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

1(e) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew to possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearms, ammunition, or dangerous weapon of any kind.

Mount Holly

1. *State of emergency: Curfew authorized.* (e) During the existence of a proclaimed state of emergency the Mayor (of the City of Mt. Holly) may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

Pineville

(F) During the existence of a proclaimed state of emergency when a curfew has been defined and imposed, it shall be unlawful for anyone subject to curfew: (2) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.

Warsaw

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of material restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

NORTH DAKOTA

State Law

N.D.C.C. CHAPTER 62

62-01-01. *"Pistol" defined.* "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-02. *Committing crime when armed—Punishment.* Any person who shall commit or attempt to commit murder, manslaughter, except manslaughter arising out of the operation of an automobile, kidnaping, mayhem, assault to do great bodily harm, or any other aggravated assault, robbery, burglary, extortion, larceny, making or possessing burglar's instruments, buying or receiving stolen property, aiding escape from prison, or unlawfully possessing or distributing habit-forming narcotic drugs, when armed with a pistol, may be punished by imprisonment for not more than ten years in addition to the punishment provided for the crime.

62-01-04. *Who not to possess pistols.* The following persons shall not own a pistol or have one in their possession or under their control: 1. A person who has been convicted anywhere within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict an alcoholic, or who is emotionally unstable.

62-01-05. *Carrying pistols prohibited—Exceptions.* Except as otherwise provided in this section no person without a license shall carry a pistol, either openly or concealed, in any vehicle or on or about his person, save on his own land, in his own abode or fixed place of business, or on a target range. This prohibition, however, shall not apply to:

1. Marshals, sheriffs, prison or jail wardens or their regularly employed deputies, policemen, or other law-enforcement officers of any state or political division thereof;

2. Members of the armed forces of the United States when on duty or when going to or from duty;

3. The members of the national guard, organized reserves, or state guard organizations, when on duty or going to or from duty;

4. Officers or employees of the United States duly authorized to carry a pistol;

5. Any person engaged in manufacturing repairing, or dealing in pistols or the agent or representative of such person possesing using, or carrying a pistol in the usual or ordinary course of such business;

6. Any common carrier; or

7. Any person permitted by law to possess a pistol while carrying such pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair, or back to his home or place of business, or in moving from one place of abode or business to another.

62-01-09. *Regulation of sales of pistols.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, and the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol. The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the secretary of state, the duplicate to the chief of police of the city, marshall of the village, or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years. This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

62-01-11. *Selling pistol to minors prohibited—Penalty.* Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

62-01-12. *Prohibited transfers.* No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than 30 days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-14. *Dealers' licenses—By whom granted and conditions thereof.* Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture:

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol;

62-01-16. *False information prohibited.* No person, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, shall give false information or offer false evidence of his identity.

62-01-17. *Prohibited alterations in pistols.* No person shall change, alter, remove, or obliterate any mark of identification on a pistol, such as the name of the maker, model, or manufacturer's number. Possession of any pistol upon which any such identification mark has been changed, altered, removed, or obliterated shall be evidence sufficient to justify a court or jury in finding that the possessor has violated the provisions of this section.

62-01-19. *Antique pistols.* This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old nor to the transportation of such pistols unloaded and in a bag, box, or securely wrapped package, but not concealed on the person.

N.D.C.C. CHAPTER 62-02

62-02-01. *Definitions.* The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. *License required.* No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-05. *License — Provisions — Records.* The license shall permit the licensee to purchase, sell, have or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases for his own protection and for the protection of his servants and employees. It shall contain a description of the gun or rifle licensed, including the name of the manufacturer, the number and caliber of the weapon, or if the license is for a bomb, an accurate description thereof together with any identifying marks thereon. The license shall be issued in duplicate and the district judge shall send the duplicate copy to the superintendent of criminal identification, who shall file and preserve the same in his office as a permanent record.

62-02-06. *Penalty for selling, delivering, or possessing machine gun, automatic rifle, submachine gun, or bomb.* Any person who shall sell, give, loan, furnish, deliver, purchase, have, or possess any machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or any bomb loaded with explosives or poisonous or dangerous gases, without a license, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than ten years or by a fine of not more than three thousand dollars, or by both such fine and imprisonment.

62-02-07. *Persons exempt from provisions of this chapter.* The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

N.D.C.C. CHAPTER 62-04.

62-04-01. *Use and sale of "silencer" prohibited—Penalty.* Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ninety days nor more than six months, or by both such fine and imprisonment. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-04-05. *Manufacture, use, and sale of blank cartridge firearms and firecrackers prohibited.* Any person who manufactures, uses, sells, or keeps for sale within this state any blank cartridge pistol, blank cartridge revolver, or other blank cartridge firearm, or blank cartridge caps containing dynamite, or firecrackers exceeding more than three inches in length and one-half inch in diameter, is guilty of a misdeameanor.

N.D.C.C. CHAPTER 62-05

62-05-01. *Declaration of policy.* The legislative assembly finds that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state as may be applicable, and in compliance with section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. section 921 et seq.

62-05-02. *Resident may purchase rifle or shotgun in continguous state.* It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62-05-04. *Definitions.* 1. As used in this chapter the term "a state contiguous to this state" shall mean any state having a common border with this state. 2. As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. section 921, Gun Control Act of 1968, Public Law 90-618, and the regulations promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Fargo

25-2701. *"Pistol" defined.* The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. *License to sell pistols required—Expiration of license.* No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. *Regulation of sales of pistols by dealer or individuals.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall: 1. Exhibit a license to carry a pistol; or 2. Be one of the persons exempted under the provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol and the caliber, make, model, and manufacturer's number of the pistol.

Grafton

1. *Definitions:* 1. "Retail Dealer" shall be any person, firm or corporation purchasing pistols for resale. 2. "Pistols" shall be any firearm having a barrel less than twelve (12) inches long. 3. "Purchaser" shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: (3.) No pistol shall be delivered: a. On the day of the application for the purchase; b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchase and the caliber of the pistol intended to be sold.

Mandan

6-0403. *Blank cartridges, pistols, etc.; manufacture, use, and sale of.* No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

Minot

8-0103(2)(e). *Sales to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Valley City

8-9. *Pistol defined.* The term "pistol" means any firearm having a barrel less than twelve inches long.

8-10. *Authority for article; applicability.* This article is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, good order, health, morals and well-being of the people of the city, and adopted pursuant to section 62-01-14 of the North Dakota Century Code. This article shall apply to all territory within the city and to such outlying contiguous territory without the city within which the city might exercise police jurisdiction as defined by law.

8-13. *Weapons—Conditions of issuance.* (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol.

OHIO

State Law

OHIO REV. CODE (PAGE'S) TITLE 7

715.60. *Regulation of explosives.* Any municipal corporation may regulate the transportation, keeping, and sale of gunpowder and other explosives or dangerous combustibles and materials, and provide or license magazines therefor.

OHIO REV. CODE (PAGE'S) TITLE 29

2903.05. *Sale of toy pistols to minors under sixteen years.* No person shall sell or exhibit for sale, to a minor under sixteen years of age, a pistol manufactured of a metallic or hard substance, commonly known as a "toy pistol" or an air gun, or any form of explosive gun.

2903.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

2907.021. No person shall possess the materials for the manufacture of fire bombs with the intention of using such materials for the manufacture of fire bombs.

No person shall manufacture, distribute, possess or use fire bombs.

For purposes of this section, a "fire bomb" means a container containing gasoline, kerosene, fuel oil, or similar substance with a flash point of one hundred seventy degrees fahrenheit or less, having a wick or other device capable of igniting such liquid, but no device commercially manufactured and used for the purpose of illumination shall be deemed to be a fire bomb.

Nothing in this section shall prohibit the authorized manufacture, use, or possession of any material, substance, or device by a member of the armed forces of the United States, firemen, or law enforcement officers; nor does this section prohibit the manufacture, use, or possession of any material, substance, or device to be used solely for scientific research, educational purposes, or any lawful purpose.

2923.03. *Definition of machine gun.* As used in sections 2923.04 to 2923.06, inclusive, of the Revised Code:

(A) Machine gun, light machine gun, or submachine gun is any firearm which shoots, or is designed to shoot, automatically, or any firearm with a bore and chamber greater than .22 caliber which shoots, or is capable of shooting, more than eighteen shots semiautomatically without reloading.

(B) As used in this section:

(1) "Automatically" means that class of firearms which, by a single function of the trigger on the firearm, continues to fire successive shots and delivers sustained fire for relatively long periods.

(2) "Semiautomatically" means that class of firearm which, by a single function of the trigger, discharges one shot only, no manual reloading operation being necessary between successive shots.

(3) "Firearm" means any weapon which is designed to expel a projectile or projectiles by the action of an explosive.

2923.04. *Permit for possessing firearms; requirements.* No person shall own, possess, transport, have custody of, or use a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun or submachine gun, unless he first procures a permit therefor from and at the discretion of the adjutant general, or having such permit, use or consent to the use by another of such weapon in an unlawful manner. The adjutant general shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed, or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it is to be obtained, the name of the person to have custody thereof, and the place of residence of the applicant and the custodian. Before obtaining such permit each applicant shall give bond to this state, to be approved by the adjutant general, in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. This section does not affect the right of the national guard of Ohio, state highway patrol, sheriffs, regularly appointed police officers of municipal corporations, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions, or financial institutions maintaining their own police force, and such special officers as are authorized to possess and use such weapons when on duty.

2923.05. *Restrictions for sale or transfer of firearms; record of transaction.* No person shall sell, barter, or give to another a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun, or submachine gun, without first requiring exhibition of the permit provided by section 2923.04 of the Revised Code, and using the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years.

Whoever violates this section shall be imprisoned not less than one nor more than five years.

2923.06. *War trophies.* Sections 2923.03 to 2923.05, inclusive, of the Revised Code do not apply to captured war trophies which are kept for museum purposes and which are in unserviceable condition.

2923.25. *Restrictions for sale or transfer of firearms; record of transaction.* No person shall sell, barter, or give to another a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun, or submachine gun, without first requiring exhibition of the permit provided by section 2923.04 of the Revised Code, and using the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years.

2923.56. *Persons prohibited from obtaining or having firearms.* (A) Except as provided in division (C) of this section, no person shall purchase, own, possess, receive, carry, control, or use any firearm, if such person is a fugitive from justice, is under indictment or has been convicted of any felony of violence and involving moral turpitude or adjudged a juvenile delinquent for commission of any act which if committed by an adult would be such felony in this or any other State, the United States or any of its territories or possessions, or the District of Columbia, is addicted to or illegally uses any narcotic drug, hallucinogen, or other dangerous drug, is an habitual drunkard, or is under adjudication of mental incompetence. No person shall sell, furnish, or deliver any firearm to another, knowing or having reasonable cause to believe that such other person is prohibited by this section from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm.

Whoever violates this section shall be imprisoned not less than one nor more than five years.

(B) No person who purchases, owns, possesses, receives, carries, or controls a firearm in violation of this section shall be prosecuted for such violation if he reports his possession of firearms to any law enforcement authority, describes the same and where they may be found, and voluntarily surrenders them to such authority, but such immunity does not apply if the surrender of firearms occurs when such person is taken into custody or during a pursuit or attemp to take such person into custody, under circumstances indicating that such surrender is made under threat of force. No person in violation of this section solely by reason of his having been indicted for a felony shall be prosecuted for such violation if, within ten days after service of the indictment, such person voluntarily surrenders all firearms in his possession to any law enforcement authority pursuant to this section, for safekeeping pending disposition of the indictment or of an application for relief under division (C) of this section.

(C) Any person who, solely by reason of having been convicted of or indicted for a felony or adjudged a juvenile delinquent for commission of any act which if committed by an adult would be a felony, is prohibited by division (A) of this section from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm, may petition the Court of Common Pleas in the county where he resides for relief from such prohibition. The petition shall recite each conviction of indictment for felony or adjudication of deliquency for conduct amounting to felony and the date thereof, the court which rendered judgment or before which an indictment is pending, the style and number of the case, the sentence imposed and served, and probation, parole, or pardon granted, or other disposition of the case. The petition shall also state facts showing the petitioner to be a fit subject for relief under this section. A copy of the petition shall be served on the County Prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals. Upon hearing, if it appears that the petitioner has been fully discharged from imprisonment, probation, and parole, or released on bail or recognizance, that he has led a law-abiding life since such discharge, or release and appears likely to continue to do so, that he is not otherwise prohibited by law from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm, and that the public safety will not be endangered by relieving the petitioner from the prohibition contained in division (A) of this section, the court may relieve the petitioner from

such prohibition with respect to his previous convictions of or pending indictments for felony and adjudications of juvenile delinquency for conduct amounting to felony. Costs of the proceedings shall be taxed as in other civil actions and paid by the petitioner. A person to whom relief is granted pursuant to this section may purchase, own, possess, receive, carry, control, or use any firearm in any lawful manner and for any lawful purpose, but such relief may be revoked by the court at any time for good cause shown and upon notice to the petitioner.

(D) As used in this section, "Firearm" means any waepon which is designed to eject or propel one or more projectiles by the action of an explosive or combustible propellant, but does not include firearms which are inoperable and cannot be rendered operable.

2923.57. *Transactions in firearms permitted between Ohio and contiguous States.* Any resident of this State eighteen years of age or over and not prohibited by Section 2923.56 of the revised code or any applicable law of another State or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, * * *. Any such transaction shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

OHIO REV. CODE (PAGE'S) TITLE 37

3743.01. *Definitions.* As used in sections 3743.01 to 3743.26, inclusive, of the Revised Code: (A) "Explosive" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion; that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

3743.02. *Prohibitions and exceptions.* No person shall sell, give away, or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, whether said person is acting for himself or for any other person.

3743.51. *Falsification prohibited.* No person shall obtain or attempt to obtain any explosives by the use of a false name, or the giving of a false address, or giving a false age or by stating a false purpose for the purchase of any explosives.

Akron

369.01. *Definitions.* (a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which or one of the purposes of which, is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures, or threats of one or more of the foregoing. (Ord. 982–1957. Passed 10–29–57.)

369.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within this City.

(b) No person who is a member of a subversive organization shall possess a firearm within this City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in paragraph (c) above.

369.03. *Removal of serial numbers.* No person shall receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

369.05. *Sales, transfers and displays, regulated.* (a) No manufacturer or dealer except a manufacturer or dealer having a license issued under the provisions of this chapter shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend, or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

369.08. *False information.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in subsections (a) and (b) of Section 369.02, or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Alliance

557.02. *Permit required to purchase or exchange certain weapons.* No person shall buy, purchase or obtain in exchange any revolver, pistol, bowie knife, dirk or other weapon of like character having a blade more than three inches in length without first having obtained a permit from the Police Chief to make such purchase or exchange.

557.04. *Delivery of permit to seller; monthly returns.* The permit issued by the Police Chief * * * shall be delivered by the applicant to and retained by the person selling such weapon. The person selling such weapon shall preserve and retain all permits and shall, on the first day of each and every month, deliver to the Police Chief all the permits collected in accordance with which any weapons have been sold.

557.05. *Selling to person without permit to purchase.* No person shall sell, exchange or offer for sale or exchange any weapon described in Section 557.02, except to a person who has first obtained a permit therefor from the Police Chief.

Ashtabula

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

549.01. *Definitions.* (a) "Firearms" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler; or firearm silencer.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association, or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

549.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person who is a member of a subversive organization shall possess a firearm within the City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subsection (c) hereof.

549.03. *Nonserialized pistols.* No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

549.05. *Sales, transfers and displays regulated.* (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to be-

lieve has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

549.08. *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in subsections (a) and (b) of Section 549.02, or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Avon Lake

587.06. *Sale of weapons.* No person shall sell, barter, furnish or give to a minor under the age of eighteen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Bay Village

591.10. *Sale of firearms to minors.* "No person shall barter, trade, furnish or give to a minor under the age of 18 years a musket, rifle, shotgun, tear gas pen, revolver, pistol, or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Bedford

547.08. *Weapon dealers; license required.* No person shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

547.12. *Limitation on purchase and sale.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person who:

(a) Has been convicted and sentenced for any felony or other crime other than traffic misdemeanors;

(b) Constitutes a suspicious person or is a vagabond, vagrant or transient;

(c) Is under twenty-one of age;

(d) Refuses or neglects to give information to the seller as required by law. * * *.

No holder of a permit as required by Section 547.08 shall, sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

Bexley

4–47–1. *License to sell firearms.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

4–47–5. *Permit to purchase.* It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. * * *.

4–47–6. *Fee.* It shall be the duty of the Mayor to refuse such permit to (a) All persons having been convicted of any crime, (b) All vagabonds. (c) All minors. * * *.

Bowling Green

587.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor. * * *.

Brooklyn

545.045. *Possession of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot-gun, revolver, pistol, or other firearm or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

553.08. *Sale of explosives, firearms and ammunition to minors.* (a) No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.

(c) Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use or furnish for use any firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instruction and training in marksmanship and the proper handling, use and care of such firearms on any suitable range which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General, or provided that such instructor is the parent of the person receiving such instruction and training.

Cambridge

529.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor, * * *.

Canton

527.02. *Permit required to purchase or exchange.* It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. *Selling to person without permit to purchase.* It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

527.09. *Furnishing or permitting minor under seventeen to use firearms, etc.* It shall be unlawful for any person owning or having charge or control of any musket, rifle, shot gun, revolver, pistol or any other firearm, or ammunition therefor, to sell, barter, furnish or give the same to a minor under the age of seventeen years, or knowingly to permit any such weapon to be used by a minor under such age.

Centerville

38.12. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Chagrin Falls

545.10. *Reporting sale of firearms.* No place of business or agent of any place of business shall sell any firearm within the Municipality without furnishing in writing to the Chief of Police the name and address of the purchaser of the firearm, the type of gun, the trade name of the firearm and the manufacturer's serial number. Such name, address and other information shall be furnished within thirty days after the sale of the firearm.

Cincinnati

718–1. *Aliens and convicted persons.* It shall be unlawful for any alien or for any person who has been convicted of a felony against the person or property of another, to own or have in his possession or under his control a dangerous weapon.

718–2. *Minors.* It shall be unlawful to sell, barter, lend, or give to a minor under the age of sixteen years, an air-gun, musket, rifle, shotgun, revolver, pistol, or ammuniton therefor, Bowie knife, dirk, or any other dangerous weapon, and it shall be unlawful for any minor under the age of sixteen years to buy, barter, hire, borrow, receive, or possess an air-gun, musket, rifle, shotgun, revolver, pistol, or ammunition therefore, Bowie knife, dirk, or any other dangerous weapon.

718–5. *Obliterating identification marks prohibited.* It shall be unlawful to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any dangerous weapon. It shall further be unlawful for any person to keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been, to his knowledge, changed, altered, removed, or obliterated.

718–8. *Restriction on pawnbrokers.* If a dealer licensed under the provisions of Section 718–7 carries on the business of pawnbroker or second-hand dealer, it shall be unlawful for him to sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

718–10. *Form of application to purchase dangerous weapon.* The city manager shall prescribe a form of application covering the purchase of dangerous weapons. * * *.

718–11. *Restriction on sale of weapons.* It shall be unlawful for any dealer to sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 718–10. A dealer shall not sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. * * *.

The provisions of Section 718–10 shall not apply to sales at wholesale nor to sales of

firearms which have a barrel over twelve inches in length.

Cleveland

11.2301. *Permit to dispose of concealable weapon.* It shall be unlawful for any person, firm, or corporation to engage in selling, or to sell or give away any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit so to do.

No person, firm, or corporation having such permit shall sell, barter, trade or give away any such weapon unless the purchaser has first obtained a permit for such purchase.

11.2305. *Permit to purchase concealable weapon.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit to purchase from the Chief of Police.

11.2306. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose or receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that said Instructor is the parent of the person receiving such instruction.

11.2307. *Sale of ammunition—record required.* It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver, or other weapon of like character which can be concealed on the person unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

11.2309. *Duties of Chief of Police.* It shall be the duty of the chief of police to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; (c) All minors. Otherwise, it shall be the duty of the chief of police to grant such permit.

Cleveland Heights

923.05. *Firearms—sale and purchase.* (a) It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles, or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

(e) It shall be unlawful for any person to purchase or acquire by gift or otherwise, any pistol, revolver, derringer, bowie knife, dirk, billy, black-jack, brass knuckles, or other weapon or like character, which can be concealed on or about the person, without first securing a permit to do so.

(f) It shall be the duty of the Director of Public Safety to refuse such license to engage in the business of selling, or to sell, or to give away, any of the deadly weapons hereinbefore mentioned, and it shall be the duty of the Chief of Police to refuse such permit to purchase, or acquire by gift or otherwise, any such weapon, to any person who has been convicted of any crime, any vagrant, any suspicious person, or any minor.

Columbus

123.02. *Proclamations.* When a state of emergency has been proclaimed as provided in Section 123.01 of the Codes of the City of Columbus, Ohio, 1959, any of the officers named therein, acting in accordance therewith, is authorized to issue such proclamations as he deems necessary to protect life and property. Said proclamation may include, but is not limited to, the establishment of curfew prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of, or within the affected area or areas; or prohibiting or limiting the assemblage of persons.

545.01. *License required; purchase permits.* It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon * * *.

545.02. *License application; fee.* Any person desiring a license authorizing the sale, disposition or redemption, or removal from deposit or pledge, of any of the deadly weapons mentioned in C.C. 545.01 shall make application in writing to the Director of Public Safety, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the names and residences of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application, it shall be the duty of the Director of Public Safety to issue a license to the applicant upon his payment to the City Treasurer of the annual license fee of five dollars ($5.00).

545.05. *Purchase permit applications; * * *.* It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. * * *.

545.06. *Prohibited permittees; fees.* It shall be the duty of the Director of Public Safety to refuse the permit required by C.C. 545.05 to the following persons:

(a) All persons having been convicted of any crime.

(b) All vagabonds; and

(c) All minors.

Otherwise it shall be the duty of the Director of Public Safety to grant such permit upon the payment of a fee of one dollar ($1.00).

Cortland

1. That any person not a citizen of the United States and not registered under a similar registration act residing or entering the Village of Cortland be and hereby is required to register with and furnish fingerprints to the Mayor * * *.

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Cuyahoga Falls

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R. C. 3743.01(A), whether such person is acting for himself or for any other person.

545.10. *Possession of firearms by certain persons prohibited.* (a) Definitions. (1) "Firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition. (2) "Pistol" means any firearm with a barrel less than twelve inches in length. (3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail. (4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding. (5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which or one of the purposes of which is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Possession prohibited. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict or an habitual drunkard, shall possess a firearm within the City. (2) No person who is a member of a subversive organization shall possess a firearm within the City. (3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection (b) (3) do not apply to the issuance of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

545.11. *Sales and transfers regulated.* (a) No person shall receive, possess, sell, lease or

otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(b) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of Section 545.12, shall sell any firearm at wholesale or retail.

(c) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(d) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age except as provided in Section 545.10.

545.12. *Manufacturers' and dealers' licenses* * * *. Application for a manufacturer's or dealer's license shall be made to the Safety Director of the City on forms prescribed and furnished by the City. * * *.

545.13. *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in Section 545.10 or concerning his age or his name and address, or offer false evidence of his identity when purchasing a pistol.

Dayton

1036-6. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

1038. *Firearms sold to minors.* That it shall be unlawful for any pawnbroker or dealer in firearms in said City to sell any revolver or other pistol, of any kind whatsoever, to any minor or minors.

East Cleveland

545.16. *Further prohibitions—Sales—Purchases—Transfers.* (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other disposition, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. *Dealers license.* (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 545.18 of the Codified Ordinances of the City of East Cleveland, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications of a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(c) Ninety (90) days after the adoption of this ordinance, no person, firm, or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. Each day of continuing violation of this section shall be deemed a separate offense.

Elyria

721.01. *Permit required for purchases.* It shall be unlawful for any person to purchase in the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

721.03. *Granting permits.* It shall be the duty of the Chief of Police to refuse to grant such permit, to (a) all persons having been convicted of any crime, (b) all vagabonds, and (c) all minors. Otherwise it shall be the duty of the Chief of Police to grant such permit, as provided in this chapter.

721.05. *Sale to persons without permits.* It shall be unlawful for any person to sell any person within the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold shall present to such person selling the same, a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen (15) days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person make and file a report of such sale with the Chief of Police as provided in this chapter.

Englewood

11. *Firearms sold to minors:* It shall be unlawful for any dealer in firearms in said Village to sell any revolver or other pistol of any kind whatever to any minor or minors.

Euclid

587.06. *Sale of toy pistols and air guns.* No person shall sell to a minor under sixteen years of age a pistol manufactured of a metallic or hard substance commonly known as a toy pistol or air gun, or any other form of explosive gun.

751.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without securing a permit to do so; * * * and no person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such.

751.05. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

Fairview Park

532.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

532.05. *Sale of fire arms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this Section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

532.07. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit so to do. * * *.

Findlay

49.5 *No firearms, etc., for minors under seventeen.* It shall be unlawful for any person or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Franklin

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the

owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Greenville

509.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio Revised Code 1533.13, or to persons exempted under Ohio Revised Code 2903.07.

Grove City

131.06 *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Hamilton

729.01. *Record of sale.* It shall be unlawful to sell any firearm, dagger, stiletto, brass or iron knuckles, or billy, unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. *Sale to minors.* It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04. *Dangerous weapons dealers license.* A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. *Identifying marks on weapons.* It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Independence

587.01. *Switch blade knives, brass knuckles, blackjack and other similar weapons.* (b) No person shall manufacture, sell or expose for sale, or carry on or about his person any weapon known or designated as brass knuckles, sawed off shotgun, billy, slingshot, sandbag, blackjack or other weapon of similar character. This section does not apply to any such weapon designated for use by officers of the law.

589.06. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearms, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Chief of Police, or provided that said instructor is the parent of the person receiving such instructions.

Ironton

134.3. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, b/b gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner, or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Kent

987.06. *License to sell weapons.* It is unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *, and no person having secured such a license, * * *, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

987.10. *Application for permit to buy weapons.* It is unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit so to do. * * *.

987.11. *Refusal of permit.* It shall be the duty of the Chief of Police to refuse such permit to (a) all persons having been convicted of any crime; (b) all vagabonds; (c) all minors. Otherwise it shall be the duty of the Chief of Police to grant such permit.

Lakewood

573.01. *License to sell weapons.* No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

573.05. *Permit to purchase weapons; application.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

573.06. *Issuance of permit.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; and (c) All minors. Otherwise it shall be the duty of the Chief of Police to grant such permit.

Lima

993.05. *Authority of Mayor in case of riot.* When there is, in the opinion of the Mayor a tumult, riot, mob or body of men acting together with the intent to commit a felony or to do or offer to do violence to person or property and resist the laws of the State within the corporate limits or there is reasonable apprehension thereof, the Mayor may issue his proclamation prohibiting the traffic in, sale, giving away or furnishing of firearms, ammunition and explosives to any person within the City. Upon the issuance of the proclamation, it shall be unlawful for any person to traffic in, sell, give away or furnish firearms, ammunition or explosives of whatsoever kind to any person within the corporate limits.

993.07. *Selling weapons to minors.* It shall be unlawful for any person to sell, barter, furnish or give to a minor under the age of seventeen years, an air-gun, B-B gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly to permit it to be used by a minor under such age.

Lockland

114.04. *Firearms trade.* No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

136.03. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Lyndhurst

B-36. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control

thereof, knowingly permit it to be used by a minor under such age.

Mansfield

40.10. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge thereof, knowingly permit it to be used by a minor under such age.

40.20. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

40.22. *Explosives permit required.* It shall be unlawful to have, use, keep, store, manufacture, sell, bring or transport any explosive within the city except under permit issued by the director of public safety. For purposes of this chapter an explosive shall be defined as any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion; that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects upon contiguous objects, or of destroying life or limb.

Marietta

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R. C. 3743.01(A), or gas pellets whether such person is acting for himself or for any other person.

Marion

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio Revised Code, Section 1533.13 or to persons exempted under Ohio Revised Code, Section 2903.07.

Marysville

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

Mayfield Heights

587.01(b). *Sale license, purchase permit required.* No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, or B–B guns, knives described in paragraph (a), other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, * * *. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, * * *.

587.01(e). *License or permit refusal.* It shall be the duty of the Chief of Police to refuse such license to engage in the business of selling or permit to purchase any of the weapons hereinbefore mentioned to any person who has been convicted of any crime, other than traffic offenses, any vagrant, any suspicious person, any minor under the age of eighteen years or any person having violated the provisions of this chapter during the preceding year.

587.02. *Sale to or purchase by minors.* (a) No person, firm or corporation shall sell any firearm, air gun or B–B gun, knife with a blade longer than two and one-half inches, other weapon, ammunition, explosives or fireworks to a minor under the age of eighteen years.

(b) No minor under the age of eighteen years of age shall purchase any firearm, air gun or B–B gun, knife with a blade longer than two and one-half inches, other weapon, ammunition, explosives or fireworks.

587.04. *Records of sales.* (a) Any person, firm or corporation who shall sell any firearms, air gun or B–B gun, knife with a blade longer than two and one-half inches, other weapon, ammunition, explosives or fireworks shall make and keep a permanent written record of such sale. * * *

(c) No person, firm or corporation who shall purchase any such article shall give, or cause to be given, any information required under this section which shall be false.

Moraine

134.05. *Selling firearms to minors.* No pawnbroker or dealer in firearms in the city shall sell any revolver or other pistol or any kind whatsoever to any minor.

North Canton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * *.

Ontario

545.12. *License required for sale of weapons;* * * *. (a) No person shall engage in the business of selling, or sell or give away to any person within the Municipality any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of similar character which can be concealed on or about the person, without first securing a license to do so * * *.

Orrville

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

Parma

787.02. *Sales license and purchase permit required.* No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.03. *Application for license issuance.* Any person desiring a license authorizing the sale, gift or exchange of any deadly weapon shall make application in writing to the Director of Public Safety, setting out in the application the full name and residence of the applicant, if an individual, and, if a firm or corporation, the name and residence of each of its members or officers. The applicant shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of the application it shall be the duty of the Director to issue a license to the applicant.

Portsmouth

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

705.32. *Dealers in firearms and ammunition;* * * *. All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Reading

65–82–I. No person shall sell, barter, furnish, or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, * * *.

Shaker Heights

709.07. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is at that time under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized, or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten (10) years, unless a doctor indicates in writing that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio, or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of

completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

709.11. *Dealer's license.* (a) Every firearms dealer in the City of Shaker Heights shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police. * * *.

Shelby

33-68-1. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, own, possess, receive, have on or about his person, or use any pistol, rifle, shotgun, or other firearm, or a knife with a blade longer than three inches, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of the State of Ohio or any other state or federal laws, unless said person has received written permission to do by the Chief of Police of the City of Shelby, Ohio.

33-68-2. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, receive, have on or about his person, or use any firearm while under the influence of alcohol, intoxicating liquor, any narcotic drug, hallucinogen, or other dangerous drug.

33-68-3. No person within the corporate limits of the City of Shelby, Ohio shall purchase, receive, have on or about his person, or use any firearm, if such person is a fugitive from justice or is under adjudication of mental incompetence.

South Euclid

587.01. *License required for sale of weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon.

587.05. *Permit to buy weapon.* No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so.

587.06. *Refusal to issue permit or license.* It shall be the duty of the Director of Public Safety to refuse such license to engage in the business of selling, or to sell or to give away, any of the deadly weapons hereinbefore mentioned, and it shall be the duty of the Chief of Police to refuse such permit to purchase or acquire by gift or otherwise any such weapon, to any person who has been convicted of any crime, any vagrant, any suspicious person or any minor.

Springdale

38.24. *Sale of firearms to unknown persons and felons.* It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in section 38.22, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser. It shall be unlawful for a dealer to sell a firearm to any person who has been convicted of a felony within the previous five years.

Springfield

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

Steubenville

791.01. *License required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

791.05. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

791.06. *Permit to purchase firearms to be refused—when.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime. (b) All vagabonds. (c) All minors.

791.07. *American citizenship required for sale or purchase of firearms.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the City and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Stow

547.04. *Possession of firearms by certain persons prohibited.* A. Definitions. That as used herein the following definitions shall be applicable: a. The term "firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition. b. The term "pistol" shall mean any firearm with a barrel less than twelve inches in length. c. The term "manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail. d. The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding. e. The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

B. Possession prohibited. It shall be unlawful for any person who is a fugitive from justice, or of unsound mind, or a drug addict, to possess a firearm, within this City. It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within this City. It shall be unlawful for any person under the age of eighteen to possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

C. Sales and transfers regulated. That it shall be unlawful for any person to receive, possess, sell lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed. It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Ordinance, to sell any firearm at wholesale or retail within the corporate limits. It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization. When delivered all firearms must be unloaded. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in Section 547.04(B) hereof.

E. False information. That no person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity. No person shall give false information concerning the matters referred to in this enactment or concerning his age or his name and address or offer false evidence of his identity when purchasing a firearm.

Toledo

17-19-1. *Definitions.* 1. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

2. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

3. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm, or corporation, or in addition thereto.

4. "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

5. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

6. "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

7. "Minor" means any person under the age of twenty-one years.

17-19-2. *Prohibitions.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

2. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of

alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

3. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

4. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17–19–4. *Identification card required.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

4. A hand gun owner's identification card shall not be issued to any person who is:

A. A person prohibited by Section 17–19–2 of the Toledo Municipal Code from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

B. A minor;

C. A person convicted of an illegal use or possession of narcotics;

D. A person with more than one conviction of being drunk and disorderly within one year prior to his application for such identification card;

E. Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card.

17–19–5. *Exemptions.* 1. The requirements of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

A. Any state of the United States, or any political subdivision, department, or agency of either;

B. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

C. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

D. Nonresidents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17–19–2 or 17–19–4 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the city with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof.

E. Nonresidents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

F. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

G. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

H. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States.

2. No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code knowing such claim of exemption to be false.

17–19–6. *Further prohibitions.* 1. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17–19–4 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

17–19–7. *Dealers license.* 1. Every firearms dealer in this city shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this city shall procure a separate license for each such permanent location.

17–19–9. *Records.* 3. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

Trotwood

545.13. *Sale license, purchase permit required.* No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B–B guns, knives described in Section 545.02, or other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, as hereinfater provided. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereinafter provided.

545.16. *License or permit refusal.* It shall be the duty of the Chief of Police to refuse such license to engage in the business of selling or permit to purchase any of the weapons hereinbefore mentioned to any person who has been convicted of any crime, other than traffic offenses, any vagrant, any suspicious person, any minor under the age of eighteen years or any person having violated the provisions of this chapter during the preceding year.

University Heights

593.02. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

593.07. *Dealers license.* (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 593.08 of the Codified Ordinances of the City of University Heights, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this article, until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications or a handgun owner's identification card. The license issued pursuant to this

section shall be prominently displayed by every firearms dealer at his place of business.

(c) Ninety (90) days after the adoption of this ordinance, no person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. Each day of continuing violation of this section shall be deemed a separate offense.

Wapakoneta

134.03. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

545.04. *Sale of firearms; dealer's license; purchaser's permit.* No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, blackjack or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. *Permit required of purchaser.* No person shall purchase any pistol, revolver, derringer, blackjack or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

545.10. *Qualifications of permittee.* It shall be the duty of the Police Chief to refuse such permits to: (a) all persons having been convicted of any crime, (b) all vagabonds, (c) all minors. Otherwise it shall be the duty of the Police Chief to grant such permit.

Warrensville Heights

741.01. *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such permit shall give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.05. *Permit to purchase concealable weapons; application.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

741.06 *Duties of chief of police.* It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime.

(b) All vagabonds;

(c) All minors.

Otherwise, it shall be the duty of the Chief of Police to grant such permit.

741.08 *Gift or sale to minors.* (b) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Waterville

38.12. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Whitehall

549.09. *Sale of firearms generally to minors.* (a) No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearms, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * *.

549.11. *Sale or gift of deadly weapons; license required.* (a) No person shall sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required in Section 549.12.

549.12. *Purchase of deadly weapons; permit required.* (a) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so. * * *.

Wickliffe

86–1. *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon * * *.

86–5. *Permit to purchase concealable weapons.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

Willowick

1. No minor shall have in his possession a blank cartridge pistol or gun or a blank cartridge therefor, nor shall any person sell, barter, furnish, or give to a minor such a pistol or gun, or a blank cartridge for a blank cartridge pistol or gun.

Wintersville

771–1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

771–2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

771–3. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Yorkville

774–1. *License required.* It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, * * *, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

774–5. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

774–6. *Permit to purchase firmarms to be refused—when.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime. (b) All vagabonds. (c) All minors.

774–7. *American citizenship required for sale or purchase of firearms.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

133.04. *Possession of firearms by aliens.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. Any person who violates the provisions of this section, shall for the first offense be fined not less than fifty dollars and not more than one hundred dollars; for the second offense they shall be fined not less than one hundred dollars and not more than two hundred dollars or be imprisoned for not less than thirty days nor more than sixty days, or both. For a third or subsequent offense they shall be fined not less than two hundred dollars nor more than three hundred dollars and be imprisoned not less than ninety days nor more than six months, or both.

133.05. *License to sell weapons required.* (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, derringer, bowie knife, dagger, machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license so to do.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty one years any pistol, revolver, derringer, bowie knife, dagger or other weapon of like character, which can be concealed.

133.09. *Weapon purchaser.* It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information

required by section 133.08. It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

OKLAHOMA

State Law

OKL. ST. ANN. TITLE 21

1271. *Carrying concealed weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slungshot, sword-cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense.

1272. *Carrying weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, switchblade knife, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon.

1273. *Selling weapons to minors.* It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated in the two preceding sections.

1321.1. *Citation.* This Act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

1321.2. *Definitions.* As used in this Act:

"State of Emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the Act.

"Governor" means the Governor of this State or, in case of his removal, death, resignation, or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to the Constitution and laws of this State relating to succession in office.

1321.4. *Acts which may be proclaimed prohibited.* (a) The Governor during the existence of a State of Emergency, by proclamation, may, in the area described by the proclamation, which said proclamation shall not cover any part or portion of the State not affected by public disorder, disaster, or riot at the time said proclamation is issued, prohibit:

(3) the manufacture, transfer, use, possession, or transportation of a Molotov Cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(4) the transporting, possessing, or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operations of motor vehicles, normal home use or legitimate commercial use;

(5) the possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business.

1288. *Purchase of firearms, ammunition and equipment in contiguous states by Oklahoma residents* * * * (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made. * * *.

Ada

395.60. *Weapons prohibited to certain persons.* * * *. It shall be unlawful for any Licensee under this Chapter to sell, loan or give away any firearm, knife or other dangerous weapon to a minor, a known drunkard, or any person known to be under the influence of intoxicating liquors or drugs, or to any person who is known as an habitual user of drugs, or to any person who is commonly known to be a "police court character", which is defined to be a person who has been convicted of three or more offenses against the ordinances of this City other than traffic offenses in the police court of this City, or to any person known to have been previously convicted of any felony. Before such firearm, knife or other weapon may be sold, loaned or given to any person, such person's identification shall be determined by such Licensee. * * *

Lawton

6–54. Purchase of pistol: Permit required. It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Lawton, Oklahoma, without first having obtained a written permit from the police department of the City of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Provided, that regular dealers in such articles may accept such articles without a permit at any time.

6–55. No sale to person without permit. No person, firm, or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Lawton, Oklahoma, to any person who is not a holder of a written permit from the police department of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department of Lawton, Oklahoma, * * *.

6–57. *Persons ineligible for permit; investigation.* It is the duty of the police department of Lawton, Oklahoma, to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind and discretion and of good moral character. When he has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes, it shall be the duty of the police department to issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty days.

6–60. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm; and it shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the police department of Lawton, Oklahoma, at the time the report of such sale or gift is made, as provided in this article.

Midwest City

5–39. *"Pistol" and "revolver" defined.* The word "pistol" or "revolver", as used in this article, means any firearm with a barrel less than twelve (12) inches long.

5–40. *Purchase; permit required.* It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Midwest City without first having obtained a written permit from the chief of police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol, or other like firearm.

5–41. *Sale without permit; exception.* No person, firm, or corporation shall sell, deliver, barter, give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the chief of police of Midwest City authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Midwest City in the manner provided hereinafter.

5–42. *Application for permit.* Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the chief of police of Midwest City upon blanks to be provided therefor. * * * no person applying for such permit shall give false information or offer false evidence of his identity.

5–43. *Persons ineligible for permit; investigation.* It is the duty of the chief of police of Midwest City to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such revolver, pistol, or other like firearm is to be used for lawful purposes, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or like firearm.

5–46. *Duty of seller.* It is the duty of the person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm. It is the duty of any such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the chief of police of Midwest City, Oklahoma, at the time the report of such sale or gift is made * * *.

5–48. *Antiques.* Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

5–49. *Hours sales prohibited.* It is unlawful for any person, firm, or corporation to purchase, receive, or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm between the hours of 5:00 o'clock p.m. and 8:00 o'clock a.m.

Muskogee

14–44. *Rules governing sale of weapons.* All persons handling, selling, or offering for sale, transferring or delivering, any pistol, revolver, dirk, bowie knife, dagger, billy, brass, iron, or other metal knucks, or any

knife having a spring handle, or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof, to any purchaser or person receiving such weapon or weapons, require the purchaser or one receiving the same to sign and swear to an application for the purchase thereof upon a written blank showing the name, age, sex, occupation, color of hair, color of eyes, weight, height, complexion, place of residence, the length of time such applicant has resided at such place of residence, and containing a description of the weapon for the purchase of which application is made, including the make, caliber, and factory number, if any thereon. The dealer or person selling or delivering any such weapon shall, at the time of the sale or delivery to such purchaser, require that the application have shown thereon for the purpose of identification, the finger prints of the purchaser. It is the duty of all persons subject to the provisions hereof to deliver to the police department of the City of Muskogee, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and finger prints of the purchaser.

Oklahoma City

9.9.06. *Minors—Firearms and other Weapons.* It shall be unlawful and an offense for any minor to carry, discharge, or use within the city any firearm, flobert rifle, air gun, spring gun, slung shot or * * * . It shall be unlawful to sell any of the above named articles to a minor.

9.9.07. *Minors—Explosives.* It shall be unlawful and an offense for any person, firm or corporation to sell, give, or deliver to any minor within the corporate limits of Oklahoma City, any of the following explosives: Gun-powder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosive of a similar character.

9.9.08. *Pistol and revolver defined.* The word "pistol" or "revolver" as used in this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

9.9.09. *Purchase of pistol—Permit required.* It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Oklahoma City without first having obtained a written permit from the Chief of Police of the City of Oklahoma City, authorizing such person to receive or accept such revolver, pistol, or other like firearm.

9.9.10. *Sale to person without permit—Exceptions.* No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Oklahoma City to any person who is not a holder of a written permit from the Chief of Police of Oklahoma City authorizing such person to purchase, receive or accept such revolver, pistol or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Oklahoma City in the manner provided hereinafter."

9.9.12. *Persons ineligible for permit—Investigation.* It shall be the duty of the Chief of Police of Oklahoma City to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such revolver, pistol or other like firearm is to be used for lawful purposes, it shall be the duty of the Chief of Police to issue such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol, or other like firearm.

9.9.15. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers or gives away any pistol, revolver or like firearm, as provided in this ordinance, at the time such sale, gift, or delivery is made to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver, or like firearm; and it shall be the duty of any such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Oklahoma City, Oklahoma, at the time the report of such sale or gift is made, as provided in this ordinance.

9.9.17. *Antiques.* Nothing contained in this ordinance shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

9.9.18. *Sales After 5:00 o'clock prohibited.* It shall be unlawful and an offense for any person, firm, or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm, as defined herein, between the hours of 5:00 o'clock p.m. and 8:00 o'clock a.m.

Shawnee

48–3. *Sale of weapons to minors prohibited.* It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in Section 48–1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars.

48–6. *"Pistol" and "revolver" defined.* The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48–7. *Applicability of article.* Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48–8. *Permit to purchase, receive, etc.—Required.* No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48–9. *Same—Application.* Applications for permits to purchase, receive or accept any revolver, pistol or other similar firearm shall be made to the chief of police upon blanks to be provided therefor, * * *, and no person applying for such permit shall give false information or offer false evidence of his identity.

48–10. *Same—Prerequisites to issuance; issuance.* It shall be the duty of the chief of police to refuse permits for pistols, revolvers and other similar firearms to all persons who have been convicted of a felony under the laws of the state, any other state or the United States, and to all minors, drug addicts, unnaturalized foreign-born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied, after investigation made, that the applicant is a suitable person, of sound mind and discretion and of good moral character, and that such revolver, pistol, or other similar firearm is to be used for lawful purposes, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol or similar firearm.

48–12. *Sale of pistols, revolvers, etc.* (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

418. *Sales permitted—Rules.* All persons trading, selling or offering for sale, any pistol, revolver, dirk, dagger, bowie knife, capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such person receiving or purchasing such weapon to sign an application for the purchase of such weapon, upon blanks to be furnished by the City of Tulsa to the dealers in weapons of the above description. * * * The dealer selling such weapon shall also, at the time of sale or delivery, require such person to make and leave with such dealer, a record of such purchaser's finger prints, such prints to be made upon suitable blanks to be furnished to such dealer by the said City of Tulsa. * * *

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons; nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

Yukon

5–34. *Sale of pistols and other sidearms.* Every person, firm, or corporation keeping, selling, or dealing in new or used pistols, revolvers, or other sidearms within the City of Yukon, shall keep an accurate account and record of all such pistols, revolvers, or other sidearms, showing the make, model, serial number, date acquired, from whom acquired, date sold, and name or names and address of purchaser or purchasers of said article. Said record shall be available for inspection by any police officer of the City of Yukon at any reasonable time. It shall be the duty of any person, firm, or corporation purchasing said article to disclose to the seller of same the name and address of the person or persons obtaining the same and the purpose or purposes for which obtained.

OREGON

State Law

O.R.S.

166.210. *Definitions.* (1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250. *Unlawful possession of weapons.* (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260. *Persons not affected by ORS 166.250.* ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy, or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270. *Aliens and convicts forbidden to possess arms.* Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.430. *Licenses to sell at retail.* Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(3) No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.450. *Obliteration or change of identification marks on firearms.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same has been changed, altered, removed or obliterated, is presumptive evidence that the possessor has changed, altered, removed or obliterated the same.

166.460. *Antique firearms excepted.* ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470. *Limitations and conditions for sales of concealable firearms.* No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possesing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480. *Sale or gift of explosives and firearms to children.* Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490. *Purchase of firearms in certain other states.* (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

480.070. *Fire bombs prohibited; exceptions.* (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

Corvallis

59–15. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor.

Gresham

483–1. On and after October 1, 1968, it will be necessary for any person, firm or corporation to do business within the City of Gresham for the sale of firearms, particularly pistols, revolvers and other firearms, to secure an annual City license for the sale of such firearms. * * * All licenses issued for the sale of firearms shall be subject to the following conditions:

3. No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity; * * *.

Klamath Falls

47–13. *Sale, offering for sale, etc., prohibited.* No person shall sell, offer for sale, or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids, to blind, or impair the eyesight, or sicken, or disable a human being. Such gun is hereby declared to be a dangerous weapon.

47–14. *Permit required to carry on person; exception.* No person shall carry or have on or about his person, or in his possession, any weapon described in section 47–13, without first securing a permit from the chief of police of the city or the sheriff of the county, granting him to such privilege; except that duly authorized peace officers, are not included in this section. The chief of police shall use his discretion in issuing such permits.

Myrtle Creek

5–6.5. (a) *Carrying concealed weapons.* No person shall wear under his clothes, or conceal about his person, * * * any dangerous or deadly weapon including, * * * any pistol, revolver, * * *.

(e) *Sales to intoxicated persons and minors.* No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any

narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6-4-1. *License and permit required.* Any person engaging in the business of selling or offering to sell any pistol, revolver, bowie knife or other weapon of like character that can be concealed upon the person, shall first obtain a license as a dealer in deadly weapons to sell or give away any such weapon to any person who has secured a permit from the Chief of Police to purchase the weapon in the manner hereafter provided.

6-4-3. *Application; permit to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, bowie knife, dirk or other weapon of like character, which can be concealed upon the person, without first securing from the Chief of Police a permit so to do * * * the provisions set forth in this Section shall not apply to retail dealer's or wholesale dealers in weapons, having an established place of business in the City.

6-4-4. *Refusal of permit.* It shall be the duty of the Chief of Police to refuse a permit to: (A) All persons having been convicted of a felony. (B) All vagabonds. (C) All minors.

Portland

16-103. The term dangerous or deadly weapon shall mean any firearm, dirk, dagger, knife, brass knuckles, sap, sling shot, or any similar instrument capable of injuring persons or property.

16-605. (a) The term "firearm" as used in this section means any pistol, revolver, gun, rifle, cannon, artillery piece or other ordnance, including any miniature weapon, which acts by force of gunpowder or other explosive, including any instrument or device designed to propel any missile by the use of jet, rocket, spring or compressed air propulsion.

16-620. *Explosives and fire bombs prohibited.* (a) As used in Section 16-620 through 16-622 of this Code: (1) "Explosive" means any substance or material that on ignition by heat, impact, friction or detonation explodes with such force as to injure a person or damage property in the immediate vicinity of the explosion. (2) "Fire Bomb" means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Fahrenheit, or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purposes of this section.

(b) It shall be unlawful for any person other than a member of the armed forces of the United States or a member of a regularly organized fire and police department to use, possess or have under his control an explosive or fire bomb within the corporate limits of the City of Portland.

16-642. *Sale or distribution of dangerous or deadly weapons or ammunition to minors: Possession by minors.* It shall be unlawful for any person to give, furnish, loan or sell to any minor under 18 years of age any dangerous or deadly weapon as defined in Section 16-103 of this Code; and it shall be unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any dangerous or deadly weapon as defined in said Section 16-103 of this Code; and it shall be unlawful for any such minor to have any such dangerous or deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a dangerous or deadly weapon or ammunition in his or her possession.

20-3404. *Conditions of license.* Every license issued under the provisions of this article is issued upon the following terms and conditions:

(a) The licensee shall observe all the provisions of the ordinances of the City of Portland, of the laws of the State of Oregon relating to the business of dealing in deadly weapons or firearms; the licensee will not sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe is an alien or who has been convicted of a felony, nor will he sell, deliver, or otherwise transfer any such weapon to any minor under the age of eighteen years.

PENNSYLVANIA

State Law

PENN. STATS. ANN. (PURDON'S) TITLE 18

3853. *Purchase of rifles and shotguns in contiguous states.* It is lawful for a person residing in this Commonwealth (including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

4626. *Sale of weapons and explosives to minors.* Whoever knowingly and wilfully sells or causes to be sold, to any person under sixteen years of age, any deadly weapon, or knowingly and wilfully sells or causes to be sold to any such minor any cartridge, gunpowder, or other dangerous and explosive substance, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one year, or both.

4626.1 *Sale of starter pistols to minors.* Whoever sells, causes to be sold, gives or furnishes to any person under the age of eighteen years, or whoever being under the age of eighteen years purchases, accepts, receives or possesses, any pistol, commonly referred to as "starter pistol", especially designed to receive and discharge blank cartridges only or similar pistol, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for not more than one (1) year, or both. Nothing in this section, however, shall prohibit the use of said starter pistols for the purpose of officiating at athletic events, use in dramatic productions, or other similar events.

4628. *Uniform Firearms Act—Definitions.* (a) As used in this section:

"Firearm" means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

"Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Person" includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

(d) No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

(g) No person shall deliver a firearm to any person under the age of eighteen, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

(h) No seller shall deliver a firearm to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased and a statement that he has never been convicted in this Commonwealth or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the seller's place of business, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six (6) years, and the quadruplicate with the proper signature and address of the seller shall, within six (6) hours after such application, be forwarded by registered mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident. This clause shall not apply to sales at wholesale.

(l) No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this section.

(m) No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

(n) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

(o) This section shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

4629. *Traffic in machine guns.* Whoever sells, gives, transfers, purchases, owns, or has in possession any machine gun, is guilty of a felony, and on conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000), or undergo imprisonment, by separate or solitary confinement at labor, not exceeding five (5) years, or both.

Nothing contained in this section shall prohibit the manufacture for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of this Commonwealth, or of any political subdivision thereof, nor to the purchase or possession of machine guns by such governments and departments, nor prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. Any sheriff, upon application and the payment of a fee of one dollar ($1.00), may issue permits for the ownership and possession of machine guns by veterans and organizations, branches, camps or posts

of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.

4699.12. *Sale of gasoline in glass containers; incendiary devices.* (a)—Whoever sells gasoline in a glass container shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) or to undergo imprisonment not exceeding thirty (30) days.

(b) Whoever owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "Molotov cocktail," shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year, or both. For the purposes of this section, the term "incendiary device" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type. The provisions of this section shall not apply to authorized personnel of the United States government, the Commonwealth of Pennsylvania, or any of its political subdivisions who use incendiary devices as part of their duties.

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle, air rifle or air gun of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Bellevue Borough

I. That it shall be unlawful for any person or persons, firm or any corporation to sell, within the Borough of Bellevue, any flobert rifle, air gun, spring gun or any implement which impels with force a metal pellet of any kind, and the sale thereof is hereby expressly prohibited.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the BOROUGH OF CLIFTON HEIGHTS any air gun, air pistol, spring gun, or pistol, starter guns, blank guns, beebe guns, sling shots or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bonafide dealer therein.

Harrisburg

721.02. *Emergency measures.* 1. Whenever the Mayor pursuant to Section 721.01 of this Code of Ordinances declares that a state of emergency exists, (a) the emergency measures provided in Paragraph 2 of this Section shall thereupon be in effect during the period of said emergency and throughout the City.

2. (a) The sale or transfer of possession, with or without consideration, the offering to sell or so transfer and the purchase of any ammunition, guns or other firearms of any size or description is prohibited. (b) The displaying by or in any store or shop of any ammunition guns or other firearms of any size or description is prohibited. * * *.

Lawrence Park Township

91.1. That it shall be unlawful for any person, persons, firm or corporation to sell, offer or expose for sale within the Township of Lawrence Park to any minor under the age of eighteen (18) years any rifle or air pistol (commonly known as B-B gun), sling shot or any similar device.

Lower Moreland Township

69–1a. Any person in Lower Moreland Township under eighteen (18) years of age, unless acting under the supervision of and in the presence of a parent or guardian, who purchases or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm, shall upon summary conviction by any Justice of the Peace of this Township, pay a fine not in excess of Fifty ($50.00) Dollars and in default of payment shall undergo imprisonment not in excess of twenty (20) days."

69–1b. Any person in Lower Moreland Township who shall sell, furnish or give any pellets or shot for an air gun or ammunition for a rifle or other firearm to any person under eighteen (18) years of age, unless the minor receiving the aforesaid shot, pellets or ammunition is accompanied by and acting under the supervision of a parent or guardian, shall upon summary conviction by any Justice of the Peace of Lower Moreland Township pay a fine not in excess of One Hundred ($100.00) Dollars and in default of payment shall undergo imprisonment not in excess of thirty (30) days.

69–2. Whoever knowingly and wilfully sells or causes to be sold, to any person under eighteen (18) years of age any rifle, air rifle, or air gun of any description in the Township of Lower Moreland, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars ($50.) and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell any device known as air rifles, B. B. guns, or guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

Philadelphia

10–814. *Acquisition or transfer of firearms.* (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section.

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

Rockledge Borough

208–1. It shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge to any minor child under the age of eighteen years any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind.

208–2. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to deliver possession of any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind to any minor child under the age of eighteen years within the Borough limits of the Borough of Rockledge.

208–3. * * * It shall be unlawful, and it is hereby prohibited for any person, persons, firms or corporations to sell any such implement within the Borough of Rockledge unless within twenty-four hours of each and every such sale, such person, firm or corporation making said sale shall file a report thereof containing a description of the implements sold and serial numbers and identifying marks, if any, and the name and address and age of the person to whom sold with the Police Department of the Borough of Rockledge.

208–4. It shall be unlawful and it is hereby prohibited for any person or persons being a minor child under the age of eighteen to have in his or her possession for any purpose whatever within the Borough limits of the Borough of Rockledge of any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind, and any such implement or instrument being in the possession of any child under the age of eighteen is hereby declared to be a public nuisance and a public danger and confiscated, and the Police Department of the Borough of Rockledge is hereby directed and commanded to seize and confiscate any such instrument or implement being in the possession within the Borough limits of said Borough of any minor child under the age of eighteen years.

Scranton

1. The Council of the City of Scranton ordains that for the purpose of preventing the carrying of concealed deadly weapons and the commission of other crimes and breaches of the peace, it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) slung-shot, handy-billy, dirk-knife, or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor accompanied by payment of a fee of $1.00 to the Superintendent of the Bureau of Police for the use of the City of Scranton. Said application shall set forth the reasons why such purchase or acquisition is desired and such other information as said Superintendent may require. If said Superintendent shall deem such application well grounded and such applicant to be of good moral character, he shall grant a nontransferable permit, which shall be signed by the applicant in the presence of said Superintendent or his duly authorized representative.

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin Borough

52–4. *Purchase, sale or discharge of fireworks, etc., prohibited; exception.* From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any firecrackers, rockets, squibs, guns, pistols or other firearms or fireworks of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Springfield Township

545–3. The Board of Commissioners of the Township of Springfield does ordain: Whoever knowingly and wilfully sells or causes to be sold or supplies or furnishes to any minor person any rifle, air rifle, or air gun of any description or ammunition or pellets for the same, or bow and arrows, or shotguns, guns or any firearm or weapon from which a shot or other object is discharged by an explosive force, in the Township of Springfield shall upon conviction thereof in a summary proceeding before a Justice of the Peace, be sentenced to pay a fine not exceeding $50.00 and in default of the payment of fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten days.

Swissvale Borough

1464–3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579–2. *Every prospective purchaser* of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Darby Township

838–1. That it shall be unlawful, and it is hereby prohibited, for any person, persons, firms or corporations to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or use or discharge within the limits of the Township of Upper Darby any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona-fide dealer therein.

1375–1. That Ordinance No. 838, entitled as above, be and the same is hereby amended and supplemented by including in Section 1 thereof starter guns and blank guns.

Upper Southampton

3: *Whoever knowingly and willfully* sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, air rifle, or air gun, or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

246–3. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations, to transfer, store, sell, offer or expose for sale, or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken, unless duly licensed according to law.

Wyomissing Borough

578–1(c) *Dealing with Minors and Certain Other Persons.* Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years; excepting bows and arrows with respect to minors.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

PUERTO RICO

L.P.R.A. Title 25

413. *Sale or transportation of machine guns.* Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. *Possession of machine gun or sawed-off shotgun.* Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

416. *Possession of pistol or firearm without license.* Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any of such offenses, shall be guilty of a felony.

420. *Possession or sale of silencer.* Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

421. *Serial number or name of owner on firearm—Removal or defacement.* Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

425. *License to possess firearms; weapons for farmers.* The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such

person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

427. *Grounds for refusing to issue license.* The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247–1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

430. *Persons who may lawfully carry weapons.* (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

436. *Conditions for dealers' operations; records of transactions.* Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

437. *Acquisition of weapons by persons authorized in section 430.* The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

438. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

445. *Hunting and target shooting arms excepted.* The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

446. *Collections of antique weapons; certificates of uselessness.* No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

454. *Definitions.* For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in firearms or ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

541. *Concealed weapons and instruments.* It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. *Exceptions.* Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

RHODE ISLAND

State Law

R.I.L. TITLE 11

11–13–3. *Sale of fulminate cartridges or contrivances to minors.* No person shall sell to any child under the age of fifteen (15) years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any

fulminate. Nothing in this section shall authorize the sale of any blank cartridge except as provided in § 11–13–5. Every person violating the provisions of this section shall be fined not less than ten dollars ($10.00) nor more than twenty dollars ($20.00) for each offense.

11–13–4. *Toy canes or devices for firing blanks.* No person or persons shall sell, expose for sale, or have in his or their possession with intent to sell or use, or shall discharge or use, within this state, any repeating toy cane for discharging any explosive, any toy pistol or any other toy device designed or used for the discharge of blank cartridges.

11–13–8. *Delivery or transportation of unmarked explosives or inflammable substances.* Every person who shall knowingly deliver or cause to be delivered to any person or carrier any box, can or other package of nitroglycerine, gunpowder, naphtha or other equally inflammable and explosive substance, material or fluid, not marked with a plain and legible label describing its contents, or who shall remove or cause to be removed any such label or mark, or who shall carry or cause to be carried on any vessel, car or vehicle operated in the transportation of passengers by a common carrier, which vessel, car or vehicle is carrying passengers for hire, any box, can or other package of nitroglycerine, gunpowder, naphtha, guncotton or substance or material containing guncotton, or any other equally inflammable and explosive material, substance or fluid, shall be fined not more than ten thousand dollars ($10,000) or imprisoned not more than five (5) years.

11–47–2. *Definition of terms.* When used in §§ 11–47–1 to 11–47–56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two (22) caliber rim fire which shoots more than fourteen (14) shots semi-automatically without reloading.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

11–47–5. *Possession of arms by person convicted of crime of violence or who is a fugitive from justice.* No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11–47–6. *Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard.* No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s). If said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11–47–7. *Possession of pistol or revolver by alien.* No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11–47–8. *License required for carrying pistol—possession of machine gun.* No person shall, without a license therefor, issued as provided in §§ 11–47–11, 11–47–12, and 11–47–18, carry a pistol or revolver in any vehicle or conveyance or on or about his person whether visible or concealed, except in his dwelling house or place of business or on land possessed by him or as provided in §§ 11–47–9 and 11–47–10, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than five (5) years and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor of probation.

11–47–20. *Sale or possession of silencers.* It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11–47–21. *Restrictions on possession or carrying of explosives or noxious substances.* Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11–47–23. *False information in securing pistol or license.* No person shall in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a license to carry the same, give false information or offer false evidence of his identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11–47–24. *Alteration of marks of identification on firearms.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same. Violation of the provisions of this section may be punished by imprisonment for not more than one (1) year and one (1) day.

11–47–25. *Antique firearms and collections.* Sections 11–47–1 to 11–47–56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purpose without intent to use such firearms.

11–47–30. *Sale of firearms to minors.* It shall be unlawful within this state for any person to sell any firearm to any person under fifteen (15) years of age.

11–47–31. *Sale of ammunition to minors.* It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under fifteen (15) years of age.

11–47–32. *Possession of ammunition by minor.* Except as provided in § 11–47–33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm.

11–47–33. *Possession of firearms by minors.* It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in § 11–47–34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11–47–34. *Firearms permits to minors.* The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such

person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11–47–35. *Sale of concealable weapons.* No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver.

(APPLICATION FORM OMITTED)

The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of said application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7) days be sent by him by registered mail to the attorney-general. The seller shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to check the applicant's record to ascertain whether he falls under the provisions of §§ 11–47–5, 11–47–6, 11–47–7, or 11–47–23. If after the lapse of seventy-two (72) hours from twelve o'clock noon of the day following application, no disqualifying record has been received from the investigating police authority by the seller, he will deliver the firearm applied for to the applicant. Upon the finding of no record that would disqualify the applicant under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11–47–39.

11–47–37. *Delivery to minors and others forbidden.* No person shall deliver a concealable firearm to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of §§ 11–47–5, 11–47–6, 11–47–7, or 11–47–23.

Central Falls

17–25. *Same—Sale to minors.* No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

20–12. When used * * * the following words and phrases shall be construed as follows:

Firearm. The term "firearm" shall include any machine gun, pistol, air rifle, air pistol, "blank gun", "BB gun", so called, or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

Machine Gun. The term "machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two caliber rim fire which shoots more than fourteen shots semi-automatically without reloading.

Pistol. "Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length, less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only.

20–14. No person shall sell or offer to sell any rifle, gun, pistol, air gun, spring gun, sling shot or similar contrivance arranged to discharge missiles to any person under the age of twenty-one years.

SOUTH CAROLINA

State Law

S.C. CODE

15–1388. *Selling, etc., weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way transfer to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or slingshot he shall be guilty of a misdemeanor. Any person being the parent or guardian of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of or use in any manner whatever any gun, pistol or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

16–121. *Machine gun defined.* For the purpose of this article the words "machine gun" apply to and include all firearms commonly known as machine rifles, machine guns and submachine guns of any calibre whatsoever capable of automatically discharging more than eight cartridges successively without reloading in which the ammunition is fed to such gun from or by means of a clip, disk, belt or other separable mechanical device.

16–123. *Storing, keeping or possessing.* It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession, except as hereinafter provided, any machine gun or firearm commonly known as a machine gun.

16–124. *Selling, renting or giving way.* It shall be unlawful for any person to sell, rent or give away or be interested, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun.

16–125. *Exceptions.* The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, State constable, member of the highway patrol, railway policeman, warden, superintendent, head keeper or deputy of any State prison, Penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun may possess machine guns when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns kept for display as relics and which are rendered harmless and not usable.

16–126. *Application for permission to keep; registration and permit.* Every person permitted by § 16–125 to possess a machine gun and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, immediately after such election, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, description including sex, race, age, weight, height, color of eyes and color of hair, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State and shall expire on December thirty-first of the year in which the license is issued.

16–129. *Definitions.* When used in this article: (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the goverment of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or

threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

16-129.2. *Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16-129.5. *Giving false information in applying for license.* No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

66-4. *Regulation of sale of explosives.* No person shall sell, deliver or dispose of dynamite or similar powerful explosives, except ordinary gunpowder, unless such person knows the purchaser or the person to receive such explosive and is satisfied that the explosive is not to be used for killing fish, and then only upon a written application from the person desiring to purchase, stating the purpose for which he desires to use such explosives.

Aiken

14-42. *Weapons—Firearms—Pistols, manufacturing, carrying and selling.* It shall be unlawful in the city for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Anderson

1. When used in this Ordinance: (a) Pistol means any firearm designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearms generally recognized or classified as antique, curiosity, or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "Dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "Crime of Violence" means murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "Fugitive from Justice" means any person who has fled from or who is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "Subversive Organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which is the establishment, control, conduct seizure or overthrow of the Government of the United States or any State or Political Subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "Conviction" as used herein shall include pleas of guilty, pleas of nolo contendre and forfeit of bail.

3. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the City of Anderson any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the Several States, Commonwealths, Territories, possessions or the District of Columbia, or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or Reserve, National Guard, State Militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by Order of a Circuit Judge or County Court Judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any Police Officer, or by any prosecuting officer of this State, or sua sponte, by the Court, but any person who shall be the subject of such application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this Section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

4. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

37-3. *Pistols less than twenty inches long and three pounds in weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor abridge the right of self-defense.

Charleston

49-2. *Possession, sale, etc., of tear gas bombs, etc.* It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Florence

19-55. *Weapons—carrying, sale, etc., of pistols of certain size and weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Greenville

38-4. *Pistols less than twenty inches long and three pounds in weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

Greer

29-7. *Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen

pistol or one from which the original serial number has been removed or obliterated.

Lake City

11. *Firearms—carrying and sale generally.* It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Rock Hill

25-36. *Sale restricted.* No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

South Dakota

State Law

SDCL 1967, CHAPTER 23-7

23-7-1. *Definition of terms.* "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence," as used in this chapter, means any of the following crimes or an attempt to commit any of the same, namely; murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, kidnaping, and larceny.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23-7-2. *Antique pistols excepted from chapter.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

23-7-3. *Person convicted of crime of violence—owning or possessing pistol forbidden.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

23-7-4. *Delivery of pistol to incapacitated person prohibited.* No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

23-7-9. *Delivery of pistol to purchaser—waiting period—wrapped and unloaded.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23-7-10. *Application for purchase of pistol—statement delivered to seller, form and contents, distribution of copies.* At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the secretary of state; the triplicate he shall retain for six years.

23-7-11. *Regulation does not apply to sale of pistols at wholesale.* Sections 23-7-9 and 23-7-10 shall not apply to sales at wholesale.

23-7-12. *False information or false evidence of identity to secure pistol or license prohibited.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

23-7-13. *Transfer of pistol contrary to chapter forbidden.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23-7-14. *License required of retail dealer.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided in § 23-7-15.

23-7-16. *Retail dealer—place of business.* A business licensed pursuant to § 23-7-15 shall be carried on only in the building designated in the license.

23-7-18. *Sale of pistol by retail dealer—restrictions.* No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23-7-21. *Identification marks on pistols—alteration prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

23-7-26. *Guns for military and scientific purposes and small caliber machine guns excepted from chapter.* Nothing contained in this chapter shall prohibit or interfere with: (1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possesed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

23-7-27. *Register of machine guns kept by manufacturer—required contents.* Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered or from whom received.

23-7-30. *Registration by owners of guns—Office of secretary of state—Time.* Every machine gun in this state adapted to use cartridges of any caliber shall be registered in the office of the secretary of state within twenty-four hours after its acquisition, and annually thereafter on July first.

23-7-31. *Registration blanks—data required—not subject to public inspection.* Blanks for registration shall be prepared by the secretary of state and furnished upon application. To comply with § 23-7-30 the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public.

23-7-32. *Failure to register gun—Possession for offensive or aggressive purpose presumed.* Any person failing to register any gun as required by § 23-7-30 shall be presumed to possess the same for offensive or aggressive purpose.

23-7-33. *Conditions raising presumption of possession of gun for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possesssion the machine gun may be found; or

(2) When in the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in § 23-7-30 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

23-7-34. *Possession or use of gun for offensive or aggressive purpose—Punishment.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than fifteen years.

23-7-40. *Purchase of rifles and shotguns by residents of South Dakota * * *—Implementation of federal provisions.* The state of South Dakota herewith permits * * * residents of this state, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components * * * in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90-618 of the 90th United States Congress, second session.

SDCL, CHAPTER 26-10

26-10-9. *Restrictions on use of firearms by children under fifteen—misdemeanor—penalty.* It shall be unlawful for any person under the age of fifteen years to have or use any kind of firearm without the knowledge and consent of his parent or guardian. It shall be unlawful for any parent or guardian having legal charge or control of a person under fifteen years of age to permit such

minor to have or use while loaded, any firearm, in or within one mile of the platted portion of any city or town. Any parent, guardian, or minor violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars.

SDCL, CHAPTER 34-36

34-36-2. *Registration of explosive sales required—contents of entry—noncompliance as misdemeanor.* No person shall sell any dynamite or other high explosive, except ordinary gunpowder, to any person unknown to the seller unless introduced by some person known to the seller, and on every sale the seller shall, before delivery, make entry on a book kept for that purpose stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is required, and the name of the person, if any, who introduced the purchaser. Any person failing to comply with this section shall be guilty of a misdemeanor.

Aberdeen

9.1601. *License.* Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business * * *.

Huron

5.44.010. *License to sell.* Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business * * *.

Sioux Falls

1802. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed as hereinafter provided.

TENNESSEE

State Law

T.C.A. TITLE 39

39-4901. *Carrying dangerous weapons—Penalty.* Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, blackjack, brass-knucks, spanish stilletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

39-4904. *Selling or disposing of dangerous weapons.* It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any knife or other prohibited weapon mentioned in § 39-4901; and the person guilty thereof, for each knife or other prohibited weapon shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and be imprisoned in the county jail not less than one (1) month nor more than six (6) months, such jail sentence to be in the discretion of the trial judge. Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

39-4905. *Selling or giving weapons to minor—Penalty.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100) and be imprisoned in the county jail, in the discretion of the court.

39-4915. *Purchase of rifles and shotguns in contiguous states by residents of Tennessee.* Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Chattanooga

25-10. *Dangerous weapons—Sale.* It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, dirk, large knife or brass knucks; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. *Sale of firearms.* Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to person desiring same for the protection of their homes or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale.

The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Knoxville

28-103. *Firearms—Sale.* (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested

unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lebanon

10-212. *Weapons and firearms generally.* It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand.

10-212.1. *Selling or disposing of dangerous weapons.* It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any knife, or other prohibited weapon mentioned in section 10-212. Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days notice of pending sale provided for above must be made by registered mail and return receipt requested unless the chief of police, personally acknowledges receipt of such notice. The said certificate to be filed with the chief of police shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearms, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the State of Tennessee to engage in such business.

Provided, however, before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

Nashville

41-2-1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

41-2-2. *Persons to whom firearms not to be sold, loaned or otherwise transferred.* It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

41-2-3. *Persons forbidden to possess firearms.* It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

41-2-4. *Stolen firearms.* It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

41-2-5. *Obliteration, removal or alteration of manufacturer's identification mark or number.* It shall be unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase.

41-2-9. *Sale, lease or transfer to persons under twenty-one.* No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

41-2-10. *False information * * * in purchasing firearm.* * * * No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm.

Red Bank—White Oak

1. *It shall be unlawful* for any person to sell or offer for sale in the City any pistol, pistol cartridges, dirk, large knife or brass knucks: provided that this section shall not apply to the sale of regular army and navy pistols.

TEXAS

State Law

TEX. PENAL ANN. (VERNON'S)

Art. 483. *Unlawfully carrying arms.* "(a) Any person who shall carry on or about his person, saddle or in his saddlebags, or in his portfolio or purse any pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, knuckles made of any metal or any hard substance, bowie knife, switch blade knife, spring blade knife, throw blade knife, a knife with a blade over five and one half (5½) inches in length, or any other knife manufactured or sold for the purposes of offense or defense shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) or by confinement in jail for not less than one (1) month nor more than one (1) year, except that if the offense is committed by a person while in any premises covered by a permit or license issued under the provisions of the Texas Liquor Control Act or at any dance where the public is invited and alcoholic beverages are openly sold, served, or consumed, he is guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than two (2) years nor more than five (5) years.

489. *Sale of weapon to minor.* 1. Whoever shall knowingly sell, or offer for sale, give or barter, or cause to be sold, given or bartered to any person within this State, a switch blade knife, spring blade knife or throw blade knife, or knuckles made of metal or any hard substance shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200) or be imprisoned in jail for a period of time not to exceed one (1) year or by both such fine and imprisonment. It shall be a defense to this Act if such switch blade knife, spring blade knife or throw blade knife shall be an antique bought and sold by collectors of such items.

This Act shall not apply to antique or curio firearms which were manufactured prior to 1898 and which may have, as an integral part, a folding knife blade or other characteristics of items prohibited by this Act.

2. Whoever shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor a pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, bowie knife or a knife with a blade over five and one half (5½) inches in length, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, shall be fined not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200), or be imprisoned in jail for a period of time not to exceed one year or by both such fine and imprisonment.

489b. *Machine guns: Definition, sale, penalty, and exception of peace officers and others.* 1. "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device.

"Person" applies to and includes firm, partnership, association or corporation.

2. Whosoever shall possess or use a machine gun, as defined in Section 1, shall be guilty of a felony and upon conviction

thereof, shall be confined in the State Penitentiary, for not less than two (2) nor more than ten (10) years.

3. Whoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a machine gun as hereinabove defined to any person shall be guilty of a felony and upon conviction thereof, shall be confined to the State Penitentiary, for not less than two (2) nor more than ten (10) years.

4. Nothing contained in Section 2 of this Act shall prohibit or interfere with:

(1) The possession of machine guns by the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose.

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake.

(3) The possession of machine guns by officials and employees of the Texas State Prison System.

5. Nothing contained in this Act shall prohibit or interfere with the sale, lease, barter, exchange or gift of a machine gun as defined in this Act, or the transportation required for such purpose to the Adjutant General of the State of Texas, the duly qualified and commissioned Sheriff of a county in Texas, to a duly qualified and commissioned Chief of Police of any municipality within the State of Texas, the duly authorized purchasing agent for the Texas State Prison System, the military forces or peace officers of the United States.

489c. *Possession of prohibited weapons by persons convicted of certain felonies.* 1. No person who has been convicted of a felony involving an act of violence may possess away from the premises upon which he lives a prohibited weapon, or a firearm having a barrel of less than 12 inches in length. "Prohibited weapon" means any weapon specified by Article 483, Penal Code of Texas, 1925, as amended.

2. A person who violates any provision of this Act is guilty of a felony and upon conviction is punishable by imprisonment in the penitentiary for not less than two nor more than 10 years.

3. Definitions. The following words and phrases when used in this Act are defined as follows, to wit:

(a) "Pistol," "revolver" and "firearm" means a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than twelve (12) inches in length.

(b) The use of the masculine gender includes the feminine gender.

4. The penal provisions of this Act shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the five-year period next immediately following his discharge or release from the penitentiary.

489d. *Outstate purchases of firearms.* A resident of Texas may, if not otherwise precluded by law, purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Texas. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

1723. *Offenses in connection with bombs.* 1. The term "bomb," as used in this Act means:

(a) Any explosive, inflammable or combustible substance controlled in any form of container whatsoever whereby the same is susceptible of being set off or exploded, or which automatically explodes when coming in contact with heat, fire, mechanical contrivance or chemical process or which will ignite, detonate or dissemble in any manner so as to cause injury or harm to any person, animal or plant life, or which will damage property in any manner.

(b) Any substance classified by scientists as being fissionable or capable of liberating subatomic or nuclear energy in quantities destructive of life and property.

(c) Any collection of nitroglycerine, dynamite, gunpowder, guncotton or other form of explosive matter including caps, fuses or fuseheads capable by their ignition or explosion of causing damage to persons or property.

(d) Any container which may conceal or segregate bacteria, disease germs, poisons, poisonous gases or contagious matter of any kind that is capable of causing sickness, nausea, disability or death to any person or animal, or which may inoculate plant life, contaminate water, air or food, or damage property.

(e) Any time bomb, booby trap, land mine, dynamite stick, infernal machine or any other contrivance reasonably believed by the arresting person to be intended to be used for unlawful purposes.

(f) Any capsules, ampules, tubes, torpedoes or encased containers that may contain disease-spreading, inflammable, combustible, harmful or explosive substance of any kind or which if commingled with other substances would cause an explosion or any condition or situation which might endanger life, health or property.

2. Whoever shall manufacture, own, store, keep, sell, transport, possess or have in his control a bomb, as defined in Section 1, shall be guilty of a felony and upon conviction shall be confined in the State Penitentiary for not less than five (5) years and not more than twenty-five (25) years and fined not less than One Thousand Dollars ($1,000) and not more than Ten Thousand dollars ($10,000), either or both. If mayhem or death shall result from such act, then the death penalty may be assessed.

3. Whoever shall be found with a bomb on his person, or in any container carried by him or if he is shown to have just cast from him a bomb to avoid capture with it in his possession, or who is shown to have deposited the same at a place where he intended for it to be exploded or where it might have exploded and caused damage to the life, health or property of another, or who has in his possession any component part of such bomb which, if combined with any other material or contrivance, could or would be calculated to explode and damage property, life or health, shall be punished as herein set forth.

9. The provisions of this Act shall not apply to duly constituted police or law enforcement officers, or to members of the military, naval or air force establishments when acting within their official capacities, or to licensed and recognized manufacturers, storers or dealers in pest destroyers, chemical substances or laboratory supplies of any kind, or to licensed physicians, surgeons, chemists, pharmacists, nurses or hospital employees in their usual employment. Nor shall it apply to railroads, commercial truckers or recognized operators or licensed dealers who transport or use dynamite or other explosives in legitimate mining, oil developing, manufacturing or displaying of fireworks, or to torpedoes, fusees and other inflammable or explosive substances used by railroads as warning or signal devices, or to persons manufacturing, storing, transporting or selling ammunition where the said persons are engaged regularly in the legitimate business of dealing in such substances. Nor shall it apply to any substances or containers used or intended to be used for industrial, mechanical, laboratory or medical purposes, or for use in the arts and sciences, or for use as economic poisons, antifreeze preparations, or fuels. This Act shall exempt the following items: small arms propellent powder, and small arms primers, and percussion caps, and old fashioned black powder.

VERNON'S TEXAS SESSION LAWS 1969, CHAPTER 13, PAGE 42 (SENATE BILL NO. 94, APPROVED MARCH 13, 1969).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1. A resident of Texas may, if not otherwise precluded by law, purchase * * * rifles, shotguns, ammunition, reloading components, * * * in states contiguous to Texas. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Deer Park

4. *After proclamation of a civil emergency,* the Mayor of the City of Deer Park, Texas may also, in the interest of public safety and welfare, make any or all of the following orders: (g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunitions of any character whatsoever. (h) Order the closing of an or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

1. *No person shall* make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Denton

Whereas, in present times a crisis can develop, and lead into wartime or disaster conditions, in such a rapid manner as to possibly overtax the law enforcement agencies of the City of Denton before this Council could meet and act and regulate or control the particular situation in existance at that moment; and whereas, a delay in controlling such conditions which could at any time prevail may increase general criminal activity, inhibit disaster control, or delay emergency relief measures, as to become a menace to the preservation of property, public peace, safety, health, morals and welfare; now therefore,

The Council of the City of Denton, Texas, hereby ordains: I. That the following definitions shall apply to this ordinance and shall be liberally construed to effectuate its general purpose, which is declared to be the prevention of any sale or transfer of any potentially dangerous product to any person not under the Mayors direct supervision, to reduce the availability of such dangerous products to a minimum, and to keep all unauthorized persons off public property, and

from gathering into groups having riot or looting potential.

(d) *Dangerous product:* Any material or product which could reasonably be expected to be used as a tool of arson, explosive, or weapon, including but not limited to: gasoline and other liquid flammable and combustible products; dynamite and other explosives; firearms and ammunition; and knives and other dangerous weapons.

Falfurrias

2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City Limits of the City of Falfurrias, Texas, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the City of Falfurrias, Texas, provided, however, that this section shall not apply to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Falfurrias, Texas, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26.27. *Explosives, etc.; furnishing to minors.* It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

UTAH

State Law

UTAH CODE ANN. TITLE 76

76-23-1. *Selling or giving to child under fourteen.* Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of, any pistol, gun, target gun or other firearm to any person under the age of fourteen years is guilty of a misdemeanor.

76-23-2. *Child in possession of deemed delinquent.* Any person under the age of fourteen years who carries or has in his possession any pistol, gun, target gun or other firearm, unless he is accompanied by a parent or guardian, shall be deemed a delinquent child.

Logan City

12-7-10. *Revolvers, sale to minors, display prohibited.* It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. *Sales to intoxicated persons and minors.* No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Murray

17-6. *Sales of firearms and other weapons prohibited.* It shall be unlawful for any person to sell, give or furnish to any minor any firearm, air gun or other instrument designed to throw missiles.

20-23. *Firearms and explosives—Permit for purchase.* It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. * * * No such permit shall be issued to any minor.

20-24. *Same—Register to be kept; * * *.* It shall be unlawful for any person to sell, loan, or give away any pistol, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *.

Provo

12.12.040. *Minors—Sale to—Prohibited.* It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm or air gun.

12.12.050. *Sale of firearms to be recorded—Purchaser to register weapon.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose, * * *.

32-6-5. *Unlawful to sell firearms to children under fourteen.* It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, airgun, rubber flipper, bow and arrow, or any other such type instrument designed to propel or throw missiles.

Salt Lake City

32-6-5. *Unlawful to sell firearms to children under fourteen.* It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, airgun, rubber flipper, bow and arrow, or any other such type instrument designed to propel or throw missiles.

32-6-6. *Prohibited sale of pistols and revolvers.* It shall be unlawful, except as hereinafter provided, for any person, firm or corporation, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive within the city limits of Salt Lake City, any pistol or revolver using explosive ammunition, unless the buyer, borrower, or person receiving such weapon, shall first complete a record form to be kept by the seller, lender or other person furnishing such pistol or revolver. Said form shall contain such statements of identity, address, and purpose of use as may be prescribed by the chief of police upon forms to be furnished to all such sellers or lenders by the chief of police. Said completed forms shall be made available to the police department for inspection and filing in the manner and at the times to be designated by the chief of police.

Provided, however, that no form need be completed for sales or shipments from or to a manufacturer or wholesaler of such pistols or revolvers to or from a wholesaler or retail dealer for the purpose of commerce.

Salt Lake County

16-4-1. *Unlawful use of weapons.* (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. *Record of sale.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *.

16-4-4. *Seller to require permit.* It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. *Obtaining weapons without permit illegal.* It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-6. *Possession by minors.* It shall be unlawful for any minor to possess or have in his or her possession in any place, whether public or private, within the limits of the county, any gun, revolver, or firearm, or any kind of airgun, rubber flipper, bow and arrow or other weapon or instrument of similar nature designed to throw missiles, unless permission for the possession and use of such instrument be given in writing to such minor by his or her parent, or guardian, or person having the charge or control of such minor.

16-4-8. *Furnishing to minors.* It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

VERMONT

State Law

VT. STATS. ANN. TITLE 13

4007. *Furnishing firearms to children.* A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

4008. *Possession of firearms by children.* A child under the age of sixteen years shall not, without the consent of his parent or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

4010. *Gun silencers.* A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used

or possessed under proper military authority and restriction.

4013. *Zip guns; switchblade knives.* A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length, shall be imprisoned not more than ninety days or fined not more than $100.00.

4014. *Purchase of firearms in contiguous states.* Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

VIRGINIA

State Law

VA. CODE ANN. TITLE 15

15.1-523. *Pistols and revolvers; license tax on dealers.* The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-524. *Same; reports of sales.* The governing body of any county may require sellers of pistols and revolvers to furnish the clerk of the circuit court of the county, within ten days after sale of any such weapon, with the name and address of the purchaser, the date of purchase, and the number, make and calibre of the weapon sold. The clerk shall keep a record of the reports.

15.1-525. *Same; in certain counties.* Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

VA. CODE ANN. TITLE 18.1

18.1-78.6. *Manufacture, possession, use, etc., of fire bombs.* (a) For the purpose of this section, "fire bomb" means a container containing gasoline, kerosene, fuel oil, derivative thereof, or similar substance, with a flash point of one hundred seventy degrees Fahrenheit or less, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or similar substance; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(b) It shall be unlawful for any person to possess materials with which fire bombs can be made with the intent to manufacture fire bombs. If other circumstances surrounding the case shall show that fire bombs are intended to be made, possession of such materials with which fire [bombs] may be made shall be prima facie evidence of an intent to manufacture fire bombs.

(c) It shall be unlawful to manufacture, distribute, possess or use a fire bomb.

(d) Violators of this section shall be guilty of a felony, and shall be confined in the penitentiary not less than one nor more than five years.

(e) Nothing in this section shall prohibit the authorized manufacture, use or possession of any material, substance, or device by a member of the armed forces of the United States, firemen or law-enforcement officer; nor shall it prohibit the manufacture, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose.

18.1-258. *Definitions.* When used in this article: (1) "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, automatically or semiautomatically, discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semiautomatically or otherwise discharged without reloading.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-260. *Use of machine gun for aggressive purpose.* Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of from one to ten years.

18.1-261. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18.1-265 and has not been registered as in such section required; or

(4) When empty or loaded shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

18.1-263. *What article does not apply to.* Nothing containing in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

18.1-265. *Registration of machine guns.* Every machine gun in this State adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or large caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition.

18.1-268.1. *Definitions.* When used in this article: (1) "Sawed-off" shotgun applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-268.3. *Possession or use of "sawed-off" shotgun for offensive or aggressive purpose.* Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

18.1-268.4. *What constitutes offensive or aggressive purpose.* Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the "sawed-off" shotgun is of the kind described in § 18.1-268.1 and has not been registered as required in § 18.1-268.8 [§ 18.1-268.7]; or

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

18.1-268.5. *Exceptions to application of article.* Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of "sawed-off" shotguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

18.1-268.7. *Registration of "sawed-off" shotguns.* Every "sawed-off" shotgun in this State shall be registered with the Department of State Police annually. It shall be

registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor, and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the "sawed-off" shotgun and apply for its confiscation as provided in § 18.1–268.9 [§ 18.1–268.8]. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

18.1–344. *Furnishing certain weapons to minors.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor * * *.

VA. CODE ANN. TITLE 59

59.1–148.1. *Purchase of firearms in contiguous state.* Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

29–6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.

Alexandria

41–8. *Procedure for sale of pistols or revolvers; sale to certain persons prohibited.* Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, * * *. Forms for such applications shall be furnished by the superintendent of police at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making such application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, robbery, larceny, assault with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes.

41–13. *Permits for engaging in business as dealers—Required.* Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58–394, of the Code of Virginia, and of any city revenue license.

Appomattox

17–4. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

CHAPTER 297, ACTS OF ASSEMBLY OF 1944

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

Bedford

25–4. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Bridgewater

4–37. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, bowie knife, black jack, metal knucks, tear gas pen or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Brunswick County

Report of sales of pistols and revolvers; penalty. All sellers of pistols and revolvers shall furnish the Clerk of the Circuit Court of Brunswick County, Virginia, within ten (10) days after sale of any such weapon, with the name and address of the purchaser, the date of purchase and the number, make and calibre of the weapon sold. The Clerk shall keep a record of the reports. Any person, persons, business, or agency failing to comply with this requirement shall be subject to a fine of not exceeding one hundred dollars and imprisonment in jail for not exceeding six months, either or both.

Sellers to obtain identity of purchaser; presumption. In obtaining the name and address of the purchaser, as hereinabove provided, if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment, and proof of failure to do so shall establish a presumption that the above-required report has not been furnished if it be proved that said name and address, or either of them, were incorrect at the time of sale.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

19–85. *Firearms—Sales, etc., to minors.* No person shall sell, barter, give or furnish, or

cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, dirks, switch-blade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

19-85.1. *Firearms—Sale of firearms, dirks or Bowie knives—Permit required.* No person shall sell firearms, dirks or Bowie knives without having first procured the annual written consent of the city manager to engage in such business. This same consent shall be used by such person in applying for his business license under the License Tax Ordinance.

Chesapeake

23-50. *Same—Permit for persons under 18 years of age.* It shall be unlawful for any person under the age of 18 years to shoot, carry or use any firearms within the City of Chesapeake unless a permit is first obtained from the Chief of Police, except when on a properly established target shooting range which is being supervised by a representative of the Armed Services of the United States or the State of Virginia, or an instructor certified by the National Rifle Association. Application for such permit shall be made in person to the Chief of Police of the City of Chesapeake and the Applicant shall be accompanied by his parent or guardian who shall give his approval to the issuance of the permit.

23-53. *Required: Definitions.* No person shall sell, lease, rent, give or otherwise furnish within the City any pistol, dirk, switch blade knife, sling shot or any weapon of like kind, unless and until a permit, granted by the Chief of Police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the City.

Chesterfield

7-20. *Weapons—pistol dealers—License required; tax.* Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license and shall pay therefor the sum of twenty-five dollars.

Clifton Forge

13-44. *Selling or furnishing to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, dirk, bowie knife, having good cause to believe him to be a minor under eighteen (18) years of age.

Colonial Heights

12-80. *Dirks, Bowie knives, firearms, etc.* Every person who engages in the business of dealing in or selling of dirks, Bowie knives or other kinds of firearms or weapons not otherwise taxed shall pay a license tax of $100.00; provided, however, that nothing in this section shall apply to any person regularly licensed as a retail merchant under section 12-110.

The tax provided for in this section shall not be prorated nor shall such license be transferable.

16-52. *Weapons—Furnishing to minors under eighteen.* It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen years of age, a pistol, dirk, or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.

Covington

31-3. *Furnishing pistol, dirk, etc., to minor under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, switchblade knife, Bowie knife, or any air rifle, air pistol or like devise, having good cause to believe him to be a minor under eighteen years of age.

31-4. *Selling cartridges, etc., to persons under eighteen years of age:* It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

31-5. *Possession, transportation, etc., of guns, etc., by persons under eighteen years of age.* It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge or exploding any powder or similar substance or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty feet.

Culpeper

27-4. *Furnishing certain weapons to minors.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.

Elkton

33-2. *Sale of certain weapons to minors under age of eighteen years.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, Bowie knife, black jack, metal knucks, tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

(1) On or after September 1, 1967, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the City of Emporia, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the City of Emporia, Virginia, authorizing such purchase;

(2) On or after September 1, 1967, it shall be unlawful for any person, firm, partnership or corporation to sell a pistol of any calibre or description within the City of Emporia, Virginia, to any person, firm or organization unless said purchaser or purchasers shall first exhibit to the person, firm, partnership or corporation selling the pistol of any calibre or description, a written permit, executed by the Chief of Police of the City of Emporia, Virginia, authorizing the sale and purchase of a pistol of any calibre or description within the City of Emporia, Virginia.

Fairfax

1966-2B. (A) *Definitions.* The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) *Dealers registration required* * * *. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on application forms furnished by the Chief of Police. * * *

(C) *Dealers not to sell, etc., without registration.* (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. * * *

(E) *Dealers not to sell, etc., to minors and other persons.* (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) *Acquisition of pistols from dealers or other persons.* (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police * * *.

(G) *Approval of application.* (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) *Waiting period for sale of pistols.* (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of

application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) *Notice of rejection.* (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected for one or more of the following reasons, (a) the applicant is under the age of 21 years, or (b) has been committed to an institution for treatment of mental illness, or drug addiction, and has not been discharged therefrom for a period of 10 years preceding the date of said application, or (c) has been convicted of a crime of violence, or (d) has been convicted of a felony within the past 10 years, or (e) is an habitual drunkard, or (f) the applicant is a fugitive from justice, or (g) that a statement on the application is untrue, it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) *Exemptions.* (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Article I—Use of guns 28-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning:

Chief of Police—the Chief of the Fairfax County Police Department, or his designee.

Firearm—any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive, provided, however, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

Gun—includes rifles, shotguns, pistols, or other firearms, and also includes any air gun, air rifle, or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas, or compressed air.

Pistol—a gun having a barrel of less than sixteeen inches in length.

Rifle—a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

Shotgun—a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of ball shot for each pull of the trigger.

28-4. *Transfer, etc., of guns to minors prohibited; exceptions.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun, as defined by section 28-1, or any projectile therefor within the county to a minor under the age of eighteen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Article III. Transfer of pistols. 28-16 *Definitions.* The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

Chief of police. The chief of the county police department or his designated agent.

Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

28-17. *Registration of dealers—Required; * * *.* Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police.

28-18. *Engaging in business while unregistered prohibited; display of registration certificate.* It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police * * *.

28-20. *Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited.* No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is a habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

28-21. *Application for acquisition of pistol.* Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, * * *.

28-22. *Waiting period prior to delivery of pistol to purchaser—Required.* No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

28-23. *Grounds for prohibiting delivery; notice to dealer of prohibition.* If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the chief of police shall be furnished the applicant by the licensed dealer.

28-25. *Exemptions from article.* This article shall not apply to:

(a) Marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers currently employed as such.

(b) Any person having state department diplomatic immunity or any official branch of a federal, state or local government.

(c) Purchases by any licensed dealer registered in accordance with the provisions of this article.

(d) Rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range.

(e) The delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment, for safekeeping or for repairs.

(f) A wholesale purchase from a licensed dealer by any person engaged in the business of manufacturing, repairing or selling pistols at retail.

Falls Church

26-1. *Definitions.* 26-1.01. Pistols as used in this Chapter, means any firearm with a barrel less than twelve inches in length.

26-1.02. Sawed-off shotgun as used in this Chapter, means any shotgun with a barrel less than twenty inches in length.

26-1.03. Machine gun any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or 22 calibre rifle.

26-1.04. Person as used in the Chapter, includes individual, firm, association or corporation.

26-1.05. Sell and purchase and the various derivatives of such words, as used in this Chapter, shall be construed to include letting or hiring and similar forms of transferring.

26-1.06. City as used in this Chapter means the City of Falls Church, Virginia.

26-1.07. Crime of violence as used in this Chapter means any of the following crimes, or any attempt to commit any of the same; namely, murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

26-3. *Unlawful possession of a pistol.*

No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the City if:

(1) he is a drug addict;

(2) he has been convicted in the City or elsewhere of a felony;

(3) he has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house;

(4) he is not licensed to sell weapons, and he has been convicted of violating Section 26-2; or

(5) he is a habitual drunkard.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard.

26-7. *Selling pistol to persons under 21 and others.* No person shall within the city

sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by Section 26–3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

26–8. *Transfers of firearms regulated.* No seller shall within the City deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, except that the Chief of Police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. * * * No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in Section 26–14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City. This Section shall not apply to sales at wholesale to licensed dealers.

26–9. *Dealers of weapons to be licensed.* No retail dealer shall within the City sell or expose for sale or have in his possession with intent to sell, any pistol, machinegun, sawed-off shotgun, or blackjack without being licensed as provided in Section 26–10. No wholesale dealer shall, within the City, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

26–10. *Licenses of dealers of weapons* * * *. The City Council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the City subject to the following conditions, in addition to those specified in Section 26–9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by Section 26–3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in Section 26–14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City.

26–11. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the City, give false information or offer false evidence of his identity.

26–12. *Alteration of identifying marks of weapons prohibited.* No person shall within the City change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same within the City; provided, however, that nothing contained in this Section shall apply to any officer or agent of any of the departments of the United States or the City engaged in experimental work.

26–13. *Exceptions:* This Chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

26–14. *Possession of certain dangerous weapons prohibited—Exceptions.* No person shall within the City possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any fireram to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed.

Farmville

16–17. *Firearms—Sale to minors.* It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.

16–62. (a) *Issuing of permits; purchase of weapons, etc.* No person within the Town of Farmville shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Chief of Police of the Town of Farmville a permit, in writing, signed by the Chief of Police, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the Town of Farmville any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Franklin

31–7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Front Royal

15–61. *Pistol dealers.* For every license for engaging in the business of selling pistols, there shall be paid a license tax of fifteen dollars per year. Such license tax shall not be prorated.

32–2. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Galax

20–128. *Weapons—Sales etc., to minors.* If any person shall give, sell, barter, furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, dirks, switchblade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than ten dollars nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns", or otherwise.

Greensville County

On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

41–4. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Harrisonburg

17.37. *Furnishing to persons under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, or bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Henrico County

3. *Permits.* (a) Every person desiring a license under the provisions of chapter 1 for furnishing detective service, detective, medicine vendor, solicitor of orders for books, magazines or periodicals or desiring to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit and shall produce to the Chief of Police, evidence of the good character of the individual, the members of the firm, or the chief officers of the corporation, as the case may be.

Hopewell

41–2. *Possession of pistols, etc., of home-made construction.* It shall be unlawful for any person within the city to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, however, that this shall in no way apply to pistols, guns and

rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

41–3. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Jarratt

I. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

II. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or describtion within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or describtion within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Leesburg

24–7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lexington

27–5. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given of furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Luray

28–5. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lynchburg

33–2. *Selling, etc., dangerous weapons to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, dirks or Bowie knives, air rifles, air guns, hunting arrows or fireworks in any form, having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Narrows

45. Be it ordained by the council of the town of Narrows that it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any air-rifle, gravel shooter, sling-shot, or small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such air-rifle, gravel shooter, sling-shot or small caliber firearm.

Newport News

42–1. *Sale of certain firearms, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell to any minor under eighteen years of age any firearm or deadly weapon of any description, or the ammunition therefor.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet, by the action of gunpowder exploded within it.

42–24–1. *Permit to purchase, sell, rent, etc., pistols or revolvers.* (1) It shall be unlawful for any person to sell, exchange, lease or rent, either directly or indirectly, any pistol or revolver to any person who has not first obtained permission from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver for which permission must be obtained.

(2) It shall be unlawful for any person to buy, exchange, lease or rent any pistol or revolver from any other person without first obtaining a permit from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver.

(3) The chief of police or judge of any court not of record in this city is hereby authorized to issue permits for the purchase, exchange, lease or rent of any pistol, revolver or handgun to any resident of this city over eighteen years of age who is not a drug addict or an habitual drunkard, has not been convicted of a felony or carrying a concealed weapon nor convicted of vagrancy or adjudged insane.

Norfolk

51–5. *Furnishing certain weapons to minors under eighteen; permitting minors under eighteen to own etc., certain weapons.* No person shall, within the city, purchase for or sell, lease, give or lend to any minor child under the age of eighteen years, any pistol, rifle, air rifle, gun, dirk, Bowie knife, slungshot, slingshot, whip of more than thirty-six inches in length or any weapon of like kind.

51–7. *Permit for purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Petersburg

48–8. *Permits to buy, etc., pistol, dirk, slung shot.* No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol, dirk, Bowie knife, slung shot, blackjack or any weapon of the like kind, or any pistol or rifle ammunition, unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such a purchase or to procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give or deliver to any person within the city any pistol, dirk, Bowie knife, slung shot, blackjack or any other weapon of the like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low-powered rifles or rifle ammunition therefor of 22-calibre and under, commonly used for target practice purposes.

48–11. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Portsmouth

38–7. *Sale, etc., to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

38–9. *Required; definitions.* No person shall sell, rent, give or otherwise furnish (hereinafter referred to as "sell") to any person within the city any pistol, dirk, Bowie knife, sling shot, switch-blade knife or any weapon of a like kind, unless and until the recipient thereof (hereinafter referred to as "purchaser") shall present to such person (hereinafter referred to as "dealer") a permit granted by the chief of police authorizing the

purchaser to purchase or acquire such weapon.

38-10. *Issuance; regulations applicable when weapon is to be carried concealed.* Whenever the applicant for a permit as required in section 38-9 produces a certified order of the judge of the court of hustings authorizing the applicant to carry the subject weapon as a concealed weapon, the chief of police shall issue such permit.

In cases where the subject weapon is not to be carried as a concealed weapon, the chief of police shall issue the permit to purchase or acquire subject to the following regulations:

(1) The applicant must personally sign and complete a written application for the permit.

(2) The applicant must be fingerprinted by the police department.

(3) A report of the police records of the applicant must be obtained by the police department from the Federal Bureau of Investigation.

(4) The applicant must show a lawful use for the subject weapon.

(5) When such investigation discloses that the public welfare will be prejudiced by permitting a person of known mental instability or criminal activity involving breach of the peace, such a permit shall not be granted.

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, Bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, dirk, bowie knife, black jack or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Richmond

40-1. *Definitions.* When used in this chapter the following words shall have the meanings ascribed to them as follows:

"Ammunition." An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol, or toy rifle.

"Firearm." A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

"Minor." A person under the age of twenty-one years.

40-4. *Sale or exchange.* No person shall sell or exchange within the city limits any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such is sold or exchanged, and on request shall be exhibited for inspection by any police officer of the city.

40-5. *Purchase.* No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that nothing in this section shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

40-11. *Same—Sale, etc., of ammunition firearms to; exceptions.* It shall be unlawful for any person to sell, give or lend ammunition to a minor.

It shall be unlawful for any person to sell, give or lend a firearm to a minor.

The provisions of this section shall not apply to persons who are members of the armed forces of the United States or the state when such persons and minors who are members of such forces are acting under armed forces orders.

The provisions of this section shall not apply to persons who lend firearms to minors who are members of the cadet corps of public, private or parochial schools for use in connection with their membership in such cadet corps.

The provisions of this section shall not apply to persons who are engaged in instructing others, including members of the cadet corps of public, private or parochial schools, in the use of firearms; provided, that such persons have had valid written permits issued to them by the director of public safety authorizing such instruction. The director of public safety shall issue such permits upon the written application of such persons therefor when he is satisfied after investigation that the place at which such instruction is to be given is a safe place therefor and that such persons are of good moral character and are qualified to instruct others in the use of firearms.

Rocky Mount

12-86. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Salem

31-6. *Selling, etc., pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Smithfield

Any person, firm, corporation, or association in the Town of Smithfield, Virginia, which sells any pistol or revolver, shall, when requested by a prospective purchaser to sell him such a firearm, first send the purchaser to the Chief of Police of the Town of Smithfield, or his authorized representative * * *. The Chief shall fill out a report either authorizing or declining to authorize, as the case may be, the purchase or the weapon, and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if not so authorized, then the said seller shall not complete the sale.

Southampton County

12-1. *Pistol permit.* No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser. In order to obtain such a permit, the applicant shall be eighteen years of age or older, a resident of the county and shall not be a known felon or a former inmate of a mental institution. All nonresidents of the county shall present a letter to the sheriff of the county from the chief of police or sheriff of his city, town or county, stating that such applicant can qualify for a permit under this section and is a resident of that city, town or county, prior to obtaining a permit under this section.

12-6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol, dirk, bowie knife, blackjack, metal knucks, tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30-2. *Selling, etc., to minor under eighteen.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Suffolk

13-38. *Weapons—Permit for purchase of pistols, cartridges, dirks, etc.* No person shall sell, within the city, any pistol, dirk, bowie knife, slung shot or any weapon of like kind or pistol cartridges unless and until the proposed purchaser shall present to such seller a permit, granted by the Chief of Police of the city or the judge of the circuit court of the city, allowing purchase of such weapon or cartridges.

Virginia Beach

38-5. *Permit prerequisite to purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof; shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Warrenton

11-51. *Pistol dealers.* Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

24-6. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold,

bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Waverly

Be it ordained by the Council of the Town of Waverly, that no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

16-14. *Firearms, knives, explosives, etc.—Sales, etc., to minors prohibited.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, pellet guns, dirks, Bowie knives, black powder or any other explosives.

The term "firearms", as used in this section, shall be contrued to include any gun, pellet gun, rifle or pistol adapted to the use of any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns" or otherwise, and shall include pellet guns using air pressure.

Woodstock

28-6. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.

VIRGIN ISLANDS

V.I. CODE ANN. TITLE 23

451. *Definitions.* As used in this chapter, unless the context clearly requires otherwise

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, clearing, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

452. *Applicability of chapter.* No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

453. *Persons who may lawfully carry firearms.* (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

1. Members of the Armed Forces of the United States or of the organized reserves;

2. Officers and employees of the United States duly authorized by Federal law to carry firearms;

3. Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

4. Members of the Police Force of the Virgin Islands, marshals, or other duly authorized peace officers;

5. Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

454. *Persons who may be licensed to carry firearms.* A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this Chapter:

1. An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

2. An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; and provided, that the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

3. A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

4. A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

5. With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

455. *Application for license; form, oath; fees.* (a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish all information as may be required of him by the Commissioner.

457. *Contents of license.* A license issued pursuant to the provisions of section 454 of this chapter shall provide for the following:

1. That the same is not transferable and shall be carried by the licensee at all times when in possession of the firearm for which it was issued;

2. The term thereof, which shall not exceed one year;

3. Places where, times when, and circumstances under which the firearm may be carried;

4. Description of the firearm authorized to be carried, showing the serial number, if any;

5. Grounds for issuance;

6. Grounds for revocation;

7. A dealer's coupon which shall be removed and retained by any person who sells or otherwise provides the licensee with any firearm contemplated in such license.

458. *Grounds for refusing to issue license.* The Commissioner shall not issue a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any violation of a narcotic or "harmful drug" law; nor to any person who is mentally incompetent, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions of this chapter; nor to any person who for justifiable reasons is deemed to be an improper person by the Commissioner.

460. *Reciprocal recognition of out-of-state licenses.* Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant's eligibilty, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident herein.

461. *License to sell firearms and/or ammunition gunsmiths; report of transactions; private transfer sales to minors or aliens.*

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

465. *Conditions for dealers' operations; records of transactions.* Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

466. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have

elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

476. *Collections of antique firearms; certificates of uselessness.* No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

480. *False information forbidden in sale of weapons.* No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of his identity.

481. *Alteration of identifying marks of weapons prohibited.* No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: Provided, however, that nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.

485. *Regulations.* The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law.

WASHINGTON

State Law

WASH. REV. CODE ANN. TITLE 9

9.40.110. *"Fire bombs"—definitions.* For the purposes of RCW 9.40.110 through 9.40.130 unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Fire bomb" means a breakable container containing a flammable liquid with a flash point of 170 degrees Fahrenheit or less, having a wick or similar device capable of being ignited. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for purposes of this section.

9.40.120. *Penalty.* Every person who possesses, manufactures, or disposes of a fire bomb is guilty of a felony.

9.40.130. *Exceptions.* RCW 9.40.120 shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120 shall not prohibit the manufacture or disposal of a fire bomb for the parties or purposes described in this section.

9.41.010. *Terms defined.* "Short Firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. *Sales regulated—Application to purchase—Grounds for denial.* In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. *Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the license subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.130. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.41.140. *Alteration of identifying marks—Exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the

country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

WASH. REV. CODE ANN. TITLE 19

19.70.010. *Out-of-state purchasing authorized.* Residents of Washington may purchase rifles and shotguns in a state other than Washington: *Provided,* That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: *And provided further,* That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Aberdeen

6.58.040. *Unlawful to aid minors in acquiring firearms.* It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor.

Auburn

V-36. *"Short Firearm" and "Crime of Violence" Defined:* "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length. "Crime of Violence" as used in this Chapter means any of the following crimes or an attempt to commit any of the same; Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

38. *Certain persons forbidden to possess arms:* No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

42. *Delivery to minors and others forbidden:* No person shall deliver a pistol to any person under the age of twenty-one (21) years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

43. *Dealers to be licensed:* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

46. *False information forbidden:* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

47. *Alteration of identifying marks—exceptions:* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

49. *Machine guns; prohibited:* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

50. *Machine gun defined:* For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

51. *Machine guns or parts contraband:* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

2267-1. *The following words and phrases used herein shall have the following meanings, to-wit:* A. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

B. "Crime of Violence" means any of the following crimes or an attempt to commit any of the same; murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

C. "Fugitive from Justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Law Enforcement Officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2267-2. It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any such merchant, business or second-hand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record, in triplicate, of every pistol sold or disposed of. One copy of such record shall within six (6) hours after the signing thereof be sent by registered mail to the Chief of Police of the City of Auburn, or in the alternative, may be personally delivered to the office of the Chief of Police within said period of time, and the Chief of Police, shall, within seventy-two (72) hours, exclusive of Sundays and legal holidays, investigate the information contained in said record, and shall notify the merchant within such time period if the perspective purchaser is a person prohibited to purchase a pistol by the terms of this Ordinance.

2267-3. It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any merchant, business or second-hand dealer, to deliver any pistol to any purchaser unless said merchant, business, second-hand dealer has mailed or personally delivered a copy of the record to the Chief of Police as required by Section 2 and the seventy-two (72) hour waiting period after delivery of said notice as provided in Section 2 has expired without the receipt of a notice from the Chief of Police that the perspective purchaser is a person prohibited to purchase said pistol by the terms of this Ordinance; provided that this Section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

2267-4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in the City of Auburn, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Bellvue

7.28.010. *Definitions.* "Short Firearm": The term "short firearm" as used in this chapter means any firearm with a barrel less than twelve inches in length. "Crime of Violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.28.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. *Pistol sales regulated.* No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded * * *. This section shall not apply to sales at wholesale.

7.28.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.120. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.28.130. *False information in obtaining pistol.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

7.28.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Bellingham

17.32.040. *Sale to minor prohibited.* The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Bothell

10.1. *Firearm defined.* The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. *Dangerous weapon defined.* The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. *Pistol defined.* The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. *Certain persons forbidden to possess firearms.* No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. *Sale of cartridge, ammunition or gunpowder forbidden to certain minors.* No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturers number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller, within 6 hours after such application is made, shall sign and attach his addres and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

10.15. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.16. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

Buckley

1.28.010. *Definitions: short firearm:* The term "short firearm" as used in this chapter means any firearm with a barrel less than twelve inches in length. *Crimes of violence:* The term "crimes of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

1.28.040. *Certain persons forbidden to possess arms:* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

1.28.080. *Delivery to minors and certain others forbidden:* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

1.28.090. *Pistol sales regulated:* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller, a statement containing his full name, address, occupation, race, color, birthplace and date, and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police, and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. The section shall not apply to sales at wholesale.

1.28.100. *Pistol dealers to be licensed:* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

1.28.110. *Certain transfers of pistols forbidden:* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

1.28.120. *Alteration of identifying marks on pistol prohibited:* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

1.23.130. *False information in obtaining pistol:* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

1.28.140. *Exceptions for unusable pistols:* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

1.28.150. *Machine guns prohibited:* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

1.28.160. *Machine gun defined:* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a

machine gun, mechanical rifle, a submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

1.28.170. *Machine guns or parts contraband:* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, wherever and whenever found.

Camas

6.12.010. *Giving to minors under eighteen or intoxicated persons prohibited.* It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Chelan

27. *Minors, * * * selling * * * firearm to.* Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

41. *Certain persons forbidden to possess arms.* No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

46. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

47. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded.

53. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

54. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

55. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possesed are hereby declared to be contrabrand, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Everett

4.23.010. *License—Required.* It shall be unlawful for any person, firm or corporation engaged in the business of selling or disposing of short firearms to sell or give away to any person within the City of Everett any pistol, revolver or short firearm or weapon of like character which can be concealed on the person without securing a license so to do as hereafter provided from the City of Everett and the State of Washington.

4.23.020. *Dealer's license—Required.* Any person, firm or corporation engaged in the business of selling or disposing of pistols, revolvers or short firearms shall first secure and have in his or its possession and in full force and effect a dealer's license issued by the City of Everett and a dealer's license as provided by R.C.W. 9.41.110 of the laws of the State of Washington.

6.14.010. *Sale to persons under sixteen—Unlawful.* It shall be unlawful for any person or persons to sell or offer for sale any revolver, pistol or toy pistol, within this City, nd every person who shall sell, give, furnish or cause to be furnished to any person under the age of 16 years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor, * * *.

6.22.010. *Identification required—Investigation.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless (1) the person is personally known to the seller or shall present clear evidence of his identity, and (2) unless the merchant or secondhand dealer shall complete a true record in triplicate of every pistol sold or disposed of and submit the record to the chief of police of the city of Everett. One copy shall be sent by registered mail to the chief of police of the city of Everett on the same date as the record is completed. The chief of police of the city of Everett, shall within seventy-two hours, exclusive of Saturdays, Sundays and holidays, investigate the information contained in the record.

6.22.020. *Delivery regulations.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealers to deliver any pistol to any purchaser within seventy-two hours exclusive of Saturdays, Sundays or holidays after the dealer has mailed a copy of the complete record in accordance with Section 6.22.010. Also it is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any person known by the merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to be a person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution. * * * This section shall not apply to sales at wholesale or to sales to law enforcement officers.

6.22.030. *Prohibited purchasers.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

9.24.040. *Possession of arms—Certain persons prohibited.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. The term "crime of violence" as used in this penal code means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.24.070. *Delivery to minors and addicts.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.24.120. *Exceptions.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.24.130. *Machine guns.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty.

9.24.140. *Machine gun defined.* For the purpose of this penal code a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

9.24.150. *Machine guns or parts contraband.* All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband.

King County

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of, * * * One copy shall within six hours be sent by registered mail to the Sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the Sheriff that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of

habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the Sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the Sheriff as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

8.40.020. *Supplying firearms or ammunition to minor unlawful.* It is unlawful for any person in King County, state of Washington, outside the boundaries of incorporated cities and towns within King County, to sell, barter, hire, loan or give, or permit to be sold, bartered, hired, loaned or given to any minor under the age of twenty-one years, any revolver, pistol or similar firearm or any ammunition for the same.

Kirkland

703. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Longview

15–8. *Sales by dealers.* Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and upon conviction of any such breach the licensee shall be deemed guilty of a misdemeanor and punished as provided in Sec. 1–8 of this Code of Ordinances. (1) The business shall be carried on only in the building designated in the license. (2) The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15–12. *Alteration of identifying marks.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

15–13. *Antiques; excepted.* This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

Lynwood

10.04.360. *Crime of violence defined.* The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. *Firearm defined.* The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. *Persons convicted of crimes of violence not to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. *Delivery to minors and certain other persons.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. *Use of firearms by minor.* No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. *Regulating sales—Purchaser's statement.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. *Certain transfers of weapons prohibited.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.04.500. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.04.510. *Purchasing weapon by use of false information.* Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

524–1. *Definitions.* The term "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve (12) inches in length. *Crime Of Violence:* The term "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

524–4. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

524–8. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

524–10. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

524–11. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. * * * No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

524–12. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

524–13. *False information in obtaining pistols.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

524–14. *Exceptions for unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

524–15. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

524–16. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine

gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

524–17. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Mountlake Terrace

5.07.010. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. *Sales regulated.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution: provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

5.07.018. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

5.07.019. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

5.07.022. *Dangerous weapons—evidence.* Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as sling shot, sand club, zipgun, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, knife, or other dangerous weapon or firearm; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

5.07.023. *Definitions.* The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Olympia

1492–1. It shall be unlawful for any person, firm or corporation, to purchase any gun, pistol, firearm, or other deadly weapon, or any ammunition or explosive of any kind or character, without first obtaining a written permit therefor from the Chief of Police of the City of Olympia.

Pasco

9.24.060. *Selling revolvers and pistols to minors.* It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Raymond

5.04.010. *Unlawful to sell firearms or air rifles to minors.* It shall be unlawful for any person, firm or corporation to sell any firearms or air rifles, or B. B. guns to minors.

Renton

5–15. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun: Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

5–16. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

5–17. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

2424–I: The following words and phrases used herein shall have the following meanings, to-wit: A. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

B. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2424–II: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any such merchant, business, or second-hand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record, in triplicate, of every pistol sold or disposed of. * * * One copy of such record shall within six (6) hours after the signing thereof be sent by registered mail to the Chief of Police of the City of Renton, or in the alternative, may be personally delivered to the office of the Chief of Police within said period of time, and the Chief of Police shall, within seventy two (72) hours, exclusive of Sundays and Legal Holidays, investigate the information contained in said record, and report his findings to the merchant, business or second-hand dealer.

2424–III: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any merchant, buiness or second-hand dealer, to deliver any pistol to any purchaser until said merchant, business, second-hand dealer has received a report from the Chief of Police that said purchaser is not a fugitive from justice and has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or habitual drunkenness and has never been confined to a mental institution; provided that if such merchant, business or second-hand dealer does not receive such report from the Chief of Police within seventy-two (72) hours, exclusive of Sundays and Legal Holidays, after he has mailed or personally delivered a copy of the record to the Chief of Police as required by Section II, then such merchant, business or second-hand dealer may deliver the pistol to the purchaser; provided further that this Section shall not apply to sales at wholesale, or to sales to persons exhibiting

a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

2424-IV: It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in the City of Renton, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Richland

1.28. *Selling, etc., of revolvers and pistols to minors less than eighteen years of age.* It shall be unlawful for any person within the City to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * *. One copy shall within six hours be sent by registered mail to the chief of police of The City of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5. Any person violating or failing to comply with any of the provisions of this ordinance shall upon conviction thereof be fined in a sum not to exceed five hundred dollars or imprisoned in the city jail for a term not exceeding one hundred eighty days, or both so fined and imprisoned.

Snohomish

9.04.360. *Selling, etc., of revolvers and pistols to minors.* It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

20. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

25. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. * * *. This section shall not apply to sales at wholesale.

30. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

35. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such marks shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same; Provided, that this section shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments

45. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

46. *Unlawful to manufacture, sell or possess certain weapons or to use silencer on firearms.* No person shall manufacture, sell, dispose of or have in his possession any instrument or weapon of any kind usually known as slung shot, sand club, metal knuckles, spring-blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or furtively carry or conceal any dagger, dirk, knife or other dangerous weapon; or use any contrivance or device for suppressing the noise of any firearm.

Tacoma

8.66.080. *Definitions.* The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. *Records required before sale.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * *. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. *Delivery prohibited prior to receipt of records.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. *Sales prohibited to certain persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

WEST VIRGINIA

State Law

W. VA. CODE ANN.

61-6-1a. *Control of riots and unlawful assemblages.* Members of the department of public safety, sheriffs and mayors, and those acting under their order, may, when engaged in suppressing a riot, rout or unlawful assemblage, cordon off any area or areas threatened by such riot, rout or unlawful assemblage, and may take all actions which are necessary and reasonable under the emergency to restore law and order, and such actions may be, but are not limited to, the following:

(a) Prohibit the sale, offering for sale, dispensing, furnishing or transportation of firearms or other dangerous weapons, ammunition, dynamite or other dangerous explosives in, to or from such areas.

(b) Prohibit the sale, offering for sale, dispensing, furnishing or consumption of alcoholic beverages or nonintoxicating beer in a public place in such areas, and prohibit the transportation of alcoholic beverages or nonintoxicating beer in, to or from such areas.

(c) Impose curfews, as required, to control movement of persons in, to and from such areas.

(d) Enter a private dwelling or other building or other private place in such areas when in fresh pursuit of a rioter, when in search of a sniper who has fired upon a person from such a dwelling or other building or place or when in search of firearms, other dangerous weapons, ammunition, dynamite or other dangerous explosives when there is reason to believe that such items are stored in the said dwelling, building or place and that they will be removed therefrom before a search warrant could be obtained.

No person shall willfully fail to obey a lawful order of any mayor, sheriff, deputy sheriff, municipal police officer, member of the department of public safety, or other officer, given pursuant to this section.

Any person who violates an order given pursuant to the authority of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

61–7–8. *Possession of machine guns, high-powered rifles, or ammunition therefor; permits; aliens may not possess firearms.* It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, sub-machine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of pistols, and all such licenses, together with the numbers identifying such rifles, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by said superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent, in accordance with the rules and regulations that may be from time to time prescribed by said department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [§ 61–7–2] of this article, by applicants for pistol license, and shall be duly verified by such applicant, and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high-powered rifle, or gun of similar kind and character, held by reason of such permit, and any and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, sub-machine gun, and what is commonly known as a high-powered rifle, or any gun of similar kind and character, and any and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No alien shall own, keep or possess any firearm of any kind or character.

61–7–9. *Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or § 61–7–8.* It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or other dangerous weapons of like kind or character or any machine gun, sub-macihne gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person.

Beckley

5. *Sale or rental.* It shall be unlawful for any person to rent or sell any revolver, pistol, dirk, bowie knife or other dangerous weapon of like kind or character, or any machine gun, or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Bluefield

Weapons. The fee for every license to sell or expose for sale pistols, revolvers, dirks, sling shots, billies, bowie knives, false knuckles or weapons of any kind shall be $25.00 per year.

Charleston

7. *Sale of firearms, fireworks or explosives to children.* No person shall sell to any child under the age of sixteen years firearms, gunpowder, gun caps as defined under W. Va. Code, Ch. 29, Art. 3, Section 28, fireworks or other explosives, in any quantity.

Martinsburg

35–5. *Display of dangerous weapons for sale or hire; sale to unnaturalized person.* * * *.

It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Morgantown

31–8. *License—Required.* No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, dirk, Bowie knife, sling shot, billies, metallic or false knuckles or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31–15. *Sale, etc., to intoxicated persons, minors under eighteen, etc.* It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

73. *Weapons.* The annual license fe to sell or offer for sale, pistols, revolvers, dirks, slung shots, billies, bowie knives, metallic or other false knuckles, or other weapons of like kind, shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Spencer

No person shall sell to, or give away to a person not twenty-one years of age any slingshot, rubber sling metallic or false knucks or any pistol, dirk, bowie knife, or weapon of kind. Any person violating this paragraph shall be fined not less than one nor more than ten dollars.

Weirton

28–2. *Displaying of dangerous weapons for sale or hire; dealers to report to chief of police.* It shall be unlawful for any person to place, or keep on public display to passers-by on streets, roads, or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or any other dangerous weapon of like kind or character, or any machine gun, submachine gun, or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age, and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number, and the caliber, and report the same at once in writing to the Chief of Police.

28–3. *Sale, etc. to unnaturalized person or minor under age of sixteen years.* It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and it shall be unlawful for any person to sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

537.05. *Sale, transfer of concealed weapons.* No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06. *Sale to person not holding permit.* No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature

of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10. *Vendor to demand permit from purchaser.* At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

537.14. *False information.* No person shall give or issue any false information or data for the purpose of obtaining, or aiding and abetting another in obtaining, a pistol, revolver or other firearm of the kind described in Section 537.05 in violation of the terms and provisions of this article.

WISCONSIN

State Law

WISC. STATS. ANN.

164.01. *Definitions.* (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03. *Possession for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04. *Possession when presumed for aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06. *Exceptions.* Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.08. *Owner to register machine gun.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

164.20. *Machine guns and other weapons; use in certain cases; penalty.* (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

939.22. *Words and phrases defined.* In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

941.22. *Possession of pistol by minor.* (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than $500 or imprisoned not more than one year in county jail or both.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06. *Molotov cocktails.* (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than $500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

(4) *Sale of dangerous weapons to minors prohibited.* No person shall buy for, sell or give away to any minor any dangerous weapon except household purpose knives or knives having blades less than 3 inches long without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon in which loaded or blank cartridges are used, crossknuckles of any metal, barbed or blade type bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switch knife, or straight-edge razor or any other knife having a blade 3 inches or longer.

Beloit

(b) No person shall sell any firearm, blackjack, billy, bludgeon, cross-knuckles, knuckles of any metal, bowie knife, dirk-knife, dirk dagger or switch blade knife, or loan such items to any minor within the City of Beloit.

Glendale

24.20. *Making, possession, transfer or use of fire bombs and other similar devices.* (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01. (1) *Definitions: Dangerous weapon.* The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade 3 inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) *License for sale of weapons.* (a) No person shall engage in the business of buying

or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon.

(4) *Selling weapons to minors prohibited.* No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, except household purpose knives or knives having blades less than 3 inches.

(6) *Permit required for purchase of dangerous weapons.* No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, air rifle, weapon used solely for target practice purposes, sporting goods, as hereinbefore defined, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

Kenosha

11.02–R. *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. *Dangerous weapons.* B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Madison

25.01. *Sale of firearms.* (1) Definition: For the purpose of this section: (a) "Firearm." The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose. (b) "Rifle." The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger. (c) "Shotgun." The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(4) No person under twenty-one years of age shall go armed with a pistol or revolver and no person shall intentionally sell, loan or give a pistol or revolver to any person under twenty-one years of age. This subsection does not apply to a person under twenty-one years of age who is armed with a pistol or revolver when such pistol or revolver is used in target practice under supervision of an adult nor does it apply to an adult who transfers a pistol or revolver to a person under twenty-one years of age for use only in target practice under his direct supervision.

(5) No person under the age of eighteen shall go armed with a firearm of any type nor a pneumatic pellet gun and no person under the age of eighteen years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or ammunition therefor to any person under the age of eighteen years. This subsection shall not apply to anyone under eighteen years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen years of age for use only in target practice or any hunting under his direct supervision.

Middleton

16.01–(b) *Possession of Ammunition and sale to minors.* No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, spring gun, air gun or pneumatic pellet gun. No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun or pneumatic pellet gun, or ammunition therefor, to any person under the age of 18 years.

Milwaukee

105.34. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

105–34.4. *Use of fire bombs prohibited.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

105.43. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 105–44, and no person, firm, or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in Section 105–46. It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

105.43.5. *Unlawful to sell weapons to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18 any weapon listed or defined as dangerous in Section 105-34, except household purpose knives or knives having blades less than three inches.

105.46. *Permit required for purchase of dangerous weapon.* It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods as defined in Section 105–43, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. * * * No person shall mutilate a shotgun or rifle or destroy the identification marks of any firearm. No shotgun or rifle shall be shortened to barrell length of less than 18 inches nor shall anyone remove the serial number from any weapon.

New Berlin

(g) Under no circumstances shall any person sell, keep for sale, manufacture or bring into the city for use therein any fire balloon, mortars, except mortars used for special display purposes, or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than two inches in length or more than three-eighths inch in diameter, outside measurements of container, or any article containing a compound of mercury or yellow phosphorous.

Oshkosh

(b) *Firearms to minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Port Washington

9.11. *Sale of weapons.* (1) *License required.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, revolver, pistol, air rifle or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police * * *.

(5). *Permit to purchase.* No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. *Dangerous or concealed weapons.* (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, except household purpose knives or knives having blades less than 3 inches.

25.41 *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Shorewood

13-601. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, slingshot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight edge razor or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

13-604. *Permit required for purchase of dangerous weapons.* (1) It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods, as defined in Section 13-605, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. * * *

(3) No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

13-605. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 13-607, and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-604.

13-606. *Unlawful to sell to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601, except household purpose knives or knives having blades less than three inches.

13-610. *Possession of pistol by minor.* (a) It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, load or give a pistol to a minor.

(d) In this Section, "pistol" means any firearm having a barrel less than twelve (12) inches long.

Wauwatosa

6.06. *Sale and use of dangerous weapons and guns.* (1) Definitions. In this section, unless the context otherwise requires: "Dangerous Weapon," means any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, any knife having a blade of 3 inches or more, or other similar article.

"Dangerous gun" means any revolver, pistol, air rifle, including all types of BB guns, rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

"Person" means any person, firm, or corporation.

(2) No person shall engage in the business of selling or giving away any dangerous weapon or gun without obtaining a license as hereinafter provided, and no person having such license shall sell or give away any such dangerous weapon or gun who has not secured a permit from the Chief of Police to obtain such dangerous weapon or gun as hereinafter provided.

This provision does not apply to rifles or shot guns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport, straight edge razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions or sports.

(5) No person shall purchase any dangerous weapon or gun without securing a permit therefor from the Chief of Police. * * *.

This subsection shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined in any of those items that further interest in the commonly accepted fields of sport, straight edged razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions, or sports, except as to persons convicted of crime or to minors.

(7) No person shall mutilate any revolver, pistol, shotgun, rifle, or any other firearm or destroy the identification marks thereon.

West Milwaukee

3.15. *Firearms.* (2) *Sale and display prohibited.* No person, firm or corporation shall engage in the business of selling, sell or give away any blackjacks, sling shots, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot gun, machine gun, grenade, bomb or any other waepon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to Subsection (3) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to Subsection (4), and who is at least eighteen years of age.

(3) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May first following the date thereof, and shall be issued upon the filing of a written application in form approved by said chief of police and presentation of a receipt showing the payment of the annual fee of Five ($5.00) Dollars to the Village Treasurer. Every such licensee shall make out and deliver to the chief of police every day before the hour of twelve o'clock noon, a legible and correct report of any sale or gift made under authority of such license during the preceding twenty-four (24) hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee, his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's license and the purpose for which said weapon was acquired.

(4) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also the purpose for which said weapon is to be used and full detail as to conviction of the applicant of any crime. Such application shall also contain a written recommendation of two (2) taxpayers residing in the Village that such license be granted, and each such license shall expire Thirty (30) days following the date of same. No license issued pursuant to subsections (3) or (4) shall be granted to any person who has been convicted of crime or to a minor. Each buyer's license shall be delivered to the seller or donor of such weapon who shall preserve the same and file it with the Chief of Police at the time of making the report provided for in Subsection (3).

(5) *Purchase of.* No person, firm or corporation shall purchase or receive any of the weapons mentioned in Subsection (2) without first securing a license so to do as provided in Subsection (4).

3.22. *Use of fire bombs and other similar devices.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov

Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

White Fish Bay

15.12. *Weapon dealers.* (1) *Sale and display prohibited.* No person shall engage in the business of selling, sell or give away any blackjack, sling shot, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot guns, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *.

(3) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also, the purpose for which said weapons is to be used and full detail as to conviction of the applicant of any crime. * * *.

(4) *Purchase of.* No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) *Rifles and shot guns for hunting purposes excepted.* The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

WYOMING

State Law

WYO. STATS. ANN. TITLE 6

6–240. *Furnishing deadly weapons to minor.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol; and any person who shall violate any of the provisions of this section shall be fined in any sum not more than fifty dollars.

6–241. *Possession of weapons by aliens.* Every person, not being a citizen of the United States, who shall own, possess, wear or carry any dirk, pistol, shot gun, rifle, or other fire arm, bowie knife, dagger, or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisoned in the county jail not more than six months, or by both such fine and imprisonment.

6–243. *Dealer's and pawnbroker's firearms register—Required to be kept; information to be shown.* All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the firearms register. Such register shall contain the following information, to-wit: The name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun, the name of the party to whom said firearm is sold in such purchaser's handwriting and the date of such sale.

6–244. *Same—To be signed by purchasers.* Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

6–246.1. *Rifles and shotguns—Defined.* Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

6–246.3. *Same—Resident may purchase or receive delivery; restrictions and requirements.* It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. § 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Cheyenne

46–1. *Definitions.* Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges or pistols as security for loans. Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

46–5. *Possession of firearms—Criminals, drug addicts, etc.* No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is drug addict or a habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

46–6. *Same—Minors.* No person under the age of eighteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R. O. T. C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

46–7. *Sale, possession, etc., of firearms without manufacturer's identification mark prohibited.* No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

46–9. *Exceptions.* This chapter shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

46–14. *Pistols—Sale and delivery.* When any sale of a pistol, the overall length of which is less than six inches, is made under this article, forty-eight hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

46–16. *Sales, etc., to criminals, dope addicts, etc.* No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

46–17. *Sales, etc., to minors.* No dealer shall sell, lease, lend or otherwise transfer a firearm to any person under twenty-one years of age except as provided in section 46–6.

Cody

34–4. *Furnishing deadly weapons * * * to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, knife, slingshot, knucks, or any other deadly weapon of any kind, which can be worn or concealed upon the person. It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Powell

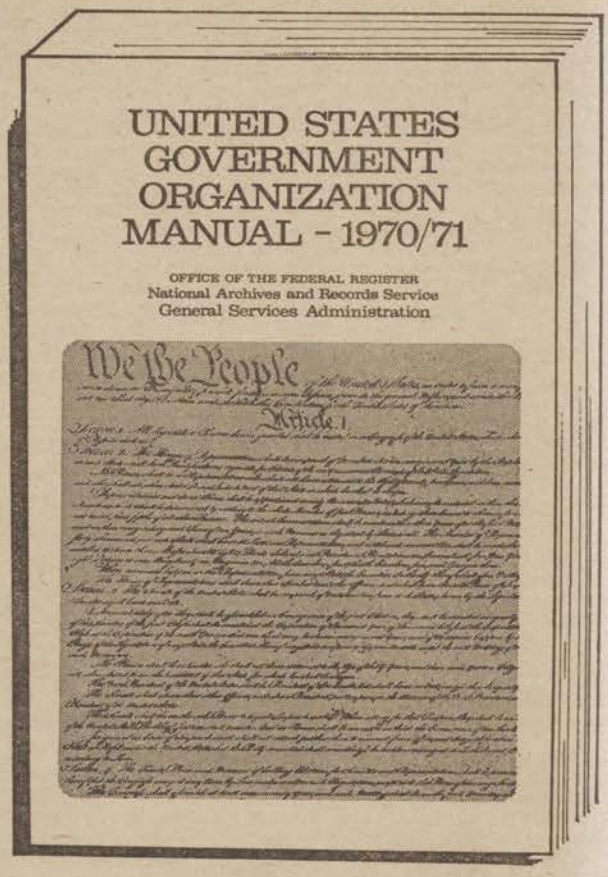
8–804. *Unlawful to dispose of weapons to minors.* It shall be unlawful for any person or persons to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, bowie knife, slingshot, knucks, or any other deadly weapon of any kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Sheridan

19–44. *Weapons—Sale, etc., to minors.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or Bowie knife, slingshot, knucks or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

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